Each anecdote we hear about a college cutting hours for its employees or a restaurant freezing hiring or a small business already taking the ax to its workforce at such an early stage—each of them is a testament to just how well this law has been working out for the people we were sent to represent.

According to the chamber of commerce's small business survey released just yesterday, anxiety about the requirements of ObamaCare now surpass economic uncertainty as the top worry for small business. The impact of ObamaCare now surpasses economic uncertainty as the top worry for small business owners.

Here is another thing: When even cheerleaders for the law start to become its critics, that is when we know there is something to this train wreck everybody keeps talking about.

Unions are livid—even though they helped pass the law—because they see their members losing care and becoming less competitive as a result of it. That is why they fired off an angry letter to Congress just this week.

The California Insurance Commissioner is troubled too—even though he has been one of ObamaCare's biggest boosters. He is so worried about fraud that he warned we might ''have a real disaster on our hands.'' Well, it is hard to argue with him.

The President was so worried about some of this law turning into a disaster that he selectively delayed a big chunk of it, but he only did that for businesses. He just delayed it for businesses.

A constituent of mine was recently interviewed by a TV station in Paducah, and here is what she said about the President's decision: ''It ain't right.'' Well, she is not alone.

We can argue about whether the President even had the power to do what he did, but here is the point today: If businesses deserve a reprieve because the law is a disaster, then families and workers do too. If this law isn't working the way it is supposed to, then it is a terrible law. If it is not working as planned, then it is not right to foist it on the middle class while exempting business.

That is why the House will vote this week to at least try to remedy that. It is an important first step to giving all Americans and all businesses what they need, which is not a temporary delay for some but a permanent delay for everyone.

The politicians pushing ObamaCare might not like that, but they are not the ones who are having to live with this thing the same way most Americans will have to live with it.

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

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. I ask unanimous consent that I be recognized as if in morning business for such time as I may consume.

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

EPA REGULATIONS

Mr. INHOFE. Madam President, last Wednesday I came to the floor and spoke about the President's global warming speech and all that the White House is doing to help frame the debate with his talking points memo which we happened to intercept, and it is very interesting.

They also had a secret meeting that took place with alarmist Senators. That is the term used over the past 12 years of those individuals who say the world is coming to an end with global warming.

First, they changed the name from global warming because it was not acceptable. Then they tried climate change. The most recent is carbon pollution. One of these days they will find something that sells, but so far they haven't.

The first thing they don't want to talk about is cost. We have had several global warming and cap-and-trade bills over the past 12 years. When the first bills came out and the Republicans were in the majority, I was the chairman of the Environment and Public Works Committee and had responsibility for defeating them, and we did.

In the beginning, with the Kyoto treaty 12 years ago, and when Al Gore came back from Rio de Janeiro, a lot of people believed this was taking place. Then a group out of the Wharton School did a study and said if we regulate emissions from organizations emitting 25,000 tons or more of CO_2 a year, the cost would be between $300 billion and $400 billion a year. As a conservative, I get the most recent information I can from my State of Oklahoma in terms of the number of people filing Federal tax returns and I do the math. At that time, it meant it would cost each person about $3,000 a year if we had cap-and-trade.

This kept going throughout the years. The most recent one was authored by now-Senator MARKEY, who up until yesterday was Congressman MARKEY. I have a great deal of respect for him, but he had the last cap-and-trade bill regulating those with emissions of 25,000 tons a year or more.

The cost has never been debated much, because Charles River Associates later came out and said it would be between $300 billion and $400 billion a year and MIT said about the same. So we know that cost is there.

To my knowledge, while no one has actually calculated this, keep in mind the President is trying to pass a cap-and-trade policy for Americans through regulation because he was not able to pass it through legislation. If you do it through regulation, it has to be under the Clean Air Act.

The Clean Air Act requires us to regulate any source that puts the emissions at over 250 tons. So instead of 25,000 tons being regulated, it would be 250 tons. That would mean every hospital, apartment building, school, oil and gas well, and every farm would come under this. No one knows exactly what it would cost the economy, but it would be staggering.

To pull this off, the EPA alone would have to spend $21 billion and hire an additional 23,000 bureaucrats. Those are not my figures; those are their figures. So you have to stop and think, if the cap-and-trade bills cost $400 billion regulating the emitters of 25,000 tons a year or more, imagine what it would be when you drop it down to 250 tons.

The second thing the President doesn't want to talk about is the fact that it is a unilateral effort. If you pass a regulation in the United States of America, it is going to only affect the United States of America.

I have always had a lot of respect for Lisa Jackson. Lisa Jackson was the Administrator of the EPA under the Obama administration. While she is liberal and I am conservative, she was always honest in her answers.

I asked her this question: If we pass, by either legislation or any other way, cap-and-trade in the United States, is that going to reduce worldwide CO_2 emissions? Her answer was: No. Because if you do that, you are doing it just on the brightest sectors of our economy. Without China, without Mexico, without India and the rest of the world doing it, then U.S. manufacturers could have the reverse effect, because they could end up going to other countries where there are not restrictions on emissions, and so they would actually be emitting more. So there goes our jobs, overseas, seeking energy in areas where they are able to afford it.

Lisa Jackson's quote exactly: ''I believe . . . that U.S. action alone will not impact CO_2 levels.''

What the President doesn't want to talk about in his lust for overregulation in this country is, one, the fact it is going to cost a lot of money and would be the largest tax increase in the history of America, without question. The second is even if you do it, it doesn't lower emissions.

