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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Most merciful God, You have been better to us than we deserve. Accept the grateful labors of our lawmakers as they seek to meet the challenges of our times. May they not become weary because of the obstacles they encounter but trust You to order their steps. Hear even the silent prayers of their hearts as they give their time and strength to make America an instrument of Your purposes. Lord, help them to remember it is righteousness that exalts a nation but that sin is an equal opportunity destroyer. May they humble themselves in prayer, seeking Your face as they turn from evil, so You will hear our prayers, forgive our sins, and heal our land.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. MURPHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

BIPARTISAN SPORTSMEN'S ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 384, S. 2363, the Hagan sportsmen's legislation.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 384, S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 5:30 p.m.

At 5:30 p.m. there will be a rollcall vote on the motion to invoke cloture on the nomination of Keith Harper to be U.S. Representative to the U.N. Human Rights Council.

CARING FOR VETERANS

Our esteemed colleague, the chairman of the Budget Committee, PATTY MURRAY, has said, "Caring for our veterans is the duty of a grateful nation."

She knows of what she speaks because she led that committee in a very vibrant, positive way as chairman of the Veterans' Affairs Committee. I have no doubt every Member of this body agrees with the sentiment she expressed. There is a big difference between nodding one's head in approval and actually doing something to take care of our veterans.

The chairman of the Senate Veterans' Affairs Committee today is Senator BERNIE SANDERS of Vermont, and he is doing something to help our veterans. The junior Senator from Vermont has introduced a bill to ensure that American veterans are getting the care they need. This legislation allows veterans facing long delays in health care to seek outside help, and they can go to private doctors, community health centers or military bases. Additionally, this bill authorizes the VA to use emergency funding to hire new doctors and nurses, which are badly needed.

Senator SANDERS' legislation increases accountability through the Department of Veterans Affairs, holding senior officials responsible for poor job performance. This is very good legislation. This bill will improve the manner in which the United States of America cares for its veterans, and I hope all Members will support this. In light of the shocking reports of inappropriate practices at the VA, and especially their hospitals, every Senator should support this legislation.

Last week the Veterans Affairs inspector general's office released its report detailing many troubling systemic failures which are unnecessarily putting our Nation's veterans at risk. They are so wrong, and they are putting our Nation's veterans at risk. Instead of receiving the proper care they deserve, thousands of combat veterans have been languishing on nonexistent waiting lists at a VA hospital in Arizona.

The inspector general's report declared that many of these men and women who have been relegated to health care limbo are "at risk of being lost or forgotten." The brave veterans of our Nation's Armed Services should never be lost or forgotten. These soldiers went to war and pledged not to leave their brothers- and sisters-in-arms behind. Now, in their moment of need, some of our most vulnerable veterans have been left behind. We must

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



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never allow any servicemember—past or present—to simply fall through the cracks.

Now that the Senate has returned from its State work period, we should pass Senator SANDERS' bill as soon as possible, ensuring that our veterans get the care they deserve. Yet even as Senate Democrats try to improve the reliability of our veterans health care, certain Republican Members of Congress are content to scapegoat the VA. Even more disappointing is the fact that these same Republicans have, through their obstruction, deprived the VA of essential resources it needs to help veterans.

Last February Senate Republicans blocked legislation introduced by Senator SANDERS which would give the VA the tools needed to meet the demands of a changing veteran population. We tried to break that filibuster. We couldn't do it. We didn't have 60 votes.

That bill would help our Nation's veterans by improving health and dental care, providing educational and employment opportunities and addressing claims backlogs. The legislation that has been introduced this week does the same. That legislation was shot down because as the junior Senator from Florida said, it had a cost issue, but that junior Senator, a Republican Senator from Florida, was correct—taking care of our Nation's wounded veterans does cost money, but it is money well spent.

Senator RUBIO is not alone. The junior Senator from Alabama, along with the rest of his caucus, opposed the same bill because he didn't want to "bust the budget." Republicans didn't worry about busting the budget when they initially sent our troops by the hundreds of thousands to Iraq on a credit card, the credit card of the taxpayers of America, running up—in that war alone—about \$1.5 trillion in money that was borrowed.

Therein lies the problem. Republicans ignore the true cost of democracy. The lives and well-being of the brave men and women who fight to protect our way of life are part of the cost of our democracy. Instead, Republicans focus on the monetary costs only, the dollar bills, because any money going to our veterans is \$1 less going to billionaires, corporations, and unnecessary tax cuts.

The American people are tired of the doublespeak coming from the Republican Party when it comes to caring for our soldiers and our veterans. If Republicans support our Nation's soldiers, then help us protect our Nation's soldiers and help us support our Nation's soldiers. Instead, there is always an excuse, some exception they find to justify prevention of them standing with America's veterans and our soldiers.

Let's give American veterans the care and attention they deserve. As the Department of Veterans Affairs works to remedy these serious shortcomings, we in Congress must do our part to help. We owe America's veterans far

too much to leave them behind in their hour of need.

ERIC SHINSEKI

I wish to say a few words about the retired Secretary, retired general, Eric Shinseki, who resigned in the wake of the Veterans Affairs' troubling performance.

General Shinseki is a very good man, a devoted, disabled combat veteran. Under his leadership the VA drastically improved its care of veterans suffering from mental illness, and they addressed the issue of veterans' homelessness. He oversaw initiatives which decreased dependence on pain killers and other drugs, addressing a problem which was crippling many combat veterans.

General Shinseki's work at the VA has also helped cut waiting times for GI benefits down to just 1 week, helping countless veterans get paid the aid they were promised. As the Secretary has done his best, I am sorry his time as head of the VA ended with his resignation, but I understand why he felt the need to step aside.

Eric Shinseki has served this country for decades: on the battlefield, as Chief of Staff for the U.S. Army, and as Secretary of Veterans Affairs. I personally thank him for his service and wish him well as he undoubtedly continues his work for America.

RESERVATION OF LEADER TIME

Would the Chair announce the business of the day.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

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

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

HARPER NOMINATION

Mr. MCCAIN. Mr. President, today the Senate will consider the nomination of Keith Harper as the U.S. Representative to the U.N. Human Rights Council.

I am generally deferential to the President's decisions when it comes to nominations brought before the Senate for confirmation, but in extraordinary circumstances I don't hesitate to oppose them. Given the extraordinary circumstances present in this case, I

must strenuously object to this nominee.

Mr. Harper is the latest State Department "bundler-blunder" that is slated for a U.S. ambassadorship. Earlier this year we saw the administration nominate several wholly unqualified top Democratic fundraisers to serve as ambassadors to various posts around the world.

One such fundraiser, Mr. George Tsunis, was nominated to serve as the U.S. Ambassador to Norway. During his confirmation hearing, Mr. Tsunis revealed his complete unawareness about the country in which he would serve as our Nation's top envoy. For example, he referred to Norway's head of State as their President, not knowing that the country is led by a constitutional monarch.

Another Presidential pick, Colleen Bell, for Hungary could not answer a single question at her Senate hearing about U.S. strategic interests in that country, but that is OK. I am certain her professional background as a TV soap opera producer will come in handy while the crisis in Ukraine continues to unfold.

Inside the beltway, these nominees are known as "campaign bundlers," partisan political operatives who have each fundraised hundreds of thousands—if not millions—of dollars for the President's campaign. Mr. Harper is another example of a campaign bundler wholly ill-suited to serve in the diplomatic post for which he has been nominated.

According to the Center of Responsive Politics, which tracks campaign donations, Mr. Harper is on a list called "758 Elites." These are donors who combined "at least \$180 million for Obama's re-election effort." That is a quote from the Center of Responsive Politics. Mr. Harper is classified as a bundler of \$500,000 or more, and his contribution level matched such notables as actor Will Smith, actress Eva Longoria, and Hollywood producer Harvey Weinstein.

I am not naive as to why some of these ambassadorships are doled out. Candidly speaking, Presidents from both parties frequently issue these diplomatic posts as political favors. But I have never before seen an administration this brazen in transmitting individuals who are so terribly and fundamentally unfit for foreign service. Traditionally, according to the retired Foreign Service group, about 30 percent of ambassadorships go to political appointees. Since the election of 2012, that is up to 50 percent. Some go to countries that, frankly, deserve better than someone whose only qualification is whether they raised \$500,000 or more for the campaign of President Obama.

Some of my colleagues will say that what sets Mr. Harper apart from these other campaign donors is his cultural heritage. They say Mr. Harper would be the first Native American in history to hold the rank of U.S. Ambassador. They also say he should be

rewarded for his work as one of the lead class action attorneys in the Supreme Court case *Cobell v. Salazar*.

I truly respect that Mr. Harper would be the first Native American to serve as a U.S. Ambassador. What concerns me is his character—particularly his conduct in connection with a matter that could rightly be described as one of the greatest mistreatments of Native Americans by the Federal Government in recent memory. That matter is known as the Cobell case.

In the 1990s hundreds of thousands of Native Americans, led by Elouise Cobell, entered into a class action suit against the Interior Department for mismanaging billions of dollars in land assets that were held in trust for Indian tribes.

During my previous tenure as chairman of the Senate Committee on Indian Affairs, I worked with my colleague, then-vice chairman Byron Dorgan, to end the protracted Cobell lawsuit and enact legislation to settle the case in Congress.

Ultimately, it wasn't until 2010 that Congress finally passed legislation that compensated the Cobell plaintiffs at \$3.4 billion. My colleagues know that Mr. Harper was the co-lead counsel for the Cobell plaintiffs and often touted the number of his clients at about 500,000 Native Americans. When the lawsuit was settled, Mr. Harper and his legal team stood to earn up to \$99 million in attorney's fees that were written into the Cobell settlement legislation and paid for by the American taxpayer. Let me emphasize: For this good work, Mr. Cobell and his legal team were going to earn \$99 million in attorney's fees. Without a doubt, the legislation was a massive bonus check for Mr. Harper and his team, and he and his team have actually sued the Federal Government to receive another \$123 million—more than the \$99 million he already got. Most of the Native American clients will receive about \$1,000 each, and many are still waiting to receive their first payment to date.

Unfortunately, my Democratic colleagues conveniently ignore that Mr. Harper served on President Obama's 2009 transition team for Native American issues while he actively sued the Interior Department. Does it concern my colleagues that several months after the President installed his leadership team at Interior and Justice, the administration essentially fast-tracked the settlement with the Cobell attorneys or that just 1 year later Congress enacted the \$3.4 billion Cobell settlement legislation as a top White House priority, ending an over decade-long legal battle? Evidently not.

Now the administration claims there was no wrongdoing or conflict of interest on the part of Mr. Harper in his service to the President's transition team, and I have no choice but to take their word for it, albeit skeptical. But we do know of at least one appalling and unforgivable incident that has dogged Mr. Harper throughout the Sen-

ate's consideration of his nomination—and rightfully so.

When the Cobell lawsuit was settled and Mr. Harper's legal team stood to earn tens of millions of dollars, a number of Native American plaintiffs—Mr. Harper's own clients—raised grave concerns that their attorneys would receive such a sizable payout. They argued that more of the Cobell settlement should go to the thousands of Native Americans who had been wronged by Interior.

Four affected Native Americans banded together and filed a lawsuit to challenge the Cobell settlement for this and other reasons. One appellate told the court that “huge fees awarded to class counsel often indicate the interests of the absent class members have been sacrificed to those of the lawyers.” As a result of this legal challenge, the court temporarily delayed the Cobell payouts to the plaintiffs and, of course, to Mr. Harper.

In what can only be described as bullying, the Cobell legal team fired back at these four Native Americans. They transmitted a letter dated January 20, 2012, to all of their 500,000 clients that listed the home addresses and telephone numbers of the four appellants and urged all of Indian Country to call and harass them for challenging the Cobell settlement. The letter reads:

Your payments are being held-up by 4 people . . . [each] believes that you are not entitled to the relief (nor the payment of your trust funds) . . . This means you will receive nothing from the settlement: no payment, no scholarship funds, no land consolidation, and no further trust reform . . .

Here is the best part. In the letter that was sent to 500,000 people, it said:

[If] you want to ask them directly about their motives, you should contact them at the following address or phone numbers.

I hope my colleagues understand what was done there. These four Native Americans received harassing calls, death threats, had their jobs threatened. One had to disconnect their phone. Another was essentially run off her reservation.

I will submit two articles for printing in the RECORD at the conclusion of my remarks. The first is an article from the *Missoulian* entitled “Objectors to \$3.4B Indian trust settlement get angry phone calls,” which further describes how this letter affected their personal lives. The second is an article from the *Native American Times* entitled “Cobell Class Members question settlement, attorney conduct.”

The harassment letter was accessible on the Cobell team's Web site during the Harper committee hearing. It was on his Web site during the hearing in the committee, but it was promptly removed the day after I questioned Mr. Harper about it.

I will also submit for printing in the CONGRESSIONAL RECORD at the conclusion of my remarks the previously referenced letter provided that the contact information of those four individuals be redacted.

At his committee hearing, Mr. Harper adamantly denied any responsibility for the letter and blamed the strategy entirely on another Cobell attorney. However, Mr. Harper has since muddied his story and later admitted he was aware of the letter on the very day it was transmitted. If he didn't pen the harassment letter or approve it, as he dubiously claims, he certainly did nothing to retract it or denounce it until his Senate hearing.

There is also no disputing that Mr. Harper has held himself out and is overly proud of his status as one of the lead counsels on the Cobell case.

I would argue that those four Native Americans' human rights were abused. People such as Mr. Harper can't be a party to or complicit with a letter attempting to harass Native Americans for exercising their rights and then expect to obtain the Senate's imprimatur to serve as our Nation's ambassador on human rights. That is the irony of all of this. He clearly abused these people's human rights, and now he is going to be an ambassador on human rights?

Mr. Harper has not sufficiently answered my questions about his involvement with the harassment letter or how much in legal fees he has profited from Cobell over the years.

I will also submit for the RECORD his written responses to my hearing questions which conflict with his verbal testimony about the harassment letter and other matters.

I can't in good conscience support Mr. Harper's nomination. The global community faces serious human rights crises, and this is whom the administration sends to speak on behalf of all Americans, including Native Americans? I urge my colleagues to vote against Mr. Harper, and I call upon the administration to transmit a nominee who has an unblemished record of protecting human and civil rights—a record of accomplishment and integrity commensurate with this very important post.

Here is the situation. Mr. Harper will probably be confirmed today on a partisan vote—on a party-line vote. He won't get 60 votes. He will probably get 55 or maybe 1 or 2 less. This is another example of a deprivation that is taking place of my right to advise and consent and that of every single Member of the minority. This nomination would not have come to this floor if we still required 60 votes. But, instead, my colleagues across the aisle have decided to deprive Members on this side of their right of advice and consent because he will be confirmed, probably, today on a party-line basis despite the fact of a clear record of abuse of human rights by a majority here in the Senate.

I tell my colleagues on the other side of the aisle: If we gain the majority in this Senate as a result of this November's election, I will do everything in my power to restore their rights as a minority—their rights of advice and consent. The fact that it was taken away from us for the first time in the

history of the Senate is a despicable and black act that will live in history.

Mr. President, I yield the floor.

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

[From Missoulian, Jan. 31, 2012]

OBJECTORS TO \$3.4B INDIAN TRUST
SETTLEMENT GET ANGRY PHONE CALLS

(By Matt Volz)

HELENA.—Carol Good Bear started getting the calls about a week ago, after the attorneys who had negotiated a \$3.4 billion settlement over misspent Native American land royalties published the phone numbers and addresses of the four people objecting to the deal.

At first, the resident of New Town, N.D., hung up on the angry voices at the other end. After 15 calls, she unplugged her home phone and started screening her cellphone calls.

She said she worries for her safety now that her address is in the hands of hundreds of thousands of people who might blame her for holding up their money.

“To put my name out there for the public, I think that’s scary that these attorneys would use this tactic and intimidate me into dropping my appeal,” Good Bear said. “I don’t have protection. If somebody is upset about all this and comes at me with a gun, what am I supposed to do?”

