

750,000 people lost their jobs the month President Obama was sworn into office.

Now Senator MCCONNELL comes to the floor and says that is President Obama's fault. I don't think that is a fair characterization. I think the President would accept responsibility not only for his time in office but for the decisions he has made. But to saddle him with the legacy of the previous President and his economic policies is fundamentally unfair.

The Senator from Kentucky says, don't forget, it was on President Obama's watch that a rating agency downgraded the credit rating of the United States. True. If you read the downgrade, it is not about the state of the economy, it was about the state of politics in Washington. We were downgraded by Standard & Poor's because they believed that we were incapable, as a divided government, to make important decisions for this Nation.

How did they reach that conclusion? Perhaps it was because of this divided government, with the tea party dominance in the House of Representatives, that led us into a position in 2011 where we faced two government shutdowns and one shutdown of the economy in the same year. This weakened economy, suffering from recession, still had to worry about whether the fights between the House and the Senate would lead to even more economic peril. That is why we were downgraded. Don't blame the President for that. We can blame ourselves—at least partially—for the downgrade. Let me say that too.

We know there is uncertainty about the future. People are waiting for certainty when it comes to the value of real estate, the future of jobs, and business. I understand that. But things are moving in the right direction. Last week, we learned that our economy grew at a rate of 2.8 percent in the last 3 months of 2011—the strongest quarter of the year—and it shows that the chances of double-dip recession are receding.

In 2011, the unemployment rate fell from 9 to 8.5. The private sector added more jobs in 2011 than in any year since 2005. The American manufacturing sector was growing for the first time since the late 1990s.

The Republicans don't want to credit this President as they should. There are 3 million new private sector jobs. The weakness in our unemployment figures reflects the loss of public sector jobs. Federal, State, and local employment has gone down as the revenues of government have decreased.

But this recovery is still fragile. Those who come to the floor, as many have, and argue for austerity and budget deficit concentration aren't wrong, but their timing is wrong. This is the moment when we need to strengthen this economy and move it forward. I was on the Bowles-Simpson commission. Understand that their deficit reduction did not begin until the first of 2013. We wanted to create enough time

in that commission for the economy to recover and come out of this recession.

Those who argue that we should abandon that now would sink us even more deeply into a recession instead of on the road to recovery. We need to continue to act, to find that which will strengthen our economy—investment in education and training for our workers, investment in research, whether it is at the National Institutes of Health or other agencies of government, so that we can move forward with innovation and create jobs in areas such as green and clean energy.

Third is the development of our infrastructure. It is indefensible that Congress has been unable to pass a highway bill, an infrastructure bill to rebuild America. The trip I took to China last year was a stark reminder that China is determined to lead the world in the 21st century. They are building in China an infrastructure to do it, while we nurse one that has been falling apart for decades.

Can't Republicans and Democrats agree even in a Presidential election year that we need a solid infrastructure bill that will rebuild America and create good-paying jobs right here in America? It is time for us to have a balanced plan and to work together to achieve it.

The President is not trying to avoid the topic. He addressed it in his State of the Union Address. It is up to the Congress to follow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

TRIBUTE TO KEVIN HAGAN WHITE

Mr. KERRY. Mr. President, last Friday Kevin Hagan White, a four-term mayor of Boston, passed away.

In the city of Boston, in the shadows of Faneuil Hall, there is a statue of Mayor White that stands 10 feet tall, larger than life. There could not be a more fitting tribute to a mayor and a man who was himself a huge figure in the history of Boston and a mayor who helped to give our city the extraordinary skyline and the extraordinary spirit it has today.

He was a mayor who, more importantly, through four terms led the city of Boston through a remarkable transition, from times of division to a time of new international and singular identity for the city. He led the transition of a great city. But this good man and ground-breaking mayor was, frankly, much more than a transitional leader himself. He was a transformative figure in a city that, when it comes to history-making mayors, does not use the word "transformative" lightly.