A lot of people say, Why do they want to do it? And I lose a lot of people when I make this statement, but there are a lot of liberals who believe the government should control our lives more. I had this observation back when I was first elected in the House. One of the differences between liberals and conservatives is that liberals have a basic philosophy that government can run our lives better than people can.

Dr. Richard Lindzen with MIT, one of the most outstanding and recognized scientists in this country and considered to be maybe the greatest source in terms of scientific knowledge, said, ''Controlling carbon is a bureaucrat's dream. If you control carbon, you control life.''

Tomorrow the Environment and Public Works Committee is going to conduct a hearing on climate change—or whatever they call it. I think they are starting out with global warming and may call it carbon pollution. That is the new word because that is more sellable. A lot around here is done with wordsmithing. Republicans and Democrats both do it. Global warming didn't work, climate change didn't work, so now it is CO_2 pollution. They are going to have a hearing, and the chairman of the committee, BARBARA BOXER, is going to have people come in and talk about the world coming to an end. However, the interesting thing is that the administration is sending alarmists to talk about how bad global warming is and how we are going to die, but they are not taking the process seriously enough to send any real official. We have no government officials as witnesses. This is highly unusual. This doesn't happen very often, but that is what we are going to be having.

It is important for Members to understand that greenhouse gas regulations are not the only EPA regulations that are threatening our economy. Again, it is all the regulations by government getting involved in our lives.

If you look at this chart, these are the ones they are actually working on right now in either the Environment and Public Works Committee or the Environmental Protection Agency:

Utility MACT. MACT means maximum achievable control technology. So where is our technology right now? How much can we control? The problem we are having is they are putting the emissions requirements at a level that is below where we have technology to make it happen. So utility MACT would cost $100 billion and 1.56 million jobs. That is in the law already. There are a lot of coal plants being shut down right now.

But, you might ask, how can they do that when right now we are reliant upon coal for 50 percent of the power it takes to run this machine called America?

Boiler MACT. Again, maximum achievable control technology. Every manufacturer has a boiler, so this controls all manufacturers. That is estimated to cost $63.3 billion and 800,000 jobs.

The NAAQS legislation would put a lot of counties out of attainment. When I was the mayor of Tulsa County and we were out of attainment, we were not able to do a lot of the things in order to recruit industry. So this would put 2,800 counties out of attainment, including all 77 counties in my State of Oklahoma. That causes emissions to increase, and then the company would be required to find an offset.

We are kind of in the weeds here, but the simple outcome would be that no new businesses would be able to come to an out-of-attainment area, and existing businesses wouldn't be allowed to expand.

The President is also issuing a new tier 3 standard that applies to refineries as they manufacture gasoline. This rule would cause gasoline to rise by 9 cents a gallon.

The EPA is also working tirelessly to tie groundwater contamination to the hydraulic fracturing process so they and the Federal Government can regulate this. They have tried that in Wyoming in the Pavilion case, they tried it in Pennsylvania in the Dimock case, and in Texas they tried several times.

I know something about that, because hydraulic fracturing started in the State of Oklahoma in 1949. Since then, there have been more than 1 million applications for hydraulic fracturing. Hydraulic fracturing is a way of getting oil and gas out of tight formations. There has never been a confirmed case of groundwater contamination, but they still want to have this regulated by the Federal Government and the Department of Interior is pressing ahead with regulations which would apply to Federal lands.

President Obama has had a war on fossil fuels now for longer than he has been President of the United States. If they could stop hydraulic fracturing and regulate that at the Federal level, then they can stop this boom that is going on in the country. We have had a 40-percent increase in the last 4 years in our production of oil and gas, but that is all on private and State land. We have actually had a reduction in our production on Federal lands.

The EPA has been developing a guidance document for the waters of the United States which would impose the Clean Water Restoration Act on the country. They tried to introduce and pass it 2 years ago. Senator Feingold from Wisconsin and Congressman Oberstar were the authors. Not only was it defeated, but they were both defeated in their next election. That effort is something the President is again trying to do, which they were not able to do through regulations.

What it means is this: We have rules saying that the Federal Government is in charge of water runoff in this country only to the extent it is navigable. That is the word written into the law. If you take the ''navigable'' out, then if you have standing water after a rain, that would be regulated by the Federal Government. That is a major problem that our farmers have—not just the Oklahoma Farm Bureau but farm bureaus throughout America. The Water Restoration Act and the cap-and-trade are the two major issues they are concerned with.

A lot of what the EPA has done is done through enforcement. About a year ago, one of our staff persons discovered that a guy named Al Armendariz, who was a regional EPA administrator, talking to a bunch of people in Texas, said:

> We need to ''crucify'' the oil and gas industry. Just like when the Romans conquered the villages . . . in Turkish towns and they'd find the first five guys they saw and crucify them . . . just to show who was in charge.

This is a perspective not just of Armendariz but the entire EPA to the fossil fuel industry.

By the way, Armendariz is no longer there. He is with one of the environmental groups I know, and I am sure he is a lot happier there.

The EPA is also dramatically expanding the number of permits they are required to obtain under the Clean Air Act by counting multiple well sites as though they were one site, even though they may be spread out in as many as 42 square miles.

All of this is so they can regulate more of what goes on at the wells and underscores how adversarial they have been to us having the fuel we need to run this country. The EPA was eventually sued and lost the case over this issue, the issue of what they are doing right now throughout America to try to force all the multiple well sites into one site as they did. They lost in the Sixth Circuit Court of Appeals. But everyplace outside of the Sixth Circuit the EPA is still using their own regulation. This is one we have been talking to them about.

