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As we move from rescue to recovery, frustration and enormous challenges lie ahead. We know in the coming weeks, months, and even years Colorado is going to face a lot of rebuilding, and we will rise to this occasion. We will build it back better than it was before it was destroyed. We are going to fight every day for Colorado families, many of whom have lost everything, to make sure they are getting the support they need.

#### ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The PRESIDING OFFICER. Under the previous order the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as if in morning business.

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

#### STATEMENT CORRECTION

Mr. DURBIN. Madam President, it is one thing for a politician to say he misspoke and another for most ordinary people to say they got it wrong.

I made a statement on the floor of the Senate earlier this morning which turns out was not entirely accurate, and I would like to clarify it and correct it for the RECORD.

I was recounting the history of the Social Security Program created by Franklin Roosevelt in 1935, and recounted that it faced a filibuster in the Senate. I mistakenly believed it was a Republican filibuster when in fact it was a filibuster by Senator Huey Long, a nominal Democrat, who was filibustering because of his support of certain agricultural subsidies. I want the RECORD to be clear the filibuster to delay or in any way impact the implementation of Social Security was in fact by Senator Long, not a Republican filibuster.

I also note the information I used on the floor was derived from a book which I am reading entitled "Citizens of London" by Lynne Olson, and it is no reflection on her that I got that fact wrong. I remembered it wrong when I spoke to it on the floor.

The Washington Post is going to go to great lengths tomorrow to explain my other errors in my statement, and I acknowledge I could have done more research before coming to the floor,

but I stand by the premise that the notion we are somehow going to filibuster the Affordable Care Act to delay its implementation is not in the best interests of the United States. If this bill or law needs amendment or repair, let's do it on a bipartisan basis, rather than voting 41 times, as they have in the House, to abolish it.

I also believe it is valuable for this country to face the cost of health care. If we are going to deal with America's debt and deficit, we have to acknowledge that 60 percent of it relates to health care costs. The Republican side has not come up with any alternative to deal with this health care crisis. We believe the President's legislation—which I proudly supported—is a step in the right direction. It can be improved. I will work to improve it. But simply saying we are not going to allow it to be implemented is not a positive effort to improve the situation in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as bipartisan discussions go on over the next hour or two on the important Shaheen-Portman energy efficiency legislation, I wish to take a few minutes to outline where we are, why this bill is so important, and how it is going to affect energy policy deliberations generally.

I appreciate the work of colleagues on both sides of the aisle. I see Senators from both sides who I believe would very much like to see Democrats and Republicans work on an agreement to move forward on the Shaheen-Portman legislation.

When you look at this bill, it is almost the platonic ideal of how consensus legislation ought to work in the Senate. You have in effect a bipartisan Energy and Natural Resources Committee. We are very pleased the Presiding Officer has joined the committee very recently.

This bipartisan committee, taking a piece of bipartisan legislation authored by Senators SHAHEEN and PORTMAN, two of our most thoughtful Senators—took their bill to the floor of the Senate and hour after hour the bill got more bipartisan, starting with the distinguished Senators INHOFE and CARPER, who came with a thoughtful amendment with respect to thermal energy. The list went on and on. Senatorial pair after senatorial pair came to the floor and said they wanted to show law-making 101 is Democrats and Republicans working together in a bipartisan way and to respond to what we have heard Americans say all during the summer break. No matter what part of the country you are from, the message was the same: Go back and deal with the important issues for the economy. Let us expand the winner's circle in a middle-class-driven economy. That is what this legislation does. It is going to help create jobs, it is going to allow consumers to save money through practical energy sav-

ings, and it is going to increase American productivity.

It is an extraordinary coalition that has assembled for Senator SHAHEEN and Senator PORTMAN's legislation: Business Roundtable, National Association of Manufacturers, and environmental groups, public interest organizations—an incredible breadth of support for this bill.

What I have been struck by in discussions, particularly over the last 24 hours, is this question: OK, the Senate is now finally on energy legislation. We actually did a major bill right before the August recess, the hydropower bill. Hydropower is the biggest source of clean power in the country right now, 60,000 megawatts, essentially, of potential production delivery out of that legislation. But this is the first bill to actually be on the floor of the Senate since 2007.

A number of Senators have said we have got this huge pent-up demand to work on energy, and now we have scores of amendments coming in on this bill—perhaps as many as 60 amendments that Senators want to offer. Obviously, we could probably be here until New Year's Eve working on this legislation if we have scores of amendments coming in. What I have tried to tell Senators is, We can't do everything under the Sun—literally and figuratively—with respect to this bill and still be able to move on to other subjects. We would not be able to deal with the continuing resolution and a whole host of other issues the Senate has to tackle. So there has to be some limits.

My hope is that agreement can be worked out on several of the issues Senators have felt most strongly about. Then if Senators REID and MCCONNELL can work out an agreement to have a finite number of amendments that will address energy issues, hopefully bipartisan, we can then move to a vote on energy efficiency. It seems to me there is no reason why, theoretically, that could not be done this week. If we have votes on a couple of these issues through a procedural agreement that would address what Senators have been debating over the last few days and then the leaders come up with a finite list of amendments on the other issues, we could finish this bill this week. I think it is important for the institution to do so.

I say to Senators who want to debate a variety of energy issues that deal with, for example, the EPA, we can't do all of those issues on this bill. The energy committee doesn't have jurisdiction over those issues. Those are going to come up. On some of what Senators are most concerned about, the government hasn't even acted yet. In other words, it is one thing to have a response from the Senate after an agency has acted. On some of these matters, the agency hasn't even acted yet. So it ought to be possible to find a path forward that would allow for votes on several issues that have been

debated since the middle of last week. I think there is a way to do that if we can get an agreement on a finite list of additional amendments so both sides could have some other questions aired and we could vote on energy efficiency.

The reality is on the question of energy efficiency, those who are most knowledgeable on the subject say our country has plenty of room for improvement. As of 2011, our country ranked ninth out of the top 12 global economies in the amount of energy it uses to generate every dollar of goods and services it produces. This is what is commonly known as energy productivity. This is not a hypothetical exercise. As of 2008, industries consumed about one-third of the total U.S. energy use. The biggest users were chemicals and petroleum refining, pulp paper, iron and steel, and obviously other important industries are energy intensive as well. A lot of those employers know using less energy means lower costs and higher margins. Especially larger companies are in a position to take the steps that will allow them to tap those financial gains. But the small and medium-sized companies often don't have the technical expertise to know about which upgrades are going to make the biggest difference.

Here we have this bipartisan bill, and without putting any mandates on the private sector—not a single mandate on the private sector—this bill takes three steps that can help our small companies—the kind of company that dominates Oregon and Wisconsin and others as well. With this legislation, these small companies are going to be able to be more competitive.

First, the bill tells the Energy Department to reach out to the small and medium-sized businesses and make their experts available so the small businesses can learn directly what the commercially available energy-efficient technology is in their area that will allow them to become more competitive.

Second, it creates rebate programs to encourage manufacturers to replace some of their inefficient equipment, particularly motors and transformers. These are two pieces of equipment in particular that have long service lives and often get rebuilt instead of replaced because of the high cost of replacement.

Finally, the legislation establishes a program called Supply Star to recognize companies that have successfully made their supply chains more efficient—once again, voluntary, modeled after the ENERGY STAR Program. I offer that in this debate about what the role of the government is in an “all of the above” energy policy, these kinds of approaches that have a market-driven orientation, that are voluntary in nature, are ones that I think are going to allow our country in the days ahead to keep ahead of the competition.

In wrapping up, we do have, apparently, over 60 amendments filed. A sig-

nificant chunk are there are not on the topic of energy efficiency. I see that the distinguished Senator from Ohio is on the floor, Senator SHAHEEN is on the floor, as are others who have strong concerns and are going to look to see if we can put together a bipartisan approach over the next few hours. I ask Senators to focus on what is doable, which is to have votes on the several issues that have been debated over the last few days, and then come to a finite agreement on the rest of the issues that would be offered—hopefully by colleagues on both sides of the aisle. Then we can vote, quaint as the idea might be, on an energy efficiency bill, which is the topic that has been before the Senate since the middle of last week.

I note that the Senator from Ohio is on the floor. He brought a good bill, with Senator SHAHEEN, to the floor in the middle of last week. It got better with the Inhofe-Carper amendment on thermal energy; the Landrieu-Wicker amendment, which helps us make better use of the green building certification system; the Hoeven-Pryor amendment that allows the continued use of grid-enabled water heaters to make utility management programs more efficient; the Sessions-Pryor and the Landrieu-Wicker amendments that reduce regulatory burdens on testing consumer products; the Bennet-Ayotte amendment on commercial buildings; the Pryor-Alexander amendment to look at how the review process works in terms of planning our energy future; the Isakson-Bennet amendment to look at home efficiency during mortgage underwriting.

When you think about this, the reality is you seem to know more about the energy efficiency of the products you have around your house, such as a toaster, than you do about a major—really an extraordinary purchase, such as a home. So we have a bipartisan duo in the Senate, Senator ISAKSON and Senator BENNET, wanting to address it. It is a terrific amendment, in my view.

Then there is the Bennet-Coburn amendment and the Udall-Risch amendment—saving taxpayers money by saving energy in the Federal computer data centers—and Senator KLOBUCHAR and Senator HOEVEN trying to make our nonprofits make better use of their energy because with that tax status it is hard to qualify for some of the opportunities to save energy.

I could go on, but it just highlights how a bipartisan committee took a bipartisan bill from Senator SHAHEEN and Senator PORTMAN and then a big group of bipartisan Senators made it better. And that is what we could pass, and we could do it this week.

For all the Senators who have said there is this pent-up demand since the Senate has not been dealing with energy since 2007, I say the only way we can really get to all those topics is to pass a bill such as this that does have a finite list of amendments, and then let's vote on Shaheen-Portman.

Several of my colleagues are on their feet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the comments of the chairman of the Energy and Natural Resources Committee regarding this Energy bill and his suggestion of a way forward. We did have a good debate last week—not just on the underlying legislation but also, as he indicated, on seven different bipartisan amendments. I know we have a couple of colleagues interested in coming to the floor today to talk about additional amendments. We have an opportunity to actually come together as Republicans and Democrats with a good bill but to improve it through some of these amendments that have been discussed on the floor.

We do need a way forward. We need to know we are going to have the opportunity to have good debate on these issues, to have votes on these issues. Specifically, I know Senator VITTER is going to speak in a minute on his amendment. I hope he will be given a vote on his amendment. I understand there is an interest in doing that and perhaps allowing the other side to have their point of view expressed as well, along with his vote. If we can have that move forward, my understanding is that then we would be able to agree to a series of amendments, perhaps an equal number on each side.

I am looking at a list here of about a dozen amendments that are truly bipartisan. I am looking at another list of maybe 20 amendments that people on our side of the aisle are interested in offering, some of which are directly related to energy, some of which are not. I am hopeful we can come up with some time agreements that are reasonable and come up with a list that makes sense. The alternative is for us to turn our backs on an opportunity here to help grow our economy, to reduce our imports of foreign energy—specifically oil. We will miss an opportunity to save taxpayers a bunch of money by forcing the Federal Government to be more energy efficient, to practice what it preaches.

Finally, we have an opportunity before us to have a cleaner environment and to have one of the important legs of an “all of the above” energy strategy not just debated on the floor but actually passed by the Senate and would then go to the House, where there is a lot of interest on both sides of the aisle in together doing something comparable, and go to the President's desk for signature and actually be able to move the country forward in the way I think is needed, which is a national energy plan that takes into account producing more energy, as we talked about last week. I am interested in ensuring that we use the resources we have here in the ground in America but also using that energy more efficiently. It makes too much sense for us to allow this opportunity to go by.

I am hopeful that even in the next few hours here we can come together with a list of amendments that make sense, that we can move forward by allowing the Senate to express its view on the Vitter amendment and other amendments on both sides of the aisle that come forward but also move this underlying legislation forward at a time when, frankly, we need a little bipartisanship around here, at a time when we seem to be gridlocked on so many big issues. Maybe by finding a way forward on the relatively narrow issue of energy efficiency—one where there is a lot of consensus, one where there is a lot of common ground, frankly—we can find a model for dealing with some of the bigger issues.

We do have some time this week to do this; however, the continuing resolution is likely to come over from the House soon. I hope it will because we have to deal with that issue before the end of the month.

My urging of my colleagues is, if you have not already come over to talk about your amendment, please do so today, understanding that you will not be able to offer it in an official manner. You will be able to talk about it, which will help expedite the process later as we begin moving on these amendments, which I hope we will do again even after coming up with this agreement today. And then if you have an amendment you do not think is on this list, please be sure to tell us right away.

I do think getting this across the finish line should be something Republicans and Democrats alike can agree to. I am not suggesting that everybody is going to vote for it, but I think everybody should be willing to let us have a chance to move to this legislation.

By the way, it is endorsed by over 260 groups, including the U.S. Chamber of Commerce, which decided to key vote the legislation late last week. As they looked at some of the these amendments and the underlying bill, they thought it was important enough to key vote it. But it is not just the U.S. Chamber of Commerce, it is the Alliance to Save Energy, which is a group that has worked on this legislation with us for almost 3 years now, and it is also the National Association of Manufacturers and the environmental groups, including NRDC. It is an unusual combination when you have business groups and environmental groups saying: This makes sense. It helps make our economy more competitive, helps create jobs, and gets us away from our dependency on foreign oil. It actually makes the environment cleaner. That is a combination we do not see often.

My hope is that we will move forward, and I again urge my colleagues to come forward to help us move forward by talking about your amendments today so that when we have a chance to move forward officially on these amendments, we can do so expeditiously.

