

ISSUES BEFORE THE SENATE

Mr. REID. Madam President, I would like to welcome back the Presiding Officer and all the staff. I hope our 2-week Easter break was refreshing to everyone.

This month, the Senate will deal with a number of important matters, including judicial nominations and Cabinet nominations and a water resources measure.

GUN VIOLENCE

The Senate will also consider a package of legislation designed to safeguard Americans from gun violence.

In the wake of last year's terrible tragedy in Newtown, CT—a mass shooting we will never forget and that claimed the lives of 20 little, tiny boys and girls and 6 educators—I said shortly thereafter I would bring antiviolence measures to the Senate, and we are going to do that. It is time Congress engaged in a meaningful conversation and a thoughtful debate on how to change the law and culture that allowed this violence to grow so much.

I have said every idea should be debated and every issue should get a vote. From better mental health treatment, more secure schools, stronger background checks, banning assault weapons, the size of magazines or clips, and other issues, these ideas should get a vote. There are strong feelings and deep disagreements about some of these measures, but every one of these measures deserves a vote, a yes or a no—no hiding, no running from an issue that has captivated America.

There is no better place than in the Senate to begin a national conversation about such critical issues, even if they are divisive issues. We shouldn't stifle debate, run from tough issues or avoid difficult choices. This body—the world's greatest deliberative body—has a proud tradition of such robust and constructive debate.

I am deeply troubled a number of my Republican colleagues went so far as to send me a letter saying: We will agree to nothing. There will be no debate. There will be nothing. We want the Senate to do zero on anything dealing with stricter gun measures. They don't even want to let us vote.

This flies in the face of a Senate tradition of spirited discussion that began in the first days of this institution. There is simply no reason for this blatant obstruction except for the fear of considering antiviolence proposals in full view. Yet many Senate Republicans seem afraid to even engage in this debate—to have amendments to strengthen the legislation or, if they want, to offer amendments to weaken what the law is today.

In short, let's have a debate on violence in America. I repeat: Many Senate Republicans seem afraid to even engage in this debate. Shame on them.

The least Republicans owe the parents of these 20 little babies who were murdered at Sandy Hook is a thoughtful debate about whether stronger laws

could have saved their little girls and boys. The least Republicans owe them is a vote.

The least Republicans owe the families and friends of those gunned down at a movie theater in Colorado and a Sikh temple in Wisconsin and a shopping mall in Oregon and every day on the streets of American cities is a meaningful conversation about how to change America's culture of violence. The least Republicans owe America is a vote.

The legislation on the floor would keep guns out of the hands of convicted criminals and safeguard the most vulnerable Americans—our children.

This proposal is supported by 9 out of 10 Americans. Background checks, 9 out of 10—90 percent of Americans—believe we should do something, and I get a letter from a group of Republicans saying: Don't touch it. We don't want anything to do with it.

It flies in the face of what 90 percent of Americans want. If Republicans disagree with the measure, let them vote against it. One of my Democratic colleagues said: Here are some of the things I want to vote against. Good. They are free to vote against it. If they don't like the laws that now exist in America, offer an amendment to make it weaker or stronger, depending on how they look at it. They shouldn't shut down debate or prevent us from voting on many thoughtful proposals to curb violence.

On issue after issue, Republicans have called for a return to so-called regular order. They come to the Senate floor saying let's return to regular order. They ask for the opportunity to offer amendments. They have called for free and open debate in the Senate. Those who have been yelling the most for this free and open debate are the people who sent me a letter saying: We are going to filibuster everything relating to guns. Talk about speaking out of both sides of their mouth. This is the poster child of that.

When they encounter an issue they are afraid to debate in full public view, they want to thwart debate altogether. They have threatened to filibuster this legislation which was passed out of committee under regular order. That is what they said they wanted. They have threatened to block debate on this measure, to which they are able to offer amendments.

I am happy to see a few reasonable Republicans who have stated publicly they are willing to engage in an important conversation on this issue. They have urged their more extreme colleagues not to resort to the same tired tactics of obstruction. But it will take more than 1 or 2 or 3 reasonable Republicans to ensure the families of 30,000 Americans killed by guns each year get the respectful debate they deserve.

NOMINATIONS

Unfortunately, the type of Republican obstruction that could prevent the Senate from debating and voting on antiviolence legislation is nothing

new. For the last few years, Republicans have practically ground the work of the Senate to a halt. Republicans have filibustered countless job creation measures. Since President Obama took office, Republicans have systematically slow-walked or blocked scores and scores of judicial executive branch nominations, including even—for the first time in the history of our country—the nomination of the Secretary of Defense who, by the way is a former Republican Senator. Pending nominees have waited an average of 1 year for a Senate vote—almost 1 year, about 280 days.

Republicans have openly filibustered 57 of President Obama's nominees, but they have secretly stopped scores and scores of nominations by secret holds and procedural hurdles. Republicans have jammed executive branch nominees even when they have no objection to the nominee's qualifications, just to eat up valuable floor time.

I am concerned about this dysfunction, but I am not the only one. Virtually every American thinks this is foolish, the way things are going. The Nation is watching the Senate to see whether we will ever function efficiently again. They are watching.

I hope my Republican colleagues will work with Democrats going forward to prove the Senate is not completely broken.

SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 32, S. 649.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 32, S. 649, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

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

Mr. REID. Are we now in a period of morning business?

The ACTING PRESIDENT pro tempore. We are on the motion to proceed to S. 649.

Mr. REID. Thank you very much. I note 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. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business.

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

CMS FINANCIAL INFORMATION

Mr. GRASSLEY. Madam President, it is said that information is the most valuable commodity. In politics you probably know that information is power. The bigger government gets, the more valuable government information becomes to financial markets. This is especially true of information from agencies such as the Centers for Medicare & Medicaid Services. It is that agency that my remarks are about.

CMS controls \$748 billion in government spending per year. That is billions with a B. Today, there are questions surrounding CMS's ability to safeguard nonpublic information. This is not about secrecy in government, it is about government secrets having an impact on the stock market.

This is not the first time I have raised similar questions with the Centers for Medicare & Medicaid Services. In 2011 I received information from a whistleblower that CMS employees were spending large amounts of time in meetings with Wall Street executives. I wrote to CMS with these concerns. The response I received was very troubling. CMS could not tell us how many meetings were taking place with these Wall Street executives. CMS could not tell us who from Wall Street was in these meetings. CMS could not tell us how much time they spent with these executives.

In fact, the only thing CMS could tell us was that it did not track any of this information. Private businesses have stiff controls over access to nonpublic information, the same sort of stiff controls the Federal Government ought to employ for things that would impact the market and give somebody an extraordinary opportunity the average citizen does not have.

The only specific step that CMS took was issuing a two-page memo to its employees. This goes back to that period of time I was asking the questions in 2011. The memo limited the release of market-moving information before the close of the stock markets. Now, that is the right thing to do.

That memo presumably was not followed by somebody. Who, we do not know because on April 1, that requirement appears to have been violated. According to the Wall Street Journal, at 3:42 p.m., Height Securities, a political intelligence broker, issued an advisory note to its employees. This note said—it is right here in the chart: "We now believe that a deal has been hatched to protect Medicare Advantage rates" from the minus 2.3 rate update issued in the advanced notice mid-February.

This note goes on to suggest that clients purchase related stocks such as Humana. Between 3:42 p.m. and the market close, and that was just 18 minutes later, volumes for affected companies spiked—look here—spiked in the last 18 minutes to more than \$½ billion.

In fact, the combined volume of shares traded for those companies for those 18 minutes was higher than the rest of the entire trading day. Not only did large numbers of shares change hands, but also buyers who got the information first likely made a heck of a lot of money. For example, Humana stock rose 8.6 percent in a matter of minutes.

Of course, this looks like political intelligence at work—political intelligence meaning the industry of political intelligence at work. A political intelligence broker gets ahold of nonpublic government information before it is widely released, and a select few paying clients end up reaping the rewards.