The EPA is also targeting the agricultural community. We talked about what their top concerns are, but in addition to that, the EPA recently released the private sensitive data of pork producers and the concentrated animal feeding operations, that is CAFOs, to environmental groups. The environmental groups hate CAFOs and the EPA knows this, so by doing this the EPA has enabled the environmental groups to target CAFOs and put them out of business.

Those are our farmers. It seems to me when people come into my office and they talk about the abuses of this overregulation, all these things, it seems the ones who keep getting hit worse and worse are the farmers. I can remember when they tried to treat propane as a hazardous waste. We had a hearing. This was some years ago. I was at that time the chairman of the Environment and Public Works Committee. I can remember when they said this only costs the average farmer in Oklahoma another $600 or $700 a year. We went through this thing and were able to defeat that.

Farmers have been hit hard, but they are not alone. All these regulations have been devastating to the entire economy and they are preventing us from achieving our economic recovery. The President is engaged in all-out war on fossil fuels, and he is intent on completing this until his assault on the free enterprise system is completed. The business community knows how bad the regulations are. They have been fighting them tooth and nail since the beginning of Obama's first term.

This chart shows the rules that were approved during the President's first term. This is what he did. If you look at it, take some time—these will be printed in the RECORD so you need to be looking them up and realizing how

serious it is. The greenhouse gas, we talked about that, the EPA, on the diesel engines. All of these regulations are costing fortunes.

The second chart—those are the ones that were approved during the President's first administration. The second is more alarming because it shows several of the major rules the President began developing during his first term but delayed their finalization until after the election. They waited until after the election, knowing the American people would realize how costly this was and that could cost his campaign. He is gaming the system using his administration to advance a critical agenda but hiding the truth from the American people and he is doing it with secret talking points and doing it with the secrecy that shrouds bad rules.

These are the rules that were delayed until after the election. You can get a good idea of the cost. We take down the cost of each one. It is just an incredible amount.

The third chart is—that is what he is doing right now with no accountability to the electorate because he can do anything he wants to right now. Groups are on record opposing this. We have all these groups that are on record opposing this: U.S. Chamber of Commerce, National Association of Manufacturers, NFIB, American Railroads—all the way down through all the agricultural groups and including a lot of labor unions. Historically, the labor unions go right along with the Democrats and with the liberals, but they realize this is a jobs bill and consequently we have the United Mine Workers and others who are being affected by this and are trying to do something about overregulation. All these groups have opposed the rules being put out by the EPA.

Even the unions have opposed the rules because they kill all kinds of jobs, union and nonunion jobs alike. Cecil Roberts, the president of the United Mine Workers, said his organization supported my Congressional Review Act.

Let me explain what that was. You may have noticed in the first chart we had the first MACT bill that was passed. That would put coal out of business. What we have in this body is a rule that nobody uses very often—it has not been used very successfully—but it says if a regulator passes something that is not in the best interests of the people, if you get past the Congressional Review Act with just 30 cosponsors in the Senate, get a simple majority, you can stop that from going into effect.

I had a CRA on that Utility MACT, and Cecil Roberts, president of the United Mine Workers, said his organization supported my CRA to overturn the Utility MACT rule because the rule poses loss of jobs to United Mine Workers Association members.

We also had something recently about Jimmy Hoffa that came out.

These are jobs. These are important. The national unemployment rate is 7.6, but guess what. In Oklahoma we are at full employment. All throughout America, people used to think of the oil belt being west of the Mississippi. That is not true anymore. With the Marcellus chain going through—you have New York, Pennsylvania—in Pennsylvania I understand it is the second largest employer up there. If we were able to do throughout America what we do in Oklahoma, we would solve the problem we have right now. But the Obama rules are there and Obama wants to pursue more that are even worse.

I mention this. We are going to have a very fine lady, Gina McCarthy, who has been the Assistant Director of EPA in charge of air regulations for about 4 years. While we get along very well, she is the one who promotes these regulations. I will not be able to support her nomination. I understand the votes are all there, and we will be having a good working relationship.

But I think it is a wake-up call to the American people. They are going to have to realize the cost. The total cost of these regulations is well over $600 billion annually, which will cost us as many as 9 million jobs. The EPA is the reason our Nation has not returned to full employment. All of this is done intentionally by the Obama administration to cater to their extreme base—right now moveon.org, George Soros, Michael Moore, and that crowd from the far left environmentalists, Hollywood and their friends.

This is going to have to change through a major education endeavor. We have a country to save.

I know there is a lot of partisan politics going on. In this case, the least known destructive force in our country now is overregulation and all of these organizations that are going to pose it are going to have to pay for it. It is going to be paid for in American dollars and American jobs.

I see my colleague from Iowa is on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will take a few minutes to talk about the President's nominee for Secretary of Labor Tom Perez. I have already spoken about Mr. Perez over the last few weeks. I will not repeat everything I said, but it is important for my colleagues to understand the basis of my opposition. We have had a lot of debate around here over the last few days about what grounds are appropriate to oppose an executive branch nominee. Many of my colleagues have suggested that Senators should not vote against such a nominee based on disagreement over policy. That may or may not be the appropriate view, but I am not going to get into that debate today.

I am quite sure I would disagree with Mr. Perez on a host of policy issues, but I wish to make clear to my colleagues those policy differences are not the reason I am vigorously opposed to this nominee. I am opposed to Mr. Perez because the record he has established of government service demonstrates that he is willing to use the levers of government power to manipulate the law in order to advance a political agenda.

