

experts are telling us that cities such as Miami, Ft. Lauderdale, New York, New Orleans, and others will face a growing threat of partial submersion within just a few decades as sea levels and storm surge levels continue to climb and that entire countries—small island nations such as Micronesia and the Maldives and large nations such as Indonesia face similar risk.

Ironically, rising sea levels are even threatening key oil industry infrastructure. For example, scientists at NOAA are estimating that portions of the Louisiana State Highway 1 will be inundated by rising high tides 30 times per year. Highway 1 provides the only access to a port servicing nearly one out of every five barrels of the U.S. oil supply.

What is my point? My point is that we are facing a horrendous planetary crisis. We cannot continue to ignore it. We must act, and we must act now.

In my view, the first thing we must do is we must not make a terribly dangerous situation—i.e., global warming and greenhouse gas emissions—even worse than it is right now. We must break our dependence on fossil fuels, not expand it. We must modernize our grid and transform our energy system to one based on sustainable energy sources, and we must move aggressively toward energy efficiency.

In that process, we must reject the Keystone XL Pipeline proposal, which would dramatically increase carbon dioxide emissions, according to the EPA, by the equivalent of 18.7 million metric tons per year, releasing as much as 935 million metric tons over 50 years. In other words, the planet faces a crisis right now. Why would we think for one second about making that crisis even worse?

Further, Congress needs to end wasteful subsidies for the industries that are causing climate change. According to a report by DBL Investors, between 1918 and 2009, the oil and gas industry received government subsidies to the tune of \$446 billion, to say nothing of State subsidies which have benefited from decades' worth of backroom political deals. In other words, why are we continuing to subsidize those industries that are helping to bring devastating damage to our planet.

Thirdly, even though fossil fuels are the most expensive fuels on Earth, the fossil fuel industry for too long has shifted these enormous costs onto the public, walking away with billions in profits while the American people have to bear the real costs of rising seas, monster storms, devastating droughts, heat waves, and other extreme weather. When people tell you that coal or oil is cheap, what they are forgetting about are the social costs in terms of infrastructure damage and in terms of human health. These fuels are not cheap.

As we transform our energy system away from fossil fuels, we must finally begin pricing carbon pollution emissions so the polluters themselves begin

carrying the costs instead of passing them on to our children and grandchildren.

I am proud to have joined with Senator BARBARA BOXER, the chairperson of the Environment Committee in the Senate, to introduce the Climate Protection Act earlier this year. Our bill establishes a fee on carbon pollution emissions, an approach endorsed by people all across the political spectrum, including conservatives such as George Shultz, Nobel Laureate economist Gary Becker, Mitt Romney's former economic adviser Gregory Mankiw, former Reagan adviser Art Laffer, former Republican Congressman Bob Inglis, and others.

Our bill does a number of things. One of the things it does is return 60 percent of the revenue raised directly back to taxpayers in order to address increased fuel costs. It puts money, substantial sums of money, into supporting sustainable energy research, weatherizing homes, job creation, and helping manufacturing businesses save money through energy efficiency and deficit reduction.

This begins the process of transforming our energy system by imposing a fee on carbon. It deincentivizes fossil fuel by putting money into energy efficiency and sustainable energy. It helps us move in a very different and healthier direction.

Let me conclude by going back to the point that I made when we started. The American people are shaking their heads at what goes on in Washington.

This country is facing enormous problems, economic problems, social problems, and I would argue that in global warming we face a planetary crisis. The American people want us to act. It is incomprehensible that week after week, month after month, year after year, we are not addressing the issue of global warming.

I hope sooner rather than later we will bring serious legislation to the floor of the Senate, that we have that debate, and we do what the planetary crisis requires; that is, transform our energy system, move away from fossil fuel, and move to energy efficiency and sustainable energy.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Texas.

PEREZ NOMINATION

Mr. CORNYN. Mr. President, I rise to express my deep concerns over the President's nomination of Thomas Perez to be Secretary of the Department of Labor.

When executing its advice-and-consent role, which, of course, is ensconced within the Constitution itself, it is the duty of the Senate to ensure that the people the President appoints to positions of power are of the highest caliber. It is our duty to examine their record and to determine whether each nominee ought to be granted the public trust.

While no one can deny that Mr. Perez has spent his career in public service, I

am afraid his record raises serious concerns over his ability to fairly and impartially lead the Department of Labor. Mr. Perez has a documented record of acting with political motivation and being a partisan, selective enforcer of the law. He has been misleading in his sworn testimony and ethically questionable in some of his actions.