We just had a study out by the Government Accountability Office studying the political intelligence community. The Government Accountability Office reports that the world of political intelligence is murky. In other words, people are using government. They are profiting from it. But nobody knows who they are.

The public and Congress have little insight into how government information is collected. Collecting is one thing, but it is sold. People who collect it make money, and in the instances you see here, when that gets out people in the know make money.

So who pays for that information? We all know since 1946 lobbyists have had to register, and in more recent legislation have had to disclose their clients, what they lobby on, and how much they get paid. Even campaign donors have to report what they give to various campaigns.

Political intelligence brokers are exempt from any transparency. Yet you see they are around gathering information that should not be out to the public until after the market closes. They are benefiting from it and a lot of other people benefit from it.

Now, because there is no transparency about the political intelligence community, we have to find out what caused this to happen. Did the Centers for Medicare & Medicaid Services employees leak this information? Was there a leak from another government source? Either way we need answers to these questions.

Tomorrow is Acting Administrator Tavenner's confirmation hearing before the Senate Finance Committee. This acting director is a very qualified person. I think she will be able to answer our questions—at least I hope so. So I want her to know, and the Senate to know, that I plan on asking Ms. Tavenner several questions: How did this information get from the Centers for Medicare & Medicaid Services to a political intelligence broker? What steps will CMS take to ensure this does not happen again? And was the memo they sent violated?

I hope she recognizes the importance of these questions. I hope she comes prepared to take responsibility. I hope she comes prepared to explain how she

plans to hold someone accountable because in this town, if heads do not roll, nothing changes. She has been a good Acting Administrator of this agency. She wants the Senate to confirm her to the job. This is her opportunity to show us that she is worthy of that confirmation.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

MARY JO WHITE NOMINATION

Mr. FRANKEN. I rise today to discuss the confirmation of Mary Jo White as Chair of the Securities and Exchange Commission.

Ms. White has had an impressive career—from prosecuting terrorists and white-collar criminals as a U.S. attorney for the Southern District of New York to heading a large litigation department in private practice. There is little doubt that Ms. White has the Wall Street expertise necessary to navigate the complex issues before the SEC.

I come to the floor today to discuss a critical problem I have asked Ms. White to prioritize as Chair of the SEC. Currently, when a bank issues a structured finance product, it needs to get the product rated by the credit rating agencies, and the bank pays them for the ratings. The banks have an interest in getting high ratings, and the credit rating agencies have an interest in getting repeat customers. Of course, this creates a fundamental conflict of interest. This conflict played a key role in the financial meltdown. It is a problem we sought to address in the Dodd-Frank financial reform legislation we passed in 2010. Yet it is a problem that remains. It is awaiting action by the SEC—more than 5 years after the financial crisis hit and nearly 3 years since Dodd-Frank was signed into law.

Resolving the problem of the conflict of interest in the rating industry will be a vital test of the SEC under Ms. White's chairmanship. In a meeting we had together last month in my office, Ms. White expressed her appreciation of the importance of this issue and her commitment to scrutinize conflicts of interest inherent in the credit rating industry. I look forward to working with her to find a meaningful solution to alleviate the ongoing threat to our financial system posed by these conflicts of interest. The next concrete step in that process is a roundtable the SEC will hold on this issue in May. That roundtable must be a balanced assessment of the issue, and it must lead to meaningful action by the SEC.

This is not, to be sure, the only issue in financial reform facing the SEC. I wish to talk a little bit about why I

care so passionately about reforming the credit rating process and why this is so important.

In the years leading up to the 2008 financial collapse, the credit rating agencies were enjoying massive profits and booming business. Of course, there is nothing wrong with massive profits and booming business in and of themselves, but there was one fundamental problem: Booming business was coming at the expense of accurate credit ratings, which is supposed to be the entire reason for the existence of the credit rating agencies.

The fact that the credit rating agencies were not providing accurate ratings should come as no surprise given the industry's compensation model. Credit rating agencies were and still are paid to issue ratings directly by the big Wall Street banks issuing the paper and requesting the ratings. If a rating agency—let's say Moody's—doesn't provide the triple-A rating the bank wants, the bank can just take its business over to Fitch or S&P's. That is called ratings shopping, and it continues to this day. The opportunity for ratings shopping creates an incentive for the credit raters to give out those triple-A ratings even when they are not warranted, and that is exactly what happened with the subprime, mortgage-backed securities that played such a crucial role in the financial crisis, and it happened over and over again. It became ingrained in the culture of the industry.

The Permanent Subcommittee on Investigations, chaired by Senator LEVIN, took a close look at the big three credit rating agencies, examined millions of pages of documents, and released an extensive report detailing the internal communications at Moody's, S&P, and Fitch. Among the many troubling e-mails, there was one from an S&P official that sums up the prevailing attitude quite nicely: "Let's hope we are all wealthy and retired by the time this house of cards falters."

With all the risky bets in the financial sector—and bets on those bets—our financial sector had indeed become a house of cards. But without the conduct of the credit raters, the house of cards would have been one card tall because it gave triple-A ratings to these bets on bets on bets—these derivatives.

Two years after that e-mail was written, that house of cards didn't just falter, it collapsed. Because that house of cards had grown so tall—thanks to the credit rating agencies—when it collapsed, it brought the entire American economy down with it. The financial meltdown cost Americans \$3.4 trillion—let me say that again—\$3.4 trillion in retirement savings. It triggered the worst crisis since the Great Depression with its massive business failure and mass foreclosures and job losses and the explosion of our national debt.

The crisis profoundly affected the everyday lives of millions of people across the country in so many negative ways, including in Minnesota. People

lost their homes, their jobs, their health insurance. I know the Presiding Officer saw it in New Mexico. I saw it in Minnesota. Every Senator here saw it in their State.

In May 2010 I called on Minnesotans to participate in a field hearing to learn about their experiences during the financial collapse. I would like to share some highlights from the testimony presented by Dave Berg of Eden Prairie, MN.

My situation mirrors the situation of thousands of Minnesotans in my age group—and illustrates why it is so important to reform the way Wall Street operates. I am 57 years old and looking for a job. After having spent most of my career in the IT field, I have been out of work for 14 months . . . Throughout my working career, I saved for retirement. I participated in pension and 401(k) plans that my former employers matched. I thought I would have a secure retirement because I was doing the right thing . . . Much of my overall retirement security is now gone . . . At the age of 57, I need to again start building up a nest egg so I can hopefully retire in my seventies. This was not my plan.

As a job seeker in my 50s, I am not alone. Twice weekly, I meet with groups of job seekers, many of whom are in the same situation as I am. While we keep our outlook positive, most of us are faced with the prospect of starting over and we are resigned to the fact that we could be working in our seventies.

The downturn of the economy, caused in part by the abuses on Wall Street, led to the loss of my retirement security. Reforming the way Wall Street operates is important to me personally, because I have a lot of saving yet to do—and I simply cannot afford another Wall Street meltdown. I need to have confidence in the markets—and I need to know that there is accountability to those who caused this financial crisis.

As Dave points out, he is not alone. Everyone in this body has heard stories like this. It is hard to overestimate the extent to which the credit rating agencies contributed to the financial crisis in which thousands of Minnesotans lost their homes, thousands lost their jobs, and far too many Minnesotans had their hopes for the future dashed.

They are not seeking retribution from Wall Street, they just need to know it will not happen again. They know that there is a problem and that the problem needs to be fixed. We do not need further proof of that, but we get it in the recent complaint filed by the Department of Justice against S&P in which DOJ alleges—as it said when it filed the complaint—that the credit rating agency "falsely represented that its ratings were objective, independent, and uninfluenced by S&P's relationships with investment banks when, in actuality, S&P's desire for increased revenue and market share led it to favor the interests of these banks over investors."

The complaint highlights the patently problematic way the credit rating agencies habitually did their business. One e-mail obtained in the investigation from a high-level S&P official reads:

We are meeting with your group this week to discuss adjusting criteria for rating CDO's

of real estate assets . . . because of the ongoing threat of losing deals.