Several of my colleagues cited examples of his track record in this regard, but in my view perhaps the most alarming example of Mr. Perez's willingness to manipulate the rule of law is his involvement in the quid pro quo between the City of St. Paul and the Department of Justice. In this deal that the Department of Justice cut with the City of St. Paul, the Department agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing its case before the Supreme Court in a case called Magner v. Gallagher.

Mr. Perez's actions in this case are extremely troubling for a number of reasons. At this point, no one disputes the fact that Mr. Perez actually orchestrated this entire arrangement. He manipulated the Supreme Court docket so that his favored legal theory, called disparate impact theory, would evade review by the High Court. In the process, Mr. Perez left a whistleblower twisting in the wind. Those are the facts and even Mr. Perez doesn't dispute them.

The fact that Mr. Perez struck a deal that potentially squandered up to 200 million taxpayer dollars in order to preserve a disparate impact theory that he favored is, of course, extremely troubling in and of itself. But in addition to that underlying quid pro quo, the evidence uncovered in my investigation revealed Mr. Perez sought to cover up the facts that the exchange ever took place.

Finally, and let me emphasize that this should concern all of my colleagues, when Mr. Perez testified under oath about the case, both to congressional investigators and during confirmation hearings, in those two instances, Mr. Perez told a different story. The fact is that the story Mr. Perez told is simply not supported by the evidence.

Let me begin by reviewing briefly the underlying quid pro quo. In the fall of 2011, the Department of Justice was poised to join a False Claims Act lawsuit against the City of St. Paul. That is where the $200 million comes in. That is what was expected to be recovered. The career lawyers in the U.S. Attorney's Office in Minnesota were recommending that the Department of Justice join the case. The career lawyers in the Civil Division of the Department of Justice were recommending the Department join the case. And the career lawyers in the Department of Housing and Urban Development were recommending that Justice join the case. At that point, all of the relevant components of government believed this case was a very good case.

They considered the case on the merits, and they supported moving forward, or as one of the line attorneys wrote in an e-mail in October, 2011: ''Looks like everyone is on board.'' But of course this was all before Mr. Perez got involved.

At about the same time, the Supreme Court agreed to hear the case called Magner v. Gallagher.

In Magner, the City of St. Paul was challenging the use of the disparate impact theory under the Fair Housing Act. The disparate impact theory is a mechanism Mr. Perez and the Civil Rights Division were using in lawsuits against banks for their lending practices. For instance, during this time period Mr. Perez and the Justice Department were suing Countrywide for its lending practices based upon disparate impact analysis. In fact, in December 2011 the Department announced it reached a $355 million settlement with Countrywide. Again, in July 2012 the Department of Justice announced a $175 million settlement with Wells Fargo addressing fair lending claims based upon that same disparate impact analysis. Of course, there are a string of additional examples, but I don't need to recite them here.

What is clear is that if that theory were undermined by the Supreme Court, it would likely spell trouble for Mr. Perez's lawsuits against the banks. Mr. Perez approached the lawyers handling the Magner case, and, quite simply, he cut a deal. The Department of Justice agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing Magner from the Supreme Court. Now we have an interference in the agenda of the Supreme Court at the same time that a deal is going to cut the taxpayers out of winning back $200 million under the False Claims Act.

In early February 2012 Mr. Perez flew to St. Paul, and he flew there solely to finalize the deal. The next week the Justice Department declined to join the first False Claims Act, called the Newell case. The next day the City of St. Paul kept their end of the bargain and withdrew the Magner case from the Supreme Court.

There are a couple of aspects of this deal that I wish to emphasize for my colleagues. First, as I mentioned, the evidence makes clear that Mr. Perez took steps to cover up the fact he had bartered away the False Claims Act cases and the $200 million.

On January 10, 2012, Mr. Perez called the line attorney in the U.S. Attorney's Office regarding the memo in the Newell case. Newell was the case that these same career attorneys I referred to and quoted previously were strongly recommending the United States join before Mr. Perez got involved. Mr. Perez called the line attorney and instructed him not to discuss the Magner case in the memo that he prepared outlining the reasons for the decisions not to join the case. Here is what Mr. Perez said on that call:

> Hey, Greg. This is Tom Perez calling you at—excuse me, calling you at 9 o'clock on Tuesday. I got your message. The main thing I want to ask you, I spoke to some folks in the Civil Division yesterday and wanted to make sure that the declination memo that you sent to the Civil Division—and I am sure it probably already does this—but it doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases that are under review in the qui tam context.

It is pretty clear they didn't want anything in writing that led people to believe there was any deal being made.

After that telephone message was left, approximately 1 hour later Mr. Perez sent Mr. Brooker a followup e-mail, writing:

> I left a detailed voicemail. Call me if you can after you have a chance to review [the] voicemail.

Several hours later Mr. Perez sent another followup e-mail, writing:

> Were you able to listen to my message?

Mr. Perez's voicemail was quite clear and obvious. It told Mr. Brooker to ''make sure that the declination memo . . . doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases.'' It is so very clear. In fact, it couldn't be more clear that this was an effort—that there was no paper trail that there was ever any deal made.

Yet, when congressional investigators asked Mr. Perez why he left the voicemail, he told an entirely different story. Here is what he told investigators:

> What I meant to communicate was, it is time to bring this to closure, and if the only issue that is standing in the way is how you talk about Magner, then don't talk about it.

Anyone who actually listens to the voicemail knows this is plainly not what he said in that voicemail. He didn't say anything about being concerned with the delay. He said: Make sure you don't mention Magner. It is just a memo on the merits. His intent was crystal clear.