The attorneys who published the Jan. 20 open letter represent up to 500,000 plaintiffs in the class-action lawsuit named after Elouise Cobell, the Blackfeet woman from Montana who spent nearly 16 years trying to hold the U.S. government accountable for more than a century’s worth of mismanaged Native American accounts.

The lawsuit claims U.S. officials stole or squandered billions of dollars in royalties owed for land leased for oil, gas, grazing and other uses.

Cobell died in October, just months after a federal judge approved the largest government class-action settlement in U.S. history.

Under the settlement, \$1.4 billion would go to individual Native American account holders. Some \$2 billion would be used by the government to buy up fractionated tribal lands from individual owners willing to sell, and then turn those lands over to tribes. Another \$60 million would be used for a scholarship fund for young Natives.

The settlement took a year to push through Congress, then months for final judicial approval. After the settlement was approved, Good Bear and three other people filed separate objections, each for different reasons.

Those appeals must be heard by a federal appeals court before any money from the settlement can be distributed, with the first scheduled to be heard Feb. 16.

The plaintiffs’ attorneys, led by Dennis Gingold of Washington, D.C., wrote in their letter that the “hopes and wishes of 500,000 individual Indians” had been delayed by those four people. If it wasn’t for them, the first payments would have been made before Thanksgiving, the letter said.

“There is little doubt that they do not share the desires or care about the needs of the class, over 99.9 percent of whom support a prompt conclusion to this long-running, acrimonious case,” the attorneys wrote.

The letter went on to list the names, phone numbers and addresses of Good Bear, Kimberly Craven of Boulder, Co.; Charles Colombe of Mission, S.D.; and Mary Lee Johns of Lincoln, Neb. The attorneys invited people to “ask them directly about their motives” and cautioned them to “please be civil in your communications.”

The letter was published in the “Ask Elouise” email that updates class members on the settlement and also was published on at least one website dealing with Native American issues.

Gingold said Monday that he was preparing for oral arguments and could not comment on the letter.

Good Bear and Johns, who agreed to speak to the Associated Press, said they believe the letter was an attempt to intimidate them into dropping their appeals, but it will not work.

“Obviously they don’t know me to think I could be brow-beaten into quitting,” Johns said.

Both said they have received phone calls of support interspersed with the angry ones.

Craven and Colombe declined to comment, referring questions to their attorneys. Craven’s attorney, Ted Frank, said in an email that he took his concerns to the plaintiffs’ attorneys and they agreed to stop disseminating the letter.

Frank said he was satisfied with that promise and that attempting to have the judge address whether the letter was right or wrong would only distract from the appeal.

“Other than a corrective communication and sanctions, there isn’t much else we could get in relief from the court, and neither is worth the distraction from preparation for oral argument,” Frank said.

Each objector is appealing the settlement for his or her own reasons. Craven and Johns both say the settlement does not include an accounting for how much money was lost, which is what Cobell originally set out to accomplish, and that many class members did not understand that they could have opted out of the deal.

Johns and Good Bear both object to the class of landowners that the settlement creates, saying each is different and their claims should be assessed differently. Johns added that the tribes should have been involved in the process from the start, not just individuals.

[From Native American Times, Feb. 6, 2012]

COBELL CLASS MEMBERS QUESTION
SETTLEMENT, ATTORNEY CONDUCT

(By Dana Attocknie)

ATTORNEYS RELEASED NAMES, ADDRESSES AND PHONE NUMBERS OF THE FOUR CASE APPELLANTS IN AN EMAIL TO THE PUBLIC AND MEDIA JAN. 20

WASHINGTON.—Class Counsel for the Cobell v. Salazar class action lawsuit sent out a letter Jan. 20 to Class Members throughout Indian Country explaining the reason for the delay in their monetary payment rests with four Class Members who are appealing the settlement.

“What they did by sending out this letter is very, very unethical,” Mary Lee Johns, Cheyenne River Sioux/Lakota, said. “They sent out this email to all the individuals and listed our names, addresses and telephone numbers. One of the individuals that appealed is getting death threats and now they got her address. This is not the way to conduct business in Indian Country.”

Johns is appealing the settlement along with Carol Eve Good Bear, Fort Berthold Reservation, and Charles Colombe, Rosebud Sioux. They are represented by David Harrison, an attorney based out of Albuquerque, N.M. They are in the early stages of their brief, which is due to be filed in March with oral argument set for May 15.

Harrison said the suggestion in the letter, dispersed by the plaintiff’s counsel, that the appellants don’t believe fellow Class Members are entitled to relief or payment from their trust funds is not true. “It’s not that they’re just trying to make sure that no-

body’s paid; they’re trying to make sure that this deal is legal,” Harrison said.

Another appeal is from Class Member Kimberly Craven, Sisten-Wahpeton Oyate, who is represented by Ted Frank, an attorney with the non-profit Center for Class Action Fairness located in Washington, D.C. The Craven brief was complete Jan. 6 and oral argument is scheduled for Feb. 16 in Washington, D.C. before a three judge panel.

Frank said Craven believes the settlement is illegal and it’s in the best interest of the Indian community that it be overturned. He said the Historical Accounting Class is not giving Class Members an opportunity to opt out if they feel their right to an injunction is more valuable than the monetary relief. In addition the structure of the settlement payments contradict what the D.C. circuit said would be permissible in earlier Cobell litigation, because it’s not rationally related to the damages Class Members have suffered, he said.

“So you have a problem that Class Members who have suffered the most injury are getting the same as or less than Class Members who have suffered no injury at all,” Frank said. “(Also) There’s the problem of conflict of interest created by the fact that Ms. Cobell negotiated a settlement that would pay \$12.5 million dollars to herself.” The beneficiaries of the settlement fall into two groups; the Historical Accounting Class and the Trust Administration Class. Harrison’s clients also question the fairness of the Accounting Class and the blanket \$1,000 payment everyone would receive.

“The courts have been saying all this time, and the plaintiffs have said, the case is about an accounting, we want an accounting, and now they’re saying ‘Oh heck with the accounting, just give everybody \$1,000 and we’ll call it even,’” Harrison said, adding that some account holders have a great deal of money go through their account while some people have very little. “One hundred and seven thousand Indians, collectively, only have \$15,000 between the whole bunch of them in their accounts in recent years, but every one of those 107,000 people is going to get \$1,000. . . to them the settlement probably seems like a very good deal.”

Harrison also said the leftover money to be divided between land owners is based on a formula that measures how much money has gone thru a person’s account, which would not be fair either. “They’re not going to be paid out based on how much (a person) lost or how much you have coming; it’s going to be based on how much you got. The people who got paid improperly; if they got paid more than they had coming they get unjustly enriched again and if they got paid less than they had coming they’re going to get victimized again, and that’s just the way the formula works.”

Last year some Individual Indian Money (IIM) account holders also questioned why their attorneys may receive more money than them from the \$3.4 billion settlement. The Class Counsel is requesting \$223 million, which is 14.75 percent of the 1.5 million dollars to be dispersed to Class Members. Lead attorneys for the settlement include Keith Harper, of Kilpatrick Townsend & Stockton LLP, and Dennis Gingold.

Harper toured Indian Country last year with other Cobell attorneys explaining the settlement and defended their request for remuneration. During a March 2010 meeting in Anadarko, Okla., Harper said the amount requested by the attorneys is not double the expenses. He then quoted Gingold, who said they are only asking for what their expenses were, and at the end of the day it’s up to the courts to decide what they will get paid.

Class Counsel’s letter to Class Members stated there is little doubt the appellants do

not have the same desires or care about the needs of their fellow Class Members, and the appellants' behavior does not seem to be in the best interest of Class Members.

Johns said she hasn't received many calls because of the letter, but most callers were supportive and one person just wanted to understand the settlement and the appeals. "This has nothing to do with Elouise Cobell, please understand that. People always use her passing away and all that to try and make us feel bad, but this has nothing to do with her. The reason why I did what I did was based upon what I believe was wrong with the suit," Johns said. "Now it has nothing to do with the money, it has nothing to do with any of that. It has to do with the protection. I'm doing it because I believe that they're opening up the gate to a lot of serious problems for Indian Country in the next 20 years."

Johns said she was upset when she initially found out that IIM account holders were, "jerked into this class action suit without our consent" and also that tribes weren't involved. She said since the class action was brought about by four individual Indians there was not the unique government-to-government relationship. She feels individualizing Indians will help break up the tribes and references the Dawes Act to illustrate her point. "You know the intent of the Dawes Act was to break up these tribes so that's one of the reasons why I was very concerned," she said. "We're standing basically by ourselves without the protection of our tribe." Another concern is the land. Johns said the settlement was originally supposed to be about an accounting and not about the land. She said the lands were severely mismanaged by the federal government and people put too many cattle on their land so it was overgrazed and ended up with prairie dogs and the grasses were just not the same. ". . . the biggest rip off was when the federal government sat down with the Cobell lawyers and made this deal because they were basically getting away free for this amount of mismanagement . . ." Johns said. "The federal government is winning on this one. They got home free without ever having to restore lands, and they didn't ever have to pay individual Indians for mismanagement of their land. They made this deal, and to me, it's an unholy deal that these attorneys have negotiated with the federal government so that they could collect \$99 million dollars. So who loses on this? They keep saying, 'Oh, you know, you're going to get this money.' What kind of money? You know maybe everybody is going to get maybe \$1,200 dollars . . . and yet look at what we're losing."

Johns said the Cobell attorneys should have made sure the lands were restored back to their original state before an agreement was made. She said Class Counsel sat down with the federal government when they originally lost the case and that's when the government said it would throw in \$3.5 billion if an Administration Class was included for the mismanagement of lands, plus some of the money would be used to purchase lands that were fractionated shares. "Now, there's another part of this that people didn't understand, was this whole \$1 billion dollars that they're giving the federal government to buy the land back. That's a bait and switch deal," she said. "Before that land that they purchased for \$100 can be given back to your tribe, your tribe has to pay the federal government \$100. So basically, all it did was give the federal government \$1 billion dollars to buy Indian land . . . to me it's a shell game and the Indians are the ones who are losing out."

Johns other concerns are: the settlement is a complicated process, the Bureau of Indian

Affairs could not participate in explaining to the individual Indians what their rights were, and it was not clear how to opt out. She said there are cases, with members of the Three Affiliated Tribes for example, where Indian people are seeking justice in court but because of the class action settlement they cannot seek a claim against the federal government. "If you didn't opt out, you're forever barred from ever going to court on mismanagement," Johns said. "One of the things that the federal government wanted to do was hurry up and get this done so they could wash their hands of us. They opted out."

Frank also mentioned the case of Ramona Two Shields v. United States, where "the government is arguing that the Cobell settlement is preventing these Indians from getting their fair recovery."

Johns also questions who the lead plaintiff is now. In other words who is directing Class Counsel? Lead Plaintiff Elouise Cobell died Oct. 16, 2010. The remaining plaintiffs are James Louise Larose, Thomas Maulson and Penny Cleghorn. Johns said people may say she's being unfair by appealing the case but questions who is looking out for the Indian people—"People like the four of us that really truly want to make sure that this is good for the people," she said. "Everybody's glad that I did it," Johns said. "My tribe passed a resolution that was totally against the Cobell (class action suit/settlement). I feel very confident that what I'm doing is in the best interest of . . . my family and those who got up and objected to Cobell all along."

Cobell spokesperson Bill McAllister told Native Times that Class Counsel is not commenting on the case.

From: askelouise@cobellsettlement.com

Sent: Friday, January 20, 2012

To: Mary Zuni

Subject: Ask Elouise Letter

DEAR INDIAN COUNTRY: Following the passing of our leader and friend, Elouise Cobell, Class Counsel is responding to your continuing questions and concerns regarding the settlement of the Cobell lawsuit.

What is the current status of the settlement? Unfortunately, notwithstanding the hopes and wishes of 500,000 individual Indians and despite Class Counsel's best efforts, the settlement has been delayed by 4 class members, each of whom is challenging the landmark settlement in the U.S. Court of Appeals for the D.C. Circuit. We expect that these appeals will be resolved in another 6 months, provided that no appellant seeks further review in the Supreme Court.

But for these appeals, your Historical Accounting Class payments would have been distributed before Thanksgiving 2011, and it is likely that your Trust Administration Class payments would have been made by Easter 2012.

However, because of the appeals, your Historical Accounting Class and Trust Administration Class payments cannot be made until after the appeals have been resolved, provided that we prevail on appeal. No one knows when that will occur. Historical Accounting Class payments should be made within a few weeks after the appeals are decided. Trust Administration Class payments should be made within about 6 months after you receive your Historical Accounting Class payment.

Class Counsel understands your increasing frustration and concerns. We know the difficulties many of you face and we have spoken to hundreds of you who are in extremis this winter season. It is with our utmost sympathy and disappointment that we share this unfortunate news.

Who is appealing? And, why are they appealing? Your payments are being held-up by

4 people: Kimberly Craven (Sissten-Wahpeton Oyate), Charles Colombe (Rosebud Sioux), Carol Eve Good Bear (Fort Berthold Reservation), and Mary Lee Johns (Cheyenne River Sioux). Notably, Colombe, Good Bear and Johns are represented by David (Davey) Harrison, an Albuquerque lawyer and former BIA employee.

Their reasons vary slightly, but are the same on one fundamental point. At bottom, each believes that you are not entitled to the relief (nor the payment of your trust funds) that has been provided in the settlement agreement notwithstanding a century of abuse, malfeasance and breaches of trust by the United States government. Each of the appealing class members has filed papers that will kill the settlement if any one of them prevails on appeal. This means that you would receive nothing from the settlement: no payment, no scholarship funds, no land consolidation, and no further trust reform.

Craven has railed against the settlement since it was first announced over two years ago, going so far as to claim: "after 14 years of acrimonious litigation, the Cobell plaintiffs are entitled to no monetary recovery whatsoever from the courts." (<http://thehill.com/blogs/congress-blog/judicial/112807-bailing-out-the-smartest-guys-in-the-room>). Mary Johns has sought to remove the judge who approved the settlement, Thomas F. Hogan. There is little doubt that they do not share the desires or care about the needs of the class, over 99.9% of whom support a prompt conclusion to this long-running, acrimonious case.

Why would anybody appeal? I'd like to contact these class members, how do I do that? We know of no explanation for their behavior that is consistent with your best interests. However, if you want to ask them directly about their motives, you should contact them at the following address or phone numbers: Kimberly Craven, Mary Lee Johns, Carol Eve Good Bear, Charles Colombe.

Notwithstanding your frustration and difficulties, if you choose to contact any of the 4 appellants, please be civil in your communications.

Isn't there something you can do to speed up this process? No. Class Counsel has reached out to the 2 attorneys who represent the 4 appealing class members to resolve or settle whatever issue they may have with the settlement. However, we have been rebuffed or ignored each time. Unless each of the appealing class members withdraws his or her appeal, there is no way to shorten the judicial review process.

Haven't you been paid? Class Counsel has not been paid. We are in the same position that you are in—we will not be paid until the appeals have been resolved.

Prior Ask Elouise letters can be found on the settlement website: http://cobellsettlement.com/class/ask_elouise.php. There is also a "frequently asked questions" section to answer the most common questions received: <http://cobellsettlement.com/press/faq.php>.

Kind Regards,

CLASS COUNSEL,
Cobell v. Salazar.

QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOHN MCCAIN FOR KEITH HARPER, NOMINATED TO BE U.S. REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COUNCIL SENATE FOREIGN RELATIONS COMMITTEE HEARING ON SEPTEMBER 24, 2013

1. How long did you serve as "co-class counsel" on Cobell?

The Cobell class was certified on February 4, 1997, and so I began to serve as class counsel on that date.

2. On what date did you first learn about the January 20, 2012 "Ask Elouise" letter?

I learned of the January 20, 2012, "Ask Elouise" letter on January 20, 2012, after it was released.

3. Did you receive a draft or have prior knowledge of the January 20, 2012 letter before it was published?

No.

4. As co-class counsel, was it your responsibility to review documents and communications to plaintiffs including the January 20, 2012 "Ask Elouise" letter, prior to transmission or publication?