CDOs—collateralized debt obligations—are one of those derivatives or bets that added stories to the house of cards. This official had apparently become so comfortable with the culture of conflicts of interest that he appeared to have no reservations about putting it in writing.

I am glad the Department of Justice is pursuing a case against the S&P, but DOJ's action is not enough. It is backward-looking and addresses past harms, but my concern is that the conduct continues to this day. The credit raters are still influenced by the relationships with the banks because that is who pays them. It is a clear conflict of interest and we need to prioritize actions that will prevent another meltdown in the future.

That is exactly what Congress—and I—did as part of the financial reform legislation in 2010. As part of the Dodd-Frank Wall Street reform act, I proposed a solution with my friend and colleague Senator ROGER WICKER of Mississippi. If our provision is implemented in full, it would root out the conflicts of interest from the "issuer pays" model. The amendment Senator WICKER and I offered to the financial reform bill directed the Securities and Exchange Commission to create an independent self-regulatory organization that would select which agency—one with the adequate capacity and expertise—would provide the initial credit rating of each product. The assignments would be based not only on capacity and expertise but also, after time, on their track record. Our approach would incentivize and reward excellence. The current pay-for-play model—with its inherent conflict of interest—would be replaced by a pay-for-performance model. This improved market would finally allow smaller rating agencies to break the Big Three's oligopoly.

The oligopoly is clear. The SEC estimates that as of December 31, 2011, approximately 91 percent of the credit ratings for structured finance products were issued by the three largest NRSROs—Fitch, Moody's, and S&P—each of which was implicated in the PSI investigation. The other five agencies doing structured finance make up the remaining 9 percent.

The current oligopoly doesn't incentivize accuracy. However, if we move to a system based on merit, the smaller credit rating agencies would be better able to participate and could serve as a check against inflated ratings, helping to prevent another meltdown.

In our proposed model, the independent board would be comprised mainly of investor types—managers of endowments and pension funds—who have the greatest stake in the reliability of credit ratings, as well as representatives from the credit rating agencies and banking industries, and academics who have studied this issue.

Our amendment passed the Senate with a large majority, including 11 Republican votes, because this is not a progressive idea and it is not a conservative idea—it is a commonsense idea.

The final version of Dodd-Frank modified the amendment and, to be frank, put more decisionmaking authority in the hands of the SEC in how to respond to the problem of conflicts of interest in the credit rating industry. The final version directed the SEC to study the proposal Senator WICKER and I made, along with other alternatives, and then decide how to act.

The SEC released its study in December. The study acknowledged the continued conflicts of interest in the credit rating industry and reviewed our proposal and many of the alternatives, laying out the pros and cons of each without reaching a definitive conclusion on which route to pursue.

The next step is a roundtable the SEC is holding on May 14. I will be participating in the event, and I hope that under Ms. White's leadership the SEC will make the roundtable a meaningful and balanced discussion of the different possibilities for reform. I have said all along that I believe the proposal of Senator WICKER and myself is a good one—and the right one—the more I have thought about it and looked at it over these few years. But if someone makes a compelling case for an alternative—an alternative that truly alleviates this danger of this inherent conflict of interest—I will gladly lend it my support. Following the roundtable the SEC must take prompt and decisive action to implement a meaningful plan for reform.

But don't get me wrong. The need for reform is obvious and necessary, and I will pursue this issue until the American economy is no longer subject to these unnecessary risks. Too many Minnesotans—too many Americans—were devastated by a financial crisis to which the credit rating agencies contributed mightily. The conflicts of interest in the credit rating agencies must be addressed so they don't contribute to yet another crisis.

Ultimately, it is up to the SEC to act, and the action they take on this issue will be an important measure of Ms. White's tenure as chair of the Commission. Ms. White has assured me she will give this critical issue the attention it deserves. I congratulate Ms. White on her confirmation and I do intend to hold her to that commitment. I look forward to working with her and the rest of the Commission on this very important issue.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONFRONTING THE GREAT CHALLENGES

Mrs. FISCHER. Mr. President, I rise to deliver my maiden speech as a U.S. Senator from Nebraska.

I am humbled by the trust placed in me by Nebraskans and inspired by their confidence to confront the great challenges before us.

Our Nation's story began when bands of patriots fought a revolution to secure independence from an out-of-touch King residing an ocean away. The Framers believed a representative government closer to the people would be more responsive and better able to provide opportunity for individuals.

From the start, leaders of good will and strong views disagreed over economic theories, the size of government, and foreign policy. Importantly, though, these divergent beliefs have been a source of national strength—not weakness—and through vigorous debate about the proper size and role of government, we have built a powerful nation.

But as recent partisan disagreements prove, democracy is messy, and the best way forward is not always clear. While I do not aim to resolve this contest of ideas with a single speech, I do wish to outline a course I intend to chart during my time in the Senate.

To understand my views, one must first understand Nebraska. Nebraska's motto is "The Good Life"—a fitting maxim for a State with the second lowest unemployment rate in the country.

Make no mistake, Nebraska's economic success and sound fiscal footing is no accident. Similar to 45 other States, Nebraska is legally required to balance its budget. But unique to Nebraska is a constitutional prohibition against incurring State debt greater than \$100,000. That is a radical concept for lawmakers here in Washington.

We can imagine Nebraskans' dismay when they take stock of our Nation's \$16 trillion debt and annual trillion-dollar deficits. Needless to say, Nebraskans know better.

Nebraska is known for its pioneer history and sturdy spirit, its prime grazing grasses and plentiful crop production, its abundant natural resources, growing metropolitan areas, and vibrant small towns. But the State's greatest treasure is its people.

Nebraskans are hard working. We get up early to work farms and ranches and return home late after attending local school board meetings. I make this claim as a family rancher and a former school board member myself.

Nebraskans run thriving small businesses on Rockwellian Main Streets and they sweat on factory floors. We lead multinational corporations and we are builders. We build homes, we build roads and infrastructure.

Nebraskans value community. We join the PTA, we coach Little League teams after long workdays, and we volunteer for our churches and our synagogues. We work hard, but we are people with perspective. Nebraskans are tough. We are tested by droughts, by

fires and floods, and a changing global economy. We have even endured nine-win football seasons. We are strong-willed people—you have to be to survive a winter on the Great Plains—and we adapt, we innovate, and we grow.

Nebraska is home to the only unicameral legislature in the Nation. As a former two-term State senator, I was privileged to serve in the Unicameral for 8 years. Notably, State senators in Nebraska are nonpartisan. No matter party or ideological affiliation, any senator can serve in leadership. The only requirements are knowledge and ability.

Serving in the Nebraska legislature taught me the importance of building relationships and seizing opportunities so we can work across party lines. That is a critical skill in order to avoid gridlock.

Similar to many Nebraskans, I am deeply concerned about the future of our Nation. That is why I entered public service.

No single issue is more important to our future than the Federal Government's addiction to spending. There are two main problems with government spending: First, runaway spending has failed to generate economic growth. Since 2009, the Federal Government has spent roughly \$15 trillion. This spending spree includes \$830 million in stimulus spending that was sold as "help for the private sector."

Instead, this so-called investment focused on growing the government.

The result of this increased government spending has been a largely jobless economic recovery, a record number of Americans stuck in poverty and spiraling national debt. Rather than empowering individuals to improve their lives, these bad economic policies have held Americans back.

To change course toward renewed prosperity, I support a limited government focused on fulfilling its core duties and responsibilities, a limited Federal Government performing its first constitutional charge: providing for the common defense.

To protect the Nation we must maintain a highly trained, well-equipped fighting force. Equally important, a limited government keeps its promises to veterans who have risked life and limb in defense of freedom. A limited Federal Government has a responsibility to fund critical needs such as a 21st-century infrastructure. To the surprise of many in Washington, this can be done without raising taxes. Existing sources of revenue are sufficient for government to meet its fundamental responsibilities.