Mr. Perez also testified that Mr. Brooker called him back the next day and refused to omit the discussion of Magner. Let's applaud that civil servant because he chose not to play that game. According to Mr. Perez, he told Mr. Brooker during this call to follow the normal process. Again, this story is not supported by the evidence.

One month later, after Mr. Perez flew to Minnesota to personally seal the deal with the city, a line attorney in the Civil Division e-mailed his superior to outline the ''additional facts'' about the deal.

Before I begin the quote, I want to give the definition of ''USA-MN,'' which stands for ''U.S. Attorney, Minnesota.''

Point 6 reads as follows:

> USA-MN considers it non-negotiable that its office will include a discussion of the Supreme Court case and the policy issues in its declination memo.

If Mr. Perez's story were true and the issue was resolved on January 11, why 1 month later would the U.S. Attorney's Office need to emphatically state that it would not hide the fact that the exchange took place?

As I just mentioned, Mr. Perez flew to Minneapolis to finalize the deal on February 3. You would think, wouldn't you, that a deal of this magnitude would be written down so the parties understood exactly what each side agreed to. But was this agreement written down? No, it wasn't. After Mr. Perez finalized the deal, the career attorneys asked if there was going to be a written agreement. What was Mr. Perez's response? He said: ''No, just oral discussions; word was your bond.''

So let me just review. At this point Mr. Perez had just orchestrated a deal where the United States declined to join a case worth up to $200 million of taxpayers' money in exchange for the City of St. Paul withdrawing a case from the Supreme Court. When the career lawyers asked if this deal will be written down, he said: ''No . . . [your] word was your bond.''

Of course, the reason you make agreements like this in writing is so that there is no disagreement down the road about what the parties agreed to. As it turns out, there was, in fact, a disagreement about the terms of this unwritten deal.

The lawyer for the city, Mr. Lillehaug, told congressional investigators that on January 9, approximately 1 month before the deal was finalized, Mr. Perez had assured him that ''HUD would be helpful'' if the Newell case proceeded after the Department of Justice declined to intervene. Mr. Lillehaug also told investigators that on February 4, the day after they finalized the deal, Mr. Perez told him that HUD had begun assembling information to assist the city in a motion to dismiss the Newell complaint on ''original source'' grounds. According to Mr. Lillehaug, this assistance disappeared after the lawyers in the Civil Division learned of it.

Why is that significant? Mr. Perez represents the United States. He represents the American people. Mr. Newell, the whistleblower, is bringing a case on behalf of the United States and indirectly the people. Mr. Perez is talking to the lawyers on the other side, and he tells the people, in essence: After the United States declines to join the case, we will give you information to help you defeat Mr. Newell, who is bringing the case on behalf of the United States.

Let me say that a different way. In effect, Mr. Perez is offering to give the other side information to help defeat his own client. Is that the way you represent the American people? Mr. Perez was asked about this under oath. Mr. Perez told congressional investigators, ''No, I don't recall ever suggesting that.''

So on the one hand, we have Mr. Lillehaug, who says Mr. Perez made this offer first in January and then again on February 4 but the assistance disappeared after the lawyers in the

Civil Division caught wind of it. On the other hand, it was Mr. Perez who testified under oath: ''I don't recall'' ever making such an offer. Whom should we believe? The documents support Mr. Lillehaug's version of the event.

On February 7, a line attorney sent an e-mail to the director of the Civil Fraud Section and relayed a conversation a line attorney in Minnesota had with Mr. Lillehaug. The line attorney wrote that Mr. Lillehaug stated that there were two additional items that were part of the deal. One of the two items was this:

HUD will provide material to the City in support of their motion to dismiss on original source grounds.

Internal e-mails show that when the career lawyers learned of this promise, they strongly disagreed with it, and they conveyed their concern to Tony West, head of the Civil Division. During his transcribed interviews, Mr. West testified that it would have been ''inappropriate'' to provide this material outside of the normal discovery channels. Mr. West said:

I just know that that wasn't going to happen, and it didn't happen.

In other words, when the lawyers at the Civil Division learned of this offer, they shut it down.

Again, why is this important? It is important because it demonstrates that the documentary evidence shows the events transpired exactly as Mr. Lillehaug said they did.

Mr. Perez offered to provide the other side with information that would help them defeat Mr. Newell in this case on behalf of the United States. In my opinion, this is simply stunning. Mr. Perez represents the United States. Any lawyer would say it is highly inappropriate to offer to help the other side defeat their own client.

This brings me to my final two points that I wish to highlight for my colleagues. Even though the Department traded away Mr. Newell's case and $200 million, Mr. Perez has defended his actions, in part by claiming that Mr. Newell still had his ''day in court.'' What Mr. Perez omits from his story is that Mr. Newell's case was dismissed precisely because the United States would not continue to be a party and would not be a party.

After the United States declined to join the case, the judge dismissed Mr. Newell's case based upon the ''public disclosure bar,'' finding that he was not the original source of information to the government.

I will remind my colleagues, we amended the False Claims Act several years ago precisely to prevent an outcome such as this. Specifically, the amendments made clear that the Justice Department can contest the ''original source'' dismissal even if it fails to intervene, as it did in this case.

So the Department didn't merely decline to intervene, which is bad enough, but, in fact, it affirmatively chose to leave Mr. Newell all alone in this case. And, of course, that was the whole point. That is why it was so important for the City of St. Paul to make sure the United States did not join the case. That is why the city was willing to trade away a strong case before the Supreme Court, and when the Newell case didn't go forward, they cut the taxpayers out of $200 million. The city knew if the United States joined the action the case would almost certainly go forward. Conversely, the city knew if the United States did not join the case and chose not to contest the original source, it would likely get dismissed.

