

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just railroad all 270 bills through the process, and all those treasured policies the majority puts in place will get repealed—perhaps before they ever get implemented.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

U.S. Strategic Command at the time was General Chilton. He was asked if the treaty allowed the United States “to maintain a nuclear arsenal that is more than is needed to guarantee an adequate deterrent.”

General Chilton said:

I do not agree that it is more than is needed. I think the arsenal that we have is exactly what is needed today to provide the deterrent.

A former Secretary of Defense testified at the same hearing, James Schlesinger. He said the strategic nuclear weapons allowed under New START are adequate, though barely so.

What has changed from the testimony in 2010 or since the Senate ratified the treaty at the end of 2011? The level was barely adequate a couple of years ago. It was exactly what was needed then. So how can we now cut another 33 percent off that level? That is what the President is proposing. The only thing that has changed since then—it seems to me—the threat of hostile nuclear programs has become even greater.

As countries that are not our friends grow closer to modernizing their nuclear weapon program, it would be irresponsible for us to weaken our own program. We haven’t even had a chance to confirm that Russia is complying with its obligations under New START. Russia has a long history of not complying with treaties. President Obama set out to reset relations between our two countries. There is no evidence that anything has changed.

Even the Washington Post admitted the failure of the so-called reset. They ran an editorial last week with the title “A starry-eyed view of Putin.” It said:

In touring Europe this week, President Obama has portrayed Russia’s Vladimir Putin as a ruler with whom he can build a constructive, cooperative relationship that moves us out of a Cold War mind-set.

They go on to say:

It’s a blinkered view that willfully ignores the Russian President’s behavior—willfully ignores the Russian President’s behavior.

The Washington Post got it right.

Finally, the President seemed to be laying the groundwork in his speech for a new round of cuts he could do unilaterally. That would be a mistake. Any further reductions in America’s nuclear defenses should be done through a negotiated treaty with Russia. That means a thorough process open to the scrutiny of the American people and subject to full consideration by this body.

New START included a resolution of ratification that specifically says future nuclear arms cuts can be made only—only—through a treaty. Arms control advocates pushing President Obama to make more cuts know that negotiating in public is difficult. They would prefer to strike backroom deals.

That is not the political system our Framers designed. They specifically require two-thirds of the Senate to ratify treaties. Such important decisions

should not rest in the hands of the President alone or with his selected advisers.

Under the President’s plan, he would cut our nuclear defenses 55 percent. Russia continues to modernize its nuclear arsenal. China is expanding its nuclear stockpile. Iran is accelerating its nuclear efforts. North Korea continues its nuclear threats. We already have the New START Treaty. It would be irresponsible to move forward with these sorts of cuts the President is talking about without extensive discussion with the American people and Congress.

The world remains a very dangerous place. Instead of drastically weakening America’s defenses, the President should focus on stopping countries such as Iran and North Korea from expanding their nuclear programs. America can’t afford to lose the full deterrent effect of a strong nuclear defense.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Republican whip is recognized.

Mr. CORNYN. Mr. President, I wish to start by thanking the Senator from Wyoming for his comments this morning. I think they are right on the mark. Throughout world history we have tried the appeasement of those who would seek to use their power to bully other people into submission, and I worry the President is taking a naive approach here and unilaterally disarming the United States in the face of a rising threat from Russia and other parts around the world. So I thank the Senator for his very important comments on a very important topic.

#### IMMIGRATION REFORM

Mr. CORNYN. Now that cloture was invoked on the underlying Leahy amendment, I think it is very important the American people and Members of Congress look more closely at what actually is in the immigration bill we will be voting on during the course of this week and, presumably, if the majority leader has his way, will see pass this Chamber and head over to the House of Representatives.

It was three years ago when the Democratic House leader and the former head of that Chamber NANCY PELOSI famously said we would have to pass ObamaCare in order to find out what was in it. We have all said things we regret, and I bet if she had it to say over again, she would not have said it that way. Indeed, it seemed to strike such a responsive chord in people because the public realizes what we should acknowledge, which is when it comes to 2,700 pages of legislation passed through without adequate deliberation and an understanding of what is in it, purely on a partisan vote, we are bound to make mistakes.

Unfortunately, we know how ObamaCare turned out. We have now seen bipartisan votes to repeal certain portions of it such as the 1099 require-

ment. We have seen an overwhelming bipartisan vote that would suggest sooner or later we will repeal the medical device tax, which is a gross receipts tax on the people who are innovating and creating jobs right here in America and creating access to high-quality health care, which makes us second to none. We saw how it turned out with ObamaCare.

Now, once again, we are being urged to enact a massive piece of legislation before the American people are fully aware of what is in it. Indeed, some supporters of the immigration bill are hoping some of its more outrageous elements will go unnoticed. Well, that is not going to happen. We are going to be spending the next few days, until this bill passes this Chamber, to point out some of the more indefensible provisions in the underlying bill.

Today I wish to talk about what I think is arguably the most indefensible portion of the bill—the part that grants immediate legal status to immigrants with multiple drunk driving or domestic violence convictions.

As we know, in the underlying bill, those who apply for and qualify for registered provisional immigrant status can stay in the United States and work for up to 5 years, providing they meet the terms of that probationary status, and they can actually reapply for another 5 years and then eventually, after 10 years, they can qualify for legal permanent residency, which is the pathway to American citizenship as early as 3 years from that time. But under the provisions of this bill, immigrants who are out of status—undocumented immigrants—can get access to probationary status and get on a pathway to legal permanent residency and citizenship, even though they have committed multiple incidents of driving while intoxicated or domestic violence. Most Americans aren’t aware of these provisions, but I can assure my colleagues everyone will suffer the consequences if this ill-considered provision becomes the law of the land.

In fiscal year 2011, Immigration and Customs Enforcement deported 36,000 individuals with DUI convictions; that is, driving under the influence convictions—nearly 36,000 people. That gives us an idea of how big this problem is and what the consequences are of turning a blind eye to this provision in the underlying bill and what impact it might have on the public.

Last week I shared a few stories from my State of Texas, including the story of the sheriff’s deputy in Harris County named Dwayne Polk, who was killed last month by an illegal immigrant drunk driver who had previously been arrested for, No. 1, driving under the influence and, No. 2, carrying an illegal weapon. Today I wish to share two more stories.

In August 2011, an illegal immigrant drunk driver crashed his car in Brenham, TX, killing four other people, all of whom were under the age of 23 years old. We subsequently learned