

no on cloture last night is because this is a time where we need all the answers. This is an appointee whose record demonstrates that he may be dangerous for the Department of Labor, not positive for the Department of Labor. I think it is important, when used judiciously, we get all the answers people need to know so that when we vote to approve or to deny an appointee, it is based on all the facts—not based on intimidation but all the facts the American people deserve.

For that reason, I will oppose the nomination today of Thomas Perez to be the Secretary of Labor for the United States of America.

I yield back my time.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### HEALTH CARE

Mr. BARRASSO. Mr. President, today I would like to address two topics. One is that within the hour President Obama is going to be delivering remarks about his health care law. I would like for all Americans to pay close attention to the President's remarks and see if he continues to make promises he knows he cannot keep.

Is he going to once again say that if you like what you have, you can keep it? Well, if so, we know that is not true. Just ask the unions that recently wrote a letter to Majority Leader REID and to NANCY PELOSI about how this law is not allowing them to keep the insurance they have.

Is the President going to call it affordable and say again that premiums will decrease by an average of \$2,500 per family? Well, if so, we know that is not true. Just ask the folks in Ohio, where the average individual market health insurance premium in 2014 is going to cost about 88 percent more.

Is the President going to say again that the law is working as it is supposed to work? Well, if so, we know that is not true. Just ask the administration why they decided to delay the disastrous employer mandate that is making it harder for employers to hire new workers and for Americans to find full-time jobs.

Is the President going to say this law is good for young Americans? If so, we know that is not true. Just ask the young, healthy adults who will see insurance rates double or even triple when they look to buy individual coverage starting next year.

It is time for the President to level with the American people. This law has been bad for patients, it has been bad for providers—the people who take care of those patients, the nurses and the

doctors—and it is terrible for taxpayers. We need to repeal this law and replace it with real reforms that help Americans get the care they need from a doctor they choose, at lower cost.

#### MCCARTHY NOMINATION

Mr. BARRASSO. Mr. President, the second topic I would like to address is the issue of energy and a national energy tax, which the President essentially proposed in his June 25 speech. At that time he unveiled what I believe is a national energy tax that is going to discourage job creation and increase energy bills for American families.

This announcement that he made about existing powerplants—existing powerplants—came after the administration has already moved forward with excessive redtape that makes it harder and more expensive for America to produce energy. It also came as a complete surprise to Members of the Senate, especially since Gina McCarthy, the President's nominee to lead the Environmental Protection Agency—a nominee whom we will be voting on today—since that nominee told Congress that it was not going to happen. She is currently the Assistant Administrator of the Air and Radiation Office at the EPA. Here is what she told the Senate about regulations on existing powerplants, the ones the President talked about on June 25. She said:

The agency is not currently developing any existing source greenhouse gas regulations for power plants.

None.

As a result we have performed no analysis that would identify specific health benefits from establishing an existing source program.

So I would say it is clear with President Obama's June 25 announcement on existing powerplants that Gina McCarthy is either out of the loop or out of control. She either did not tell the truth to the Senate in confirmation hearings in response to questions or she does not know what is going on in her own agency. Either way, she is not the person to lead the EPA.

I would encourage all of my colleagues to oppose McCarthy in her nomination. This has nothing to do with ideology and everything to do with having an agency that is accountable to the elected representatives of the American people. I believe this behavior is indicative of the way the EPA has been run during Gina McCarthy's reign as an Assistant Administrator of the EPA.

Many of my colleagues on the Senate Environment and Public Works Committee have expressed concerns with the lack of transparency at this specific agency. One of the major areas of concern is the use of the so-called sue-and-settle tactics. This is where environmental activist groups sue the EPA or they sue other Federal agencies to make policy. Often, they find like-minded colleagues and allies in the EPA. Here is how it works. If environ-

mental activists want to impose new restrictions on, say, farms, it is easy to sue the government to impose those restrictions. At the EPA, rather than fight the restrictions, they agree to this and they say: OK. We will do a court settlement. The EPA does not contest the new restrictions because the EPA wanted them in the first place. The agency just did not want to have to go through a lengthy rule-making process with public comments in the light of day. The judge signs off on the agreement, and in a matter of weeks the law is made.

So I asked the nominee in writing: Do you believe sue-and-settle agreements are an open and transparent way to make public policy that significantly impacts Americans?

She stated in her answer:

I recognize that this committee has focused many of its questions on EPA settlement practices and, if confirmed, I commit to learning more—

Learning more—

about the Agency's practices in settling litigation across its program areas.

Well, some of the most egregious sue-and-settle agreements have dealt with the Clean Air Act, and she has been in charge of the air office at EPA for almost all of President Obama's first term. I find it very difficult to believe she did not know what was going on. In fact, in answering my next question to her—I asked: Do you believe States and communities impacted by sue-and-settle agreements should have a say in court agreements that might severely impact them—she said:

[M]ost litigation against EPA arises under the Clean Air Act. . . .

Of course. So my question is, either she knew what was going on with regard to the Clean Air Act lawsuits against the Agency, the area that she completely was in control of, or she does not know what is going on in her own department. Once again, either way, such a person should not be confirmed to be in charge of the entire EPA.

As most folks know, my home State, Wyoming, is a coal State. The administration has actively sought to eliminate this industry from the American economy. It is no surprise to some that many of us coal-State colleagues fight vigorously to oppose the President's anti-coal policies. Ms. McCarthy has been the President's field general in implementing these policies. These policies greatly affect families all across Wyoming and across the country. So even though I strongly oppose these policies, I still wanted to meet with the nominee so I could explain to her how this administration's policies are hurting real people in my home State and across the country.