The Department traded away a case worth millions of taxpayers' dollars. They did it precisely because of the impact the decision would have on the litigation. They knew as a result of their decision, the whole whistleblower case would get dismissed based upon ''original source'' grounds since the Department didn't contest it. Not only that, Mr. Perez went so far as to offer to provide documents to the other side that would help them defeat Mr. Newell in his case on behalf of Mr. Perez's client, the United States.

That is really looking out for the taxpayers. How would a person like to have a lawyer such as Mr. Perez defending them in some death penalty case? Yet when the Congress started asking questions, they had the guts to say: ''We didn't do anything improper because Mr. Newell still had his day in court.'' Well, Mr. Newell didn't have his day in court because the success of that $200 million case was dependent upon the United States staying in it.

Now, this brings me to my last point on the substance of this matter, and that has to do with the strength of the case. Throughout our investigation, the Department has tried to defend Mr. Perez's action by claiming the case was marginal and weak. Once again, however, the documents tell a far different story.

Before Mr. Perez got involved, the career lawyers at the Department wrote a memo recommending intervention in the case. In that memo, they described St. Paul's actions as ''a particularly egregious example of false certifications.''

In fact, the career lawyers in Minnesota felt so strongly about the case they took the unusual step of flying to Washington, DC, to meet with officials in the Department of Housing and Urban Development. The Department of Housing and Urban Development, of course, agreed the United States should intervene in this false claims case. But, of course, that was all before Mr. Perez got involved.

The documents make clear that career lawyers considered it a strong case, but the Department has claimed that Mike Hertz—the Department's expert on the False Claims Act—considered it a weak case. In fact, during his confirmation hearing, Mr. Perez testified before my colleagues on the Senate HELP Committee that Mr. Hertz ''had a very immediate and visceral reaction that it was a weak case.''

Once again, the documents tell a much different story than was told to Members of the Senate. Mr. Hertz knew about the case in November of 2011. Two months later, a Department official took notes of a meeting where the quid pro quo was discussed. The official wrote down Mr. Hertz's reaction. She wrote:

Mike—odd—Looks like buying off St. Paul. Should be whether there are legit reasons to decline as to past practice.

The next day, the same official e-mailed the associate attorney general and said:

Mike Hertz brought up the St. Paul disparate impact case in which the Solicitor General just filed an amicus brief in the Supreme Court. He's concerned about the recommendation that we decline to intervene in two qui tam cases against St. Paul.

These documents appear to show that Mr. Hertz's primary concern was not the strength of the case, as Mr. Perez led my Senate colleagues to believe. Mr. Hertz was concerned the quid pro quo Mr. Perez ultimately arranged was improper. Again, in his words, it ''looks like buying off St. Paul.'' Yet, Mr. Perez led my colleagues on the HELP Committee to believe that Mr. Hertz believed it was a bad case on the merits.

Let me make one final point regarding process and why it is premature to even be having this debate. As of today, when we vote on Mr. Perez's nomination, we will be voting on a nominee who, to date, has not complied with a congressional subpoena compelling him to turn over certain documents to Congress. I am referring to the fact that the House Committee on Oversight and Government Reform subpoenaed e-mails from Mr. Perez.

During the course of our investigation, we learned that Mr. Perez was routinely using his private e-mail account to conduct government business, including business related to the quid pro quo. In fact, the Department of Justice admitted that Mr. Perez had used his private e-mail account approximately 1,200 times to conduct government business. After Mr. Perez refused to turn those documents over voluntarily, then the House oversight committee was forced to issue a subpoena. Yet, today, Mr. Perez has refused to comply with the subpoena.

Here we have a person in the Justice Department doing all of these bad things. People want him to be Secretary of Labor, and we are supposed to confirm somebody who will not respond to a subpoena for information to which Congress is constitutionally entitled. We have people come before Congress who say, yes, they will respond to letters from Congress; they will come up and testify; they are going to cooperate in the spirit of checks and balances, and then we have somebody before the Senate who will not even respond to a subpoena.

So I find it quite troubling that this body would take this step and move forward with a nomination when the

nominee simply refuses to comply with an outstanding subpoena. Can any of my colleagues recall an instance in the past when we were asked to confirm a nominee who had flatly refused to comply with a congressional subpoena? Why would we want somebody in the Cabinet thumbing their nose at the elected representatives of the people of this country who have the constitutional responsibility of checks and balances to make sure the laws are faithfully executed? That is what they take an oath to do. It is quite extraordinary and should concern all of my colleagues, not just Republicans.

My colleagues are well aware of how I feel about the Whistleblower Protection Act, and my colleagues know how I feel about protecting whistleblowers who have the courage to step forward, often at great risk to their careers. But this is about much more than the whistleblower who was left dangling by Mr. Perez. This is about the fact that Mr. Perez manipulated the rule of law in order to get a case removed from the Supreme Court docket. And this is about the fact that when Congress started asking questions about this case, and when Mr. Perez was called upon to offer his testimony under oath, he chose to tell a different story.

The unavoidable conclusion is that the story he told is not supported by the facts. This is also about the fact that we are about to confirm a nominee who, even as of today, is still thumbing his nose at Congress by refusing to comply with a congressional subpoena.

I began by saying that although I disagree with Mr. Perez on a host of policy issues, those disagreements are not the primary reason my colleagues should reject this nomination. We should reject this nomination because Mr. Perez manipulated the levers of power available to few people in order to save a legal theory from Supreme Court review.