I see my colleague from New Hampshire Senator SHAHEEN is on the floor. I know she is speaking with her side of the aisle as I am talking to my side of the aisle to try to come up with a list of amendments to which we can agree within a reasonable timeframe, and I am hopeful we can move forward with that in the next few hours.

I yield back my time and look forward to talking about some of these amendments as people bring them to the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, I wish to commend my colleagues Senators SHAHEEN and PORTMAN for their work to bring this legislation to the floor. I commend as well Chairman WYDEN and Ranking Member MURKOWSKI for their leadership in the energy committee.

Fully half of the energy we use in this great country is wasted. That is a fact we can no longer afford to ignore. Each one of us is able to make changes in our daily lives to increase our energy efficiency. There is no kilowatt hour, no Btu more valuable than the ones we do not actually use in the first place. But it is clear that we are going to have to do a lot more than turn the lights out when we leave home to be a leader in the world in this field.

As the largest energy consumer in the United States, I think the Federal Government has not only an obligation but also an opportunity to lead by example when it comes to energy performance. We know that buildings are the largest energy consumers in the United States today. Accounting for over 40 percent of our use, they offer the greatest opportunities for energy savings.

Over the summer I had the opportunity and the privilege of joining the Department of Energy in presenting the Brackish Groundwater National Desalination Research Facility—that is a mouthful, I know. It is an important research facility in New Mexico, in my home State. We presented them with a Better Buildings Award on behalf of the DOE. The Federal Energy Management Program designed those awards, the Better Buildings Awards, to encourage significant reductions in energy usage in Federal buildings all across the country—reductions that go above and beyond the current codes and mandates that exist.

What the team at the desalinization research facility accomplished was nothing short of truly impressive and an example of what is possible with legislation such as this and in the field of energy efficiency. They were able to save approximately 300,000 kilowatt-hours per year—an annual savings of \$42,000. That is a remarkable 53.6 percent of their former energy footprint at a time when that research facility was actually increasing the amount of research going on. They did this through thoughtful analysis, by implementing both active and passive energy con-

servation techniques, and with a capital investment of literally less than \$800. For \$800 and some engineering expertise, this research facility was able to save the taxpayers over \$40,000 last year—\$40,000 next year, \$40,000 the year after that and into the future. That is a window into why this kind of legislation is so important and why we ought to be able to find common ground when it comes to energy efficiency.

I would also like to touch on another area of rapid energy innovation that is relevant to this legislation—the lighting sector. Lighting consumes 22 percent of the electricity that is generated in this country. That is \$50 billion per year for consumers across the United States. In Albuquerque, Sandia National Laboratories is accelerating advances in what is called solid state light, or SSL, which is a rapidly evolving technology with the potential to reduce energy consumption in lighting by a factor of three to six times. My colleagues may have seen some of the new solid-state lights if they have been to Home Depot or Lowe's or their locally owned hardware store. These light bulbs are so efficient that when I was installing a couple in my son's bedroom a few weeks ago, I could literally put my hand on the light bulb because they make such good use of the energy they use.

Sandia has worked in solid-state lighting for a long time and their SSL Science Center is exploring new energy conversion techniques in tailored photonic structures. Drawing on their long history of research and development in this area—and, frankly, working closely with both university and private sector partners—they are working to understand the mechanisms and the defects in SSL semiconductor materials so they can make these already incredibly efficient light bulbs even more efficient.

Sandia is also investigating the basic conversion of electricity to light using radically new designs that can take these things even further—things such as luminescent nanowires, quantum dots, and even hybrid architectures that may be the bright light bulb of the future. This is progress driven by basic research and science—the kinds of investments that, frankly, have made our country great and made our economy so strong.

The Shaheen-Portman bill will spur the use of energy efficiency technologies such as these, where all of us live and work and, in turn, will lower utility bills for consumers and save money for taxpayers. Furthermore, this bipartisan bill will strengthen U.S. competitiveness by stimulating significant private sector research and development investments in manufacturing innovation and productivity.

Investing in energy efficiency is one of the fastest as well as the most cost-effective ways we can grow our economy. It is estimated that this measure alone—just this piece of legislation—would help create 136,000 new jobs by

2025 and, by 2030, the bill would net an annual savings of over \$13 billion—billion with a “B”—for consumers, and lower CO<sub>2</sub> emissions and other air pollutants by the equivalent of taking over 20 million cars off the road.

My home State of New Mexico is already capitalizing on a highly diversified but rapidly transforming energy sector. It stands to benefit from leveraging investments and efficiency projects and native technologies.

Through American ingenuity we can slow the effects of climate change and unleash the full potential of cleaner homegrown energy, creating a stable and healthier nation for future generations of Americans.

So instead of transforming this debate about what is fundamentally supposed to be a debate about energy efficiency into another tired battle over ObamaCare, I urge my colleagues to embrace the fact that this bill truly represents the culmination of years of bipartisan work to craft a smart, effective energy bill with a good chance of actually becoming law.

I know when I go home—and I have spoken to many of my colleagues on both sides of the aisle who say the same—one of the complaints we hear the most right now is: Why can't you guys just get something done? Why can't you work together on something? This is an opportunity to show we can still legislate, we can come together on the things we agree on, even while agreeing to disagree on many other issues.

Again, I thank Senator SHAHEEN and Senator PORTMAN for working so tirelessly on this bill, I thank the chair and ranking member of the energy committee for making it a priority, and I thank all of the Senators who serve on that committee for working together on both sides of the aisle to see this move forward. I hope as a Senate we will seize this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Republican Whip.

#### NAVY YARD SHOOTINGS

Mr. CORNYN. Mr. President, I wanted to come to the floor the day after a terrible tragedy that befell Washington, DC, particularly those who live and work around the Washington Navy Yard.

Hardly a mile from this building, and in the shadow of its dome, there occurred an act of senseless violence that took the lives of 12 men and women and injured several more, as well as the life of the shooter himself. These men and women worked, by and large, in service to our country, whether as uniformed military or as civilian contractors. Of course, they are more than just the numbers usually ascribed. They are mothers and fathers, brothers, sisters, husbands and wives.

When I heard about this shooting yesterday as I was traveling from Texas back to Washington, DC, I couldn't help but think about a not-too-dissimilar tragedy that occurred

about 4 years ago at Fort Hood, TX, when MAJ Nidal Hasan killed about 13 people there as well as injuring more than 30 others.

At this difficult time, we, of course, pray for these souls who were unexpectedly taken from us. We pray for comfort for their grieving families and friends, and we pray that healing may come quickly for those who were wounded.

We witnessed evil yesterday, but as so often is the case when the unthinkable occurs, accounts of tremendous bravery and self-sacrifice emerge. I found some small measure of solace in one such story I read. It described how one gentleman at the scene—a man by the name of Omar Grant—guided his partially blind colleague to safety. As shots rang out and people ran for the exits, Mr. Grant took his colleague by the arm and, risking his own safety, made his mission to guide him out of the building. This, of course, says nothing about the remarkable feats of bravery of the first responders who rushed to the scene and who placed their lives at risk in order to preserve the safety of others ahead of their own.

Yesterday's events remind us life is fragile and it is a precious gift. Let us express our deep gratitude for those who work around the clock, both in places such as the Navy Yard and here at the Capitol, to help keep us safe. I wish to thank the DC Metropolitan Police for their important role, the U.S. Capitol Police, and all the first responders for their extraordinary response. Their courage, their vigilance, and their sacrifice is what helps keep all of us safe, all of us who work here and visit our Nation's Capital. We thank them and we promise, on behalf of a grateful nation, we will never forget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I was very happy to hear the description of a possible path forward from the floor manager for this bill a few minutes ago, and I welcome that path forward. It is completely consistent with the UC I offered many times last week that was, unfortunately, then rejected. Hopefully, it will now be accepted so we can have a path forward and have votes on so many amendments brought to this bill about energy, on my amendment, and on other significant topics. It certainly sounds as though the discussion at the majority lunch today was, let's say, more appropriate and more productive than the discussion last Thursday. I look forward to that path forward.

As we hopefully build on that path forward, let me again explain why I think a clear up-or-down vote before October 1 on my amendment is very important and why I am demanding it. It is not my choosing that this happen in terms of this illegal OPM rule, it is not my choosing this October 1 deadline has been created, but that is ex-

actly what has happened, which demanded that I act with my amendment which, in general, I am joined with the support of several colleagues and I appreciate their partnership and their help.

This all began in the ObamaCare debate—in our debate and in our legislating—on the ObamaCare bill. In that process a Grassley amendment was accepted that said in clear and no uncertain terms that every Member of Congress and that all congressional staff would go to the so-called exchanges, no ifs, ands or buts. The purpose of that language was crystal clear. The message was whatever the fallback plan is for all Americans—first it was the public option and then it became an exchange—whatever that fallback plan is for all Americans, that is what every Member of Congress and that is what congressional staff should go to. There should be no special deal, no special exemption, no special subsidy; that is what we should live by. I certainly supported that language. It goes to what is a fundamental rule of democracy: The governors should live by the same rules as the governed, across the board.

Our Founders actually talked about that specifically. James Madison, a co-author of the Federalist Papers, wrote Federalist No. 57 specifically about this point, and a central theme in that Federalist No. 57 was exactly this: What is good for America is good for Washington. The rule for America should certainly be the rule for those who have the particular honor and responsibility to help govern, and that should be the case across the board, certainly including ObamaCare. That is why that provision got into law, passed into law, and was signed into law by President Obama.

After that, I guess we sort of experienced what NANCY PELOSI described about ObamaCare, which was we had to pass the law to find out what is in it. After the law was passed, several folks around here on Capitol Hill and in Washington read the law, read that particular provision, and they said: Oh “you know what.” They said: Wait a minute, look at this, and they correctly noted the clear language demands that all Members of Congress, all congressional staff, go to the exchange, and, clearly, our current subsidy for health care does not follow us there. In fact, there is a specific other section of ObamaCare that says quite clearly that when an employee of a business goes to the exchange, that employee's employer contribution for employer-based health care does not follow him or her to the exchange.

Again, when a lot of folks around here, after the fact, read what was then the ObamaCare law on that point, they said: Oh “you know what.” That is when a lot of scurrying started, a lot of gnashing of teeth, a lot of scheming, a lot of discussion, and ultimately a lot of lobbying of the President and the Obama administration. Sadly, it was bipartisan, I believe, a lot of folks

pushing to have the Obama administration simply issue a rule, a regulation that fixed all of this.

The problem is pretty simple, pretty straightforward, and pretty important. We are not supposed to issue a rule or regulation that is contrary to the statute, and that is what these folks were lobbying for and, sadly, that is what they got.

Right as Congress was going into the August recess, safely leaving town, the Obama administration issued this OPM rule that my language is all about. That rule is flatout clearly illegal on two grounds.

First of all, under this proposed OPM rule, every Member of Congress gets to decide for himself or herself what staff members are even covered by the mandate to go to the exchange at all. That is ridiculous, and it is directly contrary to the clear, unmistakable language in ObamaCare. That language says all official staff go to the exchange. Now this illegal OPM rule is going to say: Well, it did not really mean all official staff; it just meant whoever any individual Member of Congress decides. That is ridiculous and that is illegal.

The second part of the OPM rule is just as illegal, just as ridiculous, just as objectionable, and it says: Whoever does go to the exchange—Members of Congress and whatever staff do go to the exchange—they get to bring along with them their big taxpayer-funded subsidy from their previous Federal Employee Health Benefits Plan.

Well, wait a minute. ObamaCare does not say that. In fact, there is a separate provision of ObamaCare that says the opposite, that says when an employee goes to the exchange from a business, that employee loses his or her employer contribution—a specific part of ObamaCare directly contrary to what this illegal OPM rule is trying to do.

So, again, the attempt is simply to rewrite the law by administrative fiat, yet again to create another exemption from ObamaCare, if you will, that is nowhere in the statute. That is wrong, that is illegal, and that demands action. That is why I, with several other Members—House and Senate—came up with this language.

This language I am proposing on the floor now as an amendment would stop this illegal OPM rule. It would say exactly what ObamaCare says now: Every Member of Congress, all of our staff, must go to the exchange and operate under the same rules as all other Americans—no special deal, no special exemption, no special subsidy. No other American gets this fat employer subsidy in going to the exchange, nor should we. That is not in ObamaCare, and there is a specific section of ObamaCare that, in fact, says the opposite. So my language on the floor now would say that and would broaden the rule, appropriately, to the President, the Vice President, and all of their political appointees.

The clear intent of this provision in ObamaCare from the beginning was that what is good for America has to be good for Washington, whatever cards America is dealt, including that fall-back plan—originally it was proposed as the public option; now the exchanges—that should be what is imposed on Washington. No special plan, no special deal or exemption or subsidy; what is imposed on America needs to be imposed on Washington.

That is true under ObamaCare. That should be true across the board today, just as it was true in the eyes and minds and hearts of the Founders. Again, James Madison, in Federalist No. 57, wrote specifically on this point. This basic first rule of democracy goes back that far.

That is why I come to the floor and demand a vote. It is an explicit reaction to an illegal rule—a rule issued by the administration beyond the President's authority, with no basis in the ObamaCare law, in fact, with provisions of the ObamaCare law that are directly contrary to it, and a rule that is set to take effect October 1. So we must vote now.

That is why, again—to come back full circle to the comments of the distinguished majority floor leader on this bill—I welcome the path forward he was describing. That is exactly the path forward I set out last week in my UC request. So let's vote. Let's do what this institution is supposedly set up to do. Let's vote on this very important, very timely issue. Let's vote on other amendments on the bill. Let's vote on the bill. Let's move forward in that appropriate and productive way.

Thank you.