Mayor White's passing gives Boston and its people a chance to reflect on how one leader, one politician could help to reshape a major city in America—to some degree reflecting his own persona, bright and energetic. Kevin White was elected to city hall in 1967, a time when big city mayors in Amer-

ica were political forces even as the days of the all-powerful political machines were beginning to dwindle. In Chicago, there was Richard Daley; in New York, John Lindsay; in Los Angeles, Sam Yorty, among some of the big city mayors of our Nation. But in Boston, Kevin represented a new generation of urban leaders. He was only 38 years old and was filled with optimism and energy and clear ideas of what he wanted Boston to be—summarized, perhaps, in the notion of being a world-class city.

He attracted brilliant, idealistic young people to help him achieve his goal, brilliant young people such as BARNEY FRANK, Micho Spring, Ann Lewis, Paul Grogan, Fred Salvucci, George Regan, Robert Kiley, Bo Holland, Cecily Nuzzo Foster, Dennis Austin, and Clarence "Jeep" Jones, all of whom saw in him a reason to dedicate themselves to public service.

When Kevin White moved into city hall, some people assumed they were getting a business-as-usual mayor—Irish and Catholic, typical and traditional. But the times were changing. The political and social climate of Boston in the late 1960s was hardly traditional, and Kevin White was anything but your typical politician.

He glided effortlessly between the old world and the new. No one had ever seen a Boston politician go to Rhode Island to get the Rolling Stones released into their personal custody after they were arrested, and then the next night, when they appeared at a concert in Boston, stand up and announce to a cheering crowd, "The Stones have been busted, but I sprung them." Kevin did just that in 1972, which happened to be right after 18-year-olds got the right to vote.

Kevin White opened Boston's political system to African Americans, women, Jews, and gay Americans alike. He spearheaded rent control. He decentralized the city government by forming little city halls in the neighborhoods. He made jobs for young people a priority. He organized outdoor summer activities known as "Summerthing." He refused to let Interstate 95 run right through the city in order to protect low-income homes and boost public transportation. But perhaps most importantly, he sparked a downtown renaissance that began with Quincy Market, now one of the city's top tourist attractions, and it became the heartbeat of the new Boston that is his legacy.

Mr. President, Kevin White came to city hall with an ambitious plan to build a new Boston brick by brick if he had to, and that is pretty much what he did. When Kevin White took office, Boston was in many ways still stuck in the 1920s—virtually no new buildings in decades, a steady decline in population and jobs, flophouses in the Back Bay, Quincy Market, a ramshackle warehouse of butchers and cheese dealers. But Kevin and his new team at city hall hit Boston like a bolt of lightning,

eventually reversing the city's economic slide and laying the groundwork for the vibrant Boston of today. He had a vision.

Boston was in Kevin's blood and so was politics. His father and maternal grandfather had been Boston city council presidents, and he married Kathryn Galvin in 1956, the daughter of another city council president. He was elected Massachusetts secretary of state three times before being elected mayor for the first time in 1967.

Kevin White was the right man for the job at the right time, as he proved so importantly and so poignantly within months of taking office on April 5, 1968—to be precise, the day after Dr. Martin Luther King, Jr. was assassinated. James Brown was scheduled to do a concert at Boston Garden that night. Rather than allow it to be cancelled, as many suggested, Kevin arranged for the concert to be televised live in hopes of minimizing unrest. He even appeared on stage himself to plead for calm. He stood on the stage and said:

All of us are here tonight to listen to a great talent. But we are also here to pay tribute to one of the greatest of Americans, Dr. Martin Luther King, Jr. Twenty-four hours ago, Dr. King died for all of us, black and white, so that we may live together in harmony, without violence, and in peace. I'm here to ask for your help. Let's make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.

That was leadership, and it helped. Cities across the country exploded in violence, but Boston summoned relative restraint. James Brown called Kevin "a swinging cat." Of course, difficult times lay ahead, a turbulent period of racial strife. But Kevin White sought to shepherd Boston through those difficult times, and in the process he ushered in the remarkable city we know today. He did his best to hold the city together by walking the streets, reaching out and fighting with every ounce to get Boston where it is today. At one point, he led a march of 30,000 people to protest racial violence.

Kevin White was, according to his most famous campaign slogan, a loner, in love with the city. But this self-proclaimed loner did love Boston, and Boston loved him back. His wide circle of friends and former staff remained loyal and close throughout his life. Above all he was a family man, devoted to his wife Kathryn of 55 years, to his five children, and to his seven grandchildren. To all of them and to the rest of his family, we extend our deepest sympathy and a thank-you for sharing Kevin with us.