Perhaps more importantly, when Mr. Perez was called upon to answer questions about his actions under oath, I do not believe he gave us a straight story.

Finally, we should reject this nomination because Mr. Perez failed—and refuses still—to comply with a congressional subpoena.

For these reasons, I strongly oppose the nomination, and I urge my colleagues to do the same.

Mr. President, I have completed my statement and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I have listened very carefully to my friend from Iowa, and I couldn't disagree with him more. I know he has very strong views about the nomination of Tom Perez, but let me go through the record.

I wish to spend a little bit of time speaking first about Tom Perez. I know him very well. We have served together in government in Maryland. He served on the county council of Montgomery County. I will mention that he was the first Latino to serve on the county council of Montgomery County. Montgomery County, which is very close to here, is larger than some of our States. It is a large government. It has very complex problems. He served with great distinction on the county council.

As the Presiding Officer knows, it is a very difficult responsibility to serve local government. One has to deal with the day-to-day problems of the people in the community. He served with such distinction that he was selected to be the president of the county council, the head of the county council of Montgomery County.

He then went on to become the Secretary of the Department of Labor, Licensing and Regulation under Governor O'Malley in the State of Maryland, which is a very comparable position to which President Obama has appointed him as Secretary of Labor in his Cabinet.

It is very interesting that as Secretary of Labor, Licensing and Regulation, he had to deal with very difficult issues—issues that can divide groups. But, instead, he brought labor and business together and resolved many issues.

It is very interesting, in his confirmation process, business leaders and labor leaders came forward to say this is the right person at the right time to serve as Secretary of Labor in the Obama administration.

I held a press briefing with the former head of the Republican party in Maryland and he was very quick to point out that Tom Perez and he did not agree on a lot of policy issues, but he is a professional, he listens, and tries to make the right judgment. That is why he should be confirmed as Secretary of Labor. That was the former head of the Republican party in Maryland who made those statements a few months ago.

Tom Perez has a long history of public service. He served originally in the Department of Justice in many different capacities. He started in the Department of Justice. He served in the Civil Rights Division and, of course, later became the head of the Civil Rights Division. He helped us in the Senate, serving as a staff person for Senator Kennedy.

I think the greatest testimony of his effectiveness is how he has taken the Civil Rights Division from a division that had lost a lot of its glamour, a lot of its objectivity under the previous administration, and is returning the Department of Justice to that great institution to protect the rights of all Americans.

Look at his record in the Department of Justice: Enforcement of the Shepard-Byrd Hate Crimes Prevention Act. The division convicted 141 defendants on hate crimes charges in 4 years. That is a 74-percent increase over the previous 4 years. The division brought 194 human trafficking cases. That is a 40-percent increase.

You could talk a good deal about what happened between 2004 and 2008 with Countrywide Financial Corporation, one of the Nation's largest residential mortgage lenders, engaging in systematic discrimination against African-American and Latino borrowers by steering them into subprime loans or requiring them to pay more for their mortgages. I know the pain that caused. I met with families who should have been in traditional mortgages who were steered into subprime loans, and they lost their homes. Tom Perez represented them in one of the largest recoveries ever. The division's settlement in 2011 required Bank of America—now the owner of Countrywide—to provide $335 million in monetary relief to the more than 230,000 victims of discriminatory lending—the largest fair lending settlement in history.

That is the record of Tom Perez as the head of the Civil Rights Division.

The division investigated Wells Fargo Bank, the largest residential home mortgage lender in the United States, alleging that the bank engaged in a nationwide pattern or practice of discrimination against minority borrowers placed, again, in subprime loans. The division's settlement—the largest per-victim recovery ever reached in a division lending discrimination case—required Wells Fargo to pay more than $184 million to compensate discrimination victims and to make a $50 million investment in a home buyer assistance program.

I could go on and on and on about the record Tom Perez has in his public service—at the county level, at the State level, and at the Federal level. He has devoted his career to public service and has gotten the praise of conservatives and progressives, Democrats and liberals, and business leaders and labor leaders. That is the person we need to head the Department of Labor.

So let my spend a few minutes talking about Senator GRASSLEY's two points that he raises as to why we should deny confirmation of the nomination of Tom Perez, the President's choice for his Cabinet.

He talked about the fact that Tom Perez has not answered all the information Senator GRASSLEY would like to see from a House committee—a partisan effort in the House of Representatives. It is not the only case. There is hardly a day or a week that goes by that there is not another partisan investigation in the House of Representatives. That is the matter the Senator from Iowa was talking about—not an effort that we try to do in this body, in the Senate, to work bipartisanly when we are doing investigations. This has been a partisan investigation.

Thousands of pages of documents have been made available to congressional committees by the Department of Justice. So let's get the record straight as to compliance. The Department of Justice, Tom Perez, has complied with the reasonable requests of

the Congress of the United States and spent a lot of time doing that. It is our responsibility for oversight, and we have carried out our responsibility for oversight. Any balanced review of the work done by the Department of Justice Civil Rights Division will give the highest marks to Tom Perez on restoring the integrity of that very important division in the Department of Justice.

Let me talk about the second matter Senator GRASSLEY brings up, and that deals with the City of St. Paul case—one case. It dealt with the city of St. Paul in the Supreme Court Magner case.

Senator GRASSLEY points out, and correctly so, this is a disparate impact case. It not only affects the individual case that is before the Court, it will have an impact on these types of cases generally. When you are deciding whether to litigate one of these cases, you have to make a judgment as to whether this is the case you want to present to the Court to make a point that will affect not only justice for the litigant but for many other litigants. You have to decide the risk of litigation versus the benefit of litigation. You have to make some tough choices as to whether the risk is worth the benefit.

