

It is my hope that Congress, over the August break, will listen to the American people and work to enact true reform that achieves real results and makes good on the promises made in Washington.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise again for the 41st time to ask my colleagues to wake up to the threat of climate change. Today I come to discuss the serious risks that climate change poses to our energy sector.

It is no controversial idea that our climate affects our energy infrastructure. In the Northeast, when we think about what causes power outages, we naturally think of bad weather. In fact, the American Society of Civil Engineers reports that between 2007 and 2012, weather-related events were the main cause of electrical outages in the United States.

That same report said: "The average cost of a one-hour power outage is just over \$1000 for a commercial business," just for 1 hour. This takes a serious toll on our economy.

A recent Department of Energy report has highlighted how sensitive our energy sector is to climate change and to extreme weather.

In September 2011, the Department of Energy reports:

High temperatures and high electricity demand-related loading tripped a transformer and transmission line near Yuma, Arizona, starting a chain of events that led to shutting down the San Onofre nuclear power plant with power lost to the entire San Diego County distribution system, totaling approximately 2.7 million power customers, with outages as long as 12 hours.

Earlier that summer:

Consecutive days of triple-digit heat and record drought in Texas resulted in the Electric Reliability Council of Texas declaring power emergencies due to a large number of unplanned power plant outages and at least one power plant reducing its output.

The report says the Browns Ferry Nuclear Plant in Athens, AL, "had to reduce power output because the temperature of the Tennessee River, the body of water into which the plant discharges, was too high to discharge heated cooling water from the reactor without risking ecological harm to the river."

This happened in 2007, 2010, in 2011, and, in some cases, the power production was reduced for nearly 2 months. The Department of Energy reports that "the cost of replacement power was estimated at \$50 million."

It is not just power generation, energy exploration has been affected too. The DOE report explains that last July: "In the midst of one of the worst droughts in American history, certain companies that extract natural gas and oil via hydraulic fracturing faced higher water costs or were denied access to water for six weeks or more in several States, including Kansas, Texas, Pennsylvania, and North Dakota."

It was a similar story in the fall of 2011:

Due to extreme drought conditions, the city of Grand Prairie, Texas, became the first municipality to ban the use of city water for hydraulic fracturing. Other local water districts in Texas followed suit by implementing similar restrictions limiting city water use during drought conditions.

In July of 2011, the report recounts that:

ExxonMobil's Silvertip pipeline, buried beneath the Yellowstone River in Montana, was torn apart by flood-caused debris, spilling oil into the river and disrupting crude oil transport in the region. The property damage cost was \$135 million.

Senator VITTER, our ranking member on the Environment and Public Works Committee, has told us that 18 percent of the Nation's oil supply passes through his home State of Louisiana at Port Fourchon. A recent Government Accountability Office report found that the only access road to that port is closed 3½ days a year on average because of flooding, effectively shutting down that port. With sea level rise climbing due to climate change, NOAA is now projecting that within 15 years portions of that highway will flood an average of 30 times each year—again shutting down access to that port 30 times a year.

Vital infrastructure such as powerplants, power lines, roads, and pipelines are all designed to stand up to historical weather patterns. What happens when the weather stops following historical patterns?

According to the draft National Climate Assessment:

U.S. average temperature has increased by about 1.5 degrees Fahrenheit since 1895; more than 80% of this increase has occurred since 1980. The most recent decade was the nation's hottest on record.

Oceans and other bodies of water are warming right along with the atmosphere.

The seasons are shifting. Research shows that in the last two decades the frost-free season has increased in every region of the contiguous United States compared to the average between 1901 and 1960.

In the Southwest, the record shows the frost-free season has increased 3 weeks and the western wildfire season has expanded by more than 2 months since the 1970s. Precipitation patterns and the availability of water are changing throughout the Nation. One study concluded that snow in the western mountains is melting, on average, 1 to 4 weeks earlier now compared to the 1950s.

The draft National Climate Assessment shows that the amount of rain falling in what we call heavy precipitation events or, more colloquially, downpours is up in every region of the Nation. It is up 45 percent in the Midwest and 74 percent in the Northeast.

Sea level is rising about 8 inches, on average, globally, but in some parts of the country it is much higher. NOAA reports that mean waters off the Galveston, TX, coast are rising more than

2 feet per century. At Grand Isle, LA, the rate is nearly 3 feet per century.

