

itself, and two girls. The problem was not the girls, it was the boys. But she raised six of us at a very young age. Hopefully some would consider us productive parts of society. But when I saw what my mom had to struggle through, what she had to earn to make sure we had food on the table, make sure we had opportunities in our lives, it is clear to me that this is not a complicated issue. This is a simple fairness issue.

I hope my colleague on the other side, again, would allow it to come forward. We will debate it and then we will vote on it, and the American people, Alaskans, will see what we think of fairness in the sense of a paycheck for a woman working the same job—equal job as a man does.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

### THE ECONOMY

Mr. COATS. Madam President, breaking news. Just a short time ago the Bureau of Economic Analysis issued its report for the fourth quarter of 2012 in terms of our economy. I am sorry to say that the report said we have contracted—not gained, but our economy contracted—during this fourth quarter, 0.1 percent at an annual rate last fall.

Here we are, about 3½ years from a deep recession, and in normal recessions recovery occurs at a significant rate. That is what gets people back to work. That is what gets our economy moving again. This is the growth we need to address our fiscal situation. Yet after nearly 3½ years of stumbling along and bumping along in the most tepid recovery since before World War II, we now learn that despite some of the optimism that has been projected lately that things are getting better, things are growing, and unemployment is going to start coming down, we get this distressing report that in the fourth quarter, the quarter where we all go out and buy Christmas presents and spend money at the end of the year, that fourth quarter contracted; it did not grow.

The average rate of growth following recessions is about 4 percent growth per year. Sometimes it has been 6, 7, and even 8 percent. The average rate we have had as a Nation following the previous recession has been around a 2-percent level or even a little less. So, this is not good news for the American people. This is not good news for all those hoping to get back to work. This is not good news for those hoping to raise money to pay for their mortgage or try to keep their house or provide for their children's education going forward. This is not good news for the American people. I think it says a lot about our failure here in Congress to do what most people understand we need to do and that is to get our fiscal house in order.

There is a cloud of uncertainty settled over the American economy over

the last 3½ years that is destroying the hopes and dreams of young people and middle-aged people and those nearing retirement. They are worried about their savings, their ability to pay their bills, and their ability to maintain meaningful employment.

If we are going to get our fiscal house in order, we need to do some fundamental things. One, we need to summon the will to address this problem—this challenge—and define it as the No. 1 challenge facing the Congress and have the political will to do something about it. Doing something about it means we start with having a budget. It has been 1,372 days since the Senate passed a budget. That is nearly 4 years. This is completely irresponsible. To deny the American people the transparency of how we are spending taxpayers' dollars and how we are addressing this fiscal situation we are in which drives us into more debt and more deficit is totally irresponsible. As I said, it starts with passing a budget.

Every Hoosier family and every business in Indiana knows they cannot be successful and financially sound without creating a budget on which to operate. Restaurants and coffee shops have budgets, Little League Baseball organizations have budgets, and our communities, States must have a budget in terms of how much we are able to spend.

The reason a budget is so important is it forces us to determine how we spend the revenue we have in a sensible way without having to go and continue to borrow and drive ourselves more deeply into debt. There are a lot of things we would like to do. Everyone has their priorities, their interests, such as, education, medical research, more funding for social programs, more defense funding, funding for transportation needs, paving roads, and repairing bridges. It goes on and on. We all have those priorities. These are things we would like to do, but we have not faced the fact that we cannot do everything we would like to do. We have to do the essential things and prioritize our spending at a time when we don't have the revenue to do everything we would like.

It is no different than a family with financial difficulties sitting down and saying: Our annual trip to Disney World cannot happen this year. Dad's paycheck is not bringing in the kind of money it used to. Maybe they are not in the financial position to be able to do what they would like to do, therefore, they have to make some changes and adjustments. Maybe instead of Disney World, they decide to go to Brown County State Park, which, by the way, is a great place for family vacations. Priority decisions are the kind of decisions families have to make when they don't have the revenue to do everything they would like to do.