As a member of the Nebraska Legislature, I introduced legislation directing a portion of Nebraska's existing sales tax to fund new road construction. I worked with my colleagues, both Republicans and Democrats, to utilize only existing revenue. With the right mix of hard work and good will the legislature passed this bill. The State will now be able to fulfill that

fundamental core duty, that fundamental responsibility of government, and improve Nebraska's communities without raising taxes. We can make similar progress in Washington. Again, it is a matter of setting priorities.

The second problem with government spending is that it robs hard-working taxpayers of their personal income just to grow bigger government. Big government crowds out the private sector and it stifles innovation. This means more Solyndra-style investment rather than policies that provide for the kind of risk takers who launch a world-changing business from their garage.

Big government requires big funding. Rather than forcing Americans to forfeit more of their hard-earned tax dollars to Uncle Sam, I support policies that lower taxes, that bolster the private sector. Only then will the United States finally emerge from this long economic recession.

Nebraskans understand that the bigger the government, the smaller the individual. The smaller the individual, the less attention is paid to freedom and personal responsibility. Limited government, on the other hand, remains grounded closer to home. Government that is closer to home is better suited for meeting individual needs, creating more opportunity, more efficiency, and more growth.

The expansion of government and the subsequent erosion of freedom are not always obvious at first. Freedom can be chipped away at slowly but steadily through new legal requirements, such as "employer mandates" in the health care law or misguided attempts to regulate farm dust or the size of our soft drinks. Eventually individuals are constrained by lack of choice, society drifts without progress or creativity, and the economy stagnates.

As President Reagan cautioned:

The nature of freedom is that it is fragile. It must be protected, watched over, sometimes fought over.

Reagan was right. Freedoms must be carefully guarded. We must remain vigilant against any attempt, large or small, to diminish it. Yet despite this fragility, our God-given freedom is vast, limited only by the boundaries we impose on it. Nebraskans understand vastness. We know what it is like to look up at the night sky and see stars that are undiminished by city lights. We appreciate the land which appears to roll without end. Yet it remains in need of care. Vastness gives us perspective. Some perspective would go a long way in Washington.

Beyond the beltway's chattering class, there exists a Nation of quiet heroes: parents grateful for the dignity of hard work; entrepreneurs willing to take great risks to build businesses; farmers and ranchers dutifully tending the land and livestock; soldiers proudly wearing our Nation's uniform; veterans bearing scars, both physical and invisible, reminding us of freedom's price; and children whose simple joy dispels our cynicism, which can come with everyday struggles.

While our Nation faces many challenges at home and around the world, only petty politics holds us back from overcoming them. We are a great and generous nation. We have faced seemingly insurmountable obstacles before and each generation has conquered them with that uniquely American combination of grit and grace. I believe, and Nebraskans believe, our Nation's future is bright.

The United States remains the hope of the world, but this moment, this uncertain moment, requires real courage from our leaders. That is not to say the debate over the role of government or taxes or spending will be resolved by this Congress, but we can do better.

This is what we were sent here to do. Americans are not mediocre. They are exceptional and deserve exceptional leaders.

Today the whole world mourns the loss of such a leader, an uncommon woman born into common circumstances, the daughter of a grocer, former British Prime Minister Margaret Thatcher. She was a woman who stood tall for principle. Yet she had the wisdom to seize opportunities and work with allies and foes alike to achieve great things for the British people. Along with her partner and friend Ronald Reagan, she helped to lead the world away from the long shadow of the Iron Curtain to a freer, more prosperous time. I admired her political courage to make those difficult decisions, and I hope to do the same here in Washington.

I look forward to standing tall for Nebraska values and working with my colleagues, Republicans and Democrats, on commonsense solutions to these ongoing challenges. I am proud to represent the citizens of Nebraska here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

WELCOMING SENATOR FISCHER

Mr. JOHANNIS. Mr. President, Nebraskans have every reason to be proud of Senator FISCHER and her very impressive start here in the Senate. She has proven herself to be a thoughtful leader in our State, a reasoned voice in our legislature which listened to her and followed her leadership. She has been firm in her principles, while also demonstrating a serious commitment to reaching across the aisle to solve problems. From successful legislation encouraging rural broadband to visiting our troops in Afghanistan, Senator FISCHER has had a very active first few months.

Her experience as a State Senator undoubtedly helped her to hit the ground running here in Washington and also grounded her in the principles which are so important to Nebraskans, the people she and I represent. I am proud to say I look forward to teaming up with Senator FISCHER in the weeks and months ahead.

In view of the fact I have announced I won't be seeking reelection, she will

soon be the senior Senator from the State of Nebraska, and I have no doubt whatsoever she will do a great job. I am proud to be her colleague and congratulate her on her maiden speech.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I wish to join my colleague from Nebraska in welcoming our new colleague to the Senate. She is going to be an incredibly welcome addition to this body. I have had the privilege of traveling with her on the trip to Afghanistan Senator JOHANNIS just mentioned, and it was an opportunity for us to visit with servicemembers from our home State. She had the opportunity to meet servicemembers from Nebraska, many of whom voted for her but had not yet had the opportunity to meet her personally as they were serving overseas at the time of the election. They joined with other Nebraskans in knowing they made the right choice to represent them.

We heard a wonderful message today, the message of government and the message of freedom. I wish to join my colleagues in welcoming this rancher, community volunteer, and former State legislator to the Senate. She will make, through her grace and her grit, incredible contributions, not just for her State but also for our Nation and the betterment of all the people through this great opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I also wanted to welcome the Senator from Nebraska. I am honored to be her mentor.

There are three things I wish to say. First, we need a woman rancher in the Senate. I was sitting here thinking about the last famous woman who was a rancher, Sandra Day O'Connor. She grew up on a ranch.

Second, she possesses interest in agriculture and the pragmatic, practical economic issues shared by a lot of us in the Midwest. I am looking forward to working with her on those issues.

Third, when she speaks about bipartisanship, she means it. She comes from a background where she actually worked to get things done in her State legislature. We need more of this in the Senate.

Welcome, Senator FISCHER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wish to add my voice in stating it is wonderful to have Senator FISCHER on my committee, where we are doing good work. We like to say in the committee the public works side is a very collegial side and the environmental side is a little less. I am proud to have her with us working on the new Water Resources Development Act. I look forward to working closely with her. I congratulate her on her maiden speech. It is like getting the first scratch on your car: You need to just do it, and you did it very well.

CLIMATE CHANGE

I have been coming to the floor on Monday evenings—I don't know how many people have actually taken note of the fact—every Monday the last several months to speak about an issue no one in the Senate wishes to speak about very much. I shouldn't say no one; maybe 25 of us do. The issue is climate change. I think it is very important we have in the RECORD and place in the RECORD everything we know about climate change so future generations will see at least a few of us understood the issue. We are willing to step forward and do something about this issue.

GUN CONTROL

I wish to say I personally am very grateful to the people of Connecticut for responding to the Sandy Hook tragedy with such focus, intelligence, compassion, and common sense. I include in that “thank you” the Democrats and Republicans who came together to pass some of the most sensible gun laws which balance gun rights with the need for people to be safe. They need to be safe in a movie theater, safe in the schools, and safe in their homes. I think the American people totally understand when 90 percent of them support background checks. I am so proud of my colleague Senator FEINSTEIN. She and I have been working on this issue for a long time.

A very long time ago, in the early 1990s, there was a crazed gunman who walked into a law office with an automatic weapon. He killed people. One of them was my son's very dear, good friend, killed while protecting his wife from the shooter. I know from that experience and watching my son's loss at a relatively young age—right out of law school—what it did to my son, let alone what it did to the families of those who were gunned down by this Gian Luigi Ferri, who walked into 101 California Street and sprayed those bullets as fast as he could.

After this tragedy the State of California passed an assault weapons ban, which has been in place since. Senator FEINSTEIN brought the issue of the U.S. assault ban to the floor of the Senate. I will never forget standing here watching the vote, because it was such a close vote. We did in fact ban those weapons of war. When George Bush was President, the ban expired and was never put back in.