With that, I yield back the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here to speak to the Shaheen-Portman legislation that is on the floor, the Energy Savings and Industrial Competitiveness Act. But I have to start by responding to my colleague from Louisiana because, first of all, I appreciate that he wants a vote on this issue of the OPM ruling. There are a lot of things I would like to see a vote on, and I understand he is saying he is not opposed to the bill, which I very much appreciate. But the fact is, he chooses to be here to hold up this bipartisan piece of legislation at a time when we can get some real agreement on energy legislation coming out of the Senate—the first time since 2007 we have had an energy bill on the floor.

This is a bipartisan energy bill. It is a bill that has over 16 bipartisan amendments that have been vetted by the energy committee, that have support not just from the chairman of the energy committee and the ranking member but from the committee staff, from Senator PORTMAN and myself. We think we have a real opportunity to pass this bill and to make it even better because of all of these bipartisan amendments. But my colleague from

Louisiana, Senator VITTER, is refusing to allow us to get these votes because he wants a vote on his amendment.

I am happy to take a vote on his amendment. I would like to be able to clarify for the record the OPM ruling. I think there is a lot of misinformation—people who are calling to say that Members of Congress are not going to be in the exchange. Well, the fact is, Members of Congress who choose to continue to have their health care through the Federal program are in the exchange, as are our staffs. But we are not asking other large employers such as the Federal Government to eliminate the employer share of health care, as Senator VITTER would ask—that the Federal Government eliminate its employer share of health care for all of our staffs who are working for the Federal Government.

I do not think the American people believe the employer's share of health care should be eliminated. I think we have a system of health care that is employer based, and the system we have in the Federal Government is going to continue to be employer based as well. That means the Federal Government will pay a share of health care.

I think this is a debate we ought to have because I think there are a lot of people who are on the extreme right who want to be disingenuous about what is going on here. They are interested in spreading misinformation about what is happening with the health care law because they cannot believe Congress passed the Affordable Care Act, that the Supreme Court upheld the Affordable Care Act, and that, in fact, we are already seeing the benefits for people across this country from the Affordable Care Act.

We are seeing people who have had previous illnesses—so preexisting conditions—who are no longer going to be denied health insurance because of the Affordable Care Act. We are seeing people who can stay on their health care—young people—until they are age 26 because of the Affordable Care Act. We are seeing people who no longer have lifetime limits on what their share is for health insurance when they become ill. We are seeing people who are in the doughnut hole with their prescription drugs who are getting help for those prescription drugs. So I am happy to have that debate on the Affordable Care Act. But now is not the time to do it. This is a time when we can get some real agreement on energy efficiency, on an energy bill that, as the American Council for an Energy-Efficient Economy has said, would create 136,000 jobs by 2025, that would save consumers billions of dollars by 2030, that would be the equivalent of taking millions of cars off the road. It is a win-win-win, and it is a bill that has not just considerable bipartisan support in this Chamber but it is a bill that has support from groups that are as far apart as the American Chemistry Council and the Sierra Club, groups that do not normally come together on a bill—over 260

groups. That list is growing every day, private businesses that say: The way we need to begin to address our energy challenges is by saving energy. The cheapest, fastest way to address our energy needs is through energy efficiency.

This is a bill that does not depend on whether you support fossil fuels or new alternatives. The Presiding Officer knows we can support coal, investments in coal, and still support energy efficiency. We can support wind and still support energy efficiency. We can support solar and still support energy efficiency. We can support more drilling and still support energy efficiency.

This bill is a win-win-win, and we need to get on the bill. We need to get those people who would rather debate issues that are extraneous to this legislation to hold those debates for a later time.

As I said, I am happy to continue to debate health care. Even though we have been debating it now for the 4 years since the bill has been passed, I am happy to do that. But now is not the time to do that.

So, Mr. President, I will yield the floor and hope we can reach some agreement that will address Senator VITTER's concerns, that will address some of the other concerns that have been waiting that will allow us to move forward on an energy bill that is in the best interests of the country.

Thank you.

The PRESIDING OFFICER. The Senator from Utah.

#### NAVY YARD TRAGEDY

Mr. HATCH. Mr. President, to begin, my thoughts and prayers certainly go out to everyone who was impacted by the horrific events of yesterday at the Navy Yard, particularly to those whose loved ones lost their lives or were injured in what is a senseless tragedy.

Having said that, I also want to express my gratitude to the brave men and women who serve in our Nation's military for the sacrifices they make for each and every one of us and to the first responders and law enforcement personnel who work tirelessly to assist those in need and to keep us all safe throughout the day.

It was a dreadful day. I know there is little I can say or do to bring comfort to those who are suffering today, but I hope and pray they will find some measure of peace in the coming days.

Mr. President, I wish to take a few minutes to speak about some of the problems we face as the administration continues to struggle with the implementation of the so-called Affordable Care Act.

It seems as though nearly every week we learn about another problem facing the Obama administration as they seek to implement this misguided law. More often than not, those problems are revealed through statements announcing delays in certain elements of the law.

The employer mandate? Delayed. The small businesses health insurance market? Delayed. Employee automatic enrollment in the exchanges? Delayed.

Of course, this should not come as a surprise to anyone. This is, after all, the largest expansion of government in a generation. And it is not as though it was carefully crafted. No. The President's health care law was rushed through Congress in a partisan fashion, virtually ensuring it would face problems when the rubber meets the proverbial road.

For months now, experts have been warning us about ObamaCare's failings and the challenges those failings pose as the administration tries desperately to have something ready to implement by October 1.

One of the major parts of ObamaCare is the health care exchanges. These are designed to be online marketplaces where those without health insurance will be required by law to shop for coverage.

Millions of people are expected to sign up to purchase insurance through the exchanges. As a result, the exchanges are expected to have a massive impact on the overall insurance market, even affecting those who get their insurance elsewhere.

Make no mistake, ObamaCare's health insurance exchanges will have an impact on every American, regardless of where they get their health insurance.

That being the case, one would reasonably assume the administration would not move forward on the exchanges until they were ready. Unfortunately, when it comes to implementing the President's health care law, reason does not appear to enter into the equation. Despite countless red flags, the administration is charging ahead. They are, to say the least, desperate to avoid another delay when it comes to ObamaCare. So come hell or high water, the exchanges will go live on October 1 of this year.

This is problematic for numerous reasons, not the least of which are the privacy and security considerations that up to now appear to have been ignored by the administration officials. When people sign up for insurance through an exchange, they will be required to submit their Social Security number, tax returns, household income information, and the like. This is, to say the least, highly sensitive information.

In recent months, we have seen government-certified security systems have been shown to be less than reliable when it comes to protecting personal information. This past July, for example, the IRS accidentally posted thousands of Social Security numbers on its Web site. That was a small mistake with potentially devastating consequences for those who had their information exposed.

The information collected when people sign up for the exchanges will be entered into a Federal services data hub, a new information-sharing network that will allow State and Federal agencies, including the IRS, the Department of Health and Human Serv-

ices, the Department of Labor, and the Department of Homeland Security, to verify a person's information. It is at this point unclear whether the data hub has adequate security in place to prevent enrollees' information from falling into the hands of data thieves. There are plenty of them out there.

Last month the HHS Office of Inspector General issued a report indicating the government had failed to meet several deadlines for testing operations and reporting data security vulnerabilities involved with the data hub. This, as you might expect, led to an outcry from Members of Congress from both sides of the aisle. As a result, on September 10, the White House conveniently announced that all testing has been completed and that the data hub was ready to launch.

This announcement came a mere 3 weeks before the exchanges were set to go live. Of course, no independent entity will get a chance to verify the testing and to certify that there are, as the administration claims, no security problems. No third party will be able to make recommendations to improve safeguards in order to better protect the privacy of consumers. Instead, we are supposed to simply rely on the administration's internal testing of the data hub security and stop asking questions. This, sadly, is par for the course with the Obama administration.

So here we are. We are mere days away from the launch of the exchanges, and we have yet to definitively prove whether the massive IT or information technology system that will be compiling enrollees' information is secure. What a state of events. To the millions of consumers about to enroll in the exchanges, this could end up being their worst nightmare.

As if the potential disaster surrounding the data hub were not enough, we also have lax regulations regarding the hiring of the so-called navigators who are to help people get through these problems. As you will recall, under ObamaCare, organizations will receive grants to assist the uninsured in determining what type of coverage they qualify for in States where the Federal Government will be running the exchange. The individuals working with those organizations are called navigators. Under the law, they will often have access to enrollees' personal information.

In April HHS published its proposed rule regarding the certification of navigators. Almost immediately Members of Congress recognized the regulations were far too lenient, cutting corners on things such as training and background checks and threatening to leave patients and consumers with inadequate protection.

A group of my colleagues and I sent a letter to Secretary Sebelius outlining our concerns regarding this rule. Our hope was the requirements for navigators would be enhanced to ensure consumers were not harmed by unqualified navigators or imposters serving as government counselors. Sadly, our request



fell on deaf ears. We never received a response.

In late July HHS issued its final navigator rule keeping in place the very weak privacy protections, opening the door for private information to fall into the wrong hands. Consumer watchdog groups are already warning of scams leading to fraud and identify theft with regard to the exchanges. Indeed, it seems criminals and fraudsters are already lining up to game the system and prey on the innocent.

Over the last few years I have come to the floor several times to talk about the shortcomings of ObamaCare. I continue to believe the law is beyond saving, that it should be repealed in its entirety. That remains my No. 1 goal when it comes to ObamaCare. However, I also believe those of us who opposed this law, which, according to recent polls, is a growing percentage of the population, cannot stand on the sidelines and let this law inflict harm on the American people. While we continue to push for a full repeal of the law, we need to do all we can to mitigate the damage that could come from this law.

With regard to privacy and data security, we need to ensure the administration does not expose the personal data of millions of Americans to more fraud. That is why I am introducing the Trust But Verify Act. If enacted, this important legislation would delay the implementation of the Federal and State health insurance exchanges until the Government Accountability Office, in consultation with the HHS inspector general, can attest that the necessary privacy and data security parameters are in place.

It would simply be irresponsible to open the exchanges without adequate safeguards to protect and secure consumers' personal information. While the administration claims these safeguards exist, there is simply no way to verify these claims absent an independent review, which they are not taking. Until we can demonstrate to the public their personal information is secure, we should not move forward with enrollment in the exchanges. It is that simple. My legislation would ensure the exchanges remain on ice until this threshold issue is addressed. These are not frivolous concerns; these are real problems. I hope all of my colleagues, even those who continue to support the President's health law, will work with me to help address these issues.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BLUMENTHAL. Mr. President, first, let me commend the chief cosponsors of this bill, Senators SHAHEEN and PORTMAN, for their perseverance and their great leadership on this issue. I am a wholehearted and passionate sup-

porter of this cause and urge my colleagues to address what is truly a triple play.

This bill is a way to win for employment and economic growth. It is a way to win for energy savings and financial savings for our manufacturing companies, to make America more competitive. It is a way to win for our planet, indeed, to help save our planet along with saving money and saving energy.

I will not only support the bill and the amendments, but I have asked for support for an amendment of my own that would help to measure the non-monetary benefits of some of the changes that would be brought about by this legislation. I ask Senators PORTMAN and SHAHEEN to accept this amendment and for my colleagues to support it as well.

#### NEWTOWN ANNIVERSARY

I am here to help commemorate the 9-month anniversary of the tragedy at Newtown that took the lives of 26 wonderful people—20 beautiful children and 6 courageous, skilled educators. It was a commemoration I was going to observe yesterday on the floor of the Senate, but, of course, there was no Senate session yesterday because of yet another unspeakable, horrific tragedy, this one close, literally within blocks of this great building.

It was physically close, but every one of those incidents should be close to us emotionally as Newtown has been for me and others of my colleagues, most especially my friend and colleague Senator MURPHY. It brought back a rush of memories for me because Newtown is still close to us in emotional proximity, just as the Navy shooting was close in physical proximity. The Navy lost 12 of its members. My heart and prayers go out to those great sailors, civilians, and contractors, and their loved ones.

Today we have an inspector general report that is profoundly and deeply troubling. If reports of this audit are true, the Navy put the safety of personnel at risk to save dollars and cents. This apparent security lapse, permitting people with criminal records to freely access military bases and facilities, is deeply concerning, indeed shocking. I call on the inspector general to release the full report. I have the report. I have reviewed it briefly. I cannot talk about its contents because it has not been released. Make this report public so we know what the inspector general of the Navy has said about lapses of security and about the failures of the RAPIDGate technology that was supposed to protect people at the Navy Yard here in Washington, DC.

Lax safety and security measures at our military facilities is inexcusable. I commend the Secretary of the Navy and the leadership of the Navy for raising this issue and hope they will decide to make public the full report to the extent it can be done so consistent with our Nation's security.

But one of the lessons here is that the Navy, with RAPIDGate technology

and all of its facilities with armed guards and the complex technology it uses, could not protect members of its own ranks at the Navy Yard. We should know why. If it could not do so there, can our schools be safe? Can our workplaces be safe? Can America be safe with the present plethora of firearms in our Nation today?

This day was horrific and tragic for America. Yet in many ways it was another day. The threat is these incidents will become the new normal. We need to ask, will these incidents, these horrific, unspeakable tragedies, make a difference? Will they change the political mindset and culture in this body and in the House of Representatives?

In the days to come, we will learn more. There is much more to learn before we draw conclusions. I emphasize the facts are disclosed one by one even as we watch the news. We will try to wrap our minds around whatever evil motive caused this senseless crime, but we know the means all too well. The moment shots rang out and the blurb came over the news wire, we knew with an instinctive understanding this unfolding incident was another act of gun violence in America, another act of gun violence in an America plagued by a plethora of guns.