For example, during his tenure at the Department of Justice, Mr. Perez has been in charge of the Civil Rights Division, which includes the voting rights section. One would hope that if any part of the Department of Justice would be apolitical, it would be the Civil Rights Division. But under Mr. Perez's watch, the voting rights section has compiled a disturbing record of political discrimination and selective enforcement of the law.

You don't have to take my word for it. All you have to do is take a look at the 258-page report issued by the Department of Justice inspector general earlier this year.

The report cites a "deep ideological polarization" of the voting rights section under Mr. Perez. It goes on to say this polarization "has at times been a significant impediment to the operation of the Section and has exacerbated the potential appearance of politicized decisionmaking."

Instead of upholding and enforcing all laws equally, Mr. Perez launched politically motivated campaigns against commonsense constitutional provisions such as voter ID both in Texas and in South Carolina.

The Supreme Court of the United States, in an opinion written by John Paul Stevens, who was, by all accounts, an independent member of the Supreme Court, the Supreme Court of the United States held that commonsense voter identification requirements are not an undue burden on the right to cast one's ballot and, indeed, are a reasonable means by which voter fraud is combated and protection of the integrity of the ballot is ensured.

Yet Thomas Perez, working at the Department of Justice, targeted the voter ID requirement passed by the Texas Legislature and blocked it effectively, and the same thing in South Carolina, based on nothing but politics—certainly not based on U.S. Supreme Court precedent that states it was not an undue burden on the right to vote, and it was a legitimate means to protect the integrity of the ballot and to combat fraud.

The inspector general goes on to describe misleading testimony that Mr. Perez gave before the U.S. Commission on Civil Rights in 2010 about a prominent voting rights case, stating that it "did not reflect the entire story regarding the involvement of political appointees." This is why, when you are sworn in as a witness in court, you are asked to tell the truth, the whole truth and nothing but the truth. When what you say is the truth but you leave out other information, it can, in effect, by

its context, not be truthful. This is part of the problem with the testimony Mr. Perez gave before the U.S. Commission on Civil Rights.

Going further back, we can see Mr. Perez's ideological roots started as a local official in Montgomery County, MD. During his tenure on the county council, he consistently opposed the proper enforcement of our immigration laws. In fact, he went so far as to testify against enforcement measures that were being considered by the Maryland State Legislature.

Finally, there is the matter of Mr. Perez's quid pro quo dealings with the City of St. Paul, MN. Of course, I am referring to the well-publicized decision of Mr. Perez to withhold Department of Justice support for a lawsuit against the City of St. Paul. He did so in exchange for the city withdrawing a case that it had before the Supreme Court, a case that many would have believed would have resulted in the Court rejecting an aggressive interpretation of the Fair Housing Act that guided Mr. Perez and the Department of Justice.

In fact, that is the reason he did it. He was afraid the Supreme Court would rebuke the Department of Justice's aggressive interpretation of the Fair Housing Act. While this may not have been a direct violation of any laws, it is, at best, ethically dubious.

In summation, we have a nominee for the Department of Labor who has a record of ideological, polarizing leadership; giving incomplete and thereby misleading testimony before official tribunals; and of enforcing the law in a partisan and selective manner—in essence, a “you scratch my back, and I’ll scratch yours” way of going about the public’s business.

As citizens we should ask, Is this the type of person we would want to serve in the President’s Cabinet? As Senators, we ought to ask, Is this the best we can do for the Secretary of the Department of Labor?

I believe Mr. Perez’s record disqualifies him from running this or any other executive agency of the Federal Government. I fear his leadership would needlessly politicize the Department and impose top-down ideological litmus tests. For all these reasons, I oppose his nomination and encourage my colleagues to do the same.

Mr. JOHNSON. Mr. President, I rise today in strong support of the nomination of Fred Hochberg to be the President and Chairman of the Export-Import Bank of the United States.

Despite taking the helm of the Bank in the midst of the worst financial crisis since the Great Depression, Mr. Hochberg’s leadership expanded financing for American exporters when private financing was nearly impossible to acquire. In 2012, the Export-Import Bank helped to support an estimated 255,000 American jobs at 3,400 companies, and 85 percent of Export-Import Bank transactions directly benefited small businesses.

The Export-Import Bank is self-sustaining, charging fees to cover its expenses and creating no cost to U.S. taxpayers. Furthermore, since 2008, the Bank has been able to send nearly \$1.6 billion in profits to the U.S. Treasury.