No. Lead Counsel—who is a solo practitioner not part of Kilpatrick Townsend & Stockton LLP ("Firm")—was responsible for determining who among the litigation team were responsible for which tasks. Under this arrangement, the principal attorneys each had their own areas of responsibility. The "Ask Elouise" letters were not part of my responsibilities.

Lead Counsel did not circulate the January 20, 2012, "Ask Elouise" letter either to me or, to the best of my knowledge, to any of the lawyers in the Firm prior to its publication.

5. How did you become aware of the January 20, 2012 "Ask Elouise" letter?

I became aware of the "Ask Elouise" letter on January 20, 2012, after the letter's public release, when a lawyer representing one of the appellants sent an e-mail in objection.

6. When the letter became public, why did you reportedly refuse to respond to press inquiries concerning the letter?

At the time of the letter's release, we were in active litigation. Although I personally did not support the letter, I was told by a Firm colleague that the Class Representatives, at the time, did support it. Accordingly, I was duty bound to not comment in a manner contrary to the letter and therefore could not express my reservations publicly about the re-publishing of the contact information of appellants.

7. What is your understanding of how the January 20, 2012, "Ask Elouise" letter was transmitted to plaintiffs? By mail, online, print publishing, email, or other?

At the time of the September 24, 2013, hearing, my understanding was that the letter was posted on January 20, 2012, on the internet site www.indiantrust.com and that it had not been mailed or emailed to the entire class of 500,000 individuals. I have since confirmed that the letter was not emailed or mailed to the entire class of 500,000 individuals. Rather, I have now been informed that it was emailed by the claims administrator at the direction of Lead Counsel's litigation consultant, on January 20, 2012, to a listserv comprised of those who had requested periodic electronic updates on the litigation. It was also posted on the indiantrust.com website at approximately that same time.

Because I was not responsible for managing postings to the website, or distributions to the listserv, I did not understand the precise manner in which the letter was posted and distributed until I was informed by colleagues after the September 24, 2013, hearing.

8. Is it correct that you would not receive attorney's fees under the Cobell settlement legislation until the appeal discussed in the January 20, 2012 "Ask Elouise" letter was resolved?

Yes.

9. Is it correct that one of the appellants identified in the January 20, 2012 "Ask Elouise" letter appealed the settlement because she determined that plaintiff attorneys were seeking excessive attorney's fees?

No.

10. What is your connection to the website, "Indian Trust Settlement" (www.IndianTrust.com)?

My connection to the website was, and remains, of limited scope.

The website www.indiantrust.com is owned by a litigation consultant to the Lead Counsel. Lead Counsel and the litigation consultant maintained custody and control of the website content at all times while the case was in active litigation, which ended in December 2012. During that time, the website published material relevant to the case, such as court filings. I and other Class Counsels worked on briefs and other materials, which were filed by paralegals or the litigation consultant. After filing these documents, the litigation consultant to Lead Counsel published them to the website.

I understand that the website is presently administered by the Garden City Group (GCG), the official claims administrator for the Cobell case, though the litigation consultant maintains ownership.

11. On what date was the January 20, 2012 "Ask Elouise" letter (www.indiantrust.com/elo/1_20_12) removed from the Indian Trust Settlement website?

After learning of the letter's release, I expressed my misgivings about publishing the letter, especially the contact information of the appellants, to both other Class Counsel and other professionals at Kilpatrick Townsend. I urged my colleagues to facilitate removing the letter and to avoid posting material that could be construed to suggest harassment of appellants. On or around January 21, I was informed by colleagues that discussions about removing the letter from the website would be held with one of the appellant's attorneys who had objected to the letter. I understand from GCG that on January 22, 2012, the litigation consultant for Lead Counsel requested that GCG remove the letter from the website. On or about January 22, I was told by a Firm colleague that the letter was removed from the website. Additionally, my colleagues and I checked the website at that time and there found no link to the letter. Thus, at the time of my testimony on September 24, 2013, I was under the impression that the letter was indeed not on the Indiantrust.com website.

After I was informed on September 24, 2013, that the letter was still available through an Internet search, my law partners requested that GCG delete the letter so that it would be unavailable through an Internet search. I have been told that GCG did so on September 24, 2013.

12. Why was the January 20, 2012 "Ask Elouise" letter removed from the website when it was and was it removed under your request or direction?

After I was informed on September 24, 2013, that the letter was still available through an Internet search, my law partners immediately requested that GCG delete the letter so that it would be unavailable through an Internet search. I have been told that GCG did so on September 24, 2013.

13. What is your interpretation of the cap on fees, expenses and costs in the Claims Resolution Act of 2010 for Cobell v. Salazar?

While Congress considered capping fees as an amendment to the Claims Resolution Act, it ultimately decided not to do so. The Class Representatives, our clients, did have an agreement with Defendants that neither side would appeal any fee award between \$50 and \$99.9 million. In addition, under this same agreement, Class Representatives agreed not to affirmatively assert Counsel be paid more than \$99.9 million in attorneys' fees.

14. Were you part of a petition to federal courts for \$223 million in attorney's fees in the class action lawsuit, Cobell v. Salazar?

The Class Representatives, our clients, decided that, consistent with the Agreement with Defendants, there would be an express request for \$99.9 million in fees. The Petition

for Fees specifies that "Plaintiffs hereby assert a fee of \$99.9 million for Class Counsel's work through December 7, 2009." The Petition went on to explain that the Court had the discretion to award more under the controlling law, but that both Plaintiffs and Defendants agreed not to appeal if the award was between \$50 and \$99.9 million. The Petition also stated, consistent with client direction, that in comparable cases, awards ranging around \$223 million would be consistent with controlling law. I was one of the counsel who signed this petition on behalf of our clients. The Court ultimately awarded the \$99 million amount asserted by plaintiffs in the petition for fees.

As I understand it, the Class Representatives, especially Ms. Elouise Cobell, believed that it was critically important and consistent with the best interest of the Class to seek a fee award in accord with fee awards for non-Indian class actions of similar size and complexity. She expressed concern that otherwise attorneys would be reluctant to represent Native American plaintiffs without financial means who are deprived of their rights by the federal government or other entities. This was unacceptable to Ms. Cobell and she was particularly sensitive to this point because, as she made clear on the record, she had grave difficulties finding lawyers to bring the Cobell case in the first place.

15. Are you associated with a petition for additional fees related to the Cobell settlement? If so, for how much?

No.

16. Approximately how many hours did you bill your clients for work in relation to Cobell at Kilpatrick and Native American Rights Fund (NARF)?

As a partner with Kilpatrick, I worked a total of 4,837.7 hours on Cobell through June 30, 2013.

I am no longer at NARF and I do not have access to this information, however, NARF's court filings indicate I worked 19,671 hours on the Cobell case.

17. Approximately how much in fees have you collected to date in relation to Cobell?

On July 27, 2011, District Judge Thomas Hogan awarded plaintiffs \$99 million in attorney's fees. Of that amount, Judge Hogan awarded approximately \$85 million to be distributed, after all appeals were final, to Class Counsel. Class Counsel included Dennis Gingold, Thaddeus Holt, and Kilpatrick Townsend & Stockton LLP. The remainder of approximately \$14 million was set aside because other counsel who had worked on the case in times prior were seeking their own award, which in aggregate amounted to approximately \$14 million. The Court later ordered that these fee issues be mediated but thus far the mediation has not been fruitful.

18. What fees did you secure from tribal governments for work on the class action lawsuit, Cobell, or any other lawsuit against the federal government for mismanagement of tribal trust assets? Please identify each tribal government, the type of fee, and the rate that was negotiated for each.

We did not receive any payment for fees from tribal governments for work on the Cobell case. As for tribal trust lawsuits, the Firm received the fees as follows for our four tribal clients:

Ak-Chin Indian Community (AZ) agreed to pay the Firm hourly fees on a monthly basis so there was no contingency fee.

Tohono O'odham Nation (AZ) agreed to pay discounted hourly fees on a monthly basis plus a 6% contingency fee at the end of the case. The amount of that fee paid to the Firm at the end of the case was \$1,425,000 (this was in addition to the fees paid each month since 2006).

Initially, in 2006, the Passamaquoddy Tribe of Maine agreed to pay fees in an identical

manner as the arrangement with Tohono O'odham. However, within a few months of our engagement, the Tribe asked us to change the arrangement so it would not have to pay the discounted hourly rates on a monthly amount. Accordingly, we modified the agreement consistent with the client wishes so that compensation for attorneys' fees was exclusively through a contingency fee. Unlike other clients, the Passamaquoddy Tribe made no payment of fees on a monthly basis throughout the litigation, thus the contingency fee agreed to was 15%. This is well below the standard of 30%–40% for comparable contingency fee arrangements. When the case settled, the amount paid to the firm was 15% of the settlement or \$1.8 million. In an October 1, 2013, letter to Indian Country Today, Passamaquoddy Chief Joseph Socobasin on September 24, 2013 confirmed that the Tribe "was very happy with the settlement representation prepared by Kilpatrick Townsend & Stockton firm."

The Salt River Pima-Maricopa Indian Community (AZ) has not given the Firm permission to disclose the specifics of its fee arrangement. However, we can disclose that they paid monthly fees with a contingency at the end similar to Tohono O'odham.

19. In your negotiations with tribal governments over fees referenced above, were tribal governments made aware that the defendant, the federal government, would be responsible for covering or directly paying their fees to you?

Yes. Two tribes—the Passamaquoddy Tribe and the Tohono O'odham Nation—agreed to have the funds directly paid to the Firm. This was not unusual and indeed the model used in other cases such as the Osage litigation (represented by another Washington, D.C., based law firm). The Tribes had full ability to opt for non-direct payment to the attorneys. The Salt River Pima-Maricopa Indian Community, for example, decided to keep the terms of counsel fees confidential and therefore did not seek direct payment to counsel. For the tribes that did authorize direct payment, they did so expressly. Both the Passamaquoddy Tribe and the Tohono O'odham Nation expressly authorized direct payment to our Firm in tribal council resolutions approving the settlements.

20. Please identify which tribes you negotiated fees referenced in the above questions between 2008 and 2010?

None of the fees negotiated for tribal trust cases were negotiated in this time frame. All were negotiated in 2006 or early 2007.

21. Did you negotiate Cobell fees at different rates for different tribes? Why is there a variance in rates?

No. Cobell fees were not negotiated for or with tribes. The fee in Cobell was determined by the court and paid out of the common fund. Therefore, all plaintiffs in the Cobell case, irrespective of tribal affiliation, were treated the same.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

ENERGY POLICY

Mr. BARRASSO. Mr. President, today the Obama administration released a new plan intended to shut down American powerplants. Instead of celebrating his policies in the Rose Garden, President Obama delegated the bad news to the Environmental Protection Agency.

Make no mistake about it; what they are announcing today is another step in the President's plan to make electricity rates "necessarily skyrocket."

Remember, that is what the President promised Americans when he was running for President the first time in 2008.

Of course, when he was elected Congress said no—no to his radical plan. Even when the Democrats controlled the House of Representatives, NANCY PELOSI was the Speaker of the House, and the Democrats had 60 Members of the Senate—even with complete Democratic domination in both Houses of Congress—Congress still said: No, Mr. President, this is a bad idea.

So the President decided he knew better than the American people, the elected representatives. He decided to go around Congress and go around the American people.

I turn to the front page of today's Wyoming Tribune Eagle out of Cheyenne, WY, and the headline is: "Obama Lets EPA Do His Dirty Work." The subheadline says: "The president's charge to limit emissions has caused him so much criticism that he is no longer leading the pack." On the front page of the Wyoming Tribune Eagle they go on to say:

When the Obama administration unveils its much-anticipated proposal to curb power plant emissions, this cornerstone of the president's climate change policy—the most significant environmental regulation of his term—will not be declared in a sun-bathed Rose Garden news conference or from behind the lectern in a major speech.

It will not be announced by the president at all, but instead by his head of the Environmental Protection Agency, while President Barack Obama adds his comments in an off-camera conference call. . . .

Talk about something that is unpopular with the American people, it is this.

About 1 year ago, the President put out rules limiting carbon dioxide emissions from new powerplants—powerplants that were being constructed—but today—today—his Environmental Protection Agency is applying tight new limits on the emissions of existing powerplants—powerplants that are already there producing energy.

The administration says it is going to allow States "flexibility" in how they meet the new limits. I believe any "flexibility" that is being offered is just an illusion. States will have a severely limited number of options for what they can do to meet the standards. Every one of those options is going to raise the cost of energy for American families. That means consumers will not even get the illusion of flexibility; they will get higher energy costs.

Businesses are going to have to find ways to pay for their own higher bills because it is not just going to be families, when they turn on the light switch, who are going to get a higher electric bill. As the President said, electricity rates will necessarily skyrocket, but businesses are going to have to find ways to pay for their higher energy costs, which will mean hiring fewer people, laying off people, passing on the cost to others.

That is why the U.S. Chamber of Commerce says an aggressive policy targeting coal-fired powerplants will lead to less disposable income for families and thousands of jobs lost. So families will have less disposable income and thousands of jobs will be lost.

We just learned last week that our economy shrank by 1 percent in the last quarter. The U.S. economy shrank. This is the first time in years the economy actually shrank by 1 percent in the last quarter. It is the first time it has happened, actually, since 2011. Our labor force participation rate is at the same level it was when Jimmy Carter was the President of the United States. So now the Obama administration wants to put more Americans out of work.

The action they are taking today is the height of irresponsibility and it is tone-deaf leadership. The Obama administration is going to try to defend their extreme regulations by saying, once again, these changes will help save lives and keep families healthy. The fact is they are totally ignoring the undeniable fact that when Americans lose their jobs, their health and the health of their children suffer.

There is an enormous public health threat from high unemployment, specifically chronic high unemployment. It increases the likelihood of hospital visits, illness, and premature death. It hurts children's health and the well-being of families. It influences mental illness, suicide, alcohol abuse, spouse abuse. It is an important risk factor in stroke and high blood pressure and heart disease—major things that impact a family, raise the cost of care. I saw it in my days of medical training in medical practice, and the White House knows it too.

One might say: How does the White House know? The New York Times actually ran an article on this in November of 2011—November 17, to be exact. The headline of the article was "Policy and Politics Collide as Obama Enters Campaign Mode." "Policy and Politics Collide as Obama Enters Campaign Mode." The article says a meeting occurred in the White House between the American Lung Association and then-White House Chief of Staff William Daley, and the meeting was about the Environmental Protection Agency's proposed ozone regulations.

In that White House meeting, White House Chief of Staff Daley asked a simple question when confronted with the argument that additional Clean Air Act regulations would improve public health. Daley asked: "What are the health impacts of unemployment?" Well, I have just gone over them with you, Mr. President. Those are the health impacts of unemployment. So the White House knows about it—to tally aware about it.

When the Environmental Protection Agency announced these new rules today, the President himself was reportedly talking off camera—a conference call—on the phone with the

American Lung Association. Someone in that room should be talking about the disastrous public health effects of the unemployment that these rules are causing. The fact is that more regulation from Washington is not what America needs right now.

States already have flexibility in how they approach environmental stewardship, and many of them have come up with creative solutions. Last month the Senate and Congressional Western Caucuses issued a report called "Washington Gets it Wrong—States Get it Right." The report showed how regulations imposed by Washington are undermining—undermining—the work being done at the State level to manage our lands, to manage our natural resources, and to protect our air and our water. It gave success stories—success stories—where the work being done by States is more reasonable, more effective, and less heavyhanded than the rules ordered by Washington.

America does not need Washington to pay lip service to flexibility while mandating huge price increases in energy. America wants Washington to stop the overreaching regulations and mandates and to actually allow the States to get it right. Thousands of Americans have already lost their jobs because of Washington's expensive and excessive regulations. Now the President is putting more jobs on the chopping block. That is why I have written legislation that would stop President Obama's massive increase to the Nation's electric bill. I offered this as an amendment last fall. Democrats in the Senate blocked it. I plan to offer it again and to keep making the point that the President should not have the power, the authority to impose these burdens on the American economy and on American families.

My amendment blocks the issuance of new carbon standards for new and existing powerplants. It would actually require the approval of Congress—can you imagine that, the approval of Congress, the elected representatives of the people—require the approval of Congress for regulations that increase Americans' energy bills, such as new rules proposed by the Obama administration today.