The answer to the question, will it become a new normal, should find the articulate, in fact, deeply powerful words of Janis Orlowski, the chief medical officer of MedStar Washington Hospital Center, the hospital that received some of yesterday's victims, the hospital that deals routinely with gunshot wounds and sometimes deaths. I hope the Nation will hear her plea when she said, in effect, these senseless killings have to stop, stating:

There's something evil in our society that we, as Americans, have to work to try and eradicate. I would like you to put my trauma center out of business. I really would. I would like to not be an expert on gunshots. Let's get rid of this. This is not America.

When I went to Sandy Hook 9 months ago on December 14, I felt an obligation to go as a public official, but what I saw was through the eyes of a parent, the cries of grief and pain that I will never forget. They will live with me always, loved ones and parents emerging from that firehouse having learned moments before that their beautiful children and loved ones would not be coming home that evening.

Like the loved ones who said goodbye to the 12 victims at the Washington Navy Yard, it was another day, a day like every other day when they expected them to come home to the routine, mundane joys of life. Twenty innocent, beautiful children and 6 great educators did not come home that day. In the days that followed, we all hoped the Senate of the United States would keep faith with those families. In the 9 months since, we have hoped the Nation would keep faith with the 8,158 Americans around the country, the 8,158 victims of gun violence.

Last April, the Senate turned its back on Newtown families. One of the

most difficult days of my career in this job or any other job was to try to explain to those families how more than 90 percent of the American people—a majority of gun owners, in fact many members of the NRA—could back a commonsense measure like background checks, the bill the Presiding Officer and Senator TOOMEY sponsored so courageously and ably—could have that kind of support and yet fail to pass this body. It had 55 Senators supporting it on that day—54 voting for it, but 60 votes were needed. One of the answers, of course, is to change the Senate rules, which I have long supported, to eliminate the filibuster.

The families of Newtown, and those 8,158 Americans, their loved ones, and all Americans deserve a better answer. It is not to accept these mass killings as the new normal, as the commonplace of America. We are better than that normal as a Nation. We cannot accept it. I hope, ask, and pray that the unspeakable, unimaginable tragedy of Newtown and now Washington Navy Yard will renew and reinvigorate this movement and give us impetus, emotional, intellectual, and political, which we need and deserve.

The shooting at the Washington Navy Yard makes clear that, as we said in the wake of Newtown, these kinds of mass killings can happen anywhere, any school, any community—in Newtown, the quintessential New England town, or at the Washington Navy Yard, a supposedly secure military facility. We need to make sure it happens nowhere.

Let us make a mental health initiative a centerpiece of this renewal and reinvigoration of our effort to stop gun violence. Let us combine it with background checks and other commonsense measures. Bring back this issue and these measures.

We are not going away. We are not giving up. Many of the Newtown families will be here again this week. The Newtown Action Alliance has been joined by other groups such as Sandy Hook Promise, Newtown Speaks, and Mayors Against Illegal Guns. They have formed a powerful gun coalition, and I promise I will never give up. I know together we can prevail.

Not long ago—in fact, this past weekend—I attended a playground dedication on the beach in Fairfield overlooking Long Island Sound, a beautiful, cloudless day lit by an early morning Sun, to dedicate a playground in honor of one of the children, Jessica Rekos, whose family was there as well. That playground will be a living reminder of our obligation to do better.

There are regulations right now that have not been approved in final form for mental health parity to enable more people to have private health insurance coverage. There are commonsense mental health funding initiatives. As we speak on this day, groups are going around to our offices from the National Council for Behavioral Health, asking for support for the Ex-

cellence in Mental Health Act, S. 264, ably cosponsored by Senator STABENOW and Senator BLUNT, focusing on mental health and combining those measures with other commonsense, sensible gun violence prevention measures. It is the way to forge the consensus we need and move from those 55 votes to the 61 we need for passage of a gun violence prevention measure that can make us proud, make America better, safer, and that can make us, as Americans, a better Nation to leave for generations to come.

As we celebrate the lives lost but commemorate the horrific, unspeakable tragedy of Newtown, we should take heart from the courage and resilience of those families and their loved ones. From the Newtown community which will be visiting the Capitol again, their resoluteness and steadfastness should inspire us to do better and to ask more of ourselves and make America a better Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to extend my sympathy to all those who have suffered a loss yesterday, both here in DC and any other place in the country. A loss, a quick and unexpected loss, is always difficult.

#### CONSTITUTION DAY

I also wish to take a second today to recognize that this is Constitution Day. It is 226 years of our country having this Constitution, which is a world record for a constitution. Hopefully we will continue to live under the Constitution, work and make progress.

#### OBAMACARE

My main purpose today is to take a few minutes to talk about something that occurred during the recess that is another sad example of business as usual in Washington. The health care law we are all under requires Members of Congress and their congressional staff to obtain health insurance under the new exchanges provided by ObamaCare next year. I voted to include Congress under the health care law in 2009 because I believe very strongly that Congress should have to live under the laws it passes.

Let me say that again. I think Congress ought to live under the laws it passes. We passed a law that is going to affect most people in the United States. I can tell you that the administration doesn't appear to share this belief.

On August 2, immediately after Congress adjourned, the Office of Personnel Management, under heavy pressure from congressional leaders, announced it would issue regulations saying the government can continue to make the employer contribution to the health plans of congressional Members and staff. No one else in America who will get their health insurance through an exchange may receive a contribution from their employer, but the administration decided it would be OK for Congress.

I am not sure where the authority came from to be able to do that or say that. It was difficult at the beginning of the process for us to get that amendment in the HELP Committee, Health, Education, Labor, and Pensions Committee, when the bill was coming through there. It was repeated again in the Finance Committee, and it wound up in the final bill.

That is a law we passed. It is a law we passed that said we are going to be subject to the same thing the American people are going to be subject to.

Now the administration has said, no, it doesn't apply to Congress. Where does it say it doesn't apply to Congress?

I was in Wyoming for the last month or so, holding listening sessions and meeting with the people as I drove 6,000 miles across the State. I can tell you people are angry that Congress gets some exemptions from ObamaCare that they don't. They are tired of the deal making that happens here instead of legislating that could be occurring. They see these kinds of exemptions and they don't think it is fair. I agree. I don't think it is fair either.

This is why Senator VITTER and I have introduced a bill that would prohibit Members of Congress from receiving a contribution from the Federal Government toward their health insurance. Of course, it is not only—in our amendment, it is not only Congress but the President, the Vice President, and the people responsible for implementing the health care law who will not be allowed to receive any government subsidy.

The President talks about how great the health care bill will be for everyone, but the administration doesn't think it is so great that they should have to live under it. That should change.

In addition, the legislation ensures Congress and the administration will have to live under the laws it passes and enforces by clarifying that all of us can only obtain our health insurance next year through an exchange. That is what it says.

The bill also states Members do not have the authority to define official staff. That would be a sneaky way of making an exclusion for some of the people we consider to be critical, and can thereby not exempt any of their staff from going into the exchange. Yes, that is difficult. Yes, that is the same thing that is going to happen with the rest of America. The rest of America is going to have these same pangs of wishing their contribution could go with them to the exchange. But they are going to have to go to the exchange and it is not going to follow, and there is no reason we should get an extension.

The reason we have this amendment is to show Congress shouldn't be special, that the American people are going to have this great pain and we ought to suffer from it too or change it for everybody. That would be unique.



I wish to clarify that our bill does not end the government contribution for all congressional staff. Those who make the least amount of money will still receive a contribution, but many staff who would not qualify for any assistance otherwise will not. There is a provision in the law that anybody who goes on the exchange, and they make less than \$43,000 a year as an individual or \$92,000 as a family, can get a subsidy under the exchange. It would work the same way for Congress.

Legislation is needed to prevent lawmakers and their staff from getting special treatment under the law. Absent this legislative change, Congress and the administration are essentially shielded from the higher cost, the limited access, and the confusion everybody else is going to feel.

I continue to oppose the health care law, as I have done since it was passed. When you pass something from one side of the aisle, without taking into consideration the amendments from the other side of the aisle, and when you make special deals in order to keep the one side, you will end up with a law you will own and it will have flaws in it. It is time we quit dealmaking and start legislating on all the issues and considering all of the amendments. This is one example of an amendment that is up—it is the next amendment up—and it should get a vote. It could have had a vote last week and it can have a vote this week, but we need to vote on these things and see how they wind up.

I do continue to oppose the health care law, as I have done, and I support full repeal of the law. There are replacements out there. I have worked with replacements. In fact, I had my own 10-step plan before the President even became a Member of the Senate. That 10-step plan would have done more than this bill does and it would have been paid for.

I also worked with Senators BURN and COBURN on a substitute when this legislation was going through the process, and that one would have done many of the things the President promised in his joint speech to Congress. He promised there would be certain things in the bill. I took very careful notes at that meeting and found out there were 14 things that didn't appear to be in the bill. So I asked those things be in the bill, and that is when it became a partisan issue.

The President said the bill would have tort reform. There is no tort reform in the bill. The President said there would be a doc fix. There is no doc fix in the bill. I guess the thing that amazed me was that people from the American Medical Association stood behind the President when he signed the bill, realizing they didn't get the two things they insisted on and said they would continue to push for and continue to oppose the bill until they were in there, and that was tort reform and the doc fix.

Doctors, under the law for Medicare are not going to be paid adequately. If

they are not paid adequately, they have a tendency to not see Medicare patients. I am pretty sure all of us know somebody who has tried to get an appointment with the doctor and the doctor asked: Do you get Medicare? If they said yes, he said: I am sorry. I am not taking Medicare patients.

So if you can't see a doctor, do you have insurance at all? I don't think so. Medicare has been the lifesaver for seniors in our country for some time, and we haven't begun to see the tip of the iceberg yet on what is going to happen to our seniors.

This amendment, which we should get to vote on, is just one piece of an overall effort to make sure the bill will work for everybody in America. I have 17 other amendments that would, hopefully, close loopholes and dismantle pieces we know would not work and make changes. So there are ideas out there that could make this bill work, but this one amendment is just part of an overall effort. It will close the loophole for Congress and it will ensure that everyone is treated equally under the health care law.

For better or for worse, we should all be in this together. Again, this isn't just to subject our colleagues to pain; it is to get them to recognize the pain America is about to feel. It is not fair for us to make ourselves pain free. We can't inoculate ourselves or give ourselves some special medication. That is what we are doing in the bill. This amendment clarifies Members don't have the authority to define "official staff" and, therefore, they can't exempt any of their staff from going into the exchange. It clarifies that Members of Congress, all of their staff, the President, the Vice President, and all political appointees are no longer eligible for the Federal Employees Health Benefit Plan and have to go into the exchange.

That seems fair to me. The bill is named after the President. Why wouldn't the President want to be under the bill? How could he possibly avoid being under the bill and doing what the rest of Americans will have to do? If it is such a great deal, and since the bill is named for him, one would think he would want to do that.

I voted to include Members and staff on ObamaCare before the bill passed, in the HELP Committee, in the Finance Committee, and on this floor. It got tweaked a little after it passed on the floor—and I am a little disturbed about that—but even that doesn't warrant the clarification of this magnitude. People deserve and expect those who are responsible for passing and implementing laws will have to live under the same laws they do.

I have cosponsored this legislation with Senator VITTER, and I appreciate all of the initiative he has taken, the difficult and specific task of drafting, and all of the work that has gone into this. This will make a difference. Congress will realize the difference. The American people will blame us if they see the difference and we haven't.

I would ask we get to vote on this amendment. I hope we get to vote on it soon and we can then move on to other amendments on an important bill and get things done. That is what the American people expect us to do. They expect us to get some things done. If somebody thinks this is something that would be wrong for us, they should consider it to be wrong for America as well and join us in fixing it one way or the other.

Again, I thank Senator VITTER for all his efforts on it, and I do expect we should get a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank and recognize the longstanding work of the distinguished Senator from Wyoming. He has fought long and hard from the very beginning for this position during the ObamaCare debate, and he has done so in a very focused and determined and consistent way. I appreciate his doing that all through the ObamaCare debate and bringing it to the floor with me and others in this amendment.

I repeat, I appreciate all of his leadership in fighting for what I consider the first principle of democracy, which is that all rules that are passed on to America should be visited on Washington, and we should be treated exactly the same as the rest of America is treated. That should be true across the board, but it certainly should be true under ObamaCare. That is the very intent of this provision, which is the law now. It is the law now under ObamaCare.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I see my colleague from North Dakota Senator HOEVEN is here so I will be brief.

I wish to pick up on something Senator ENZI talked about, which is that the American people are expecting us to get something done. I couldn't agree with him more. That is why I have been on the floor for the last 3 days, along with my colleague from Ohio Senator PORTMAN, who has worked so hard with me to put together an energy efficiency bill to address the very real challenges facing this country around energy security, and energy efficiency is the cheapest, fastest way to deal with our energy needs.

We have multiple bipartisan amendments to this legislation. We have a lot of bipartisan support for this legislation, with more than 260 groups, as varied as the U.S. Chamber of Commerce and the National Resources Defense Council, supporting this legislation. I hope all those people who would like to have a different conversation around health care, or whatever else, will be willing to postpone that conversation so we can deal with the bill before us, which is the Energy Savings and Industrial Competitiveness Act.

I appreciate all the work of my colleague from North Dakota, Senator

HOEVEN. He has been willing to engage with us on this legislation and I urge all of us to get to the bill at hand and deal with energy issues and let us have those other debates at the appropriate time. Now is not the appropriate time.

Mr. WYDEN. Would the Senator from New Hampshire yield for a question?

Mrs. SHAHEEN. I would.

Mr. WYDEN. How many years has the Senator from New Hampshire been involved in this legislation? Because I can recall the various iterations that she and Senator PORTMAN offered, and then she worked with various groups, business organizations and public interest groups, and I think it would be helpful to hear how long she has been working on this legislation and how long she has been waiting to actually get this bill in front of the Senate.