These aren't just projections of what is to come, these are actual measurements of changes that have already happened or are happening around us. The result is that we have an energy infrastructure built for a different climate than the one which now exists and the one which is to come. Conditions are only predicted to get worse.

The threat to our energy sector from changes in the climate should be neither controversial nor partisan. There are a lot of commonsense solutions here. Adapting our infrastructure for climate change is smart, and it will save us from costly repairs.

Investing in energy efficiency by reducing the demand for power will relieve pressure on the burdened systems. Investing in a diverse energy sector will protect against the unique vulnerabilities of specific types of power sources.

Rhode Island is part of the Regional Greenhouse Gas Initiative, nicknamed Reggie, along with eight other Northern States. Our region caps carbon emissions and sells permits to powerplants to emit greenhouse gases, which creates economic incentives for both States and utilities to invest in energy efficiency and renewable energy development. These efforts also reduce load demand on the region's electrical grid.

We are proud of the effort we are making in New England. I know a lot of States are working just as hard. I say to my colleagues, our home States are hampered by the inaction in Congress.

We have received credible and convincing warnings. We have received compelling calls to act. The overwhelming majority of the scientific community recognizes climate change is real and we are causing it.

Our national security and intelligence community, our faith leaders, major American corporations, including the insurance and reinsurance industry and most Americans all agree we need to act. It is time for Congress to wake up, do its work to slow the onslaught of climate change, and to prepare for what are now unavoidable, inevitable effects. Yet here in Congress we sleepwalk on.

This is an issue I know hits home in your home State in very different ways than it hits home in my State. But in each of our own ways, our States are already experiencing the hit from climate change. It is caused by carbon pollution that we are putting into the air, that our companies, our smokestacks are launching into the atmosphere. It changes our weather, changes our temperature, changes our seasons, changes our oceans, changes our waterways, changes our weather, and changes our lives.

The tragedy is that we sleepwalk on because we are unwilling to address the special interests that are preventing us from taking the action that all Americans need. This is the archetypical

fight between the public good, between an important public security issue and a private special interest that is defending itself, that is defending its right to pollute, that is defending its ability to compromise our atmosphere, compromise our health, and compromise our great oceans and waters. This should be an easy struggle. This should be an easy struggle, but it is not. And it will be a mark of shame on this generation, and it will be a mark of shame on this building that given the choice between the clear information from the scientists, the clear experience of what is happening in all of our States and the power of the special interests, we ignored the first and yielded to the power of those special interests.

I yield the floor.

“PROTECTING OLDER WORKERS AGAINST DISCRIMINATION ACT”

Mr. LEAHY. Mr. President, I am pleased to join Senators HARKIN and GRASSLEY in reintroducing the Protecting Older Workers Against Discrimination Act. This bipartisan bill seeks to restore crucial worker protections that were cast aside by five justices of the Supreme Court in the 2009 case *Gross v. FBL Financial, Inc.* The bill reaffirms the contributions made by older Americans in the workforce and ensures that employees will be evaluated based on their performance and not by arbitrary criteria such as age.

Congress has long worked to enact civil rights laws to eliminate discrimination in the workplace. In 1967, Congress passed the Age Discrimination and Employment Act, ADEA, extending protections against workplace discrimination to older workers. We strengthened and codified these protections in the Civil Rights Act of 1991, which passed the Senate with an overwhelming, bipartisan vote of 93-5. These statutes established not only our clear congressional intent, but also a clear legal standard: an employer's decision to fire or demote an employee may not be motivated in whole or in part by the employee's age.

However, the Supreme Court's *Gross* decision unilaterally erased that long-standing standard. A narrow 5-4 majority threw out a jury verdict in favor of Jack Gross, a 32-year employee of a major financial company, who had sued his employer under the ADEA. That jury concluded that age was a motivating factor in the company's decision to demote Mr. Gross and to reassign a younger, significantly less-qualified worker to take his place. But the Supreme Court ignored the fact finder, its own precedent, and congressional intent to overturn the jury verdict.

Five justices shifted the burden from the discriminators to the discriminated, deciding that workers like Mr. Gross must now prove that age was the only motivating factor in a demotion or termination. The court's decision re-

quired workers to essentially introduce a “smoking gun” in order to prove discrimination. By imposing such high standards, the Court sided with big business and made it easier for employers to discriminate on the basis of age as long as they could cloak it with another reason. The Protecting Older Workers Against Discrimination Act rejects the Supreme Court's reasoning in the *Gross* decision, not only in those cases under the ADEA but also under similar civil rights provisions.