Congress should act on an affordable energy plan, but these kinds of decisions should be for Congress to make, not for the President to make on his own. That is true whether the President is a Democrat or a Republican.

We all know we need to make America's energy as clean as we can, as fast as we can. It is critically important though that we do this without hurting our economy—a struggling economy, an economy where people continue to sacrifice—and do this in ways that do not cost hundreds of thousands of middle-class families their jobs.

We should look to States that have come up with ways to balance our energy needs, the health of our economy, and our environment.

President Obama is taking the wrong approach. These new regulations are

going to hurt our economy. It is an economy that is already shrinking. It is astonishing; our economy is shrinking, and it is because of the President's other failed policies.

The policies introduced today will hurt middle-class families who are struggling to find work or to keep the jobs they have now. They will harm the health of many Americans. The President needs to change course. If he will not do it on his own, Congress must do it for him.

So, once again, today we see the headline: "Obama Lets EPA Do His Dirty Work." "The president's charge to limit emissions has caused him so much criticism that he is no longer leading the pack." Instead, he is hiding. The President today is hiding. If this is something the President was proud of, he should have been at the White House in the Rose Garden in front of the cameras making an announcement, not asking his EPA Administrator to make it so he could be on a conference call because he was ashamed to show his face to the American people because of the impact these regulations are going to have on families all across America.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, the President's Environmental Protection Agency today—a group that directly reports to him and which reflects his decisions about environmental matters—has issued a new proposed regulation to reduce carbon dioxide emissions from existing powerplants by 30 percent by the year 2030. Those are existing plants, and they cannot be operated and have that kind of reduction unless they have carbon capture, and there is no technology feasible with any reasonable—there is technology, but it is not feasible economically to capture carbon. So it is a dramatic hammering of a major portion of the baseload electricity production in America. It just is, and it is going to drive up costs.

What I wish to say first and foremost is I am very worried about our economy. This economy is not doing well, and anybody who has paid close attention to it knows we have had one thing—one very important positive factor—over the last half dozen years that has helped our economy bounce back and even caused some industries to bring home production from foreign countries; and that advantage—that positive event—is a decline in energy prices. It is a direct result, primarily, of fracking—our ability to produce more energy from existing wells in a proven-to-be safe and effective way. It

is going on over large portions of America. Although this administration and the Environmental Protection Agency have thrown up a host of roadblocks to try to keep it from occurring, it is such a powerful, positive event it is virtually unstoppable.

So that is good. That is helping our businesses prosper. I remember in Alabama, north of Mobile where I grew up, there is a group of chemical companies on the river. Those chemical companies are international companies, first-rate companies, that were hammered when natural gas, 10 or 15 years ago, surged in price so much. Many of them reduced their capacity, some have closed and were sold, and we lost a lot of good jobs.

It happened in Ohio. Ohio had a devastation among their strong chemical industries. The industry is beginning to come back now because of lower natural gas prices. But other industries too are very energy sensitive such as the steel industry. We are in a life-and-death competition to save America's steel industry. Energy is a huge portion of that.

Electricity is a big portion of that. To eliminate nearly 40 percent of our base load, to drive us on a path to drive up those costs unnecessarily above what we can rationally achieve, is a mistake, in my opinion.

Looking at Barron's this week—that is a business magazine. It comes out weekly. It has articles that sum up the state of the economy in America. Of course we know that first-quarter economic growth was revised downward, downward to negative 1.0 from positive .1. This is the first negative growth in years, since 2011. It was unexpected. Corporate profits, excluding the depths of the recession, are the lowest in 20 years in America. We have fewer people working today than we had in 2007, although there are 15 million more people in America—fewer people working and more of them are working part time than want to work part time. We have a surge in part-time employment. That is not good either.

Wages are down. Adjusted, probably for inflation, wages are down, median income is down in America per family by \$2,300. Your wages are down. Your job prospects are down. Unemployment remains exceedingly high, and we are now going to add, in effect, another tax, a regulatory tax on the price of energy so a person's electric bill and their gas bill are going to go up. That is the inevitable result of this. It just is.

We have got to be careful about it. Europe is already regretting the mistakes they have made. Spain has had to abandon their overly ambitious plan for renewable energy. German businesspeople are telling their leaders that if you do not change the energy policy in this country, we are not going to be able to compete and be successful as we have been in the world markets.

So this is not a little matter. It is about jobs. It is about middle-income,

hard-working Americans. The lower income people in this country pay as much as 25 percent of their income for energy. Oh, the rich people, the people who travel around in big jets and claim to be concerned about the environment, pay much less. For those making over \$50,000 a year, you pay about 11 percent of your income on energy.

So higher energy costs are direct negatives for poorer, hard-working people in America. Retired seniors have no ability to have an increase in wages, trying to live on Social Security and a little savings. Boom, you have got another \$10, \$20, \$30 a month for the electric bill, the gas bill. It erodes their standard of living.

Again, it erodes the ability of American business to be competitive in the world marketplace. We have got to take back more work. In fact, we are beginning to do that if we would do fewer bad things. We had a good result with lower energy prices and this is going to undermine that. It just is. We have got the pipeline. No, we will not do the pipeline either. All that does is provide another source of oil and gas, oil for America, that forces the existing American big oil companies to compete with. It helps to bring down the price.

If you do not have another source from Canada, you have got less competition. Competition helps bring down price. I do not believe this administration wants to bring down the price of energy. In fact, I think the opposite is true. In fact, President Obama said, before he was elected, that we could have—if anybody built a coal plant it was going bankrupt. That is not possible, to phase out the entire coal industry so rapidly. We have done so much to clean it up. They have spent billions and billions of dollars reducing the pollutants that come out of smokestacks. It helped a lot. That is why our air is cleaner than it has been in years. We have made a lot of progress. A lot of money has been spent. But this is an excessive action, in my view, focused primarily on CO₂, carbon dioxide.

We all know about photosynthesis. We know how plants grow. We know they take in carbon dioxide and breath out oxygen. We breathe in oxygen and we let out carbon dioxide. Carbon dioxide is odorless, it is tasteless, it is not poisonous, it is not harmful. In fact, plants grow faster if there is more carbon dioxide than if there is less carbon dioxide. This is a scientific fact that is not disputable.

So what do they say? They say, well, the Clean Air Act gives the responsibility of eliminating pollutants from our atmosphere. It was passed in 1970 before anybody even dreamed of global warming. So carbon dioxide—when the law was passed, the Clean Air Act in the 1970s, they had no thought whatsoever in the Congress that we would be banning carbon dioxide. JOHN DINGELL, a long-term Democratic Congressman, one of the longest serving ever, was a Member of Congress who voted on that.

He recently said they had no idea we were voting to regulate carbon dioxide.

So how did it happen? Well, the environmentalists filed a lawsuit. They said the Congress passed a law in 1970. That law said you should reduce pollutants. You have a responsibility to reduce pollutants and carbon dioxide is a pollutant. Why? Well, the IPCC, the International Panel on Climate Change, said that CO₂ creates global warming, this perfectly positive small amount of gas in our massive environment, that makes plants grow better, is increasing. It is. It is increasing in the environment because of burning carbon fuels.

They said this increase is going to warm the planet. We are going to have more storms, more tornadoes, and the coasts are going to flood and all of this. Therefore, EPA should regulate it. Must regulate it. By a 5-to-4 ruling, the Supreme Court agreed. Congress has never voted for that. Congress has voted against global warming legislation multiple times. It would never ever pass this Congress if it were brought up for a vote. Never pass.

So unelected folks in the Environmental Protection Agency, unelected, lifetime appointed Federal judges, at least five of the nine, concluded that this is a pollutant. So here we are.

I do not know whether we have got warming. I have assumed it is. Temperatures, I believe over the last hundred years, have increased about 1 degree. But I do think we need to be a lot more modest about this. It is well below what the alarmists have been telling us.

How did it all happen? Why did the Supreme Court decide that this plant food, CO₂, is a pollutant? They said it was because these models are saying the planet is warming and all of the scientists agree, which is not true. But the scientists have said the planet is warming, so therefore CO₂ is a pollutant. They so ruled. But things are not happening as the experts told us. It is just not happening. I am beginning to wonder what is going on here.

This chart, the red line—this is zero. The red line is an average of all of the computer models that projected what the increase in climate—in temperature would be based on steadily increasing CO₂ in the atmosphere. Back in dinosaur days, we had a lot more CO₂ in the atmosphere than we have today. But it has been reduced. It has been increasing as we go into the ground, get coal and get oil and get natural gas and burn it. That emits more CO₂. It is released back into the atmosphere, actually. It was sucked out of the atmosphere through plants and animals.

This was the chart. Every single climate change model that is the foundation of the argument for dangerous global warming predicted more than has actually occurred in the last 15 years.

This is the chart. You go back to about 2000 here. This green line is the

actual result from—I believe that is balloon temperature gauges. It actually has not gone up at all since 2001. That is what, 13 years? This is not the temperatures they were predicting. Besides, the charts looks a little more dramatic than they are. This is zero. This is two-tenths. They were predicting, from 1979 I believe was their key date, that the temperature would increase 1.2 degrees. It has increased about three-tenths of 1 degree. That is in this part.

But if you go here, when the chart is going off here, saying it should be accelerating every year, it has been flat. So I do not know. Some people say the Sun is involved in it. Some people have other theories. I do not know. I have assumed we are going to have some warming out there. But it is certainly not coming in at the rate the alarmists have told us. That is indisputable fact.

We in Congress need to be asking ourselves how much burden we can afford to put on the American people at this time. The President—I have got to tell you, one of the most frustrating things and disappointing things to me is that the President in the last several years—he has not in over a year now because I have been asking his people before the environment committee to be sure and tell him not to say it anymore. But he has two times said that the temperature is increasing faster than the experts predicted over the last 10 or 15 years. Think about that. The President of the United States, in the face of obvious data to the contrary, is repeatedly going out and saying, it is increasing faster than the red line. That worries me. I believe the President of the United States has a responsibility, when he advocates for policies, to tell the truth, the whole truth, and nothing but the truth.

That is not so. It is not increasing faster. It has hardly increased at all in the last 10 or so years.

Then they say the storms—the President and his team when Sandy hit go out and say this is all a direct result of global warming. See? Every time there is a storm, every time there is a drought, and every time there is a problem, it is always climate change, global warming.

Dr. Roger Pielke laid out the numbers. I don't have the details here, but he testified before the Environment and Public Works Committee and he said: It is not so, hurricanes are not increasing. It is not hard to see how many hurricanes you have.

You simply go back each year. They are quite calculating. He went back and calculated the hurricanes—how many category 5's, 4's, 3's, 2's, and 1's. The result is pretty astonishing that we have had fewer of them. This chart is hard to read. I will quote what it says:

Hurricanes have not increased in the US in frequency, intensity or normalized damage since at least 1900.

He has not been disputed either. They have tried to push back and attack him, but nobody has produced

data that dispute what he says because it is easier to calculate that data.

This is important. Dr. Pielke recently produced an analysis that said it has been 3,140 days since this country has had a category 3 hurricane. Camille was a 5, and we have had some others in the past. But we have had almost 10 years since we had a category 3. Sandy, this storm which hit the Northeast, which was very rare, happened to miss the southeast, missed Florida, and hit the Northeast. It was not even a hurricane when it hit land. It was below the speed, I understand, of a hurricane. At best, it was a category 1. It just happened to hit the Northeast where people are not used to it, and it did a lot of damage.

How can it be argued, I ask colleagues, that global warming is causing more storms? Moreover, the 2012–2013 tornado season was one of the lowest in the past 50 years. Only 5 out of 50 years have been that low.

We are not seeing an increase in tornadoes. We read about them more. We have The Weather Channel, and they talk about them more. But, in truth, the numbers aren't there.

Now, if hurricanes are down—and it has been 3,100 days since we have had a category 3 hurricane—it is about the longest in history that we recorded. It is an unusual drought of big hurricanes. It means a lot to me. I live in Mobile, AL, and I remember Hurricane Frederic in 1979 barreling up Mobile Bay. I remember the fear people had who had been there when Camille hit nearby in Mississippi. I know something about hurricanes, and they are very real factors. It surprises me we have had as few as we have had. We have also not seen an increase in tornadoes.

What we are proposing is that we have to carry out a policy that would go beyond our technology to produce electricity in a cost-effective manner, and it has the impact of massively closing base-load coal plants. Existing plants are going to be hammered, and new ones will not be built.

I am also on the subcommittee of Environment and Public Works that deals with nuclear power. Not a single American since the beginning of nuclear power 50 years ago has been killed as a result of a nuclear power accident. How many die in natural gas pipelines, drilling rigs, coal mines, transportation of coal, and so forth?

We basically shut down nuclear power. I am telling us this is a big problem for our country, the erosion of nuclear power. We had four plants close—existing nuclear plants close. They have been hammered with regulations, and they have never been safer. We have never known more about how to operate a nuclear plant safely than we know today.

But they know only one or two are being constructed, and this assault on nuclear power has the potential to erode the 20 percent of our electricity that comes from nuclear power. So if

we lose the coal and we lose nuclear power—and most of these plants are 30-plus, 40 or 45 years old, and they will soon be at the end of their lifetime. If we don't replace them, where will our energy come from, pray tell?

In any finding, anything that we do today to try to impact CO₂ is only a drop in the bucket worldwide. They are building coal-fired plants in China, India, the East, the Middle East, other places, and Africa in large numbers. We are a very small part of the overall picture, and our actions are not going to reverse this trend.

I don't know and I don't pretend to know all of the answers, but I would say that if we have more CO₂ and we have more global warming and global climate change, how do we know it won't result in fewer hurricanes? We have had fewer.

How do we know it won't result in fewer tornadoes? We have had fewer tornadoes.

Life on the planet has tended to be more healthy and prosperous in times of higher temperatures than lower temperatures. I certainly don't want to see a surging temperature in America and rapidly changing conditions. I think we could have real damage. As I said, I don't know what the full answer is.

I am just saying in my judgment, this administration is pushing this beyond what is reasonable. It is going to adversely affect the economy of America. It is going to drive up the cost of every household's electric bill, every household's gasoline bill. Every business in America that hires American workers is going to try to export products, and those products are going to be more expensive because they had to pay more for their energy.

The last thing we need to be doing at this point in American history is driving up—artificially—the price of energy. One expert said a number of years ago that the lifespan—the average lifespan of a person in a nation where electricity is readily available—is twice that wherever it is not readily available.

I have been in poor places in the world where there is not electricity. You see the difficulty they have with water, you see the difficulty they have with cleanliness and so forth, and cooling and keeping food refrigerated and the disease that comes from that.

Energy is a positive force. It has made this world—the western world, the developed world—so much more prosperous. It is creating wealth that we can then use for good causes—to clean up the environment, and to produce healthy foods for billions worldwide.

I don't think we should see energy as an evil thing. I think energy is a good thing, and we don't need to drive the price up. It makes life harder for people, especially those of limited income.

I thank the Chair for the opportunity to share these thoughts. It means a lot to me. We will keep working on it. We will analyze in detail, as time goes by,

the proposal the President has presented. I remain very concerned, as a matter of constitutional order, that this is being done without a vote of the people. This is being done by a 5-to-4 Supreme Court ruling, an aggressive President, and an aggressive EPA.

It seems as if there is not enough, and there is an inability in Congress to do anything about it. The average American who disagrees has no voice, apparently, in being able to have their voice heard. So we will continue to talk about it and as time goes by, we will look at the trend and hopefully we can reduce some of the excesses that I think clearly exist.

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

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

The bill clerk proceeded to call the roll.

Mr. MURPHY. 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.

Mr. MURPHY. Mr. President, having just come down from the chair, I wish to briefly respond to the remarks of the junior Senator from Alabama, who engaged in a pretty stunning and broad denial of science for about 15 minutes on the floor of the Senate as part of what I imagine will be a pretty robust critique this week of the new EPA rules from the administration.