Mrs. SHAHEEN. Senator PORTMAN can correct me on this, but I think we introduced this legislation early in 2011, not too long after he came to the Senate, and we have been working for 3 years. We reintroduced it in this Congress and have made a number of changes over the years in response to what we heard from stakeholders and in response to some of the concerns expressed by our colleagues on the other side of the aisle to make the bill better and to try and put together legislation that could actually pass the Congress.

We have another bill in the House that is very similar, which is also a bipartisan piece of energy efficiency legislation. There has been a lot of interest expressed in the House in trying to act on this issue, so we have a real opportunity to get a bill through Congress, to get it to the President's desk, to get it signed, and to begin making progress on those 136,000 jobs we have heard about from the ACEEE—the American Council for an Energy-Efficient Economy—that could be created as a result of passing this bill.

Mr. WYDEN. Is it the view of the Senator from New Hampshire that the amendments that have been offered—the bipartisan amendments—take her bill, the product of all those negotiations, more than 3 years' worth of work, and actually make the bill even better?

I look at some of the amendments, particularly the one offered by the Senator from Georgia and the Senator from Colorado—the Isakson-Bennet amendment—and I realize we know more in America about the kind of common energy-efficient products that one might use, whether it is a toaster or something else around the house, than we do about the actual house itself. So we have two thoughtful Senators coming together and they have worked with a whole host of commercial building interests and they are going to make it possible, in my view, to save a lot of energy that will result in savings for homeowners and other Americans.

I would be interested in the Senator's take on the various amendments that have been filed because I think those

amendments take the very fine bill she and Senator PORTMAN have and make it even better.

Mrs. SHAHEEN. There is no doubt about that. I have been impressed with the amount of thought that has gone into these bipartisan amendments and with the variety of ways in which they improve on energy efficiency.

The Senator talked about the Isakson-Bennet amendment. Senator BENNET has an amendment with Senator AYOTTE, my colleague from New Hampshire, talking about tenants who are renting and the incentives we can provide to tenants to address their energy use.

Senator GILLIBRAND, who came to the floor last week, talked about how we could look at emergency disaster relief and try and make sure when we rebuild from disasters we rebuild in a way that is much more energy efficient.

So we have a whole range of ideas. Senator HOEVEN, who is on the floor, is talking about addressing water heaters and the need to make sure water heaters are more efficient. He is working with Senator PRYOR. We have a whole list of amendments that are thoughtful and that have been the result of a lot of work on the part of a lot of Senators in this Chamber.

It is unfortunate we can't get to those amendments and get them passed. I think most of them would pass on a voice vote.

Mr. WYDEN. Let me wrap up with one last question to get a sense of the Senator's intent. My sense is the Senator is very open, as is Senator PORTMAN, that there will be votes. I see our colleagues on the floor who have also been here since Wednesday, but the Senator from New Hampshire, I believe, is open to giving them votes on the several issues that have come up in connection with this debate, that have been debated over the last few days, and then she would be open to the leadership on both sides agreeing to a finite list of amendments and then actually voting on the energy efficiency bill this week.

My hope is that is what the Senator would like to do because that is what I have tried to tell colleagues, as chairman of the Energy and Natural Resources Committee.

Mr. WYDEN. I just came back from an excellent visit to North Dakota with Senator HOEVEN. There are a lot of other issues the Senate wants to tackle in the energy area to make sure we fully tap the potential of natural gas. There are win-win opportunities that are also good for the environment. We would like to resolve the nuclear waste question. We have a bipartisan bill here in the Senate.

Is that the intent of the Democratic sponsor of this legislation, that in the next couple of hours we get a finite list of the additional amendments. In other words, we have the Senator's bill, and we have several amendments that have been debated at length already. Those would be part of the vote, and then in

the next couple of hours we would have a finite list, and then we could address those and finish the bill this week?

Mrs. SHAHEEN. Absolutely. And I think that is Senator PORTMAN's interest. We would like to get some agreement on how to move forward. As I said last week, I don't have any objection to voting on Senator VITTER's legislation if we can get some agreement on limiting those extraneous amendments that really don't have anything to do with energy efficiency so we can get onto this bill, get it done, and make progress because, as the chairman knows, it is going to be very challenging to tackle some of those other energy issues that are much more controversial than this energy efficiency bill. So it would be nice to be able to have agreement so we can move on to some of those other issues.

I especially appreciate the Senator's leadership and Senator MURKOWSKI's leadership in reaching some agreement and trying to move an energy agenda on the floor.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I wish to briefly respond to the comments by the distinguished Senator from New Hampshire.

First, I welcome her statement that she supports getting a vote on the Vitter amendment. I am not sure I have heard it before, but I heard it just then and I welcome it and I appreciate it and want to echo that.

Secondly, I wish to briefly respond to the notion that somehow now is not the appropriate time for that vote. I and my colleagues who support this language are reacting to an illegal rule that goes into effect October 1, so I am demanding a vote before October 1, when this goes into effect. I am not sure what more appropriate time there can be than before October 1 if we are trying to block this illegal rule that will happen October 1. So this is the appropriate time—not according to a timetable I made but according to a timetable that the Obama administration made and that is supported by the opponents of our language.

If OPM wants to announce that they are delaying this illegal rule indefinitely or for 1 year, then we will delay this vote because that would be appropriate. But the appropriate time to stop this illegal rule that goes into effect October 1 is, by definition, before October 1, which is all I have demanded.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to introduce two energy efficiency amendments that I am offering for attachment to the Shaheen-Portman energy efficiency bill.

I thank both of the bill's sponsors, the Senators from New Hampshire and Ohio, for their willingness to work with me and with our cosponsors on

this bipartisan legislation. I also thank both the Senator from Oregon, who is the chairman of the energy committee, as well as the ranking member of the energy committee, the Senator from Alaska, for working with us as well.

Obviously, I hope we will be able to work through the list of amendments to this legislation so that we can get votes on these bills. We have broad bipartisan support on both of these measures, so I wish to take a few minutes to introduce them and to briefly describe them.

The first is an amendment regarding water heaters. It is actually the water heater efficiency amendment. Currently, a 2010 Department of Energy rule on water heaters effectively bans the manufacture of large electric water heaters beginning in 2015, which will greatly affect consumers in our rural areas and hurt the effectiveness of some of the demand-response rural electric programs. These demand-response rural electric programs are designed to use off-peak loads, which is both energy efficient and also generates big-time savings for consumers. So it is one of those win-win deals. But many of our rural areas are not serviced by natural gas. As a result, they would be forced to buy multiple water heaters in order to meet their need because the load doesn't enable them to store enough heat. That doesn't make any sense.

What I am offering is a practical amendment that improves the efficiency of electric water heaters but lets our rural areas have access to affordable, efficient water heaters that can supplement renewable energy. Much of this off-peak energy is renewable energy, so there is another benefit as well. This is one that saves money, is energy efficient, and also provides good environmental stewardship.

Many of our electric cooperatives and other utilities have voluntary demand-response programs that use electric water heaters to more effectively manage power supply and demand. In those areas where renewables are part of the electric generation system, these water heaters facilitate the integration of renewable energy that can be stored—like at nighttime, obviously—for use during peak hours. That includes such things as wind and solar energy.

This amendment would allow the continued manufacture of large, grid-enabled, electric-resistance water heaters only for their use in electric thermal storage or demand-response programs, meaning that they use off-peak load or lower cost energy that would otherwise be lost or not used. The amendment would require that grid-enabled water heaters have a volume of more than 75 gallons, be energy efficient, and work on grids that have a demand-response system. So, again, you are using off-peak loads, using renewable energy, and it saves the consumer a lot of money and makes sure they have the hot water they need for their use but is a big-time cost saver

and good environmental stewardship measure.

We have broad support from the energy efficiency groups, from the environmental groups, from manufacturers, and from the rural electric cooperatives. I will name some of them. These include the Air-Conditioning, Heating, and Refrigeration Institute, the American Council for an Energy-Efficient Economy, the American Public Power Association, Edison Electric Institute, General Electric Company, National Rural Electric Cooperative Association, the National Resource Defense Council, the Northwest Energy Efficiency Alliance, and there are many more. This has broad support. I am not aware at this point if there are opponents.

The Shaheen-Portman bill is an energy efficiency bill. It is about using energy more wisely, benefiting both providers and consumers alike. And that is exactly what this amendment does. It saves money, it saves energy, it benefits the environment, and it benefits consumers.

Mr. PORTMAN. Would the Senator yield?

Mr. HOEVEN. I certainly yield to the good Senator from Ohio.

Mr. PORTMAN. I know my colleague is going to talk about another one of his amendments in a moment. I wish to briefly stay on this amendment.

It makes a lot of sense, and he said it well. In Ohio as well as other States, during these off-peak periods—and often it is renewable energy—think about a time when you can generate power during the day from solar or wind or other sources, and if you can store that during the peak times and if these water heaters are well enough insulated, they can store that heat that is otherwise wasted or not used.

It seems it makes a lot of sense to ensure that the 2010 DOE rule the Senator talked about doesn't preclude the possibility of manufacturing these large water heaters for electric thermal storage and for these demand-response programs the Senator talked about that some of them have. One is the Buckeye Power Utility, an electric co-op, and they are very interested in this amendment.

I support the amendment. I think it is an example of an amendment brought to the floor that is going to help make the bill better. It is consistent with the energy efficiency goals of the legislation.

I thank the Senator for his work.

Mr. HOEVEN. Mr. President, I thank the good Senator from Ohio. It really does comport both with the spirit and intent of the legislation that he has co-authored with the distinguished Senator from New Hampshire, but really it actually accomplishes what the Department of Energy set out to do.

In rural areas across this country, whether in North Dakota, Ohio, West Virginia, New Hampshire, or anywhere else, we have rural consumers who are looking at having to buy multiple

water heaters just to have enough hot water because they are on these off-peak load programs, which makes sense and which is what we want. We want them on these off-peak programs because it is more efficient and saves money and utilizes renewable energy, but we have to enable them to do it. So this accomplishes what DOE set out to do.

Again, I thank the distinguished Senator from Ohio.

Mr. President, I wish to offer another amendment to the underlying legislation. This is the "all of the above" Federal building energy conservation.

We talk about doing "all of the above" energy development in this country, and we have to get from talking about it to doing it. This is a great example of what I am talking about. It actually goes back and addresses a problem that was created in the Energy Independence and Security Act of 2007. In that act they set efficiency standards for Federal buildings that have to be achieved by 2030 and then they limit it as to which types of energy can be used, creating a real problem for the Department of Energy, which is actually having to implement that legislation.

This is a piece of legislation that actually will enable some of these energy efficiency goals to be achieved with better environmental stewardship but with a commonsense "all of the above" approach in terms of energy sources. Frankly, the goals of that cannot be achieved without them. The Shaheen-Portman legislation is an on-subject piece of legislation that really allows us to correct the problems in the Energy Independence and Security Act of 2007 and really accomplishes what that act set out to do, so if I could just take a couple minutes to describe it.

This "all of the above" Federal Building Energy Conservation Act, amendment No. 1917, is a commonsense piece of legislation that saves taxpayers money by enhancing the energy efficiency of Federal buildings by allowing all forms or all sources of energy to power our buildings while still meeting the objectives of the underlying legislation.

Currently, section 433 of the Energy Independence and Security Act of 2007 mandates the elimination of all fossil fuel-generated energy use in any new Federal building by the year 2030, but the mandate also covers any major renovation of \$2.5 million or more to any Federal building. Unfortunately, the Department of Energy has been unable to finalize a rule because the law itself is unworkable.

Think about it—any Federal building where there is a renovation of more than \$2.5 million, you can no longer use fossil fuels—think natural gas—in that building. So what are you going to heat and cool the building with? Are you sure you are going to have enough intermittent power—whether it is solar or wind or something else—to make sure that for any Federal building

where you make a change of more than \$2.5 million you are going to be able to meet the energy needs of that building? The Department of Energy can't do it. They can't write a rule that meets that statutory requirement. So we fix it in this amendment.

My amendment would replace an unworkable mandate that is impossible to implement with a practical, time-proven approach, using technology and all of our energy resources to achieve the goal of energy efficiency. Again, this will enable us to achieve the energy efficiency goals of the underlying legislation, which is the Energy Independence and Security Act of 2007.

Instead of prohibiting the use of fossil fuels, including next-generation technologies as section 433 would currently provide as written, this amendment creates sensible energy efficiency guidelines to make Federal buildings more energy efficient, thereby lowering emissions. The measure also helps to make sure when we do major renovations we use the most up-to-date building codes. We do all of this in a transparent manner by having the Secretary of Energy make information available as to how the Federal Government is improving its efficiency in Federal buildings.

Current law is unable to do any of this. The reality is section 433 does not work, as I said, and cannot be implemented without a fix. We are providing that fix. According to the American Council for an Energy-Efficient Economy:

The current section 433 is not very workable because in its present form it discourages investments in long-term energy savings contracts and in combined heat and power systems.

So if you care about efficiency—that is what this underlying bill is all about, energy efficiency—if you care about efficiency, we need to change section 433. If you care about making sure our taxpayer dollars are well spent, we need to pass the amendment I am offering. It is better to have aggressive yet achievable goals with a means to obtain them through private sector financing mechanisms than to have an unfunded mandate that will not produce the intended results.

Major conservation stakeholders agree. This amendment is supported by a remarkably broad coalition. That coalition includes: the Alliance to Save Energy, the Combined Heat and Power Association, the American Gas Association, the National Rural Electric Cooperative Association, the Edison Electric Institute, the Federal Performance Contractors Coalition, Owens Corning, Siemens, the National Association of Energy Service Companies, the American Public Power Association, Lockheed Martin, Fuel Cell & Hydrogen Energy Association, Honeywell—the list goes on, and there are many more.