We also have a legal duty—and personally I think a moral duty—to present to the American people a budget plan indicating how we are going to

spend their taxpayer dollars. Section 301(a) of the Congressional Budget Act of 1974 states—and this is the law of the land—"On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year."

When we passed that law, we didn't say Congress may pass a budget or that Congress has the ability to avoid having a budget. The word "shall" means we shall have a budget. Yet the failure to bring forth a budget under the leadership of this Senate for 1,372 days—nearly 4 years—has created even more dysfunction in an already dysfunctional Senate. It has helped lead to a broken appropriations process.

Last year, we did not pass a single appropriations bill through the Senate, which left us with what we call continuing resolutions. Continuing resolutions essentially fund the Federal Government on autopilot at previous levels without the type of scrutiny and oversight that would be administered through the regular appropriations process. This is no way to govern a country. We are not fulfilling our duty to the people we represent and, most important, it hinders any attempt at real spending reform.

The Republican-led House has passed a budget annually and fulfilled their duty. We have failed in fulfilling our duty. They have presented their priorities to the public. They have described how they will rein in spending, save programs from collapse, and reform the tax system. They are being heavily criticized because they have a budget out there which tells the American people what they are going to do, and some of it is painful because we don't have the money to do everything we would like to do.

People like to be able to come home and promise them everything they ask for. We don't have that luxury. Perhaps we never did, but we did it anyway. No longer do we have the luxury of being able to even think that. So all the criticism goes to the House because they want to cut this or they want to modify that or the priority decision is for one thing over another thing. In the mean time, the majority and the administration just sit back and say: We are not going to put out any numbers; therefore, you cannot criticize us. We will just go along criticizing the other team.

I know PAUL RYAN is again working with Speaker BOEHNER on a 10-year budget plan to put our country on a path to a balanced budget. They will be heavily criticized for that, but they are stepping up to their legal responsibilities and stepping up to the moral responsibilities we have to do the job we were elected to do. I mean, that is why we were sent here. The Senate is going to have to get the will to make these tough choices, which we have been avoiding for years, or the market is going to force us to act. The more we prolong the challenges we face and the

longer we wait to act, the harder it is going to be.

If we don't put a Senate budget plan together, if we don't lay out our priorities and create a long-term economic plan to reform our spending habits, we are going to face a debt-induced catastrophe that will make the economic downturn we experienced a few years ago look like child's play. The fact is our failure to seriously grapple with our runaway deficit spending is already having huge detrimental effects on our economy, and I just mentioned one of those. Sooner or later this body needs to stand and get this done and it starts with a budget.

The President has made it clear over the past few years that when he proposed his budgets, he is not serious about leading the discussions on the fiscal challenges facing us. He didn't mention it in his inauguration address, and he has publicly stated we don't have a spending problem. How he comes to that conclusion defies credulity.

Interestingly enough, by law, the administration is forced to produce a budget which has been brought before this body. It is interesting that the lack of seriousness of this is indicated by the fact that not even one Member of his own party voted for the President's budget.

I am just about ready to finish. I ask unanimous consent for 3 more minutes to finish.

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

Mr. COATS. Madam President, thank you. Not one Democratic Senator voted for the President's budget in the last few years. His own party didn't support his budget. It is hard for us to take the President's budget seriously, and that is why the Senate—under the leadership of Democrats—needs to put forward a serious budget, one we can debate, amend, talk about, share with the American people, get their opinion as to whether this is an important priority program or one we can use as the basis to make tough choices and explain why we made those choices. After all, that is why we are here.

So why am I here? I am urging my colleagues in the majority to act. Let's do our jobs. Let's perform our legal responsibility and duty. One of the most basic duties in Congress is to create a budget so we can begin to get our fiscal books in order. It is our generation's duty also to repair our Nation's financing and ensure we are not leaving behind this dangerous debt burden on future generations. This is the time to act. This serious debt threatens our national security and the future of our country, and this is the challenge both sides of the aisle need to face.