When we were all schoolkids, we probably had the chance to read the play "Inherit the Wind." It is rather de rigueur for students to read. In the end, as Drummond is essentially excoriating Matthew Harrison Brady on the stand, the book ends with almost a sense of sorrow about the unraveling of Brady's argument and the kind of figure he is portrayed at the end of the book to be.

My hope is that the same degree of strange affection may be the legacy of those who come to the floor and engage in the same denial of basic science that is at the root of the Scopes Monkey Trial in the book which made it famous.

Our colleague talked about the fact that the jury is still out as to whether the planet is warming. Here are the 10 hottest years on record since 1880: 2010, 2005, 1998, 2013, 2003, 2002, 2006, 2009, 2007, and 2004.

The Senator said that all the science doesn't really suggest global warming is happening. Well, he is right. Ninety-seven percent of scientists with peer-reviewed literature have come to the conclusion that the planet is warming and humans are contributing to it.

The Intergovernmental Panel on Climate Change said this in their last report: "Warming of the climate system is unequivocal."

My friend said: Well, even if it is happening, we are really only a small part of the problem. So why is it even necessary for us to act?

Well, we are not a small part of the problem. We are 5 percent of the world's population and 25 percent of the world's pollution. And even if the specific actions this week do represent a very small percentage of the ultimate solution when we talk about trying to get the temperature of the planet under control, that is a terrible argument in and of itself. Is that a reason why none of us should bother to vote—because each one of our own actions in and of itself really doesn't affect the overall outcome? It is the collection of all of the actions we take in a democracy that makes the difference, and it is the collection of actions we will take as a community of nations and a community of individuals that will ultimately make the difference.

I imagine this debate will continue.

GUN CONTROL

Mr. MURPHY. Thirty-one thousand people a year die across this country from gun violence. That is 2,639 a month or 86 a day. I have tried to come down to the floor every week—a couple times a month at the very least—and talk about the voices of those victims because if the statistics aren't actually moving this place to action, then maybe we can talk about who these people were. Of course, we have a fresh set of stories from Santa Barbara, CA.

I don't need to tell the story of young Mr. Rodger. He was a deeply troubled young man who went on a shooting spree, killing six people and wounding many more.

Katherine Breann Cooper was 22 years old when she was gunned down by Elliot Rodger. She was a painter, and she was known as Katie by her friends. She had a really outgoing side. She was going to get a degree in art history, and she had a smile that "lit up the room," according to her friends.

What her childhood friends from Chino Hills remember is that she was absolutely unbeatable at foot races. She was the fastest kid in the whole neighborhood. You couldn't beat her at foot races, hide and go seek, and you certainly couldn't beat her when the ice cream truck went through the neighborhood.

Her seventh grade teacher said:

She was one of 2,500 students I've taught over the years, but Katie was a standout.

Veronika Weiss was 3 years younger—she was 19 years old—but her father Bob said she was wise beyond her years. He said he would actually go to his 19-year-old daughter for advice when he was having a problem with one of her brothers, Cooper and Jackson, or maybe when he was having an argument with his wife.

She played four sports in high school: cross country, baseball, swimming, and water polo. She earned straight A's. Her strength was math. She really excelled at sports, and she didn't let barriers get in her way. She didn't want to play softball; she wanted to play baseball. There was a baseball league for

kids in her hometown of Westlake, and there were 500 players in that league—499 boys and 1 girl, and that 1 girl was Veronika Weiss.

When she got to UC Santa Barbara, she didn't have a lot of friends until she joined the Tri-Delta Sorority. They became a built-in circle of friends for her.

Her former coach said:

We're really shocked. She touched a lot of people. And for someone who's 19 years old to have that many people showing up [at her service], that's a lot to say. There's been kids who say, "Oh, I was a new kid in school and she came up to me and just started talking to me. I didn't even know her." So she was that type of person.

Christopher Michaels-Martinez's father has had some strong things to say about the inaction of Congress, but he also had a lot of wonderful things to say about his son.

His son Christopher was a studious kid. He was an avid reader. He was an athlete from a young age, first beginning with soccer and going on to play football and basketball. He served as residential adviser at his dorm and was the kind of guy who would welcome strangers into his home and into his room.

His father talks a lot about his resilience. He remembers that at 8 years old Christopher decided he wanted to play football. He remembers at a practice watching his son being knocked down by a much larger teammate, and his father said he remembers thinking:

My god, he must be hurt. But he was on the ground no more than two seconds. He hopped back up, stomped one foot on the ground and walked determinedly back into the line.

That's the kind of kid Chris was.

Richard Martinez urged the 20,000 people at the memorial for the victims to follow his son's example from the football field. He said:

Like Christopher on that day, we've been knocked down. And like Christopher on that day, I want you to get back up and walk determinedly forward.

His father Richard has challenged Congress not to let one more person die because of our inaction.

In a lot of ways, the story of Elliot Rodger is a word of caution about the limits of what policy can do, but it is also an invitation for us to look at some of the things we can do.

Elliot was an incredibly troubled kid, but he was not a kid who lived outside of the mental health system, nor was Adam Lanza, the young man who killed 20 6- and 7-year-olds in Newtown. We can go back with 20/20 hindsight and pick apart the decisions—sometimes a very legitimate critique—that Rodgers' parents or Adam Lanza's parents made, but the reality is that Elliot Rodger was in and out of the mental health system and in and out of a number of different schools trying to find the appropriate placement. Adam Lanza had been identified with a severe mental illness, and his mother was trying to find treatment for him.

We need to do something to improve our mental health system. We have

closed down 4,000 mental health inpatient beds in the last 6 years alone, while the needs of those with mental illness are skyrocketing. We know the waiting time for especially young adolescents to see a psychiatrist or psychologist just for an introductory visit is far too long. So we need to make massive investments in our mental health system. But the law can help as well when it comes to guns. The fact is Adam Lanza should never have been able to possess the high-powered weapon that he did, and had he walked into Newtown with a different weapon instead of a semiautomatic rifle, there would still be children alive today, in the minds of many of those parents.

It is not clear the law could have changed anything in California, but what we know is that in States that give law enforcement the ability to take guns away from people who pose a danger to the community or deny them to those individuals in the first place, fewer murders happen.

Police showed up at the door of Elliot Rodger's house and, had they walked in, they would have found a draft copy of his manifesto and a whole bunch of guns and a whole bunch of ammunition. He likely would have been taken into involuntary custody. His guns would have likely been taken away. The police didn't make that decision, but in California they have the ability to do that whereas, in many other States they do not.

In Missouri, for instance, they used to have a law on the books that allowed for local law enforcement to deny gun permits to individuals whom those local law enforcement personnel knew to be a potential danger to society. Well, Missouri repealed that law, and a recent study by Johns-Hopkins University shows that controlling for all other possible factors that could explain the dramatic increase in gun violence since the repeal of Missouri's background check legislation, the repeal itself accounts for 60 to 80 additional gun murders in Missouri every single year.

We know that laws that keep guns out of the hands of dangerous people, allow law enforcement to take guns away from dangerous people, laws that prevent military assault weapons from being in the community in the first place, save lives. It is not a coincidence. During the period of time after which the government instituted an assault weapons ban, we saw a reduction in the number of mass murders in this country. After it was repealed, we started to see an increase in those mass murders. Assault weapons bans don't have a lot to do with average, everyday gun violence, but they can have something to do with mass shootings.

Edmund Burke said: "The only thing necessary for the triumph of evil is that good men do nothing." I believe every single Senator here has heard that.

I will end with this thought: I think we can pass laws that will reduce these

numbers. It won't eliminate these numbers, but we can pass laws, whether it is improving our mental health system or changing our gun laws, that reduce the number of people who die and to perhaps lessen the weekly stories we hear of mass violence across the whole country.

What is the real risk of doing nothing, not even trying? I submit it is like pulling teeth to get any Republican Senators or Congressmen to even cosponsor a bill addressing any of these issues, and the real risk of doing nothing is that we start to look complicit in these mass murders. I know that is a strong thing to say, but it is not enough for the community itself to rally after these mass murders to shame the action when the most important legislative body in the world has nothing to say about this dramatic increase in mass gun violence. When we allow these numbers to fester without a single piece of legislation to address this trendline passing the Senate and the House, we have become accomplices because we send a message that we don't think the murders in Aurora, in Tucson, in Newtown, in Santa Barbara, are serious enough for us to do anything. That is a real shame.

Hopefully, at some point over the time the Presiding Officer and I have the honor of serving in the Senate, if the numbers don't move this place to action, the voices of the victims will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

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

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

ENERGY POLICY

Mr. CORNYN. Mr. President, several years ago when the majority party, the Democratic Party, controlled 60 seats in the Senate and had literally the numbers to do whatever it wanted to do, the majority leader tried to push through a new massive energy tax bill known as cap-and-trade. Not only did it fail to pass, the majority leader never even brought it up for a vote, primarily because members of his own party recognized there would be huge costs associated with this new energy tax, and that the benefits, indeed, on balance did not outweigh the costs or, perhaps most charitably stated, were neutral. There were hardly any real benefits to speak of on the plus side, but there were plenty of negatives, including lost jobs, lost wages, higher utility bills, and a less competitive U.S. economy.

Now the Obama administration, we learn, is in the process of enacting a backdoor energy tax, not through the

votes of Members of Congress—the only people who could be held accountable for how we vote—but rather through the regulatory process through the Environmental Protection Agency.

Much like the cap-and-trade bill that collapsed in 2010, the EPA regulation that was announced earlier today would impose major new costs on America's economy while doing virtually nothing to improve the environment. I will explain my reason for saying that in a moment.

I will talk about the economic costs in a second, but first I want to emphasize that over the coming decades America's contribution to the growth of worldwide carbon dioxide emissions will be virtually nonexistent.

Consider these numbers from the Energy Information Agency: Between 2005 and 2012, America's energy-related carbon dioxide emissions actually declined by more than 10 percent. Between 2005 and 2012, our carbon dioxide emissions did not go up but they declined by more than 10 percent. By contrast, over the same period of time China's energy-related carbon dioxide emissions grew by nearly 64 percent.

So ours went down 10 percent and China's went up by 64 percent. As a result, China is now producing far more carbon dioxide emissions than the United States.

Looking ahead, the Energy Information Agency has projected that developing countries—countries that don't have a developed economy like the United States but do want our standard of living and a better life for their people—will be responsible for 94 percent of the growth in global carbon dioxide emissions between 2010 and 2040, with China alone accounting for 49 percent of that increase. As for the United States, during that same period of time carbon dioxide emissions will barely increase at all.

I mentioned these figures because some of my friends across the aisle have repeatedly declared that President Obama's backdoor energy tax will help us "fight climate change." Given the numbers I just listed, it should be clear to us that any rule such as what the EPA is proposing would do little to affect global emissions unless developing countries such as China and India do exactly the same—assuming that is something we would want to make as a priority, and assuming the benefits outweigh the costs.

The fact is that China has no interest in sacrificing economic growth for speculative long-term climate benefits, nor do India or other developing nations. We have to remember that these countries alone still have hundreds of millions of people living in abject poverty. They want a better and growing economy, so why in the world would they impose these restrictions on themselves? It is not going to happen, and that is what they told us.

In short, President Obama's EPA rule would place America's economy—an economy that shrunk by 1 percent last

quarter—at a competitive disadvantage without having any substantial effect on global climate change or on CO₂ emissions overall. In other words, it would be all pain and no gain. As I mentioned, the pain would be very real. It would come in the form of lost jobs due to a slowing economy, lost wages, and higher electricity prices.

In my State, the month of August gets to be pretty hot, and our grid operates at maximum capacity. Due to a variety of EPA regulations, the price of those higher electricity prices is borne by the people who are least able to absorb those costs—particularly people on a fixed income, including the elderly. Also, the job loss would be concentrated on blue-collar workers in the fossil fuel industries—most notably the coal industry. These workers have already been hurt by EPA regulations, but these new proposed regulations would make that pain even worse. The higher electricity costs and higher utility rates would affect all of us, but the heaviest burden would fall on people who are at a low or fixed income; in other words, the people who are least able to pay more for their utility bills.

If a regulation can't pass the basic cost-benefit test, then in my view it has little business being enacted—and it should certainly not be enacted by nameless, faceless bureaucrats who are unaccountable to the American people or for the consequences of what they are passing. That is especially true when our economy is suffering through the weakest economic recovery and the longest period of high unemployment since the Great Depression. Why—if this makes sense at any time—would we want to do it now?

Median household income has also declined by nearly \$2,300 since the recession formally ended. We have had a period of anemic economic growth in this country, a high unemployment rate, the slowest economic recovery since the Great Depression, and the highest percentage of people who dropped out of the workforce because they are discouraged about the prospect of finding jobs at any time since Jimmy Carter was President.

In the meantime, if you are buying your health insurance in the ObamaCare exchanges and your health insurance premiums have gone up—we know the cost of fuel and gasoline has gone up, and the cost of food has gone up. The middle class will be disproportionately burdened by this EPA regulation in a way that does not, on net, change the global environment, and would kill jobs and hurt families in return for negligible, or even nonexistent, benefits.

Once again, we see that the President has decided to place ideology—his wish of how the world ought to look—ahead of the numbers. He is famous for saying, let's do the arithmetic.

Let's do the arithmetic. The arithmetic does not make the case that these regulations should be passed; indeed, it defeats the argument that they should.

Sadly, rather than engage in the normal legislative process that would allow my colleague, the Presiding Officer from Maine, who may have a different view from mine, and others to debate and vote on these issues and make policy so we can be held accountable for what we do, the President has decided to skirt the legislative process and instead rely on unaccountable bureaucrats to enact measures that would never pass through Congress. Yet the idea of this President is: I have a phone and a pen, and I can go it alone. He can do it by himself.

Well, he can't. Our Constitution does not allow that. Sooner or later the American people are going to hold folks accountable for enabling this sort of unilateral activity. In my view this is an unforced error that will damage our economy, hurt our workers, and raise the cost of living for middle-class families and those on a fixed income.

I find it astonishing that this misguided regulation is being considered now when our economy is growing so slowly and so many people are out of work or have left the workforce, and the median household income is down, yet costs for health care, food, gasoline, and other commodities are going up.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF KEITH M. HARPER FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COUNCIL

The PRESIDING OFFICER. 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 Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided and controlled in the usual form prior to a vote on the motion to invoke cloture on the Harper nomination.

Who yields time?

Mr. JOHANNIS. We yield back.

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

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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 Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

Harry Reid, Robert Menendez, Patrick J. Leahy, Elizabeth Warren, Barbara A. Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

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 nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Colorado (Mr. UDALL), and the Senator from Montana (Mr. WALSH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay."

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

The yeas and nays resulted—yeas 51, nays 37, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—51

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

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

NAYS—37

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeben	Scott
Coburn	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johanns	Thune
Crapo	Johnson (WI)	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—12

Booker	Leahy	Toomey
Boozman	Lee	Udall (CO)
Cochran	Menendez	Vitter
Kirk	Rubio	Walsh

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 37. The motion is agreed.

The Senator from California.

Mrs. BOXER. Mr. President, what is the order of business?

The PRESIDING OFFICER. We are postcloture on the nomination.

Mrs. BOXER. Mr. President, I ask unanimous consent to address the Senate on a couple of important topics for up to an hour.

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

GUN VIOLENCE

Mrs. BOXER. Mr. President, I come to the floor tonight heartbroken at the loss of 6 young people and the injuries to 13 more after a devastating gun violence tragedy that occurred on May 23 in the Isla Vista community near Santa Barbara.

As a mother, grandmother, and Senator representing the most unbelievable State in the Union, this latest mass shooting shook me to the core. I was struck by this simple fact: No one is safe in America anymore. No one is safe in America anymore—not in their schools, not in a movie theater, not in their workplace, not in their home, and not on a beautiful college campus overlooking the Pacific Ocean where the victims of this latest horrific attack were busy pursuing their dreams.