That is because, again, it is about common sense, it is about energy efficiency, and it is about doing it in a

way that actually accomplishes those goals.

Energy conservation is an objective where we should be able to find consensus. Everyone agrees it makes good sense to save energy. This amendment makes the current law both practical and achievable. The Congressional Budget Office says it saves money. I urge my colleagues to support this commonsense amendment.

Finally, if I may before I close, I would like to make some brief comments in regard to the farm bill. We have been working on a farm bill for over 2 years. I am a member of the Senate Agriculture Committee. Last year we passed a solid farm bill from the Senate Agriculture Committee that strengthens and enhances crop insurance and saves money. At a time when we are running a Federal deficit and debt, we are saving money. We passed the bill out of the Agriculture Committee last year. The House passed a bill different than the bill we passed out of the Senate Agriculture Committee, but the House Agriculture Committee passed a farm bill as well, and a good farm bill.

On the Senate floor last year we passed the farm bill and passed it with a large bipartisan vote. On the House side they were not able to pass it. They were not able to pass their bill, so at the end of the year when the current farm bill expired we were forced to do an extension.

We come back this year. The Senate Agriculture Committee again passes a good solid farm bill that strengthens crop insurance, is good for farmers and ranchers, and saves money. We pass it on the Senate floor as well. On the House side, they pass the bill through the House Agriculture Committee and they pass a bill on the floor. It did not include the nutrition piece, but they did pass a bill on the floor.

This week they are set to vote on a nutrition bill. That is good. They need to do that and they need to make their decision on how they want to handle the food stamp reform, or Supplemental Nutrition Assistance Program reforms. But the key is they need to name their conferees. They need to take action this week and name their conferees. We have named our conferees. I am pleased to be a member of the conference committee. But we need to work. We need to get this finished.

The reality is, for our farmers and ranchers, we should not be providing another 1-year extension. These are business people. They need to plan. They need to know what the 5-year farm program is going to be so they can plan and operate their business accordingly. There are on the order of 16 million jobs in this country that are dependent, directly or indirectly, on agriculture. We want to get this economy growing. Those are a tremendous number of jobs, 16 million jobs, that, directly or indirectly, rely on agriculture. Agriculture creates a positive balance of trade.

We are talking about an energy efficiency bill right now and our farmers are out there right now, not only producing food but fuel as well—food, fuel, and fiber. They create not only jobs in this country but they have a positive trade balance, which is tremendous for our country.

The bill, as I mentioned earlier, saves money. At a minimum we are going to save \$24 billion, and it will likely be more than that. It helps with the deficit and the debt.

I want to close today by again calling on my colleagues on the House side to deal with the nutrition issue, name their conferees, let's get into conference, and let's get a farm bill done. Thanks to our farmers and ranchers, we have the highest quality, lowest cost food supply in the world, in the history of the world. That benefits every single American—whether you live in rural America or in the biggest city. Let's get it done.

I again thank the sponsors of this bill. They are working hard. You know what. They are setting an example for this body on the kind of bipartisanship and working together we need to have to get things done for the American people. I commend them both and thank them for this opportunity to present these amendments to their bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, the second amendment my colleague from North Dakota spoke about is another example of a bipartisan piece of legislation. In fact, I think the Presiding Officer of the Senate this afternoon is a cosponsor of it, which I think makes sense because I think the current program which would, by 2030, lead to no fossil fuel-generated energy for use in newer renovated buildings is not practical. I think the impracticality of it is shown by the inability of the Department of Energy to move forward with their regulations.

I will say while this amendment repeals the fossil fuel ban in section 433, it also strengthens other existing provisions for Federal energy management, including extending the Federal efficiency targets for Federal buildings to 2013. I think it is a responsible approach and a practical approach. It will give the Federal Government added flexibility to achieve these reductions in energy production without adding burdensome new requirements to the Federal building energy managers.

It is also, in combination with many aspects of the underlying bill which deal with energy efficiency on Federal Government buildings and practices, basically encouraging the Federal Government to practice what it preaches and be more efficient, as the largest energy user in the country and probably in the world.

I think it is consistent with the legislation, although there may be some alternatives people want to talk about, but I do think this is an amendment which actually makes sense because it

is practical and I think it also is consistent, again, with our underlying purpose which is to, in a way that provides flexibility, achieve efficiency standards at the Federal Government level. It encourages more efficiency.

Finally, on the farm bill comments, I agree with my colleague from North Dakota. Our farmers need the predictability and certainty that comes with the farm bill. He talked about 1 year not being enough. I do agree with that. I hope we will be able to get the conferees named and get in conference and come out with a bill that helps farmers know what the rules of the game are. That is what they are looking for. They want to know the crop insurance program is going to be there and be sure and strong, the safety net will be there—which this bill will provide, regardless whether it is the House version or Senate version, and then they need to know what the rules of the game are for the other commodities and other programs.

I hope that can move forward because it would be great for our country, great for Ohio. The No. 1 industry in Ohio is agriculture. We are proud of that. We want to make sure those farmers have the ability to succeed.

I will yield back my time and thank Members who have come to the floor to talk about amendments. I hope other Members who might be listening will do that.

This is an opportunity, even before we can officially file or introduce amendments and debate and vote them. At least we can have the discussion so we are ready to go when I suspect we will have an agreement between leadership of both of our parties even later today. We are working on that. We think we have limited the number of amendments to a reasonable level and we are trying to encourage Members to work with us to ensure we can get to this underlying legislation and move forward with a bipartisan energy efficiency bill that is going to help on our trade deficits, going to help our economy grow jobs, make our environment cleaner, and is going to be one that actually shows this body we can in a bipartisan way do what is good for our constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### NAVY YARD TRAGEDY

Mr. HELLER. Mr. President, I rise today to speak in favor of the Vitter amendment to the energy efficiency bill. Before I begin my remarks, I wish to recognize the horrific events that occurred yesterday, a little over a mile from here. Yesterday's tragic and senseless shooting devastated families and changed lives forever. We continue to hold the victims and their loved ones in our thoughts and we are deeply appreciative of law enforcement and first responders who helped save lives and prevent further violence.

Senator VITTER's amendment to the energy efficiency bill addresses a seri-

ous concern that I, along with many of my constituents, have expressed about ObamaCare. Specifically, this amendment seeks to eliminate special Washington, DC, exemptions in the current law. It requires congressional staff, including the committee and leadership staff as well as the President and the Vice President and all political appointees in the administration, to participate in the same exchanges ObamaCare forces on everyday Americans.

I have cosponsored this amendment with some of my colleagues, including Senators VITTER and ENZI, because I think it is clear the American people are fed up with the beltway mentality that the rules apply to everyone else but not Washington, DC. If you ask me, a law that applies to all Americans except those who wrote it simply does not pass the smell test.

By the way, I wish to note this elitist attitude is not anything new. In fact, America's second President, John Adams, warned against a legislative assembly that would "in time not hesitate to exempt itself from the burdens which it will lay without shame on its constituents." It turns out this was a tragically accurate prediction.

Before ObamaCare was even passed into law, I argued that those who wrote the law should be beholden to it. As a member of the House Ways and Means Committee, I introduced an amendment that would require all Members of Congress and their dependents to obtain their health insurance through the Affordable Care Act's health care insurance exchanges. But last month, immediately after Congress left for the August recess, the Office of Personnel Management announced in its proposed rules on ObamaCare that the government can continue to make employer contributions to the health plans of congressional Members and staff. This basically means Members of Congress and congressional staff will receive a taxpayer-funded subsidy for their health care insurance. Ultimately, these tax dollars will be used to protect Washington insiders from the negative consequences of ObamaCare's health exchanges.

Following OPM's announcement, I immediately wrote to them, asking that they clarify in their final rule exactly who is subject to the exchanges. Specifically I asked them to ensure that in addition to Members of Congress, all congressional staff, including committee and leadership staff as well as political employees, go to the exchanges. I have written a followup letter to OPM, and as of yet I have not received a single response for this concern.

If ObamaCare is such a good idea, why would those who helped write the law not stand proudly by it? The fact that ObamaCare protects a select few from participating in the exchanges is further evidence that the law never should have been passed to begin with. But now that it has been passed, upheld

by the courts as a massive tax increase, those who put it in place should be subject to the same burdensome regulations, taxes, and mandates that everyday Americans are stuck with. If the President and Congress say it is good enough for the American people, then it should be good enough for the President, Vice President, political appointees, and all congressional staff too. So this amendment I have cosponsored ensures that there is no special fix or exemption for Members of Congress and their staffs. It ensures that they participate in the exchanges just as does every other American starting January 1 of next year. It also ensures that any type of taxpayer-funded subsidies offered to them are also available to the American taxpayers through tax credits.

As many of my colleagues did, I spent the August recess meeting with my constituents and listening to their concerns. It probably won't surprise anyone that the general public doesn't think very highly of Congress, and this exemption is a perfect example of why that is the case.

Unfortunately, in recent days the conversation about this particular amendment has taken an ugly turn toward personal attacks. Regardless of whether my colleagues support this amendment, we should be talking about this measure in the context of what is fair and what is best for the American public. I urge my colleagues to abandon threats and personal attacks and examine this legislation based on its merits.

Since the Supreme Court upheld ObamaCare, its provisions have been repeatedly delayed by the administration, demonstrating that the Federal Government understands how bad the law will be for businesses and middle-class families. In fact, the Washington Times just reported that the Obama administration has delayed major aspects of the health care law no less than five times to date. And this latest move to insulate DC insiders from this unpopular law is more than enough evidence that ObamaCare is the wrong answer to the health care challenges in this country.

I urge my colleagues to support this amendment. It is a reflection of a basic principle of our democracy: that equality under the law means the law applies to everyone. Serving the people of the United States is a privilege. It is about service. It is not about status. And if Congress is going to pass laws that are unpopular, we better be ready to live by the same rules as everyone else. This is what this amendment is about, and I hope my colleagues will join me in supporting it.

Mr. President, I yield the floor.

Mr. PORTMAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, I wish to personally thank our distinguished colleague from Nevada for all of his work and partnership on this important measure. He has been an outspoken leader from the very beginning of this debate and has stood hard and fast for the truly fundamental principle that any rule we pass here for America should first and foremost and equally be applied to Washington. So I really appreciate his leadership and his work, which continues, and we look forward to the vote that we absolutely demand and deserve before October 1.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. MORAN. Madam President, I ask unanimous consent to address the Senate as in morning business.

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

#### ALZHEIMER'S DISEASE

Mr. MORAN. Madam President, every 68 seconds—a little more than 1 minute—someone in America develops Alzheimer's. It is a devastating and irreversible brain disease that slowly destroys an individual's cognitive functioning, including memory and thought.

Back home in Kansas, a Kansas City physician, Dr. Richard Padula, and his wife Marta had been married for 51 years when he was diagnosed with Alzheimer's disease in 2006. It is difficult to imagine the anguish Dick and Marta and their family and their friends experienced as he deteriorated from a leading heart surgeon into someone unable to comprehend a newspaper article. Unfortunately, these stories have become very common.

Alzheimer's currently affects more than 5.2 million people in the United States and more than 35.6 million people worldwide.

As our population ages, the number of people diagnosed with Alzheimer's after the age of 65 will double every 5 years, while the number of individuals 85 years and older with this disease will triple by 2050. Already, Alzheimer's is the sixth leading cause of death in the United States, and there is currently no cure, no diagnostic test, and no treatment for this terrible, terrible disease.

As a nation, we should, we must, we ought to commit to defeating one of the greatest threats to the health of Americans and to the financial well-being of our Nation.

In 1962, President Kennedy called our Nation to action to reach the Moon by the end of the decade, and Americans rallied around that cry. Similarly, we need to commit ourselves to a goal just as ambitious but perhaps even more imperative. We must strive to achieve not only an effective treatment but a cure for Alzheimer's over the next decade.

President Kennedy said: "... because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win. . . ."—I would like those words to be spoken about the fight against Alzheimer's.

As the baby boomer generation ages and Alzheimer's disease becomes more prevalent, the need to confront the pending health care crisis has become even more urgent. The financial costs alone cannot be ignored. What it costs America's health care system, what it costs Americans, what it costs the taxpayers, we need to address these issues.

Caring for those with Alzheimer's and other dementias is expected to reach an expense of \$203 billion this year—\$203 billion this year—with \$142 billion covered by the Federal Government through Medicare and Medicaid.

A recent study by the RAND Corporation stated that the cost of dementia care is projected to double over the next 30 years, surpassing health care expenses for both heart disease and cancer. Without a way to prevent, cure or effectively treat Alzheimer's, it will be difficult, if not impossible, to rein in our Nation's health care costs.

Alzheimer's has become a disease that defines a generation, but if we focus and prioritize our research capacity, it does not need to continue to be an inevitable part of aging.

It is time to truly commit to defeating this disease in the next decade, a goal no more ambitious than President Kennedy set forth for the Apollo space program. For every \$27 that Medicare and Medicaid spend caring for an individual with Alzheimer's, the Federal Government only spends \$1 on Alzheimer's research—\$27 to care for the disease; \$1 to try to cure or prevent the disease.

Yet we know that research suggests that more progress could be made if given more support. One study found that a breakthrough against Alzheimer's that delays the onset of the disease by just 5 years would mean an annual savings of \$362 billion by 2050. A sustained Federal commitment to research for Alzheimer's will lower the cost and improve the health outcomes for people living with the disease today and in the future.