Strengthening our country and putting us back on a sustainable path will not be easy. It will require some sacrifices, but these are the responsibilities we have to address. We need to be honest with the American people. We

must take the first step and it starts with a budget.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. 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.

#### EVENHANDED LAW ENFORCEMENT

Mr. ALEXANDER. Madam President, I am expecting the Senator from Louisiana, whom I had planned to follow, but since he is not here yet I will go ahead with my remarks unless he walks in the door just now, and then he can follow me.

We are both speaking today about selective enforcement of the law as it relates to the Department of Justice enforcing the law against certain types of energy producers but not other types of energy producers. Senator VITTER from Louisiana will talk about a letter he and I will be sending to the Attorney General of the United States asking why he does it.

I see Senator VITTER coming in just now, so now that I have given him a preamble and a warm-up of about 2 minutes, I think I will sit down and listen to what he has to say, and then I will add my comments to his when he finishes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Thank you, Madam President.

Through the Chair, I also wish to thank my distinguished colleague from Tennessee for joining me. Together, as he mentioned, we are writing the Attorney General today about a matter of real concern, and that is why we come to the floor. We are both very troubled by recent reports that the Department of Justice is targeting whom to prosecute for the incidental killing of migratory birds under the Migratory Bird Treaty Act. They are not targeting whom to prosecute by looking at birds killed; they are targeting whom to prosecute based on the type of business these various people are in—legal business—and, in particular, the type of legal energy these companies produce.

What am I talking about? Well, on the one hand, oil and gas producers—traditional energy producers—are clearly being targeted. They are being targeted for prosecution, as I say, under the Migratory Bird Treaty Act. They are being charged with the incidental killing—in a particular case that a court has dealt with—with the killing of four mallards, one northern pintail, one redneck duck, and one Say's phoebe.

Now, in that case, the Federal judge involved correctly recognized that this prosecution was off-base because it

wasn't about trying to kill these birds—it wasn't about any willful act. It was about a completely incidental killing of these birds because they were doing things in the normal course of business. Nobody wants any of these birds to be killed, but that is not what criminal sanctions under the Migratory Bird Treaty Act are about.

As the judge said, "then many everyday activities [would] become unlawful—and subject to sanctions—" with "fines" under these sorts of prosecutions.

The judge pointed out that "ordinary activities such as driving a vehicle, owning a building with windows, or owning a cat" could be subject to criminal prosecutions if this precedent were set.

So that is on the one hand: the Department of Justice, I think, clearly targeting these companies who are oil and gas producers. On the other hand, they have a very different approach to other types of energy producers, such as wind producers. To our knowledge, there is not a single Department of Justice prosecution regarding the killing of birds because of windmills. That clearly happens. In fact, it happens a lot. I am not saying these wind producers want that to happen. I am not saying they are trying to kill birds, but it happens and it happens a lot. And to our knowledge, the Department of Justice has never launched a similar prosecution against a wind farm.

The U.S. Fish and Wildlife Service's fiscal year 2013 budget justification actually estimated the annual bird mortality from wind energy production. Do my colleagues know what the estimate was? It was 440,000. I just mentioned this criminal prosecution on the oil and gas side for seven birds. On that side, total, we have this estimate of 440,000.

But wait; it gets even more ridiculous. It appears the administration is also choosing to sanction this in the case of wind production because they are actually considering granting permits to wind energy producers who state in their permits they will kill bald eagles. So in southeastern Minnesota the administration is considering a permit for a wind farm that states in its permit it has the potential to kill between 8 and 15 bald eagles each and every year.

So on the one hand we have an oil and gas producer who is gone after with a criminal prosecution because they didn't intend but incidentally killed seven birds—of course, none of them the status of a bald eagle, none of them in danger. On the other hand, the administration is considering granting a permit where the wind producer says it is going to probably kill 8 to 15 bald eagles a year, the symbol of our Nation's greatness.

It is pretty clear to us that what this is about is not evenhanded enforcement of the law. What this is about is targeting one type of energy producer and favoring a different type of energy producer.