

of the AFL-CIO. They understand the reasonableness of our labor circumstances. I hope we will still have a chance to consider that modification.

I was also in discussions that came out of these townhall meetings dealing with those who have violated our laws perhaps many years ago on maybe not a very serious issue. There should be at least some flexibility in the law for extenuating circumstances, so someone is not jeopardized to be deported because of something that is not relevant to today—that person being law-abiding. I hope we can consider that.

I offered amendment No. 1264, which deals with private prisons. I think our colleagues were surprised to find out that about half of the 14,000 ICE detentions are detained in private penal facilities, not Federal facilities.

We want accountability. This law provides for accountability for those who are detained. But a FOIA application, where one can get information, only applies to Federal prisons. It doesn't apply to non-Federal prisons. I offered a commonsense amendment that I don't think is controversial that would apply the same oversight to private non-Federal prisons as we do to Federal prisons. We all talk about accountability and responsibility of accountability. I think that amendment makes good sense.

So this is not the bill I would have drafted. I would have done other things. I would have spent money a little bit differently than is spent here, and certainly not as much money. I would have taken care of some of the problems on profiling, and I certainly would have dealt, on some of the other issues, with Holocaust survivors. I still have hope that some of these amendments can be considered and adopted. I know people are working on that, and I hope we can work on a package that will improve the bill, particularly the noncontroversial amendments.

I spoke on the floor a couple weeks ago as to why I support this bill. I talked about a high school student who found out he was eligible for a scholarship, only to find out he couldn't take it because of his legal status. I talked about young people who were separated from their parents who have been deported. I talked about employers who have seasonal needs and workers who are well-trained, highly skilled. There are scientists who are desperate for immigration reform so they can meet their economic needs. I have talked at great length how this bill will help the American economy, help us be more competitive internationally, and how this bill is compassionate as to what America should stand for on its immigration policies.

So this is not a difficult choice for me to make. I support this legislation and will be voting for this legislation because I do think it is in the best interests of our country. I do hope we have an opportunity to improve this legislation before we vote on it. I hope we can adopt some of these non-

controversial amendments, but I do hope we will send this bill to the House of Representatives.

I urge my colleagues in the House to follow the example of the Senate, to listen to each other and work across party lines so we can pass comprehensive immigration reform and send it to the President of the United States for his signature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I ask unanimous consent that during the quorum call the time be equally charged to the majority and to the Republicans.

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

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RULES OF PROCEDURE

Mr. JOHANNIS. Mr. President, I rise today to speak about longstanding rules of procedures and traditions of the Senate.

I have watched with interest over the past few weeks as members of the majority have continued to threaten to break the Senate rules in order to impose a majority rule at the expense of minority rights. We continue to hear threats of the nuclear option by which the majority would break the rules to change the rules.

Despite past assurances from the majority that rules changes would only occur through regular order, they continue to threaten the exact opposite. Make no mistake, this is not some inside-the-beltway squabble over parliamentary procedure. The longstanding rules allowing for unlimited debate and amendment protect every American whose voice is represented by the minority in the Senate. These protections are especially important for Americans who live in rural and less populated States. That would include my home State of Nebraska.

The Constitution specifically designed the Senate to function in a manner that was very different and very distinct from the House of Representatives. The threat of the nuclear option clearly abandons this intent. The majority leader has affirmed the importance of filibuster rights to small

States, arguing they are “a unique privilege that serves to aid small States from being trampled by the desires of larger States.”

I continue to be astounded by the insistence by some that we trample over these rights, especially given the significant nominations and legislation the Senate has recently considered.

It has been noted by many metrics the Senate has more rapidly confirmed President Obama's Federal judicial nominations than it did during the time of President Bush's administration. In addition, over the past few months the Senate has passed significant pieces of legislation: the farm bill, the Water Resources Development Act, and the Marketplace Fairness Act. We have considered bills I have supported and bills I have opposed. But the fact is we have given these pieces of legislation due consideration that would be required of the world's greatest deliberative body.