Where do we stand today? I would say, just to be rhetorical with you, there are 31,000 reasons to pass sensible gun legislation. This is how many people die a year at the hands of a gun.

I watched very carefully the Judiciary Committee take up this issue as they looked at various provisions. I wish to thank them for passing the provision I worked on with Senator COLLINS, a bipartisan bill. This will ensure we have grants to school districts that wish to make some capital improvements to their plants to, for example, build a perimeter fence or put in some cameras or hot lines. That par-

ticular provision received strong bipartisan support. I am actually working with Senator GRAHAM now to expand it even a little more.

However, this is not enough. I think securing our schools is very important. You should not do so in a one-size-fits-all way. Wouldn't it be helpful to this great country if we were able to keep guns out of the hands of known criminals? Wouldn't it be wonderful for our great Nation if we could keep guns out of the hands of the severely mentally ill? Wouldn't it be important to expand background checks so people don't go around the current system and slip through with the consequence of facing the families who will never, ever be the same because of what they have lost?

I wish to thank our President. People have said he needs to do so many things, too many things. A President needs to do a lot of things. Every day he wakes up there is something else which needs his attention, but he has never forgotten the promise he made to those parents of Sandy Hook. It is my understanding they are coming to Capitol Hill and visiting various Senate offices. They are looking into the eyes of the Senators if they are able to arrange a meeting with them and saying: Please, we know you may not like every aspect of the bill, but don't filibuster the bill. Allow us to take it up and then vote your conscience. You owe the country.

What would we say to our children who were gunned down? Anyone who knows a 6-year-old, 5-year-old, 7-year-old child knows the beauty and joy of that age with everything in front of them. The fact anyone could hurt a child is beyond our capacity to imagine. To take a gun into a school and slaughter these children is beyond belief. We must respond. The way to respond is not to say we are not going to take up this legislation because we love the National Rifle Association. The National Rifle Association has a right to its opinion. I will say that over and over. They have a right to their opinion, as does the ACLU and each one of us. We all have the right to our opinion. At some point we need to come together on commonsense legislation when 90 percent of the people support background checks to keep those weapons out of the hands of the people who shouldn't have them.

What is taking so long to vote on this and do this for 90 percent of the people? I listened to one commentator today who said 90 percent of the people wouldn't even agree today was Monday. When 90 percent of the people agree with background checks, let's embrace this idea. Who cares whose idea it was? Who cares who wrote the legislation? What we need to care about are those children and the thousands of people who are killed every single year.

I suspect the Presiding Officer, along with me, remembers the Vietnam war and what it did to this country. It was a tragic war which killed about 50,000

of our beautiful young people over a 10-year period. It tore this country apart. It stood this country on its head. We lose 31,000 people every year to gun violence. We should be chomping at the bit to do this legislation.

Having said that, I know there is some very good work going on right now across the party lines on the background check. I hope Senator MANCHIN and Senator TOOMEY come together on this issue, because it would be a breakthrough.

I certainly believe, whether the agreement is forthcoming or not, we need to take up this bill. This bill is not controversial. It talks about making sure there are no straw purchases where someone comes in who is qualified to buy guns, receives them, and turns around and sells them to someone who isn't qualified. It doesn't pass the test. We have to increase the penalties for that.

Of course, as I said, the school safety provisions I will be supporting. As to the ban on assault weapons of my colleague Senator FEINSTEIN, I have not heard one person explain to me why weapons of war should be on our streets. I don't see it. I mean the most I can get out of the other side is, well, that is just a start. If we start there, we will go there, we will go there, and we will go there. That is a ridiculous argument to me. We don't need weapons of war on our streets. We don't need high-capacity clips on our streets.

So I commend the Judiciary Committee for doing its work: Senator LEAHY—I know how hard other Senators on that committee are working—Senator SCHUMER and Senator FEINSTEIN. I, myself, and my staff are working with Senator GRAHAM to even boost up the school security piece. But we need to respond to 90 percent and 85 percent of the people; otherwise, I don't know whom we represent. We are sent here by the people, and the people are looking at this in their sorrow and their determination to do something about it, and we cannot fail the test.

President Obama, as I started to say before, has not taken his eye off this ball, just like he hasn't taken his eye off the immigration ball, the North Korea ball, and the Syria ball. You name it—this economy, jobs, getting our fiscal house in order—this President has been handed quite a deck of cards, and he is working on all of it. I believe he has done what he promised he would do when he made those promises to the parents of the Sandy Hook Elementary School. I know he is bringing them here to the Hill, and let me tell them now: You don't have to come and see me. I am with you, and I will do everything I can. Don't worry about stopping at our office, just tell us what we can do to help.

When I watched the Judiciary Committee I was so interested because Senator CRUZ made the point: This is a right to bear arms; it can't be messed with, period, end of story. The committee pointed out to him—which I

thought was quite right—that no right is unlimited. Mr. President, we have the freedom of speech, but we can't scream out in a theater there is a fire unless there is a fire. You can't do that. You can't slander somebody. You can't libel somebody. With every right comes responsibility.

So my belief is there is a right to bear arms. People who are qualified to have a weapon can have it. They want it to defend their families, they want it certainly for hunting, that is fine. That is fine with me. I support the sensible gun laws we have in California. If you want to carry a concealed weapon in our State, you have to go to the sheriff or the police chief and make your case. I support that. Other colleagues don't support that. I respect that.

The bill they have worked so hard on in the committee is really not anything radical. They are commonsense steps so people who have a severe mental illness can't get their hands on a gun, and someone who knowingly sells guns and ammunition to a criminal or someone who is not qualified gets punished. That is important. We make sure there is a background check if you buy a gun at a gun show.

So I guess you can tell I am a little perplexed as to why it is taking us so long to bring this up. But the good news is Colorado passed sensible gun laws, Connecticut did, and California has sensible gun laws. I am so proud of those States. But let's face it, it doesn't do much good if you live in a State that has these protective laws when the State next door has no laws and so the most violent criminal can go and get whatever kind of gun, whatever kind of clip that he wants. I say he; I don't say she. I don't want to ever have to say she, so I will say he.

It is time. I just came back from California where I spent the break and listened to people. They are rooting for us to get something done, quite clearly. We have had our tragedies—oh, my God—in schools, in restaurants, in law offices, and we understand. We have 38 million people in our State. It is crowded. We have to learn to live together in peace. If we have disagreements, we have to work them out. So sensible gun laws are at work in our State, but we sure would like to see those sensible gun laws across the country so that our people are truly safe.

People talked to me about that, and they talked to me about immigration reform. I had an incredible meeting in Los Angeles with the groups of people who are going to be impacted by that. Again, we are so hopeful we will have that legislation before us soon. In our committee, the Environment and Public Works Committee, which I chair, we are ready to go to work with the Water Resources Development Act. This is a little lighter topic. It deals with our water infrastructure and making sure our ports are dredged, making sure we are protected from storms. With the extreme weather we have had—and Hurricane Sandy was certainly just the

latest example—we need to pass this Water Resources Development Act. So we are ready to go as soon as we finish the gun debate.

I spoke to Senator REID, and we are hopeful we will be able to go to the WRDA bill.

CLIMATE CHANGE

I will close with my Monday night talk on climate. And I have to say, we face a lot of threats. I have talked about one huge threat we face—a society that has too many deaths from gun violence—but we also have a very different kind of threat you don't see as clearly called climate change, and it is dangerous.

This is my fourth speech on climate. The first time I took to the floor I talked about the fact that USA Today is doing a year-long report on climate, and they call their report “Why You Should Sweat Climate Change.” It describes how climate change—they call it climate disruption—is happening all around us.