In this case, the decision was made, not by Tom Perez, not by one person. Career attorneys were brought into the mix, and career attorneys—career attorneys—advised against the Department of Justice interceding in this case. HUD lawyers thought this was not a good case for the United States to intercede.

Senator GRASSLEY says: Well, this was a situation where there was a quid pro quo. It was not. There was a request that the United States intercede and dismiss. Tom Perez said: No, we are not going to do that. The litigation went forward. So a professional decision was made based upon the best advice, gotten by career attorneys—attorneys from the agency that was directly affected by the case that was before the Court—and a decision was made that most objective observers will tell you was a professional judgment that is hard to question. It made sense at the time.

I understand Senator GRASSLEY has a concern about the case. People can come to different conclusions. But look at the entire record of Tom Perez. I think he made the right decision in that case. But I know he has a proud record of leadership on behalf of the rights of all Americans, and that is the type of person we should have as Secretary of Labor.

Tom Perez has been through confirmation before. He was confirmed by the Judiciary Committee to serve as the head of the Civil Rights Division of the Department of Justice. Thorough vetting was done at that time. Questions were asked, debate was held on the floor of the Senate, and by a very comfortable margin he was confirmed to be the head of the Civil Rights Division.

Now the Health, Education, Labor, and Pensions Committee has held a hearing on Tom Perez to be Secretary of Labor. They held a vote several months ago and reported him favorably to the floor. It is time for us to have an up-or-down vote on the President's nomination for Secretary of Labor. I hope all my colleagues would vote to allow this nomination to be voted up or down.

I was listening to my distinguished friend from Iowa. I heard nothing that would deny us the right to have a vote on a Presidential nomination. That is the first vote we are going to have on whether we are going to filibuster a Cabinet position for the President of United States and a person whose record is distinguished with a long record of public service—and a proven record.

Then the second vote is on confirmation, and Senators may disagree. I respect every Senator to do what he or she thinks is in the best interests. But I would certainly hope on this first vote, when we are dealing with whether we are going to filibuster a President's nomination for Secretary of Labor, that we would get the overwhelming support of our colleagues to allow an up-or-down vote on Tom Perez to be the next Secretary of Labor.

I started by saying I have known Tom Perez for a long time, and I have. I know he is a good person, a person who is in public service for the right reasons, a person who believes each individual should be protected under our system, and that as Secretary of Labor he will use that position to bring the type of balance we need in our commercial communities to protect working people and businesses so the American economy can grow and everyone can benefit from our great economy.

I urge my colleagues to support this nomination and certainly to support moving forward on an up-or-down vote on the nomination to be Secretary of Labor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by concurring with the remarks of Senator CARDIN. Tom Perez will make an excellent Secretary of Labor, and I strongly support his nomination.

GLOBAL WARMING

Mr. President, it is no great secret that the Congress is currently held in very low esteem by the American people, and there are a lot of reasons for that. But I think the major reason, perhaps, is, in the midst of so many serious problems facing our country, the American people perceive that we are not addressing those issues, and they are right.

Regardless of what your political point of view may be, we are looking at a middle class that is disappearing. Are we addressing that issue? No. Poverty is extraordinarily high. Are we moving aggressively to address that? No, we are not. We have the most expensive health care system in the world, enormously bureaucratic and wasteful. Are we addressing that? No, we are not. But the issue I want to talk about today—maybe more clearly than any other issue in terms of our neglect—is the issue of global warming.

At a time when virtually the entire scientific community—the people who spend their lives studying climate change—tells us that global warming is real, that it is significantly caused by human activity, and that it is already doing great damage, it is beyond comprehension that this Senate, this Congress, is not even discussing that enormously important issue on the floor of the Senate. Where is the debate? Where is the legislation on what might be considered the most significant planetary crisis we face? I fear very much that our children and our grandchildren—who will reap the pain from our neglect—will never forgive us for not moving in the way we should be moving.

I understand that some of my colleagues, including my good friend JIM INHOFE from Oklahoma—whom I like very much—that some of my Republican friends, especially, believe global warming is a hoax. They believe global warming is a hoax perpetrated by Al Gore, the United Nations, the Hollywood elite. This is what people such as JIM INHOFE actually believe.

Well, I have to say to my good friend Mr. INHOFE that he is dead wrong. Global warming is not just a crisis that will impact us in years to come, it is impacting us right now, and it is a crisis we must address. In fact, global warming is the most serious environmental crisis facing not just the United States of America but our entire planet, and we cannot continue to ignore that reality.

Science News reports that cities in America matched or broke at least 29,000 high-temperature records last year.

According to the National Oceanic and Atmospheric Administration, 2012 was the warmest year ever recorded for the contiguous United States. It was the hottest year ever recorded in New York, in Washington, DC, in Louisville, KY, and in my hometown of Burlington, VT, and other cities across the Nation.

Our oceans also are warming quickly and catastrophically. A new study found that North Atlantic waters last summer were the warmest in 159 years of record-keeping. The United Nations World Meteorological Organization in May issued a warning about ''the loss of Arctic sea ice and extreme weather that is increasingly shaped by climate change.''

Scientists are now warning that the Arctic may experience entirely ice-free summers within 2 years. Let me repeat that. The Arctic may experience entirely ice-free summers within 2 years. Scientists are also reporting that carbon dioxide levels have reached a dangerous milestone level of 400 parts per