At the beginning of this Congress, the Senate agreed to a new standing order to expedite Senate consideration in extraordinary circumstances. But the majority leader has not even attempted to use the expedited procedures—not once. So I ask why, then, threaten the very fabric of how this institution was created?

I have served in the Senate just 4 years, all of which I have been a Member of the minority. I would caution my colleagues whose experiences have been conversely limited to serving only in the majority that should the majority go down the road of the nuclear option, there is no turning back. There will come a day—perhaps soon—when control of this Chamber will shift, and the current majority will not like what it sees when it is in the minority.

My colleague, the senior Senator from Tennessee, recently outlined a number of priorities he would pursue should we find ourselves in that situation where a Republican-controlled Senate could use majority rule.

I am not going to be here in the 114th Congress, but I thought I would outline some policies I would support should the current majority take us down that road. Perhaps my list of priorities will give some ideas to my colleagues who will be serving in the next Congress. Here are just a few policies I would highlight, many of which have already received majority support in the Senate but have fallen short of the 60-vote threshold.

First, and most important, the repeal of the health care law that promised the world but delivered only chaos, confusion, and higher costs. You can bet the Senate would repeal all 2,700 pages with one 15-minute rollcall vote. In addition, without having to worry about the opposition of the current majority, we can enact responsible reforms to rein in debt and deficit. Reforming our entitlements would, of course, need to be center stage since that is where the money is spent.

Another priority would be to prevent regulatory overreach by heavy-handed

executive agencies, such as the EPA. Very specifically, we could overturn the EPA's pursuit of cap-and-trade through the regulatory process just announced today by the President and force EPA to back off regulations with more costs than benefit.

Next, we would promote investment and job growth by immediately approving the construction of the Keystone XL Pipeline. We can further support energy independence by continuing development of the Yucca Mountain nuclear waste repository which has been stalled by the majority leader despite substantial support. This is critical to nuclear plants across this Nation, including two plants in Nebraska.

Another focus would be to provide transparency and reform at the Consumer Financial Protection Bureau. I would require legislative oversight of its budget and replace the unelected head of the CFPB with an accountable board. Why stop there when we could repeal the entirety of the Dodd-Frank Act and replace it with a more responsible approach?

The Republican-controlled House of Representatives, which the Senate would essentially mirror, passed 270 bills that the current majority leader declined to even consider last Congress. Should the current majority irrevocably alter the rules of the Senate, a new Senate majority could just railroad all 270 bills through the process, and all those treasured policies the majority puts in place will get repealed—perhaps before they ever get implemented. Ping-ponging from the whims of one 2-year cycle to the next is not a way to govern. It is the very reason our Founders designed the Senate as a counterweight to the House.

I say to those colleagues who would so quickly disregard the Senate rules: Be careful what you wish for. Under this approach, your procedural right to debate, to amend, to raise points of order, all of that would be useless. Your vote, your voice, and the voice of your constituents would be effectively silenced. That is not the Senate the Framers envisioned when they brokered the agreement that established our constitutional approach. I will leave with the words of Senator Robert C. Byrd, with whom many of us had the pleasure of serving and whose love and knowledge of the Senate remains unsurpassed to this day.

The Senate has been the last fortress of minority rights and freedom of speech in the Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

I hope the majority heeds his call to place history and tradition and our Nation over the political priority of the moment.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Wyoming.

#### ENERGY POLICY

Mr. BARRASSO. Mr. President, today President Obama is supposed to

unveil a national energy tax that will discourage job creation and increase energy bills for America's families. This announcement about existing powerplants comes after the Obama administration has already moved forward with excessive redtape that makes it harder and more expensive for America to produce energy. It also comes as a complete surprise to the Members of the Senate, especially since Gina McCarthy—the President's nominee to lead the Environmental Protection Agency—just told Congress it wasn't going to happen.