I talked about a report on another talk entitled the “2013 High Risk List” that was released by GAO, the Government Accountability Office, which is a government watchdog agency, and it informs us that climate disruption and the increased frequency and intensity of extreme weather events such as Sandy threaten our Nation's financial security. Look what it cost. Sandy was \$60 billion, \$70 billion, \$80 billion, and we stepped to the plate and helped, as we should have. We can't keep doing this. We are struggling to get this economy on track.

I also spoke about another aspect, which is the effect on public health of too much carbon in the air. Today I want to talk about another issue that I find kind of intriguing because whenever I try to bring the subject up to colleagues—except for the 25 or so of us who really care about this—they say to me something like, well, it is ridiculous for America to act. China has to act first because they are a terrible actor. If they do not act, what is the point of our taking the lead?

Well, I have to say that is an argument I find insulting to America. I don't want to wait for China to take the lead on anything because they do not share our values. We don't wait for China to act on issues such as human rights before we protect human rights. We don't wait for China in terms of the way they treat their workers. We have read about that. We don't wait for China, especially on environmental issues. We have to act. China is not a role model. We should be the role model.

China is already suffering serious consequences for failing to address pollution in the course of its economic development. Remember, our colleagues are saying: Wait for China. You may not be able to see anything on this photograph—I can hardly see it and I am standing next to it—because of the smog and the filth that is in the air in China. When I made a trip there on cli-

mate change and other issues, I never saw the Sun. One day we went out and our guides were so excited, they said: It is sunny today. No, it wasn't. There was this layer of smog and a little bit of light was shining through.

So I say to my colleagues who tell us to wait for China, we should wait for them—the worst actor on the world stage—before we take up the most dangerous challenge that we face in terms of science?

China now has hazardous levels of air pollution and toxic emissions. They do not care. The only reason they are trying to do something about it now is people don't even want to go there and people are getting sick and dying there. They need to work their people to their last breath, and their last breath is coming a little too early.

According to a new scientific study from the Health Effect Institute on leading causes of death worldwide, outdoor air pollution contributed to 1.2 million premature deaths in China in 2010, which is 40 percent of the global total. Here it is. Outdoor air pollution contributed to 1.2 million premature deaths in China in 2010 because their air is so filthy.

What makes my friends believe they will go after carbon pollution any more than they went after smog or soot or anything else? They are not. It is going to get worse.

Urban air pollution is set to become the top environmental cause of mortality worldwide by 2050, ahead of dirty water and lack of sanitation. It is estimated that 3.6 million people could end up dying prematurely from air pollution every year, mostly in China and India.

I am so excited to have this Presiding Officer in the Senate. He is such a strong supporter of our landmark environmental laws. But we face the rollback of those laws every day right here in the Senate. I feel like saying to my colleagues: Go to China.

Let's have another picture of that again. Go to China. This is what you want America to be? I represent Los Angeles. It used to look a little like this, not quite as bad. But we did what we had to do. We said to the polluters: Clean up your act. You have to. It is part of the cost of doing business, just as emitting carbon has a cost, carbon is the cause—too much carbon. We need some carbon, but too much carbon is the cause of climate change, so we have to put a price on it. People who pollute should have to pay for it, and that will drive us to clean energy. That is the way it works.

The cost of environmental degradation in China was \$230 billion in 2010 or 3.5 percent of the Nation's gross domestic product. The people there are very afraid to speak out, so when they do speak out you know something is really bad. In January, outrage boiled over as air pollution in China reached record levels—well beyond what Western environmental agencies consider hazardous. The cost of environmental

damage in China is growing rapidly amid industrialization.

I saw myself the U.S. Embassy in Beijing has used air quality monitoring technologies in and around their compound so they know if their little kids can even go outside to play.

We are working to help the Chinese understand what happens when you have too much pollution. We know it because we are the leader. They are not the leader; they are the culprit. My colleagues say don't do anything about carbon pollution because they have to do it first. Don't wait for them. They don't get it. Maybe by now they are starting to get it, but I am not waiting for them. We have to do what the President said, which is take the initiative.

Decades ago, the Cuyahoga River in Ohio was on fire, massive air pollution hung over our cities, and our lakes were dying from pollution. The American people demanded action. We didn't wait for China or anybody else. We passed landmark laws: the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, Superfund, all these great landmark pieces of legislation that came from the committee on which I serve. I stand on the shoulders of those former chairmen—Republican and Democratic—including John Chafee, whom I loved, who was so strong, and, by the way, strong on sensible gun laws too.

People say, oh, they predicted terrible things would happen to our society when we passed these landmark laws. But guess what happened over the last 40 years. America's gross domestic product has risen by over 200 percent. So this is not a choice between economic development versus environmental cleanup. They go hand in hand, because if we can't breathe, we can't work. If we can't breathe, we can't go to school. When you are in your State and you visit a class—any age but particularly the younger ones in the elementary schools—ask them how many of them have asthma or know someone with asthma.

It is a shocking thing that happened to me in an area that has very clean air—San Francisco—but not clean enough, obviously, because at least one-third to one-half of the children raised their hand.

We know we are doing the right thing, but we have to protect and defend against these constant environmental riders. We face them on the budget. We face them constantly. They want to turn back the clock, and it makes no sense because we have seen a lot of environmental technology and growth of jobs—3.4 million people employed in clean technology. So it is in our Nation's DNA to turn a problem into an opportunity and not say: Well, yes, this is bad. Superstorm Sandy was bad. We know it is bad when 99 percent of the scientists say this is bad and we see what is happening in Greenland and we see what is happening in the Arctic and we see what is happening with heat waves and we see and we see, but we just sit back because the oil companies like to do business the way they are doing it. They don't want to lose any business. They don't want to see us

move to those clean cars, the clean energy. It is sad.

To say wait for China, the next person who tells me that, I am going to make them look at this picture. I am going to force them to look at this picture. Wait for China? They can't see anything there. We have to rise to this challenge.

According to the National Oceanic Administration, in 2011, there were 14 extreme weather events. What do I mean by extreme weather? Terrible floods, droughts, storms, wildfires. Each of them cost at least \$1 billion. And we had 11 such disasters in 2012. I heard Governor Cuomo of New York say: We prepared for a once-in-50-years flood, and we are getting them every year. That is what is happening on the ground. These extreme weather events reflect an unpaid bill from climate disruption, a tab that will only grow. I talked about the \$60 billion tab from Superstorm Sandy.

We have started to address carbon pollution. That is the very good news. President Obama, working with Senators SNOWE and FEINSTEIN, did something very important to make sure we have better fuel economy, and the standards go into effect between 2012 and 2025. They will provide huge benefits. Guess what. When this program is implemented, consumers will save \$8,000 over the life of their car. Why? Because they are getting better fuel economy.

I drive a hybrid Prius in California. I am getting about 140 to 150 miles a gallon because I do my little trips and then I come home and I plug it in. It is truly remarkable. It is saving our family money and it is helping to save the environment. This is a win-win-win. But if we listen to my friends, they look at it as lose-lose-lose. They are dour about the idea of taking the lead. We have to take the lead.

What we do impacts the world. When our Nation reduces its carbon pollution, it makes a difference. We account for 20 percent of the global pollution. China accounts for about the same, but I am not waiting for our society to look like this.

Here is the great news: When we reduce carbon pollution, there are side benefits. The side benefits are we are not going to look like this because we are also going to shift over to those clean technologies, have less smog, less soot, and our people will be able to breathe.

Peer-reviewed science has forecasted the United States could significantly contribute to reducing the likelihood that we will avoid extreme impacts of climate disruption. We know we are already facing some disruption, but the quicker we move, the more we cut back on that carbon pollution, the better. Addressing climate change will have many investments in solar and wind and clean energy, strengthening our domestic renewable energy sector. I am so proud of California. We are moving in that direction and doing well.

According to the Pew Charitable Trust, clean energy policies could provide up to a \$2.3 trillion market—not billion but trillion—for investments in renewable energy. So we can ignore

this opportunity to be a market leader in renewables and then take those investments all over the world or we can do it and benefit our economy.