I am going to show the faces of the students we lost. Christopher Ross Michaels-Martinez, 20 years old, from Los Osos/Oceano, CA. He was an English major who served as a resident adviser in a campus dorm while maintaining a 4.0 GPA. He was planning to study abroad in London next year, and he dreamed of going to law school like both of his parents. His cousin Jaime described Chris as "smart, gentle, and kind," but with a competitive spirit he showed on the basketball court. His high school basketball coach said, "he was a coach's dream. He was a team player, he had a great attitude and he was a hard worker who would stay after practice and work on his shots." His father Richard said:

Chris was a really good kid. Ask anyone who knew him. His death has left our family lost and broken.

Veronika Elizabeth Weiss, 19, from Thousand Oaks. She loved sports and

high school. She played on four teams. She started playing softball at the age of 6, and later turned to baseball and was the only girl out of 500 players in the Westlake Baseball League. She was a good student who earned straight A's in high school and graduated with a 4.3 GPA. She was majoring in pre-financial mathematics and statistics. Her father said: "She wanted to be a financial wizard, and use her high aptitude with complicated math." She was a member of the Tri-Delta Sorority, just like her mom and grandmother, and now she is gone.

One of her friends said: "Veronika was one of the people you knew you wanted to be friends with. She is willing to become friends with anyone and everyone. She is the one person who can make you smile instantly."

Then there is Katherine "Katie" Breann Cooper, 22, of Chino Hills, CA. She was close to her two brothers, and she was weeks away from graduating with a degree in art history. Her friends remember her as fun and outgoing, someone who had "a very bright smile that lit up a whole room." And we can see the smile.

In the words of one family friend, Katie was the "kind of girl that brought sunshine on an overcast day." She loved soccer and running track and helped her family deliver Christmas gifts to her neighbors in Chino Hills every year.

She was also a member of Tri Delta, a ballroom dance teaching assistant, and raised money for St. Jude's Children's Hospital in Memphis. Her friends said she was "involved in everything" and "never slowed down."

"She was a self-proclaimed princess and I love her for that," her friend Courtney said. "And I know she has a crown on her head today."

Cheng Yuan "James" Hong, 20, San Jose, CA. He was a fourth-year computer engineering major who spent his time volunteering as a teacher assistant at Rainbow Chinese School in Cupertino. His friends described him as a hard-working and bright student who was always willing to help others.

His high school drama teacher in San Jose remembered him as a quiet student who was happy to work backstage to ensure that his classmates could shine.

One of his former classmates said that he was "one of the kindest, most genuine people I have ever met . . . He was never afraid that his unrelenting kindness might have led to him being taken advantage of. He helped out everybody he knew, myself included, and never asked for anything in return. He was good for the sake of being good, and it is incredibly rare to find people that genuine."

Then there is George Chen, 19, from San Jose. He graduated from high school in San Jose and had just finished his second year at UC-Santa Barbara where he studied computer science. His father is a software engineer, and George wanted to follow in

his dad's footsteps. He liked swimming and hiking and was close to his younger brother, who is 10 years old, despite their age difference. They would play video games together and laugh. Friends described George as a "gentle soul" who had a fondness for working with children.

When he went home to visit his parents during breaks from school, his mother said he would always go out of his way to pick up his elderly neighbor's mail and take out their trash. He volunteered for the Buddhist charity group Tzu Chi and as a camp counselor at the YMCA. And he is gone.

Then there is Weihan "David" Wang from Fremont, CA, 20 years old. His mother described her son as "a very, very nice boy," the kind who ace'd his SATs but never bragged about it. He was an avid basketball fan. He played on his high school team in Fremont, and was a big fan of the Los Angeles Lakers.

At UC-Santa Barbara, he studied computer engineering and wanted to start a business with his friends. One friend described David as "warm-hearted and helpful." His parents said that David was "gentle, kind, loving, joyful, peaceful, faithful, and self-controlled." He was supposed to return home for the summer break soon to go on a trip with his family to Yellowstone National Park.

I say to all families who can hear me: Imagine what that does to a mother and father—to a family. David was their only child. His mother said, "He was always the joy of the family," and now he is gone.

These were all bright and talented people who were full of promise and passion. Their dreams and futures were extinguished in an instant of chaos.

Today I join their families, friends, and classmates in mourning their unfathomable loss. Not only that, I stand with them in staunch determination to do everything in my power to stop this senseless violence.

Richard Martinez, the dad of Christopher, said it best. He said he does not want or care about sympathy from politicians. He said to us: "Get to work and do something."

The parents of James Hong said the same thing in a letter: "I know there has been a great injustice, and policy can be improved." They added that their son "can't be here to help anymore, but you can."

The mother of George Chen said: "This is not the first time it happens, a killing spree, but I hope it's the last one. No parent should have to go through this."

And the parents of David Wang wrote: "It's time to stop gun violence, and be free from fear." They are absolutely right. We must act. We cannot sit back and simply accept that nearly 90 Americans are killed every day—and 30,000 are killed every year—from gun violence.

I will remember the Vietnam War because I got involved in politics to try

and stop it. It was horrible. We lost more than 50,000 people over 10 years, and we ended that war.

Mr. President, 30,000 are killed every year from gun violence. When are we going to end the war here at home? We cannot accept that every day an average of 8 children and teens under the age of 20 are killed by guns. We cannot accept the fact that children in the United States die by guns 11 times as often as children in other high-income nations. It is an outrage, and it has to end.

We often see the same reaction after mass shootings like this. Some will insist it was just "the act of a mad man" and there is nothing you can do to stop a deranged person from going on a rampage. You know what? History says that defeatist attitude is wrong.

Take Australia. In April 1996, a young man killed 35 people and wounded 23 others with a semiautomatic rifle in the so-called Port Arthur massacre, the worst mass shooting in Australian history.

Less than 2 weeks later, the conservative-led national government pushed through fundamental changes to the country's gun laws. Australia's conservative government passed laws that all but prohibited automatic and semiautomatic assault rifles, stiffened licensing and ownership rules, and instituted a temporary gun buyback program that took some 650,000 assault weapons out of public circulation. The law then required licensees to demonstrate a "genuine need" for a particular type of gun and take a firearm safety course. Those actions by Australia's leaders made a difference. In the decade before Port Arthur, Australia saw 11 mass shootings. Since then, there has not been a single mass shooting, and the gun murder rate has continued to steadily decline.

In 2011, Australia had 0.86 gun deaths for each 100,000 people—or 25 people. That year the United States had 10.3 gun deaths per 100,000 people, or 11,101 Americans. Accounting for the population differences, this is insanity.

Australia said enough is enough. When are we going to do that?

Canadians said enough is enough. In December 1989, a disgruntled student walked into a Montreal engineering school with a semiautomatic and killed 14 students and injured over a dozen others. That tragedy prompted the leaders in Canada to ban more than half of all registered guns, require all gun owners to be at least 18, and obtain a license. You need a license for a car. Why don't you need a license, public safety course, and a background check for a gun? That is what they did.

Canadians said enough is enough, and it paid off. Canada's gun murder rate has declined since passage of these laws, with occasional spikes in gun violence.

In 2009, Canada had 0.5 deaths per 100,000 from gun murders—173 people. The United States had 3 gun murders for every 100,000 that year—that is

11,493 Americans. Come on—173 out of 100,000 compared to 11,493 people out of 100,000? What is wrong with the people here in this country and in this body?

The United Kingdom experienced tragedies that led their leaders to act. In August of 1987, a lone gunman armed with two legally-owned semi-automatic rifles and a handgun went on a 6-hour shooting spree roughly 70 miles west of London, killing 16 people and then himself. Britain expanded the list of banned weapons, including certain semi-automatic rifles. They increased registration requirements for other weapons. Since then, they have banned all handguns, with a few exceptions. The government instituted a buyback program which many credit for taking tens of thousands of illegal or unwanted guns out of supply. Their actions paid off. The UK's gun murder rate since passage of these laws is now less than half of what it used to be.

In 2011 the UK had 0.23 gun deaths per 100,000 people, a fraction of the 10.3 gun deaths per 100,000 in the United States that year. They had 38 gun murders; we had 11,101. What is going on? We have to do some of this here. What are we so scared of?

I said when I started this speech that no one is safe in America because we don't take commonsense steps. I am not saying we ban guns or we ban people from having guns—no—but that we have a system where they have to show they need it. We can do the same things here in America. We can start. How about this: Pass measures that have nearly unanimous support among the American people, wherever they live in our great Nation. Take background checks. Ninety percent of Americans say they support background checks. Because one gun lobby doesn't like it, we turn our backs on 90 percent of the people. What is wrong with us?

We have legislation to expand background checks. It has bipartisan support. We should take it up and pass it and do the work of the people, 90 percent of whom want us to pass background checks.

Assault weapons. Most Americans support banning military-style assault weapons: 81 percent of voters, 71 percent of gun owners, and 60 percent of NRA members. We should pass Senator FEINSTEIN's legislation now and do the work the American people want us to do.

How about high-capacity magazine clips? Seventy-two percent of voters say we should ban the sale of high-capacity ammunition magazines.

Mental health. Lawmakers on both sides support taking action. Let's do it now.

School safety. I authored a bill with Senator COLLINS to provide the resources needed to make schools safer. Take it up and pass it, and don't load it up with controversy. Pass the things we need to pass. Do it for these families and for God knows all the others who are suffering and crying them-

selves to sleep every single night, bearing a loss that will never go away.

Here is the situation. In this particular case, we had the family of the gunman who committed the massacre call the police and say: We are very worried about our son. It is haunting to me that they had a feeling about it and they called the police. The police went to interview this troubled young man, and they couldn't see through his problems. They didn't check the gun database we have in California. If they had, they would have seen that he had purchased guns. If they knew that, we would have been in a different circumstance.

So we are introducing legislation called the Pause for Safety Act. This is what it does. No. 1, families and others who are very close to the suspected unstable individual can go to court and seek a gun violence prevention order to temporarily stop someone who poses a danger to themselves or others from purchasing a firearm. They can go to court and seek a gun violence prevention order. Let's say it is a group of co-workers who see that this person is threatening or he has written something. They can actually make the case before a judge and get an order, so the person cannot buy guns.

No. 2, it would help ensure that families and others close to the individual can also seek a gun violence prevention warrant which would allow law enforcement to take temporary possession of firearms that already have been purchased. If those police officers had known this individual had bought those weapons—because we do have that database—they could have gone and gotten the warrant. But under our bill, a family member could do this. They could go to court and seek that gun violence prevention warrant.

No. 3, if law enforcement gets a tip or a warning or a request from a family member, they can then make full use of a gun registry if it exists in their state. It is very important for law enforcement to make use of the gun registry if it exists.

I am very pleased that similar legislation has been introduced in California by Assemblywoman Nancy Skinner, Assemblyman Das Williams, as well as State Senator Hannah-Beth Jackson.

We all remember the shock and outrage we felt after the Sandy Hook shooting in Newtown, CT, where a gunman shot 20—babies, I call them—children—schoolchildren and 6 adult staff members. All of those lives lost, and we said we would take action. We wore ribbons and we came to the floor and we cried. Well, since that shooting, more than 28,000 Americans have died from gun violence—90 people every day. Imagine, if it was anything else that caused the death of 28,000 Americans, we would be on the Senate floor.

The shooting at Sandy Hook and the shooting at UC Santa Barbara are a reminder that we have failed our children. Call it what you want. We are

failing our children. We have a basic task to keep our children safe. They look to us, and they believe we will protect them. We have a function here, which is to not allow someone who is unstable and violent to get a weapon. So we need to pull together, and we need to show our children we love them, not by making fancy speeches but by doing the right thing, such as this father said we have to do, Chris's dad. Don't tell me how you love children; don't talk to me about how bad you feel. Do something.

Children need to know they are safe in school. People need to know they are safe at work. People need to feel safe in a restaurant—anyplace. Let us honor these victims of gun violence by working to end this epidemic. We look at these faces, we look at their eyes, and we know they were just at the start of their adventures, at the height of their productivity, in their twenties.

We have to do something so this doesn't happen again and again and again.

CLIMATE CHANGE

Mrs. BOXER. Mr. President, in this work we do so many issues need to be discussed. One of them I have tried to discuss, along with several colleagues, is this incredible threat to our planet caused by climate change. I have participated with my colleagues, Senator WHITEHOUSE, Senator MARKEY, Senator CARDIN, and many others, in all-night speeches and in hearings.

I am so proud to be the chairman of the environment committee. It was many years ago when I took the gavel to become the chairman that I started to really get involved in the details and in the science and in the predictions of scientists as to what could happen. We came very close to doing something important here in the Senate, but we faced a filibuster, and although the House passed a very important bill years ago, we couldn't get it done. We fell six votes short.

At the time, the press said to me: What are you going to do? Are you going to do nothing about this? No, I said. Actually, the most popular law that has ever been passed—I believe it; I haven't taken a poll on it, but I can tell my colleagues from looking at studies that the Clean Air Act covers all kinds of pollution, including carbon pollution. I said that even though we weren't able to have a cap-and-trade system which would put a price on carbon and let people get permits and trade them, I felt that was a good way to work in a capitalistic society, and we didn't go there. I said we have the Clean Air Act. Once an endangerment finding is made—it was started during the Bush administration and completed during the Obama administration—we know the President has full authority to act, with or without the deniers here in the Senate and in the House.

Now, 40 percent of all the carbon is emitted by powerplants, so powerplants are a very important part of the

problem we have to address. We already know the President and the Congress worked together to reduce the pollution coming out of our cars by passing very important fuel economy measures. But this is really the largest problem—those powerplants and the dangerous carbon.

The President understands and looks at his kids and he knows if they are going to have a world in which they can thrive, we have to do something about this problem, and we can't just put our heads in the sand and say the scientists are wrong. Let's not be like the deniers who said smoking didn't cause cancer. Ninety-seven percent of scientists said it did; 3 percent said it didn't. The tobacco lobby went on the side of the bad guys and, for years, we had to fight and prod and push. Guess what happened? People got sick and a lot of them died because there was basically a coverup by the tobacco industry.

We are facing a similar situation. The big special interests are trying to tell the American people: Don't worry about this climate change. It is no big deal. Well, here is the great news: The President has stepped forward. He has taken on carbon pollution from powerplants.

Under current law there is no limit to the amount of carbon pollution that can be released into the air from powerplants. The President's carbon pollution reduction plan is going to change all that. It will protect public health. It will save thousands of lives. It will avoid up to 6,600 premature deaths, 150,000 asthma attacks, 3,300 heart attacks, 2,800 hospital admissions, and 490,000 missed days at school and work will be prevented. Those benefits will kick in.

Here is what is important about that. When we clean up the carbon, we protect the air quality. That is why the President went to a hospital when he announced this. That is why 70 percent of the people—including, as I recall, a huge majority of Americans—support regulating carbon from powerplants and they are even willing to pay for it. A lopsided and bipartisan majority of Americans support Federal limits on greenhouse gas emissions according to this new poll. Fully 70 percent say the Federal Government should require limits to greenhouse gases from existing plants. What is so interesting: 57 percent of Republicans support it, 76 percent of Independents, and 79 percent of Democrats. So this is a plan whose time has come.

This plan will also create tens of thousands of jobs as we move to a clean energy economy. By reducing carbon pollution, we can avert the most calamitous impacts of climate change, such as rising sea levels, dangerous heat waves, and economic disruption. If we do not act, we could see a 10-degree Fahrenheit rise in temperature, and that is disastrous, really, for all of our States.

I have been so privileged to work on the Senate Climate Action Task Force.

What is interesting is that I have listened to people from all over the country talk about what this climate change means in their States. Coastal States have a certain set of problems, inland States, agricultural States, and there are the forest fires that are burning out of control. I hope people will watch the documentary "Years of Living Dangerously." It is really a wake-up call if you have not already awakened to this problem. It is happening all over the world—fires that do not stop, droughts that the Defense Department is telling us are a real problem.

Do you know how the House of Representatives deals with climate change? They pass a bill that says the Defense Department cannot act on what they have already said, which is that climate change is a real, serious threat multiplier. They actually said now it could be a cause of conflict. Before they said it was a threat multiplier. Now they say it is actually a—they use the word "catalyst" for conflict. But the House does not like that, so they just said: It shall be so. We will not talk about this anymore. Stamp my foot—no. Disregard 97 percent of the scientists.