She is currently the Assistant Administrator of the EPA. Here is what she told the Senate about regulations on existing powerplants: EPA is not currently developing any existing source GHG regulations for power plants.

As a result, she said: We have performed no analysis that would identify specific health benefits from establishing an existing source program.

With today's announcement by President Obama about existing powerplants, it is clear Gina McCarthy is either arrogant or ignorant. She either didn't tell the truth to the Senate or she doesn't know what is going on within her own agency. Either way, such a person cannot lead the EPA.

To the point that this morning's National Journal Daily—with a picture of her right there on the front page—says: "Obama's efforts could make EPA nominee Gina McCarthy's confirmation more difficult." In this economy, the last thing we need to do is have a national energy tax that will discourage hiring and make energy even more expensive.

Also, I might point out to the White House that they continue to say the main objective of the President's plan today is to "lead the rest of the world." Based on the news of the last week, it is clear that the rest of the world, including China and Russia, isn't following President Obama's direction or his leadership.

#### NUCLEAR WEAPONS

That brings me to my next topic. Last week, President Obama gave a speech at the Brandenburg Gate in Berlin. In that speech, he said he plans to cut the number of America's deployed strategic nuclear weapons by up to one-third. This would be a drastic cut and would be on top of the drastic cuts in the New START arms control treaty from less than 2 years ago. President Obama's latest defense cuts are short-sighted and his approach to making this important announcement has been far too hasty.

First of all, in the President's speech, he repeated what has been sort of a mantra for people who want to eliminate all nuclear weapons. He said: "So long as nuclear weapons exist, we are not truly safe."

In 1987, President Ronald Reagan went to the same spot at the Brandenburg Gate in the shadow of the Berlin Wall. He gave a speech in which he

urged the leader of the Soviet Union to "tear down this wall." In that speech, President Reagan also said freedom and security go together.

In contrast to President Obama's idealism, President Reagan grounded his beliefs in history and in facts. We have experienced a world without nuclear weapons. Great powers went to war with each other repeatedly, which caused unthinkable amounts of death and suffering. The estimated number of dead from World War II generally ranges from 45 to 60 million. We haven't had a war with that kind of global death toll since then. Nuclear weapons and their deterrence power are a critical reason for that.

Ronald Reagan knew America's nuclear deterrent helped keep Americans safe and helped keep our country free. I think it is important we recognize that essential truth. President Obama seems to base his plan to cut America's defenses on this false notion that we are safer without nuclear weapons. This is a serious problem.

Second, I think it is important to recognize that a vital part of the deterrent is what is called the nuclear triad. This is the idea that we, as the United States, have three ways we can defend America.

We have nuclear weapons on bombers that can be flown to where they are needed, we have nuclear weapons that can be launched from the ballistic missile submarines that are stationed around the world, and we have nuclear weapons in the ground that can launch intercontinental ballistic missiles. All of these have different uses and together they have a flexible, survivable, and stable nuclear deterrent. The triad ensures other major powers are never tempted to go too far and threaten America's security or that of our allies.

So the second thread of President Obama's plan is that it could require substantial cuts to the ICBM force across the country, which means a weaker triad, a weaker deterrent, and a weaker defense.

The Secretary of Defense gave a speech the other day too. He committed to actually keeping the triad of air, sea, and land-based deterrents. If the President is serious about protecting Americans and our allies, he should immediately announce he agrees with what his Defense Secretary said the other day. The President needs to reassure the American people that he will take no steps that could weaken the triad or any parts of it.

The question is, Why now? The Senate just ratified a new START about a year and a half ago. That treaty set new levels for nuclear weapons and for delivery vehicles, but we haven't had time to even implement those new levels and the President goes and makes this next statement. Why the big rush to say those levels are all wrong and we need to cut even more nuclear weapons?

In 2010, the Senate held hearings about New START. The head of the