The devotion of Kevin's family was boundless throughout his long and valiant fight against Alzheimer's disease. From his diagnosis nearly a decade ago to the very end last Friday, they gave him all the love and care he needed to face his debilitating challenge with the same dignity and courage with which he served the city of Boston for so long.

Mr. President, Boston is that shining city on a hill that John Winthrop, one of the founders of the Massachusetts Bay Colony, spoke about in 1630 as he sailed to America. It is a city teeming with people of all kinds, a city of commerce and creativity, a city of grit and greatness. And Kevin White helped to make it that way.

I consider it a privilege to have watched his journey, to have enjoyed his friendship, support, and counsel. I join with so many in thanking him and his family for his service.

May he rest in peace.

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

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

RECESS APPOINTMENTS

Mr. PAUL. Mr. President, I rise today in defense of the Constitution. I rise today to condemn the President for making appointments that are unconstitutional and illegal. Recently the President appointed members to the National Labor Relations Board and to the Consumer Financial Protection Agency. He did so by saying we were in recess.

This is news to us because those of us in the Senate maintain that we were never in recess. The President has usurped a power never previously taken by a President and has decided unilaterally that he gets to decide when we are in recess. These appointments are illegal and unconstitutional, and I am surprised—I am surprised—that no member of the majority party has stood to tell the President so.

I am not surprised that the President has engaged in unconstitutional behavior. His health care law is brazenly unconstitutional. His war with Libya was unconstitutional. He got no congressional authority. So, for a man who once gave lip service to the Constitution, the President now has become a President who is prone to lawlessness and prone to unconstitutional behavior.

Our Founders clearly intended that the President have the ability and the power to appoint advisers, but they also separated that power and gave power to the Senate to advise and consent on these high-ranking officers in government. The President has gone an end-around on this and has done something that breaks with historical precedent. It goes against the notion of checks and balances.

In fact, the notion that underlies the whole idea of recess appointments is mostly a historic relic. Alexander Hamilton explained in Federalist 67 that the power was included so the

Senate did not have to remain in session year round to deal with nominations. This was also done at a time when Congress would go out of session for months at a time for members to return to their farms and their businesses. Now Congress meets nearly year round.

So, in other words, recess appointments should only happen rarely, in extreme occurrences, if at all. There also should be agreement that we are in recess, and there is no disagreement that we were in recess.

There is a lot of talk about bipartisan cooperation on the other side of the aisle, but I am disappointed that not one Senator has stood to tell the President this sets a terrible precedent; that this is a usurpation of power that is bad for the country and bad for the idea of checks and balances. I am disappointed that not one Senator from the other side of the aisle has stood to oppose this President on this unconstitutional power grab. This is an opportunity for us to stand together in defense of the Constitution.

I state now, unequivocally, if a Republican President tries to usurp his power, if a Republican President tries to define a recess and appoint people illegally, I will stand on the Senate floor and oppose him. This is not about being a Republican or a Democrat, it is about having respect for the Constitution. These lawless, illegal, and unconstitutional appointments fly in the face of the respect for our Constitution. This is an issue of separation of powers, of constitutional authority, and of Senate prerogative. It is sad that not one member of the opposition party will stand for the Constitution, will stand to the President.

Make no mistake, this is a huge breach of precedent. If the President is allowed to determine when we are in recess, nothing prevents him from making recess appointments this evening at 8 o'clock or on the weekends. If this precedent is allowed to stand, nothing stops the President from appointing a Supreme Court Justice tonight at 8 o'clock. Is that the kind of lawlessness we want in our country? Are we going to completely abandon the advise-and-consent role of the Constitution and of the Senate?

I ask today, is there not one Senator from across the aisle who will stand against this unconstitutional power grab? Is there not one Senator from across the aisle who will say to the President that these illegal appointments set a terrible precedent; that these appointments will encourage lawlessness; that these appointments eviscerate the advise-and-consent clause of the Constitution? I ask my colleagues from across the aisle: Where is your concern for the checks and balances? Where is your concern for the Constitution?

I am greatly saddened by this action, and I hope the President will reverse course. I hope the majority party in