I saw today that former Secretary of State George Schultz, a resident of my great State and who was part of the Reagan administration, penned an important article about why we should go to a carbon tax. A carbon tax, a simple thing: If someone produces carbon pollution, they have to pay for every ton. His idea is give that back to the American people. Help them pay for those transition periods of time where we are going to move toward that clean energy. I am very pleased he wrote that article, and I am hoping to get him before our environment committee to talk about it.

We have to step up to the plate on climate. Every one of us has an obligation to do it. I know it is hard, because with the exception of a storm such as Sandy and then heat waves that are outrageous, we don't think about it. I understand why. It is not pleasant. We have so many challenges on our hands—budget challenges, education challenges, immigration challenges, gun violence challenges. So if it is not right in front of us where we see it every day or read about it every day or it is not hitting our State every day, I understand why some people would prefer to ignore it. But we owe it to our kids and our grandkids to be leaders. This is our time. We didn't pick this time to be born to live, but here we are, and here are these scientists telling us: Wake up, do something or we are facing a planetary emergency.

Every Monday night that I can be here, I will be here. I want to make a record, at least for history if not for political action—which is what I truly want—that we do something. The President visited San Francisco recently. I hope he will continue to do the right thing. It is lonely for him because he doesn't have a legislature that gets it.

But let me say to colleagues who are definitely, I can assure you, not watching this but who may read about this speech: Don't ever say to me: Let's wait for China because that is an insult to America and it is an insult to our people. We are going to wait for a country that doesn't care about its people enough so that the people have to run around in masks, and they can't even see anything, it is so smoggy and dirty there. So don't tell me: Wait for China, because that argument—or as they would say in certain parts of the country, that dog don't hunt. I don't say that in my part of the country. What I say is that makes no sense whatsoever.

I will continue to come here in the hopes that we can come together on this issue, in the hopes that President Obama will keep on moving, in the hopes that my State and the Northeast and other States are going to move on this issue. I will protect their right to do it. I will defend against anyone who comes to roll back the Clean Air Act—which, unfortunately, Senator INHOFE came at us with an amendment in the budget that said the Environmental Protection Agency should no longer have the ability to regulate greenhouse gas emissions—imagine—and we had

more than 40 votes for that position. That is scary. That is akin to saying we should stop worrying about smoking and get 45 votes to say it is no big deal. This is a big deal.

I will just keep on making the talks on Monday nights, if I can. I wish to thank my staff. They are working so hard to put this together in a coherent way, so perhaps after 6 months of making these speeches, we have a story to tell from beginning to end that would be compelling enough so no one will ever say to me: Let's wait for China to fix their problem, and people might actually come up and say: Put me on as a cosponsor on that Sanders-Boxer bill or the Sheldon Whitehouse bill that puts a price on carbon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING ANNE SMEDINGHOFF

Mr. DURBIN. Mr. President, I have often come to the floor to talk about the remote and sometimes dangerous places around the world where our USAID and State Department Foreign Service Officers serve.

We all know about the difficult and dangerous places our brave military personnel serve, often at great sacrifice. We sometimes lose sight of their civilian diplomatic and aid colleagues working side by side.

I am always impressed that no matter where on the planet one travels, there is an outpost of American ideals and talent dedicated to diplomacy, human rights, and helping the less fortunate.

These civilians serving abroad can face a variety of threats. Yet they do it with dedication, patriotism, and a belief that the United States should always be a voice for good in the world.

Sadly, today I come here with a heavy heart, as the life of one of the brightest young officers from my home State of Illinois was cut short on Saturday in one of those dangerous places.

Twenty-five-year-old Anne Smedinghoff eagerly volunteered to serve the United States in Afghanistan on her second assignment as a State Department Foreign Service Officer. She was clear-eyed in her determination to make a tangible improvement in the lives of those around her. And after 2 years at our Embassy in Caracas, Venezuela, Anne joined the Public Diplomacy team at the U.S. Embassy in Kabul.

Anne was a bright spot on the Embassy compound, known to her friends and coworkers as an intelligent, caring, and optimistic young officer who worked hard to help Afghan women and children.

On Saturday, Anne traveled to Zabul Province to donate books to a school.

In a cowardly attack, a suicide bomber detonated near her convoy. Anne was killed along with four other Americans—three U.S. servicemembers and a Department of Defense civilian. Several others were wounded.

Anne leaves behind her parents, brother, and two sisters, as well as countless relatives, friends, and coworkers who deeply mourn her loss, not only personally but also as an example of the deep dedication our diplomats demonstrate every day in outposts all around the world.

I know my colleagues join me in our heartfelt condolences to her family and in our ongoing appreciation for the sacrifices made by our diplomatic corps.

TRIBUTE TO ROGER EBERT

This morning I went to a funeral in Chicago at Holy Name Cathedral. There was a large—in fact, it was a huge crowd. It was a tribute to America's foremost movie critic Roger Ebert, who passed away last week. It was my good fortune to know Roger and his wife Chaz and to be one of his greatest fans. Like myself, he hailed from downstate Illinois. He was born in Urbana.

In his memoir "Life Itself," he tells an amazingly detailed story of his youth growing up downstate and how he finally made it to the big time, the Chicago Sun Times in Chicago, after he had been editor of the Daily Illini on the campus of the University of Illinois.

Roger came to movie criticism almost by accident, but in no time at all he set the standard, not only for the United States, maybe for the world. Rahm Emanuel, our mayor in Chicago, in a tribute to Roger today, said at the service that he wanted to personally thank Roger Ebert for sparing us from going to see so many terrible movies. So many of us would wait before we went to a movie, as the mayor said, to check the time of the movie but also to check what Roger Ebert thought about the movie. He was a go-to person when it came to movie criticism.

As you came to read the book about his life, there was much more than that. He was a brilliant mind. From a very early age, he had an insatiable appetite for the world around him. He used that in his skills as a journalist at the Chicago Sun Times and in analyzing the whole genre of movies, from the earliest classics all the way through the most modern. That life experience really put him in good stead when it came to taking a look at movies from the human perspective.

He, of course, became famous on television with Siskel, Roeper, and so many others. Most of us watched that program with a lot of joy as the two of them would squabble from time to time over whether a movie was worth seeing. But there was much more to Roger than that. We came to know today, in tributes that were paid to him, his deep sense of social justice, not just in the

way he analyzed things but in his life itself. He really was committed to fairness and to helping the little guy. It showed in the way he lived his life, in the way he set a standard as a journalist.

Chaz, his wife, came along late in life for him but became a true partner. The two of them were inseparable, and they were a dynamic team in so many ways. But the things about Roger's life that impressed me the most—the most—was after he was stricken with cancer. It was a devastating cancer. He went through a series of operations. He eventually had his face literally deformed by the surgeries, as he lost his jawbone. Then he lost his ability to speak. Then he lost his ability to eat—to eat. Yet he soldiered on. He continued to write, reviewing movies, using computer-assisted voice translation so that he could express himself through a keyboard in words. He wrote a blog every day that I used to go to from time to time, not only because it was so good—so many insights into things I had never thought about—but also because it was inspiring that he would get up and go to work every single day when others in that same circumstance would probably just give up. Roger never gave up. That, to me, showed that he not only had a great mind and a great heart but a great spirit.

What a turnout today at Holy Name Cathedral for Roger Ebert. The balcony was full—if there had been a balcony—of fans with two thumbs up for a great movie critic, a great human being, and a great son of Illinois.

I ask unanimous consent to have printed in the RECORD at the close of my remarks here an excerpt from Roger Ebert's memoir entitled "Life Itself" in which he talks about death and very boldly says, "I do not fear death." It is an inspiring message that he penned over a year and a half before he actually died. It is an indication of the kind of spirit he brought to his life, a spirit we all admire to this day.