The Supreme Court's holding has created uncertainty in our civil rights laws, making it incumbent on Congress to clarify our intent and the statutory protections that all hardworking Americans deserve. The Protecting Older Workers Against Discrimination Act restores the original intent of the ADEA and three other Federal anti-discrimination statutes. The bill reestablishes Congress' intent that age discrimination is unlawful even if it is only part of the reason to demote or terminate a worker. It makes it clear that employers cannot get away with age discrimination by simply coming up with a reason to terminate an employee that sounds less controversial. Under the bill, a worker would also be able to introduce any relevant admissible form of evidence to show discrimination, whether the evidence is direct or circumstantial.

I commend Senator HARKIN for his efforts over the past 4 years to negotiate a bipartisan bill to restore the civil rights protections that all Americans deserve in the workplace. I also thank Senator GRASSLEY, the ranking member of the Judiciary Committee, for his commitment to this issue. I once again urge my fellow Senators to join this bipartisan effort and show their commitment to ending age discrimination in the workplace.

VOTING RIGHTS ACT

Mr. LEAHY. Mr. President, nearly 50 years ago, Martin Luther King, Jr., gave his historic “I Have a Dream” speech in front of hundreds of thousands of people on the National Mall. At the time, I was entering my last year of law school. I was inspired by the March on Washington and knew that history was being made before my very eyes. The youngest speaker at the March was a compelling man by the name of JOHN LEWIS. Many spoke of their unyielding support for civil rights legislation, but JOHN LEWIS demanded more. He demanded that the civil rights bill protect the right of every American to vote free from discrimination. With his strong and forceful voice, he proclaimed that “One man, one vote is the African cry. It is ours too. It must be ours.”

A year and a half later, JOHN LEWIS would lead another march across the Edmund Pettus Bridge in Selma, AL. There, State troopers brutally beat, bloodied, and trampled JOHN LEWIS and the group of peaceful marchers he led.

Those powerful images from “Bloody Sunday” were captured on television and in vivid photographs, and would become a catalyst for the passage of the Voting Rights Act. When President Lyndon Johnson signed the act into law several months later, he fittingly gave one of the pens to JOHN LEWIS.

The Voting Rights Act has become the most successful piece of civil rights legislation in this Nation's history. It has worked to protect the Constitution's guarantees against racial discrimination in voting for nearly five decades. It has helped minorities of all races overcome major barriers to participation in the political process, through the use of such devices as poll taxes, intimidation by voting officials, registration and language barriers, and systematic vote dilution.

Despite the continuing evidence of racial discrimination in voting that Congress amassed in 2006, the Supreme Court recently issued a ruling that makes it more difficult to protect all Americans in exercising their sacred right to vote. In *Shelby County v. Holder*, a narrow majority of the Supreme Court held that the coverage formula for section 5 of the Voting Rights Act was unconstitutional. Section 5 provides a remedy for unconstitutional discrimination in voting by requiring certain jurisdictions with a history of discrimination to “pre-clear” all voting changes before they can take effect. This remedy is both necessary and important because it stops the discriminatory voting practice before our fellow Americans' rights are violated. By striking down the coverage formula for section 5, the Court's ruling leaves this effective protection unenforceable.

Two weeks ago, I began a bipartisan conversation to restore the protections of the Voting Rights Act when I chaired a hearing before the Senate Judiciary Committee. The hearing included meaningful testimony from JOHN LEWIS and JIM SENSENBRENNER. Both agreed that protecting the right to vote from discriminatory practices is neither a Democratic issue nor a Republican issue. It is an American issue.

At this hearing, Republican City Commissioner Luz Urbáez Weinberg of Aventura, FL, also testified to the need to restore the protections of section 5 of the Voting Rights Act. She urged Congress to demonstrate a “clear and principled commitment to equal voting rights for all Americans regardless of race, language spoken, and to also act swiftly to restore the protections.” Moreover, she made clear that maintaining the Voting Rights Act “is not a partisan issue. It is a nonpartisan issue. It is an issue for all Americans. Whether Republicans or Democrats, all Americans strongly believe in fair and equal electoral opportunities.”

It is true that America has made a lot of progress since the Voting Rights Act was first enacted. Nobody denies this. But we are far from achieving the dream that Dr. King spoke of on that