Here is the thing I like about the President's proposal: It is respectful of States' roles. It allows major flexibility. Every State is going to have its own plan. Some States may say: Coal-fired plants, you can clean up a little bit. We will get a little savings there. But we will also do some energy efficiency so you do not have to burn as much coal. This is what is envisioned.

Eventually, we are going to see lower prices for our folks. They say in about 15 years we are going to see an 8-percent decrease. Let me say that again. It is going to shrink electricity bills roughly 8 percent, and that is going to happen because we are going to have increased energy efficiency and reduced demand.

So this poll is very clear. People want action. And the Clean Air Act is very clear.

I think it is important to note that under George Bush we wasted 8 years because they kept saying carbon pollution was not covered in the Clean Air Act. But we had some very smart attorneys who went up there—and one of them is sitting here—who said: No, no, no. Just read it. If you read it, you will see.

Thank goodness the Supreme Court ruled and said that absolutely greenhouse gas emissions can be regulated if there is an endangerment finding. And there certainly was that. So the Clean Air Act has a proven track record.

I will close with this. To those people who are in denial, I say: Wake up because it is not about you; it is about your kids and your grandkids and their kids. So get out of that phase because you are hurting people—innocent people. This is your time to do something—not to walk away.

For those people who say: Oh, the environment, that is not an important

issue to the people—no. It is a big deal. Every time my friends here try to repeal parts of the Clean Air Act, I come to the floor with colleagues. We have stopped them. The House voted 90 times with these terrible riders. We have stopped them every time. Eighty percent of the people support the Clean Air Act. We have to protect our families.

We have seen a country that has thrown the environment under the bus. Now they say they are changing, but let's see what a country looks like—instead of listening to my words, let's look at a photo. As shown in this picture, this is what life is like in some Chinese provinces. They do not care about the environment. They do what some of my friends say: Oh, repeal this—they do not even have these laws to repeal. They do not care. Just develop, just develop, just develop. Do not pay attention. Do not worry about best technologies. Just throw the environment under the bus.

Well, guess what. These people are being thrown under the bus. They cannot breathe. And if you cannot breathe, you cannot work. So even China—they are learning they have to do something to clean up their environment.

But we cannot look like this in the future. I am just telling you. People think, oh, an exaggeration. I had one of my Republican colleagues walk out on me in a hearing because I showed this picture. They said: We do not want this.

I am not saying they want it. I am saying that if you repeal all the provisions of the Clean Air Act that they are trying to repeal—and they want, by the way, to stop us from this rule—that is what is going to happen, not that they want it to happen. Of course they do not want it to happen. They do not think it is going to happen. But this has happened because in China, like us, they have a very big economy, and they are expanding. We want to expand, but we have to do it in a clean way.

So the people of my home State of California get this. They get this. The oil companies came in and they put millions of dollars to try to get us to repeal our cap-and-trade system and our rules and our laws. People said: No, no, no, we are not going there with you, Big Oil. Clean up your act.

My mother used to say: Clean up your room. The room they are polluting belongs to everybody. It is the atmosphere. We all have to clean it up. This is not something we take a pass on. This is the planet Earth itself. Somebody said the other day—some scientist—that the Earth will survive. It will look a lot different. The water will be different. This will be different. There will not be the same things growing and forests will be elsewhere. But what about the people? Well, that was not a good story.

It is up to us. We have a lot on our shoulders. We really do. I am not saying it is easy. Nothing is easy. My dad

used to say: Nothing good comes easy. It is true. We have to try to figure it out.

But I want to say to this President tonight how proud I am that he has stepped up to the plate. All the screaming and the denials and the yelling and the rest and the special interests, which my colleague Senator WHITEHOUSE says has a barricade of lies around the Capitol—and he is just looking at his daughters and he is looking at all the young people he meets, and he is saying: You know what, I have to do something. And he is looking at the military. He is looking at them and he is thinking: I am being told—he is saying—by the Department of Defense that climate change is making this an unstable world.

Actually, there is a very strong case to be made that was made in a documentary that a lot of the cause of the Syrian war started out with the farmers rebelling and revolting because they cannot deal with what is happening to their lives—the farmers.

So whether it is climate change or taking care of our veterans or all the other things facing us—the violence—we have a lot on our plate. I just hope we can step up to the plate, with the best of intentions, work across party lines, do our best, stop playing politics. President Obama says one thing. It does not matter what he says, the other side is all over it. How could that be? How could every single thing a person says be controversial? Sometimes I think if the President said “Good morning,” one of the Republicans would say “It is not; how dare you say it is a good morning?” That is what it is getting to. We have to put that aside. We are only here for a short amount of time, and we have to do our best to solve the problems the American people face.

So I took a long time tonight because I feel there are so many things out there that I am so privileged to be able to talk about and, more important, I can do something about. So I hope our colleagues will come together on these topics and we can make some progress for the good of the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY POLICY

Ms. WARREN. Mr. President, I come to the floor today to offer my strong support of the Environmental Protection Agency’s clean power plan to cut carbon pollution from existing powerplants. The EPA’s proposal is a powerful step in the fight to protect our health and our environment.

We face a crisis. We know that high carbon dioxide levels in our atmos-

phere are driving climate change. We know these carbon dioxide levels are increasing the acidity of our oceans, disrupting already fragile marine ecosystems. We know that powerplants are responsible for about 40 percent of America’s carbon pollution.

Add all that up and we have enough to know that reducing carbon pollution from powerplant emissions will make a real difference in the fight against climate change. Pollution from powerplants is also associated with other dangerous chemicals.

A study led by the University of Syracuse and Harvard University found that reducing carbon dioxide emissions from powerplants can also reduce emissions of other pollutants such as sulfur dioxide, nitrogen oxides, particulate matter, and mercury.

These dangerous chemicals contribute to acid rain, the destruction of ecosystems, ozone damage to trees and crops, and mercury in fish. These dangerous chemicals are also a direct threat to our health, increasing the risk of heart attacks, asthma, and even death. Add all that up and we have enough to know that reducing powerplant emissions will make a real difference in the health of our children, our parents, and ourselves.

Scientists all around the world have collected mountains of evidence about the dangers of carbon pollution. Their basic conclusions are no longer speculative or debatable. Even so, some politicians respond to this evidence by denying it is true, by rejecting scientific evidence or by claiming they just cannot understand the science.

This country was not built by people who ignored facts. Sure, the deniers can defend their friends in the pollution business, they can rail against science or pretend it does not exist, but the facts are catching up with us. This pollution is killing people across this country. According to the American Lung Association, up to 100,000 asthma attacks and 4,000 premature deaths will be avoided in the first year the clean power plan goes into effect.

Let the deniers deny the facts, but do not let them deny our children clean air to breathe or deny our parents long and healthy lives. The EPA’s draft proposal based on its authority under the Clean Air Act is a commonsense approach that builds on work already underway in States and cities across the country. Under the proposal, States will work with the EPA to reduce carbon pollution, and they can use a variety of tools to do it. The clean power plan encourages States to be creative and efficient, to partner with private industry to give our children a safer, healthier world.

In Massachusetts, we have seen how effective those solutions can be, after passing laws to increase energy efficiency and encourage renewable energy production. The Commonwealth joined neighboring States as part of the Regional Greenhouse Gas Initiative. We called it RGGI, and since 2005 RGGI has

helped member States cut carbon emissions by 40 percent.

RGGI has shown results and it has done so with bipartisan support and the backing of many members of the business community, members who understand that taking action against pollution is not only good for our public health and our environment, it is also good for business.

The fight against carbon pollution is about protecting our health, protecting our communities, and protecting our future. But make no mistake, this fight is also about whether this country works only for big energy companies or whether it works for everyone else too.

The terrible consequences of failing to act are real. We cannot afford to wait. But every time rules are proposed to clean up our air and water or to protect our environment, powerful deep-pocketed corporations line up to fight these changes. These opponents and their Republican friends are already attacking the EPA’s proposed changes. Their latest move is to argue that the EPA’s efforts somehow are not legal. That argument is laughable. Seven years ago, my State of Massachusetts led a multistate fight that went all the way to the Supreme Court to force the EPA to do its job to address carbon pollution in this country. We won that case and we started the process that resulted in the Supreme Court ruling that the EPA has the authority to regulate greenhouse gas emissions under the Clean Air Act.

Instead of embracing change, instead of working to develop rules to reduce pollution and protect the air we breathe, some companies and their Republican friends have fought change at every step. They loudly defend a world where polluters cut their costs by spewing dangerous chemicals and greenhouse gases into our air and water, leaving everyone else to deal with the consequences of their pollution.

They loudly defend a world where giant oil companies suck down billions of dollars in subsidies every year, while the green energy industries of the future fight for every scrap of support. They quietly work to tilt the playing field against the technologies of the future so that clean energy entrepreneurs and innovators have a harder time succeeding, while dirty energy companies keep raking in the profits.

Climate change is real. More than 120 million Americans live in counties that border the shoreline and a rising sea that threatens their homes and their communities. Millions more live in the path of wildfires or will be caught in the drought that will devastate our land. But unlike big energy companies, they do not have armies of lobbyists and lawyers to protect their interests. They see Washington ignore those problems and they see a system that is rigged against them. These millions of Americans have only their voices, and they call on us to fight for them, to

fight for meaningful action to address climate change.

The EPA's new clean power plan is one part of the solution. We must build on this proposal and continue our efforts to cut carbon pollution, to improve energy efficiency, and to invest in building a clean energy economy.

I applaud President Obama and EPA Administrator McCarthy for their leadership in stepping up and pushing for meaningful standards, and I expect that a strong final rule will be implemented next year because no matter the opposition, no matter how powerful those industries that would let our forests burn, let our crops dry up, let our children get sick, and let our cities drown just to protect their own profits, we have no choice but to take real action to fight climate change. The simple truth is that our future depends on it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Ms. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO LIEUTENANT COLONEL MATTHEW B. RYTTING

Mr. REID. Mr. President, I rise today to honor and thank Lt. Col. Matthew Rytting for over two decades of service in the U.S. Air Force. Colonel Rytting will be retiring on June 13, 2014, and I am grateful for his service and dedication to our Nation.

Colonel Rytting's career with the U.S. Air Force has been diverse and impressive, and it has included service as a combat control team officer, an F-15C fighter pilot, an F-4 instructor pilot, a chief of flight safety, a Civil Air Patrol commander, an Air Force One advance agent responsible for logistical and security support for Presidential travel, and most recently as a UV-18B instructor pilot, director of operations and cofounder of the Wings of Blue Association at the U.S. Air Force Academy. Within just a few years of his graduation from the Air Force Academy, while serving as a combat control team officer and squadron commander during Haiti's "Uphold Democracy," he led a special operations team in providing communications and air traffic control in non-permissive environments, specializing in parachute insertion techniques. Shortly thereafter, he won accolades as

the top Air Force graduate in undergraduate pilot training at Columbus Air Force Base in Mississippi. His many accomplishments since then include Distinguished Graduate of the Air Force's Squadron Officer School, Top-Wingman Awards in Singapore and Alaska as an F-15C Pilot, a Chief of Staff of the Air Force Safety Award in May 2007, Outstanding Graduate in the top 1 percent of his class from the U.S. Air Force Air War College, a Civil Air Pilot Meritorious Service Award, and a Big Brothers Big Sisters Big Brother of the Year Award in Fairbanks, AK.

Colonel Rytting's many accomplishments serve as a representation of his strong sense of duty and commitment to our great Nation. I am particularly impressed by Colonel Rytting's commitment to enhancing the capabilities of our Nation's airmen, both through investigating catastrophic aircraft mishaps in order to prevent future losses and through devoting years of service to the instruction of students and airmen in employing their aircraft and supporting joint, coalition and multinational forces. As recently as 2013, as a safety officer and a BD-700 instructor pilot in Afghanistan, Colonel Rytting trained pilots on how to provide the needed airborne communication bridges to ground forces entrenched in enemy areas, ultimately saving American lives. He also instructed German Luftwaffe students in F-4 basic flight and air-to-air combat at Holloman Air Force Base in New Mexico, led successful safety programs for 250 aircrew at Elmendorf Air Force Base in Alaska, established a facility to train combat aircrews in advanced techniques at Eielson Air Force Base in Alaska, and directed 19,000 skydives and 2,400 accident-free flight hours annually for the U.S. Air Force's parachute team Wings of Blue. Throughout his time in the Air Force, Colonel Rytting set a wonderful example for his family and for the men and women who served with him in the Air Force. His commitment to the United States and his leadership within the Air Force is truly commendable.

Colonel Rytting was proud to serve our country, and today I am proud to thank Colonel Rytting for his service to this Nation. I congratulate him on his well-earned retirement.

EXECUTIVE CALENDAR OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request at the present time relating to the nomination of Nani Coloretti to be Deputy Secretary of Housing and Urban Development.

I have been conducting an inquiry regarding allegations of questionable hiring practices at the Financial Crimes Enforcement Network, FinCEN. As part of that inquiry, I have requested documents from the Treasury Department that could resolve my concerns and questions. I encourage the administration to provide those documents to me as soon as possible.

ADDITIONAL STATEMENTS

MAHASKA COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Mahaska County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Mahaska County worth over \$1.2 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$64 million to the local economy.

Of course my favorite memory of working together has to be working with people like Deb Philpot, executive director of the South Central Iowa Center for Independent Living, who helps to promote independent living for people with disabilities. There is no substitute for being able to live at home, close to your friends and family, and not in an institutional setting. I look forward to hearing about the kind of progress that has been made in Oskaloosa.

Among the highlights:

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in

Iowa—not just in curb cuts or closed captioned television but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Mahaska County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

Investing in Iowa's economic development through targeted community projects: In Southeast Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Mahaska County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Mahaska County, I have fought for \$476,000 for nursing and sciences teaching laboratories at William Penn University, helping to create jobs and expand economic opportunities.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics; it is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Oskaloosa to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Mahaska County has earned \$160,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Mahaska County has received \$598,650

in Harkin grants. Thank you to the leadership of Superintendent Russell Reiter for his ongoing support in the Oskaloosa Community School District. Similarly, schools in Mahaska County have received funds that I designated for Iowa Star Schools for technology totaling \$89,500.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Mahaska County has received more than \$42 million in loans and grants from a variety of programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to state-wide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Mahaska County's fire departments have received over \$251,099 for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Mahaska County has recognized this important issue by securing \$61,901 for community wellness activities.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Mahaska County, during my time in Congress. In every case, this work has been about partnerships, co-operation, and empowering folks at the State and local level, including in Mahaska County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after

I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

DECATUR COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful Farm Bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Decatur County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Decatur County worth over \$2.7 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$8.9 million to the local economy.

Of course my favorite memory of working together has to be our shared commitment to school construction, renovation, and fire safety through the Harkin grant program. Working together with State and local communities, this funding has ensured Iowa students are learning in schools that are safe and modern. I look forward to learning about the renovations made possible in Decatur County.

Among the highlights:

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and

repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Decatur County has received \$1,604,352 in Harkin grants. Similarly, schools in Decatur County have received funds that I designated for Iowa Star Schools for technology totaling \$34,578.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Decatur County has received more than \$1.4 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Decatur County's fire departments have received over \$738,000 for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Decatur County has recognized this important issue by securing over \$49,000 in wellness grants and more than \$1 million for the Community Health Center in Leon.

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by

the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Decatur County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Decatur County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Decatur County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

SCORE ANNIVERSARY

● Mr. RISCHE. Mr. President, I would like to recognize the 50th anniversary of the SCORE Association. SCORE is a nonprofit organization supported by the U.S. Small Business Administration—SBA—dedicated to assisting small businesses through education and mentorship. Over the past 50 years, SCORE has been educating entrepreneurs and helping small businesses start, grow, and succeed nationwide.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I understand the spirit of entrepreneurs to explore beyond their limits in order to achieve the dream of owning a successful small business. Since SCORE opened its doors in 1964, it has provided outstanding mentoring to entrepreneurs across the United States, with 364 local chapters and the help of approximately 11,000+ volunteers nationwide.