I believed if we had a face-to-face meeting I might be able to convince her to alter or alleviate the worst impact of the policies pursued by this administration through the EPA. In that personal meeting with me, the nominee

was very sympathetic with the concerns I and others had expressed regarding the impact of EPA regulations on jobs. She also expressed in many instances that she would look for flexibility, but she said she was unfortunately bound by agency processes and the law.

Well, if she is concerned with the impact EPA regulations are having on jobs and communities, I believe she should have sought the flexibility she needed from Congress to help save these communities and these jobs. In a followup to that meeting, I asked in writing: What specific legislative changes would you recommend to provide the flexibility to protect workers, to protect families, to protect communities from job losses that might occur as a result of EPA regulations?

What she stated was "very sensitive to the state of the economy and to the impacts of EPA regulations on jobs." And then, "If confirmed, I would continue to work hard to seek opportunities to find more cost-effective approaches to protecting human health and the environment." This administration has pummeled coal country, powerplants, manufacturing, and small businesses for 4 years, pursuing their preferred version of a clean energy future. Since 2009, unemployment has remained stagnant. Nearly 10 percent of our coal energy capacity is gone. Not once has Ms. McCarthy approached Congress for flexibility in implementing her own rules. I see no reason why that would happen in the future.

I would like to commend EPW ranking member Senator VITTER for leading an effort to secure information from the nominee. I signed a letter, along with Senator VITTER and other members of the EPW Committee, seeking access to the scientific data and the reasoning behind the justification for expensive new rules and regulations that hurt the economy, that cost jobs, seeking true whole economy modeling on EPA's Clean Air Act regulations, so we can understand the true cost of these rules.

I was also seeking an assurance that Gina McCarthy and this administration honor its commitment to transparency and stop using delay tactics to keep the true cost of these regulations from the American people. Senator VITTER was able to get some information on many of our requests. It was not easy and the nominee was not entirely forthcoming. In fact, she has not complied with many of the document requests we have made. I can assure the administration that none of us who signed that letter making these requests plan on giving up on securing basic information that should be readily available to the public.

Gina McCarthy is the wrong candidate to head the Environmental Protection Agency. America deserves better. I would ask that my colleagues oppose the nomination not on the content of this administration's policies but on the actions of this specific

nominee with regard to accountability, competence, and transparency. I believe this nominee gets a failing grade on all three counts.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

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

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to voice my strong opposition to the nomination of Thomas E. Perez to be the Secretary of the U.S. Department of Labor. Simply put, there is no shortage of reasons why Mr. Perez should not be confirmed as our next Labor Secretary.

Several of my colleagues have come to the floor to discuss a number of troubling facts about Mr. Perez's professional history, each one of them reason enough to disqualify him for this nomination. I would like to discuss a few that are of significant concern to me. Without question, Mr. Perez has abused his position as Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. Rather than seek out and expose instances of racial injustice, Mr. Perez has turned the office into his own personal tool of political activism, something that office was never meant to accomplish.

For example, a report issued by the Department of Justice Office of Inspector General found during Perez's tenure at the Civil Rights Division employees harassed colleagues for their religious and political beliefs. Despite having little if any evidence of racial discrimination, Mr. Perez has repeatedly opposed efforts by States to ensure the integrity of elections.

Under his direction, the Civil Rights Division has pursued frivolous lawsuits against State voter ID laws, has ignored statutes that require States to purge ineligible voters from their voter registration rolls, and has slow-walked attempts to protect the voting rights of our military members, our brave men and women serving in uniform for the United States.

While head of the Civil Rights Division, Mr. Perez's unit used spurious and misleading claims to allege racial discrimination and selectively enforced laws to target certain groups.

Most troubling, perhaps, was the fact that Mr. Perez has woefully disregarded a lawful subpoena from the House Committee on Oversight and Government Reform to produce certain documents relating to the use of his nonofficial e-mail account for official purposes. According to the chairman of that committee, "Mr. Perez has not produced a single document responsive to the committee's subpoena" and "remains noncompliant."

At a minimum this is a basic violation of the rule of law. It impedes a fundamental function of the legislative branch to provide oversight of the administration. Anyone showing this type of willful disregard for the law and ambivalence toward America's essential principles of representative government should not be considered for a top post in any administration.

I therefore strongly advise my colleagues not to support this nominee and to raise similar objections whenever someone comes up and is nominated by this President or any President who possesses and displays these characterizes that are so troubling.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

#### MILITARY SPENDING

Mr. BLUMENTHAL. Mr. President, I am here to speak on behalf of my good friend Gina McCarthy and her nomination to head the Environmental Protection Agency. But before I do so, I would like to raise an issue I raised during a hearing of the Armed Services Committee. I have come directly from that hearing.

I am here to express my deep dissatisfaction, in fact my outrage, at a form of military assistance that will literally waste a total of more than \$1 billion in taxpayer money. In fact, we have just contracted and announced that contract in June for about 30 Russian Mi-17 helicopters that will cost American taxpayers \$550 million to buy from Rosoboronexport, the Russian export agency, controlled by the Russian Government, those helicopters for the Afghan national forces that lack pilots and maintenance personnel to fly and repair and operate these helicopters. They will be sitting on the runways of Afghan airfields without any use, rusting, literally wasting American taxpayer funds.

Don't believe me when I make these statements. Those facts come from the Special Inspector General for Afghanistan who completed a report recently, stating succinctly, clearly, irrefutably, that we are wasting \$1 billion in taxpayer money buying Russian helicopters for Afghan national forces that, very simply, cannot use them.

In fact, we committed to that contract before we even have a status of forces agreement with the Afghan Government for the period after 2014 when we will be leaving that country, fortunately. If we can leave sooner, all the better. But in the meantime, we are buying equipment from the Russian export agency that is at the same time