Mr. Hochberg was first nominated to be President and Chairman of the Export-Import Bank on April 20, 2009, and he was confirmed unanimously by this body on May 14, 2009. Mr. Hochberg was renominated by President Obama on March 21, 2013, and he was approved 20–2 in the Senate Banking Committee on June 6, 2013. I urge my colleagues to once again confirm Mr. Hochberg without delay.

If we fail to confirm Mr. Hochberg before July 20, we run the risk of leaving the Bank without a quorum to act on many of the transactions before it—creating an uneven playing field for American workers and exporters.

Mr. Hochberg’s nomination is supported by both labor and business groups. These two groups understand the importance of the United States not unilaterally disarming against our global competitors. The Bank plays a very important part in this country’s efforts to expand exports and create good, high-paying jobs in America. Mr. Hochberg has been instrumental in this effort and should be confirmed.

I urge all my colleagues to support President Hochberg’s nomination today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the vote on the confirmation of the Hochberg nomination occur at 3:40 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate’s action.

What time is it right now?

The PRESIDING OFFICER. It is 3:33 p.m.

Mr. REID. I wish to modify my request to reflect a voting time of 3:35.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. REID. Senators should expect two votes; the vote on confirmation of the Hochberg nomination to the Ex-Im Bank and the vote on the motion to invoke cloture on the Perez nomination.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Fred P. Hochberg to be president of the Export-Import Bank of the United States?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 176 Ex.]

YEAS—82

| | | |
|------------|--------------|------------|
| Alexander | Gillibrand | Murphy |
| Ayotte | Graham | Murray |
| Baldwin | Hagan | Nelson |
| Baucus | Harkin | Portman |
| Begich | Heinrich | Pryor |
| Bennet | Heitkamp | Reed |
| Blumenthal | Heller | Reid |
| Blunt | Hirono | Roberts |
| Boozman | Hoeven | Sanders |
| Boxer | Isakson | Schatz |
| Brown | Johanns | Schumer |
| Burr | Johnson (SD) | Scott |
| Cantwell | Kaine | Sessions |
| Cardin | King | Shaheen |
| Carper | Kirk | Shelby |
| Casey | Klobuchar | Stabenow |
| Chiesa | Landrieu | Tester |
| Coats | Leahy | Thune |
| Cochran | Levin | Udall (CO) |
| Collins | Manchin | Udall (NM) |
| Coons | Markey | Vitter |
| Corker | McCain | Warner |
| Crapo | McCaskill | Warren |
| Donnelly | Menendez | Whitehouse |
| Durbin | Merkley | Wicker |
| Feinstein | Mikulski | Wyden |
| Fischer | Moran | |
| Franken | Murkowski | |

NAYS—17

| | | |
|-----------|--------------|-----------|
| Barrasso | Flake | McConnell |
| Chambliss | Grassley | Paul |
| Coburn | Hatch | Risch |
| Cornyn | Inhofe | Rubio |
| Cruz | Johnson (WI) | Toomey |
| Enzi | Lee | |

NOT VOTING—1

Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate’s action.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

Harry Reid, Tom Harkin, Patrick J. Leahy, Bill Nelson, Christopher A. Coons, Amy Klobuchar, Tim Kaine, Jack Reed, Barbara A. Mikulski, Sheldon Whitehouse, Sherrod Brown, Benjamin L. Cardin, Robert P. Casey Jr., Bernard Sanders, Al Franken, Robert Menendez, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The Senate will be in order.

The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent for 1 minute so that I may be able to read a letter with regard to the upcoming vote.

The PRESIDING OFFICER. Is there objection? The Senate will be in order.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, is there a unanimous consent request pending?

The PRESIDING OFFICER. There is a unanimous consent request pending. The Senator from Florida has asked unanimous consent for a minute to read a letter with regard to the nomination.

Mr. HARKIN. Then I ask for 1 minute following the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. RUBIO. Before we vote on this, especially to my colleagues on the Republican side, we are about to give 60 votes to a nominee who is not in compliance with a congressional subpoena.

I have in my hand a letter sent to me moments ago by DARRELL ISSA, the chairman of the Oversight Committee in the House, where he writes in part that "Mr. Perez has not produced a single document responsive to the Committee's subpoena. I am extremely disappointed that Mr. Perez continues to willfully disregard a lawful subpoena issued by a standing Committee of the United States House of Representatives. . . . This continued noncompliance contravenes fundamental principles of separation of powers and the rule of law. Until Mr. Perez produces all responsive documents, he will continue to be noncompliant with the Committee's subpoena. Thank you for your attention to this matter."

He goes on to note, by the way, that Mr. Perez has not produced a single document to the committee; therefore, he remains noncompliant.