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

[FROM THE CHICAGO SUN-TIMES, APR. 4, 2013]

ROGER EBERT: I DO NOT FEAR DEATH

(By Roger Ebert)

I know it is coming, and I do not fear it, because I believe there is nothing on the other side of death to fear. I hope to be spared as much pain as possible on the approach path. I was perfectly content before I was born, and I think of death as the same state. I am grateful for the gifts of intelligence, love, wonder and laughter. You can't say it wasn't interesting. My lifetime's memories are what I have brought home from the trip. I will require them for eternity no more than that little souvenir of the Eiffel Tower I brought home from Paris.

I don't expect to die anytime soon. But it could happen this moment, while I am writing. I was talking the other day with Jim Toback, a friend of 35 years, and the conversation turned to our deaths, as it always does. "Ask someone how they feel about death," he said, "and they'll tell you everyone's gonna die. Ask them, In the next 30 seconds? No, no, no, that's not gonna happen.

How about this afternoon? No. What you're really asking them to admit is, Oh my God, I don't really exist. I might be gone at any given second."

Me too, but I hope not. I have plans. Still, illness led me resolutely toward the contemplation of death. That led me to the subject of evolution, that most consoling of all the sciences, and I became engulfed on my blog in unforeseen discussions about God, the afterlife, religion, theory of evolution, intelligent design, reincarnation, the nature of reality, what came before the big bang, what waits after the end, the nature of intelligence, the reality of the self, death, death, death.

Many readers have informed me that it is a tragic and dreary business to go into death without faith. I don't feel that way. "Faith" is neutral. All depends on what is believed in. I have no desire to live forever. The concept frightens me. I am 69, have had cancer, will die sooner than most of those reading this. That is in the nature of things. In my plans for life after death, I say, again with Whitman:

I bequeath myself to the dirt to grow from the grass I love,

If you want me again look for me under your boot-soles.

And with Will, the brother in Saul Bellow's "Herzog," I say, "Look for me in the weather reports."

Raised as a Roman Catholic, I internalized the social values of that faith and still hold most of them, even though its theology no longer persuades me. I have no quarrel with what anyone else subscribes to; everyone deals with these things in his own way, and I have no truths to impart. All I require of a religion is that it be tolerant of those who do not agree with it. I know a priest whose eyes twinkle when he says, "You go about God's work in your way, and I'll go about it in His."

What I expect to happen is that my body will fail, my mind will cease to function and that will be that. My genes will not live on, because I have had no children. I am comforted by Richard Dawkins' theory of memes. Those are mental units: thoughts, ideas, gestures, notions, songs, beliefs, rhymes, ideals, teachings, sayings, phrases, clichés that move from mind to mind as genes move from body to body. After a lifetime of writing, teaching, broadcasting and telling too many jokes, I will leave behind more memes than many. They will all also eventually die, but so it goes.

O'Rourke's had a photograph of Brendan Behan on the wall, and under it this quotation, which I memorized:

I respect kindness in human beings first of all, and kindness to animals. I don't respect the law; I have a total irreverence for anything connected with society except that which makes the roads safer, the beer stronger, the food cheaper and the old men and old women warmer in the winter and happier in the summer.

That does a pretty good job of summing it up. "Kindness" covers all of my political beliefs. No need to spell them out. I believe that if, at the end, according to our abilities, we have done something to make others a little happier, and something to make ourselves a little happier, that is about the best we can do. To make others less happy is a crime. To make ourselves unhappy is where all crime starts. We must try to contribute joy to the world. That is true no matter what our problems, our health, our circumstances. We must try. I didn't always know this and am happy I lived long enough to find it out.

One of these days I will encounter what Henry James called on his deathbed "the distinguished thing." I will not be conscious of

the moment of passing. In this life I have already been declared dead. It wasn't so bad. After the first ruptured artery, the doctors thought I was finished. My wife, Chaz, said she sensed that I was still alive and was communicating to her that I wasn't finished yet. She said our hearts were beating in unison, although my heartbeat couldn't be discovered. She told the doctors I was alive, they did what doctors do, and here I am, alive.

Do I believe her? Absolutely. I believe her literally—not symbolically, figuratively or spiritually. I believe she was actually aware of my call and that she sensed my heartbeat. I believe she did it in the real, physical world I have described, the one that I share with my wristwatch. I see no reason why such communication could not take place. I'm not talking about telepathy, psychic phenomenon or a miracle. The only miracle is that she was there when it happened, as she was for many long days and nights. I'm talking about her standing there and knowing something. Haven't many of us experienced that? Come on, haven't you? What goes on happens at a level not accessible to scientists, theologians, mystics, physicists, philosophers or psychiatrists. It's a human kind of a thing.

Someday I will no longer call out, and there will be no heartbeat. I will be dead. What happens then? From my point of view, nothing. Absolutely nothing. All the same, as I wrote to Monica Eng, whom I have known since she was six, "You'd better cry at my memorial service." I correspond with a dear friend, the wise and gentle Australian director Paul Cox. Our subject sometimes turns to death. In 2010 he came very close to dying before receiving a liver transplant. In 1988 he made a documentary named "Vincent: The Life and Death of Vincent van Gogh." Paul wrote me that in his Arles days, van Gogh called himself "a simple worshiper of the external Buddha." Paul told me that in those days, Vincent wrote:

Looking at the stars always makes me dream, as simply as I dream over the black dots representing towns and villages on a map.

Why, I ask myself, shouldn't the shining dots of the sky be as accessible as the black dots on the map of France?

Just as we take a train to get to Tarascon or Rouen, we take death to reach a star. We cannot get to a star while we are alive any more than we can take the train when we are dead. So to me it seems possible that cholera, tuberculosis and cancer are the celestial means of locomotion. Just as steamboats, buses and railways are the terrestrial means.

To die quietly of old age would be to go there on foot.

That is a lovely thing to read, and a relief to find I will probably take the celestial locomotive. Or, as his little dog, Milou, says whenever Tintin proposes a journey, "Not by foot, I hope!"

Mr. DURBIN. 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. DURBIN. 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

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Sen-

ators permitted to speak for up to 10 minutes each.

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

JACKSON, MOORE, AND NUNLEY NOMINATIONS

Mr. LEAHY. Mr. President, last month, I spoke at the Judicial Conference about the damaging effect of sequestration on our Federal courts and our system of justice. These indiscriminate cuts are already causing both Federal prosecutors and Federal public defenders to be furloughed. The Administrative Office of U.S. Courts has done its best to address these cuts, but the judicial system can only weather the effects of sequestration for so long before it is irreparably harmed. In a letter dated March 5, 2013, Judge Thomas Hogan, the director of the Administrative Office of U.S. Courts, wrote that the cuts from sequestration could not be "sustained beyond fiscal year 2013 and will be difficult and painful to implement." He went on to note: "The Judiciary cannot continue to operate at such drastically reduced funding levels without seriously compromising the constitutional mission of the federal courts." In that same letter, he wrote that sequestration will mean reduced funding for drug testing and mental health treatment, and fewer probation officers.

Along the same lines, last month Andrew Cohen wrote an article in *The Atlantic* entitled "How the Sequester Threatens the U.S. Legal System." He suggests that sequestration will threaten defendants' constitutional rights, and law enforcement's ability to effectively fight crime, writing: "Beyond a reasonable doubt, the sequester is having a profound and pernicious effect on the government's ability to observe its constitutional commands—and to provide justice to its citizens."

I ask unanimous consent that copies of Judge Hogan's letter and the article from *The Atlantic* be printed in the RECORD at the conclusion of my remarks.

Justices Stephen Breyer and Anthony Kennedy testified before the House Appropriations Committee last month about the impact of sequestration and budget cuts. Justice Kennedy said that funding for programs like drug testing and mental health services is "[A]bsolutely urgent for the safety of society." The Justices also noted the harm that would result from cuts to public defenders, as the government would then have to pay private defense attorneys to provide counsel. Justice Breyer highlighted the additional costs to the government from mistakes being made in trials, including wrongful convictions.

These budget cuts to our courts are also bad for our economy. Fewer court staff will mean further delays for civil and bankruptcy cases. There are already more than 30,000 civil cases that have been pending for more than 3