I am the ranking Republican on the Senate Appropriations subcommittee that funds the National Institutes of Health. NIH is the focal point of our Nation's medical research infrastructure, and I am committed to working with my colleagues to prioritize fund-

ing for Alzheimer's research. This year our subcommittee increased funding for the National Institute on Aging—the lead institute for Alzheimer's research at NIH—by \$84 million and supported the initial year of funding for the new Presidential initiative to map the human brain. Both projects will increase our understanding of the underlying causes of Alzheimer's, unlock the mysteries of the brain, and bring us closer—closer—to an effective treatment and, one day, closer to a cure.

Alzheimer's is a defining challenge of my generation, and we should commit to a national goal to defeat this devastating disease. We can do that by supporting critical research carried out by scientists and researchers across our Nation and supported by the National Institutes of Health.

In my view this is an area in which we all can come together. You can be the most compassionate, caring person—and we ought to spend money to care for people—you can be the most cautious about spending dollars and the investment and what the return is for every dollar we spend, and because we could save on health care costs, you ought to be supportive of this funding.

The health and financial future of our Nation, in my view, is at stake, and the United States cannot, should not, must not ignore this threat. Together, we can make a sustained commitment to Alzheimer's research that will benefit our Nation and bring hope to families such as the Padulas, as well as to every American. It is a challenge. It is a challenge we ought to accept. The moment for us to act is now, and the end result is hope for the future.

I yield the floor.

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. CARPER. 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. CARPER. Madam President, I rise in support of the legislation coauthored by Senator SHAHEEN and Senator PORTMAN, the Energy Savings and Industrial Competitiveness Act. I wish to take a minute to thank them for their leadership and for their tenacity in getting this bill to the floor, struggling through all of the amendments that are being offered to it, trying to make sure we figure out how we can actually save some energy, save some money, and do some good for our environment.

I thank the Senator from New Hampshire very much. It is always a pleasure to work with a recovering Governor. We will see where this ends. I hope it ends in a good place. As our economy picks up and our Nation's energy needs grow, investing in energy efficiency is a no-brainer.

Energy efficiency investments save money, save money in energy costs,



save energy resources, protect our environment, and create jobs.

Homeowners and businesses are already investing in energy-efficient technologies. As an extra bonus, many of these technologies are developed right here—not here in Washington but right here in America. Earlier this month I visited a company called WhiteOptics, and they are producing advanced light bulb technology. When it is used, it can deliver more light than traditional fluorescent bulbs for half the energy. Think about that, more light for half the energy. The payback for that technology is not just less than a decade, not less than 5 years, it is less than 1 year.

Since the cost of lighting can comprise up to 50 percent of a manufacturer's energy bill, it is a relatively easy and inexpensive way to save money and, as it turns out, a lot of money. Through investments in advanced light bulbs, light technology, and other energy efficiency measures, our country has the potential to save as much as 40 gigawatts of power by 2018.

How much is 40 gigawatts? Think of 80 coal-powered plants, all of them going full blast, is about 40 gigawatts.

Unfortunately, barriers such as up-front costs and inadequate efficiency standards are preventing our country from realizing our energy efficiency potential. The Shaheen-Portman bill breaks down many of these barriers. Again, I think voting for it is a no-brainer.

As an added bonus, the legislation before us will help us rein in Federal spending too, because it includes provisions that will reduce Uncle Sam's energy consumption from across the country and around the world.

To illustrate that point, let me use an example from the world of sports. Similar to a lot of Americans, I spent some time the past two weekends watching some terrific football games. But on Labor Day I took the 12-year-old boy I mentor and his twin sister to see the final game of the season of the Wilmington Blue Rocks, a Single-A team, Minor League team that played in the Carolina League.

It turned out to be a very good game. One of the highlights again—the Presiding Officer is from Massachusetts and the prime sponsor of the bill is from New Hampshire. My guess is they are Red Sox fans, and we used to be a farm club for the Red Sox. Now we have a farm club of the Royals, but the minor league game we went to was terrific.

One of the highlights occurred when the Blue Rocks came close to pulling off a triple play. You don't see that very much. It is very rarely seen and done in the majors, much less in the minors.

While our Blue Rocks came close to pulling off a triple play that day, our Federal Government can actually pull one off, at least figuratively speaking, by reducing the amount of energy we consume every year in the Federal Government.

Here is how we do it. First, you cut down on the carbon and the air pollution that is going into the air and we thus improve American's health.

Second, we cut down on Federal spending. The deficit is down—what did we hear at lunch today—about \$1.4 trillion 4 years ago. We are down to something under \$700 billion now.

It is still too much, but we have seen the deficit come down by over half, and this can help bring it down a bit further.

The third point is we can cut down unemployment by creating good American jobs to produce, install, and to maintain the energy that is needed for energy efficiency technology, a lot of which I said earlier is made right here in the USA. We are not talking minor leagues here either, at least in terms of savings. This is big league stuff.

The annual energy bill for the Federal Government is around \$25 billion. I think the Federal Government is the largest consumer of electricity in the country. Of that, some \$7 billion alone is spent on energy to operate Federal buildings, \$7 billion just for the buildings alone.

Last Congress, my colleague from Delaware, Senator CHRIS COONS, and our colleague SHELDON WHITEHOUSE—from another small State—and I tried to pull off a triple play of our own. We produced a bill that was called the Reducing Federal Energy Dollars Act. It focused like a laser on greening down Federal energy costs.

Today we are happy to see that many of its provisions have been incorporated in the Shaheen-Portman bill. If we pass it, we could pull off that triple play after all.

One of those provisions takes what works and seeks to ensure we do more. Here is just one example. Not too long ago the Veterans Affairs Department, which runs the VA for us, mandated that employees turn off their computers at the end of the workday. This is not the whole Federal Government. This is one department of the Federal Government, the VA.

The agency also began acquiring more energy-efficient computers and software. Combined, the Department plans to save about \$32 million over the next 5 years—\$32 million. This is not too shabby. Again, that is just one Federal department. The bill before us calls on all agencies to adopt these kinds of energy and cost-saving techniques.

Another provision included in the Shaheen-Portman legislation adopted from our earlier legislation ensures that we build Federal buildings with some of the most energy-efficient technology that is available. These are buildings that will be with us for not just a couple of years, maybe not just for a couple of decades, they could be here a whole lot longer.

They could be around when all of these pages down here are dead and gone. We still have these Federal buildings. They can still be energy efficient,

but if we build them wrong, they will never be energy efficient. Maybe so. This is a chance to get it right from the start.

Overall, the Shaheen-Portman bill makes major strides in promoting Federal energy efficiency. I wish to applaud its authors, both of whom I have huge respect, love and affection for, especially my former colleague in the National Governors Association.

However, there is a small provision in the bill that was overlooked and one that, if added, could make possible even greater gains. I will talk about that for a minute.

Under the Energy Policy Act of 2005, Congress overlooked geothermal as a renewable for the purposes of Federal energy requirements. Renewable thermal energy is clean, it is efficient, and it is often more cost-effective than electric energy.

This is why I have joined a colleague, Senator INHOFE of Oklahoma, in offering amendment No. 1851—if you are keeping score—which allows geothermal to be considered a renewable energy for Federal requirements. Our amendment gives Federal agencies another valuable option as they consider the most cost-effective way to meet their energy needs and obligations. It is another option.

I again wish to thank our chair and ranking member of the energy committee, as well as the sponsors of this bill, the authors of this bill, in support of our amendment.

Before I close, there is something I have to get off my chest. This is a bipartisan bill. This is a bill that seeks to do a number of things I said earlier. This is a bill that tries to reduce our energy consumption in this country, especially the energy consumption of the energy consumed in the Federal Government.

This is legislation that tries to do some good things for the environment. This is legislation that helps to further reduce our budget deficits. It helps keep them coming down.

This is a bill that has bipartisan support and does so much good. People offer amendments to this bill, hopefully, that are germane amendments. Let's debate them and have a chance to vote on them, up or down, but let's do it and let's move on. Let's not be dilatory. Let's not just offer amendments that have nothing to do with this legislation. Let's address some real problems—not just address them, but let's solve them. Let's solve them. And we can do that.

We have plenty of work to do on this front. I wish to see us do it. We will be a lot more successful in this regard if we work together to foster what I call a culture of thrift.

We need to look at everything we do in this government that has discretion and will probably get a better result for less money. One of the ways is how do we provide energy for Federal buildings and for Federal employees to use in the work we do for our taxpayers—

how do we get a better result for less money or the same amount of money.

Almost everything needs to be on the table if we are to continue to whittle down the size of our Federal budget and restore our Nation's fiscal challenge for my children, for our children, and for our grandchildren. I think if we accomplish this while at the same time creating some well-paying jobs at home and save energy, we will come close to completing that triple play that the Wilmington Blue Rocks came very close to pulling off a couple of weekends ago.

In doing so, we will give something for our fans—there are not a lot of them these days—to talk about for seasons to come.

The last thing I wish to say is this. One of the amendments that is offered, maybe a couple of the amendments offered to this bill have to do with health care.

I serve on the Finance Committee and worked a fair amount on the Affordable Care Act, also known as ObamaCare. The heart and soul of the Affordable Care Act, as far as I am concerned, is the creation of the health exchanges, Federal exchanges, or they call them marketplaces. The idea is to let everybody in this country—not everybody but a lot of people in this country who don't have health care coverage or who have paid an arm and a leg for it—have the opportunity to participate in a large purchasing pool in their own State.

We have something such as the Federal Employees Health Benefits Plan that all Federal employees, Federal retirees, including legislators, Members of the legislative branch, judges, folks throughout the country, Federal retirees, their dependents, postal employees, postal retirees, their dependents, everybody who wants to purchase their health insurance through the Federal Employees Health Benefits Plan can do that. It is up to about 7 million or so people. We don't have that many Federal employees, but there are a lot of people who use that plan to buy their health insurance. It is not free. It is not cheap.

One of the things that helped drive down the cost is every health insurance company worth their salt in this country wants to sell through this large purchasing pool, the Federal Employees Health Benefits Plan purchasing pool. Because of the large size, the economies of scale, the administrative costs to those who get their insurance through the Federal Employees Health Benefits Plan, the administrative costs are not 30 percent of premiums, they are not 20 percent of premiums, they are not 10 percent of premiums—they are 3 percent of premiums.

What we do with the Affordable Care Act is we allow every State to set up a health care exchange, a large purchasing pool, also called health insurance marketplaces. If you are an individual, if you have a family, a small- or medium-sized business up to 50 employ-

ees, you can buy your health insurance through the exchange in the health insurance marketplace in your State.

One of the stipulations—I am not sure who authored it, but I am pretty sure it is a Republican member of the Senate Finance Committee. It may have been Senator GRASSLEY. Somebody authored an amendment that required and said if these exchanges are such a great idea, why don't we require us, Members of Congress, and our staffs to buy our health insurance through the exchanges? If that is such a great idea, why don't we too? That is what the legislation says.

We don't get our health insurance free. Members, our staff, folks who work for the Federal Government, we don't get it free. We have to pay a percentage of our premiums.

Most large employers pay something. The employer contribution, the average is about 70 percent. The Federal Government pays about 70 percent of our health insurance premiums. We have to pay the rest.

I think for us to set an example, I think the kind of example we should set would be if we set up these health insurance exchanges, why don't we participate in them. We are going to.

Some people think we get free health care. Some people think we get a pension after 2, 4 or 6 years. People see this stuff on the Internet and they believe it. It is not true.

We say in the Navy if you want to find out the truth, ask for the straight skinny. That is what you call it in the Navy, the straight skinny. Tell me the straight skinny. Give it to me straight.

The great skinny is these health exchanges are a very important component of the Affordable Care Act. Every State will have an opportunity to set them up. Individuals, families, small- and middle-sized businesses will have an opportunity to participate. They will get better options to choose from. In the end, I think we will get better prices and they will be better off. Small businesses that participate, small- and middle-sized businesses will be better off as well.

The last word, speaking of the truth, the words of Thomas Jefferson come to mind. Thomas Jefferson said a lot of great things, but one of my favorite things he said was if the people know the truth, they will not make a mistake. If the American people know the truth, they will not make a mistake.

Our job is to make sure they know the truth about the Affordable Care Act, the kinds of options and opportunity they can find through these exchanges and through these health marketplaces across the country. Let's stick to the truth.

In closing, the truth is this bill that is before us shouldn't be a vehicle for health care reform, getting rid of it or expanding health care reform; this should be a roadmap to help us save money, clean our environment, preserve energy, reduce energy, and foster American technology. That is great.

That is not a triple play. If they had four outs in an inning, there would be four of them.

Senator SHAHEEN—Senator PORTMAN is not with us—my hat is off to both of them. Thank you for leading the way. We are happy to be, as we say in NASCAR, drafting on you, and hopefully we will draft right across that finish line with you.

Thank you very much.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Before my colleague from Delaware leaves the floor, I wish to think him for coming down, speaking on the bill, and for his kind words. As the Senator pointed out, we were Governors together. Actually, we have another former Governor on the floor, Senator KING of Maine, who also appreciates dealing with the challenges of high energy costs.

The Senator pointed out, and something that I know, that as Governors energy was a big issue for us. In New Hampshire we have the sixth highest energy costs in the country, so it is still a big issue for us in New Hampshire. As the Senator points out, energy efficiency is the cheapest, fastest way to deal with our energy needs because the energy we don't use doesn't cost us any money.

I would argue that, as the Senator mentioned when he closed, this is not just an opportunity for a triple play but an opportunity for us to win on four fronts: on job creation, on reducing pollution, on savings for businesses and for consumers who have to use energy, but also on national security. Because to the extent we can reduce our dependence on foreign oil, it helps improve our national security. So this bill is a win-win-win.

The amendments, such as the one the Senator is talking about today with Senator INHOFE, improve the bill significantly. If we can call up that amendment today—the amendment of the Senator from Delaware on thermal energy—we can probably get a voice vote on it because it has that kind of bipartisan support in this body. It is something the committee has looked at—both the majority and the minority on the energy committee—and said this is an amendment we think can be supported and has great bipartisan support.