Members, you are about to vote to give 60 votes to cut off debate on a nominee who has ignored a congressional subpoena from the House on information relevant to his background and to his qualifications for this office.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MENENDEZ. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the contentions made by the Senator are absolutely wrong. We had a hearing on this. We explored it in our committee. Instead of the 1,200 e-mails they cite, we are talking about that over a 3½-year period there were 35 e-mails located on his personal emails that touched Department of Justice business and were not forwarded to the Department of Justice, and those have been looked at, and none of them demonstrate that he acted improperly or unethically. When

they were discovered, the e-mails were immediately forwarded to the DOJ server and are now part of the DOJ record retention system.

I might add that the 35 e-mails were made available to the House Oversight Committee staff prior to Mr. Perez's confirmation hearing, and the Senate HELP Committee staff have also been offered access to review all of those e-mails.

The contentions made by the Senator from Florida are just absolutely wrong.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—60

| | | |
|------------|--------------|-------------|
| Alexander | Hagan | Murkowski |
| Baldwin | Harkin | Murphy |
| Baucus | Heinrich | Murray |
| Begich | Heitkamp | Nelson |
| Bennet | Hirono | Pryor |
| Blumenthal | Johnson (SD) | Reed |
| Boxer | Kaine | Reid |
| Brown | King | Rockefeller |
| Cantwell | Kirk | Sanders |
| Cardin | Klobuchar | Schatz |
| Carper | Landrieu | Schumer |
| Casey | Leahy | Shaheen |
| Collins | Levin | Stabenow |
| Coons | Manchin | Tester |
| Corker | Markey | Udall (CO) |
| Donnelly | McCain | Udall (NM) |
| Durbin | McCaskill | Warner |
| Feinstein | Menendez | Warren |
| Franken | Merkley | Whitehouse |
| Gillibrand | Mikulski | Wyden |

NAYS—40

| | | |
|-----------|--------------|----------|
| Ayotte | Fischer | Paul |
| Barrasso | Flake | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rubio |
| Chambliss | Heller | Scott |
| Chiesa | Hoeven | Sessions |
| Coats | Inhofe | Shelby |
| Coburn | Isakson | Thune |
| Cochran | Johanns | Toomey |
| Cornyn | Johnson (WI) | Vitter |
| Crapo | Lee | Wicker |
| Cruz | McConnell | |
| Enzi | Moran | |

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR

The PRESIDING OFFICER (Mr. BLUMENTHAL). Cloture having been invoked, the clerk will report the nomination.

The legislative clerk read the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. CON. RES. 25

Mrs. MURRAY. Mr. President, I am pleased that yesterday the Senate was

able to come together and work out a bipartisan agreement to make some progress on approving President Obama's nominees. This is a great example of the kind of work I hope we can do more of going forward, because gridlock is getting in the way of progress on far too many issues that affect the families and communities we have a responsibility to serve.

One of the most egregious examples that still remains is the Republican leadership blocking a bipartisan budget conference—and the regular order they called for—in order, it appears, to gain leverage by manufacturing a crisis come this fall.

Democrats have come to the floor to talk about this a lot over the past few weeks. Unfortunately, it seems to be getting worse and not better.

We have heard from more and more tea party Republicans about their latest brinkmanship threat. They are now saying: Defund health care reform or we are going to shut down the government.

I wish I were making this up, but it is real. The House has already tried to repeal this law 37 times. In fact, just for good measure, they are voting on it again this week.

We all know that is not serious. It is certainly not governing. It is pointless pandering, and it does absolutely nothing to help the families and communities we represent.

There are so many real problems we all need to be focused on. We need to protect our fragile economic recovery and get more of our workers back on the job. We need to replace sequestration and we need to tackle our long-term deficit challenges responsibly. We have to stop this lurching from crisis to crisis and return to regular order and give families and communities the certainty they deserve. The only way we can do that is if we all work together, and the last thing we need to do right now is to rehash old political fights.

Based on what I am hearing more and more of in recent days, not only are tea party Republicans willing to push us toward a crisis this fall, but they will do that to cut off health care coverage for 25 million people and end the preventive care for our seniors that is free, and cause our seniors to pay more for prescriptions.

These political games may play well with the tea party base, but here is the reality: ObamaCare is the law of the land. It passed through this Senate with a majority. The Supreme Court upheld it. It is already today helping millions of Americans stay healthy and financially secure. We should all be working together right now to make sure it is implemented in the best way possible for our families and our businesses and our communities. Instead, what we are hearing is some empty political threats and a push for more gridlock here in the Senate.

I don't think it is a coincidence that the very people who are now pushing