In addition, SCORE's Treasure Valley chapter in Idaho celebrates its 43rd Anniversary this year. Since 1971, Treasure Valley SCORE has been helping entrepreneurs and small business owners in Boise, Nampa, Eagle, Caldwell, and the surrounding areas. With the help of approximately 45 valuable volunteers, Treasure Valley

SCORE assists local Idaho small businesses through free mentoring and monthly workshops which have produced a great deal of small business success stories from my home State.

Today, I applaud SCORE on their outstanding service to help local startups sustain struggling businesses, and expand growth for existing businesses. It is always great to see an organization so dedicated to helping entrepreneurs, particularly those located in rural areas, thrive in increasingly competitive global marketplaces.

Congratulations to SCORE for celebrating its 50th anniversary and to the Treasure Valley SCORE chapter for celebrating its 43rd anniversary. SCORE's work in supporting small businesses and entrepreneurs, the backbone of our great Nation's economy, is deeply valued by Congress and the entire nation. I wish SCORE, and especially the volunteers in the Treasure Valley chapter, years of success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on May 23, 2014, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. DENHAM) had signed the following enrolled bill:

H.R. 862. An act to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bill was signed on May 23, 2014, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REED).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on May 27, 2014, during the adjournment of the Senate, received a message from the House of

Representatives announcing that the Speaker pro tempore (Mr. WOLF) had signed the following enrolled bills:

H.R. 724. An act to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles.

H.R. 1036. An act to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office".

H.R. 1228. An act to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building".

H.R. 1451. An act to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building".

H.R. 2391. An act to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri as the "Lance Corporal Phillip Vinnedge Post Office".

H.R. 2939. An act to award the Congressional Gold Medal to Shimon Peres.

H.R. 3060. An act to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the "Sergeant William Moody Post Office Building".

H.R. 4032. An act to exempt from Lacey Act Amendments of 1981 certain water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority, and for other purposes.

H.R. 4488. An act to make technical corrections to two bills enabling the presentation of congressional gold medals, and for other purposes.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bills were signed on May 30, 2014, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REED).

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on May 29, 2014, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House had passed the following bill, without amendment:

S. 611. An act to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on May 30, 2014, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 1726. An act to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

H.R. 3080. An act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

H.R. 3658. An act to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bills were signed on May 30, 2014, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REED).

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bill:

S. 611. An act to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 503. An act to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes.

H.R. 2527. An act to amend title 38, United States Code, to provide veterans with counseling and treatment for sexual trauma that occurred during inactive duty training.

H.R. 2942. An act to amend title 38, United States Code, to reestablish the Professional Certification and Licensure Advisory Committee of the Department of Veterans Affairs.

H.R. 3361. An act to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

H.R. 3366. An act to provide for the release of the property interests retained by the United States in certain land conveyed in 1954 by the United States, acting through the Director of the Bureau of Land Management, to the State of Oregon for the establishment of the Hermiston Agricultural Research and Extension Center of Oregon State University in Hermiston, Oregon.

H.R. 4028. An act to amend the International Religious Freedom Act of 1998 to include the desecration of cemeteries among the many forms of violations of the right to religious freedom.

H.R. 4261. An act to improve the research of Gulf War Illness, the Research Advisory Committee on Gulf War Veterans' Illnesses, and for other purposes.

H.R. 4587. An act to impose targeted sanctions on individuals responsible for carrying out or ordering human rights abuses against the citizens of Venezuela, and for other purposes.

H.R. 4660. An act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes.

H.R. 4681. An act to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2527. An act to amend title 38, United States Code, to provide veterans with counseling and treatment for sexual trauma that occurred during inactive duty training; to the Committee on Veterans' Affairs.

H.R. 2942. An act to amend title 38, United States Code, to reestablish the Professional Certification and Licensure Advisory Committee of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 3361. An act to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; to the Committee on the Judiciary.

H.R. 3366. An act to provide for the release of the property interests retained by the United States in certain land conveyed in 1954 by the United States, acting through the Director of the Bureau of Land Management, to the State of Oregon for the establishment of the Hermiston Agricultural Research and Extension Center of Oregon State University in Hermiston, Oregon; to the Committee on Energy and Natural Resources.

H.R. 4028. An act to amend the International Religious Freedom Act of 1998 to include the desecration of cemeteries among the many forms of violations of the right to religious freedom; to the Committee on Foreign Relations.

H.R. 4261. An act to improve the research of Gulf War Illness, the Research Advisory Committee on Gulf War Veterans' Illnesses, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4681. An act to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 503. An act to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyflumetofen; Pesticide Tolerances" (FRL No. 9905-80) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5847. A joint communication from the Secretary of Defense and the Secretary of

Energy, transmitting, pursuant to law, a report relative to the status of the annual report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems; to the Committee on Armed Services.

EC-5848. A communication from the President of the United States of America, transmitting, pursuant to law, the fiscal year 2013 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, United States Strategic Command (DCN OSS No. 2014-0706); to the Committee on Armed Services.

EC-5849. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States" ((RIN0750-AI01) (DFARS Case 2013-D015)) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Armed Services.

EC-5850. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to changes to previously-closed positions in the Marine Corps; to the Committee on Armed Services.

EC-5851. A communication from the Acting Assistant Secretary of Defense (Logistics and Materiel Readiness), transmitting, pursuant to law, a report relative to the percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current and ensuing fiscal year for the Department's depot maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-5852. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Raymond V. Mason, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5853. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13047 of May 20, 1997, with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC-5854. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to the stabilization of Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC-5855. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-5856. A communication from the Regulatory Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for Certain Bank Holding Companies and Their Subsidiary Insured Depository Institutions" (RIN1557-AD69) received during adjournment of the Senate in the Office of the President of the Senate on May 19, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5857. A communication from the Regulatory Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Integration of National Bank and Savings Association Regulations: Interagency Rules" (RIN1557-AD75) received in the Office of the President of the Senate on May 22, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5858. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Jemez Mountains Salamander" (RIN1018-AZ28) received in the Office of the President of the Senate on May 20, 2014; to the Committee on Environment and Public Works.

EC-5859. A communication from the Biologist of Ecological Services of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of a Non-essential Experimental Population of Wood Bison in Alaska" (RIN1018-AW57) received in the Office of the President of the Senate on May 20, 2014; to the Committee on Environment and Public Works.

EC-5860. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Leavenworthia exiqua* var. *laciniata* (Kentucky Glade Cress)" (RIN1018-AZ47) received in the Office of the President of the Senate on May 20, 2014; to the Committee on Environment and Public Works.

EC-5861. A communication from the Chief of the Division of Management Authority, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Revision of Regulations Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Updates Following the Fifteenth Meeting of the Conference of the Parties to CITES" (RIN1018-AW82) received in the Office of the President of the Senate on May 20, 2014; to the Committee on Environment and Public Works.

EC-5862. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Regulations Limiting Emissions of Volatile Organic Compounds and Nitrogen Oxides" (FRL No. 9901-93-Region 1) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5863. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Revision of the Venting Prohibition for Specific Refrigerant Substitutes" (FRL No. 9911-42-OAR) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5864. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama, Florida, Georgia,

Kentucky, Mississippi, North Carolina, South Carolina and Tennessee; Removal of Obsolete Regulations" (FRL No. 9911-44-Region 4) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5865. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Review of New Sources and Modifications in Indian Country—Amendments to the Federal Indian Country Minor New Source Review Rule" (FRL No. 9909-78-OAR) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5866. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of States' Requests to Relax the Federal Reid Vapor Pressure Volatility Standard in Florida, and the Raleigh-Durham-Chapel Hill and Greensboro/Winston-Salem/High Point Areas in North Carolina" (FRL No. 9911-13-OAR) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5867. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of States' Requests to Relax the Federal Reid Vapor Pressure Volatility Standard in Florida, and the Raleigh-Durham-Chapel Hill and Greensboro/Winston-Salem/High Point Areas in North Carolina" (FRL No. 9911-12-OAR) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5868. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Oregon; Approval of Substitution for Transportation Control Measures" (FRL No. 9911-23-Region 10) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5869. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Prevention of Significant Deterioration State Implementation Plan Revision for Particulate Matter Less Than 2.5 Micrometers (PM 2.5)" (FRL No. 9911-25-Region 6) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5870. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; Stage II Requirements for Hertz Corporation facility at Cincinnati/Northern Kentucky International Airport in Boone County" (FRL No. 9911-24-Region 4) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5871. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards" (FRL No. 9911-09-Region 10) received in the Office of the President of the Senate on May 21, 2014; to

the Committee on Environment and Public Works.

EC-5872. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revision to the Chicago 8-Hour Maintenance Plan" (FRL No. 9910-92-Region 5) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5873. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California; San Joaquin Valley; Contingency Measures for the 1997 PM 2.5 Standards" (FRL No. 9911-07-Region 9) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5874. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Pollutant Discharge Elimination System—Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities" (FRL No. 9817-3) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Environment and Public Works.

EC-5875. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Property Used To Acquire Parent Stock or Securities in Certain Triangular Reorganizations Involving Foreign Corporations" (Notice 2014-32) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Finance.

EC-5876. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Pilot Penalty Relief Program—Late Annual Reporting for Non-Title I Retirement Plans ("One-Participant Plans" and Certain Foreign Plans)" (Rev. Proc. 2014-32) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Finance.

EC-5877. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Internal Revenue Code Late Filer Penalties for Certain Employee Benefit Plans" (Notice 2014-35) received in the Office of the President of the Senate on May 21, 2014; to the Committee on Finance.

EC-5878. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Contract Year 2015 Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs" ((RIN-0938-AR37) (CMS-4159-F)) received in the Office of the President of the Senate on May 20, 2014; to the Committee on Finance.

EC-5879. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the designation of a group as a Foreign Terrorist Organization by the Secretary of State (OSS 2014-0712); to the Committee on Foreign Relations.

EC-5880. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-016); to the Committee on Foreign Relations.

EC-5881. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Federal Agency Drug-Free Workplace Programs"; to the Committee on Health, Education, Labor, and Pensions.

EC-5882. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5883. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5884. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5885. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-324, "Closing of a Portion of the Public Alley and Acceptance of Dedication of Land for Alley Purposes in Square 75, S.O. 12-03806, Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-325, "Child Development Home License Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5887. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Hart-Scott-Rodino Annual Report: Fiscal Year 2013"; to the Committee on the Judiciary.

EC-5888. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Office of Community Oriented Policing Services (COPS) Annual Report for fiscal year 2013; to the Committee on the Judiciary.

EC-5889. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for *Leavenworthia exigua* var. *laciniata* (Kentucky Glade Cross)" (RIN1018-AZ28) received in the Office of the President of the Senate on May 20, 2014; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 2410. An original bill to authorize appropriations for fiscal year 2015 for military ac-

tivities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 113-176).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, without amendment:

S. 364. A bill to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes (Rept. No. 113-177).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 974. A bill to provide for certain land conveyances in the State of Nevada, and for other purposes (Rept. No. 113-178).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with amendments:

S. 1300. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects (Rept. No. 113-179).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1301. A bill to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon (Rept. No. 113-180).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2410. An original bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN):

S. 2411. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN):

S. 2412. A bill to establish an Employee Ownership and Participation Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Ms. HIRONO, Mr. WYDEN, Mr. BEGICH, Mr. HEINRICH, Mr. REED, Ms. MIKULSKI, Mr. BROWN, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. KAINE, Mr. WALSH, Mr. TESTER, and Ms. STABENOW):

S. 2413. A bill to improve the provision of medical services and benefits to veterans, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 326

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 326, a bill to reauthorize 21st

century community learning centers, and for other purposes.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 506

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 506, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 635

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 932

At the request of Mr. BEGICH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 932, a bill to amend title 38, United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs.

S. 1014

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1014, a bill to reduce sports-related concussions in youth, and for other purposes.

S. 1069

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1069, a bill to prohibit discrimina-

tion in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1239

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1239, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1407

At the request of Mr. CASEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1407, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen elementary and secondary computer science education, and for other purposes.

S. 1733

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1733, a bill to stop exploitation through trafficking.

S. 1970

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1970, a bill to amend the Internal Revenue Code of 1986 to modify safe harbor requirements applicable to automatic contribution arrangements, and for other purposes.

S. 1973

At the request of Mr. COONS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1973, a bill to improve management of the National Laboratories, enhance technology commercialization, facilitate public-private partnerships, and for other purposes.

S. 2013

At the request of Mr. ALEXANDER, his name was added as a cosponsor of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. 2013, supra.

At the request of Mr. FLAKE, his name was added as a cosponsor of S. 2013, supra.

At the request of Mr. PAUL, his name was added as a cosponsor of S. 2013, supra.

At the request of Mr. WARNER, his name was added as a cosponsor of S. 2013, supra.

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 2013, supra.

At the request of Mrs. HAGAN, her name was added as a cosponsor of S. 2013, supra.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2013, supra.

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of S. 2013, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2013, supra.

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 2013, supra.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 2013, supra.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 2013, supra.

S. 2025

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2025, a bill to require data brokers to establish procedures to ensure the accuracy of collected personal information, and for other purposes.

S. 2141

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of non-prescription sunscreen active ingredients and for other purposes.

S. 2143

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2143, a bill to increase access to capital for veteran entrepreneurs to help create jobs.

S. 2169

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 2169, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax regarding the taxation of distilled spirits.

S. 2192

At the request of Mr. MARKEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2192, a bill to amend the National Alzheimer's Project Act to require the Director of the National Institutes of Health to prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institutes) for the initiatives of the National Institutes of Health pursuant to such an Act.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2255, a bill to remove the Kurdistan Democratic Party and the Patriotic Union of Kurdistan from treatment as terrorist organizations and for other purposes.

S. 2270

At the request of Ms. COLLINS, the names of the Senator from Minnesota

(Ms. KLOBUCHAR), the Senator from Maine (Mr. KING), the Senator from Kansas (Mr. MORAN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

At the request of Mr. BROWN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2270, supra.

S. 2301

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2301, a bill to amend section 2259 of title 18, United States Code, and for other purposes.

S. 2307

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. COONS), the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2307, a bill to prevent international violence against women, and for other purposes.

S. 2321

At the request of Mr. ALEXANDER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2321, a bill to amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes.

S. 2329

At the request of Mrs. SHAHEEN, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. MURPHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2329, a bill to prevent Hezbollah from gaining access to international financial and other institutions, and for other purposes.

S. 2363

At the request of Mrs. HAGAN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 2373

At the request of Mr. MARKEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2373, a bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S. 2388

At the request of Mr. CARDIN, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 2388, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems, and for other purposes.

S. 2401

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2401, a bill to amend title 38, United States Code, to establish the Office of the Medical Inspector within the Office of the Under Secretary for Health of the Department of Veterans Affairs.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 353

At the request of Mr. MARKEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 353, a resolution designating September 2014 as "National Brain Aneurysm Awareness Month".

S. RES. 451

At the request of Mr. BARRASSO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 451, a resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record.

S. RES. 453

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 453, a resolution condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Res. 453, supra.

At the request of Mr. PORTMAN, his name was added as a cosponsor of S. Res. 453, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 453, supra.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Nani A. Coloretti, to be Deputy Secretary of Housing and Urban Development, dated May 29, 2014.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled be-

fore the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 3, 2014, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing will be to hear testimony on S. 2379, the Klamath Basin Water Recovery and Economic Restoration Act of 2014.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to John_Assini@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224 or John Assini at (202) 224-9313.

ORDERS FOR TUESDAY, JUNE 3, 2014

Ms. WARREN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 3, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that all time during morning business count postcloture on the Harper nomination; that at 11 a.m. the Senate proceed to executive session to consider the Harper nomination postcloture with the time until noon equally divided and controlled in the usual form; and that at noon all postcloture time be considered expired and the Senate vote on confirmation of the Harper nomination; further, that at the conclusion of the cloture vote on the Bowen nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Ms. WARREN. There will be two rollcall votes at noon tomorrow. Additional rollcall votes on nominations are expected.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. WARREN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent

that it adjourn under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Tuesday, June 3, 2014, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JULIAN CASTRO, OF TEXAS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SHAUN L. S. DONOVAN.

EXECUTIVE OFFICE OF THE PRESIDENT

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE SYLVIA MATHEWS BURWELL.