As the Senator from Delaware says, we need to have these votes on energy, we need to get a comprehensive energy-efficient strategy in this country, and that is what Shaheen-Portman does. I very much appreciate the Senator's good work on this legislation.

Mr. CARPER. Reclaiming my time for a moment—and I note Senator ANGUS KING is patiently sitting over there waiting to speak—I said earlier the cleanest, most affordable form of energy is the energy we never use. The cleanest, most affordable form of energy is the energy we never use. Whoever said that first was a wise man or woman. That is the case here, and so I

thank Senator SHAHEEN for leading us toward that goal.

Mrs. SHAHEEN. I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am here, as the Presiding Officer knows, for the 43rd time now, to say it is time to wake up to the threat of climate change. Today I am joined by my colleague from Maine, Senator ANGUS KING, a fellow New Englander, whose State, like Rhode Island, has rich cultural and economic ties to the sea. As carbon pollution changes our oceans, the consequences for our States, for our fishermen, for our economies, for our way of life are very real—far more real than the lives of the deniers.

Here is what we know: The oceans are warming. That is a measurement, it is not a theory. Sea level is rising. That is another measurement, not a theory. And oceans are becoming more acidic. Again, that is a measurement.

In fact, according to research published in the journal *Oceanography*, the acidity of the oceans is now increasing faster than it has in the last 50 million years. We know what is causing it—carbon pollution. My colleagues can deny and delay and dance all day to the polluters' tune, but these are facts.

The changes are already reaching our marine life. A research paper published in August looked at the changes over time of where species have lived, when they laid their eggs, and how they have grown their shells. The authors concluded that more than 80 percent of the changes documented in the study were consistent with what one would expect as consequences of a warming and acidifying ocean.

Some species are moving toward the colder water of the North and South Poles, moving at about 10 to 45 miles per decade, extending their range. Events that are timed for spring and summer, such as egg laying or migration, are happening on average about 4 days earlier per decade. This means if a parent teaches their child how to fish, where the best spots are, how to dig for quahogs or what time of year to get the traps out, all of that changes by the time that child becomes a parent.

Here is how these changes are affecting Rhode Island, according to Christopher Deacutis, the previous chief scientist of the Narragansett Bay Estuary Program. I will read what he said:

Although regional climate factors, such as the North Atlantic Oscillation, can influence temperature trends, there appears to be an overall increase in annual Narragansett Bay water temperature of about 3 degrees Fahrenheit since 1960. Fish species in Narragan-

sett Bay are shifting, seemingly in step with increased temperatures. Jeremy Collie—

And he is a URI professor.

—and others have shown that cold-water marine species, such as the winter flounder, which used to be the dominant fish species in the bay, are radically decreasing in numbers. Meanwhile, warmer-water species, such as summer flounder, scup, and butterfish seem to be increasing. More southern warm-water species that weren't seen in the past are likely to extend their range north as Narragansett Bay continues to warm. In addition, there seems to be an overall shift from large bottom-dwelling species, such as flounder, to small water column plankton-feeding species, such as anchovies.

That is the end of his quote.

NOAA researchers studied 36 fish in the northwest Atlantic Ocean—fish such as the Atlantic cod and haddock, yellowtail and winter flounders, spiny dogfish, Atlantic herring—and found that about half are shifting northward. Janet Nye, the lead NOAA researcher, said:

During the last 40 years, many familiar species have been shifting to the north, where ocean waters are cooler, or staying in the same general area but moving into deeper waters than where they traditionally have been found. They all seem to be adapting to changing temperatures and finding places where their chances of survival as a population are greater.

Those are long descriptions of the situation. Here are some briefer descriptions. One Rhode Island fisherman told me: "It's getting weird out there." Another said he is seeing "real anomalies . . . things just aren't making sense."

Some might say: Who cares about the winter flounder or these other fish, for that matter? Some people don't care about God's world or God's species unless they can monetize them. Let's answer them in the terms they care about.

The winter flounder has been a lucrative catch for Rhode Island fishermen, and according to a variety of estimates commercial fishing generates about \$150 million to \$200 million of spending per year in Rhode Island and directly supports about 5,000 workers. Recreational fishermen spend over \$100 million annually and directly support about 2,000 workers.

Last year the Commerce Department declared the northeast groundfish fishery a disaster. To quote Acting Commerce Secretary Blank:

The diminished fish stocks . . . resulted despite fishermen's adherence to catch limits intended to rebuild the stocks.

The Commerce Department says it is not overfishing that is preventing our stocks from rebounding. Scientists think warmer waters could be the culprit.

The effects of climate change on marine life don't stop with warmer waters. Carbon dioxide emissions are also causing our oceans to become more acidic. Last week two Rhode Islanders came down and visited us here in the Senate: Bob Rheault, the executive director of the East Coast Shellfish Growers Association, and Dave

Spencer, president of the Atlantic Offshore Lobstermen's Association. Dr. Rheault told my colleagues about shellfish larvae literally dissolving because of more acidic waters. More acidic waters caused a 70- to 80-percent loss of oyster larvae at an oyster hatchery in Oregon and crashed wild oyster stocks in Washington State. This is an industry worth millions to those local economies.

The problem, as Dr. Rheault pointed out, is that while we know carbon pollution is causing ocean acidification, we don't know enough yet how to protect the shellfish industry. We could help by continuing support for the Federal Ocean Acidification Research and Monitoring Act and by supporting funding for the U.S. Integrated Ocean Observing System. We could support funding for the National Endowment for the Oceans. We need to better understand the changes around us to protect the economic, ecological, cultural, and recreational value our oceans and coasts provide.

Rhode Islanders are already working hard to rebuild our fishing industry. We are managing overfishing and limiting water pollution. We have planned for the future by developing a special area management plan for our coasts and waters. We are working on a shellfish management plan to better support an industry that is growing at 20 percent a year. We have supported world-class oceanographic research with scientists at URI's Graduate School of Oceanography, conducting some of the highest quality long-term research on marine ecology.

My wife Sandra was part of that research tradition at URI, and I can remember as a young husband helping her in her lab and out on the bay.

There was a story recently in the Providence Journal about a lobsterman named Al Eagles, out on his boat near the Newport Bridge recording on a tablet computer the size, gender, and location of lobsters he catches. Mr. Eagles is working with the Commercial Fisheries Research Foundation trying to improve the southern New England lobster stock assessment. American lobsters have been, in the past, Rhode Island's most valuable commercial catch. Mr. Eagles said:

The last 2 years it has been very slow. It's been the worst 2 years we've ever had.

In Rhode Island, lobster catches and stocks rose rapidly in the 1990s and then plummeted around 2000.

Again, it is a similar story. Scientists think the lobsters are moving offshore and northward to shelter in cooler waters. As the lobsters move offshore and change their traditional behavior, we need to know more about what is going on. But it gets more difficult. We are doing our level best, from our scientists to our fishermen, from our labs to our lobster boats, to understand. There is now so much more we need to understand. Fisheries and fisheries management, like so many other industries, is going to have

to operate in a new reality—a reality of warmer and more acidic seas.

In the colder waters of Maine, as Senator KING will explain, a lobster boom continues, but it is not all good news, and Maine lobstermen are already sounding the alarm bells at what climate change will mean for them in the future. The fates of our two coastal economies—Maine's and Rhode Island's—are connected.

The Presiding Officer represents the State of Massachusetts, which is right in the middle of this problem as well. None of our three States can solve what carbon pollution is doing to our oceans alone. Even with our three States working together, we can't solve what carbon pollution is doing to our oceans. Federal action is necessary to reduce the carbon emissions that are warming and acidifying our seas and to help us adapt to the changes we can no longer avoid. Fishermen and scientists know these challenges are real, as does my friend from Maine, Senator ANGUS KING. But we can't act alone. It is time for all of Congress to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

#### A LOOMING THREAT

Mr. KING. Madam President, in the 1930s there was a looming threat from Germany to the peace of Europe and to the existence of England. That threat was real, and there were multiple signs. There was data. But there were very few people who wanted to do anything about it because it would have caused disruption—economic and personal disruption.

There was one politician in England who understood this threat, understood its dangers, and understood that if gone unmet it would engulf his country into a destructive and potentially catastrophic war. Of course, that politician was Winston Churchill. He saw the danger based upon data—the size of the German air force, the building of munitions, the invasion of other smaller countries, the expansion of Germany and their armed forces. He was ignored and ridiculed by his own party and by the leadership of his own party, but he kept talking. He kept raising this issue. He kept trying to raise and awaken the people of England. It was a very difficult task. In fact, our own great President John F. Kennedy wrote his thesis as a student about this period in English history, and the title was very provocative and forward-thinking: “Why England Slept.” Churchill tried to wake them up. Had he been heeded, World War II could have been avoided.

There were multiple times when Hitler could have been stopped by the slightest bit of resistance on the part of the European powers. Instead, the war came, and 5 years later 55 million people had died. Not heeding warnings has consequences, and we can always find reasons for nonaction. Churchill acknowledged this. The British had been through the trauma of World War

I less than 20 years before. They couldn't face the possibility of another devastating war. That is totally understandable, and that is human nature.

To capture the flavor of Churchill's warning, which I think is very relevant to us here today, here is what he said in a speech to the Parliament on November 12, 1936:

The era of procrastination, of half measures, of soothing and baffling expedience, of delays, is coming to its close. In its place we are entering a period of consequences. We cannot avoid this period, we are in it now.

He understood the resistance of the people in England. He said:

We recognize no emergency which should induce us to impinge on the normal course of trade. If we go on like this, and I do not see what power can prevent us from going on like this, some day there may be a terrible reckoning—

That reckoning was World War II—

and those who take the responsibility so entirely upon themselves are either of a hearty disposition or they are incapable of foreseeing the possibilities which may arise.

He then went on to talk about the responsibility of a parliamentary body. And I will conclude my comments on Churchill with this quote:

Two things, I confess, have staggered me, after a long Parliamentary experience, in these Debates. The first has been the dangers that have so swiftly come upon us in a few years. . . . Secondly, I have been staggered by the failure of the House of Commons to react effectively against those dangers. That, I am bound to say, I never expected. I never would have believed that we should have been allowed to go on getting into this plight, month by month and year by year, and that even the Government's own confessions of error would have produced no concentration of Parliamentary opinion. . . . I say that unless the House resolves to find out the truth for itself, it will have committed an act of abdication of duty without parallel in its long history.

#### CLIMATE CHANGE

Madam President, I rise today because we are entering a period of consequences. It is 1936. It is August 2001, when we had warnings that Al Qaeda determined to strike in the United States.

I actually carry this chart around in my iPhone, but I blew it up for today's purposes. It is a chart of the last million years of CO<sub>2</sub> in the atmosphere. I believe this chart answers two of the three basic questions about global climate change.

The first is, Is something happening? And occasionally we hear people say: Well, climate change happens in cycles, and CO<sub>2</sub> goes up and down, and we are just in a cycle and it is no big deal.

This is 1 million years, and for the past 999,000-plus we did have cycles. The cycles were between about 180 parts per million in the atmosphere up to about 250—I think 280 was the highest—back 400,000 years ago. But this has been the cycle since before human beings started to actively impinge upon the environment.

Then comes the year 1000. We go along here at a fairly high level, and then around 1860 it starts to go up.

What happened in 1860? That was the beginning of the Industrial Revolution. That was when we started to burn fossil fuels in large quantities, whether it was coal, later oil, gas. But that was when it happened.

So this answers the second question, which is, Do people have anything to do with it? Of course they do. It would be the greatest coincidence in the history of the world if this change just happened to begin at the same time as the Industrial Revolution.

Then you see where it has gone since 1960. This chart is actually a couple of years out of date. This point is just below 400 parts per million. We passed 400 parts per million this summer. We are now here.

I don't see how anyone can look at this chart and conclude anything else. A, something is happening to CO<sub>2</sub> in the atmosphere, and B, people are involved in causing it. I just don't see how you can escape that.

I believe this is the other piece about this 400. The last time we had 400 parts per million of CO<sub>2</sub> in the atmosphere we know from ice cores was 3 million years ago, during the Pliocene period. I knew someday my sixth grade geology would come to the fore. And when we had 400 parts per million of CO<sub>2</sub> in the atmosphere 3 million years ago, sea levels were 60 to 80 feet higher than they are today. As the distinguished Senator from Rhode Island said, this isn't argument. This isn't theory. This is data. This is fact.

Remember I said there are three questions about global climate change. One is, Is CO<sub>2</sub> really going up? The answer is yes. Two is, Do people have anything to do with it? The answer is yes. The third question is, So what? So what if CO<sub>2</sub> is going up?

Here is an interesting chart of the past 400,000 or 500,000 years. You have a red line and a black line. The black line is temperature and the red line is CO<sub>2</sub>. As you can see, it is an almost exact correlation. I don't think anybody could argue, looking at this, that the amount of CO<sub>2</sub> in the atmosphere has nothing to do with the temperature on the Earth. Is it causal? Is there a correlation? There are a lot of things going on here about feedback loops, and it is very complicated. Climate science is one of the most complicated sciences there is. But I don't think you can look at this chart and say there isn't some relationship between carbon dioxide in the atmosphere and temperature. This is what has been happening as CO<sub>2</sub> and temperature move essentially in lockstep.

I should mention that often when we are talking about these things—and the Senator from Rhode Island knows what I am saying—people tend to think that we are talking in long periods of time, we are talking about geologic time, thousands of years. No. Climate change often happens abruptly. That is a word that ought to strike fear into our hearts. Abruptly. Almost overnight.

This is temperature and size of the ice field in Greenland. You can see it going back 5,000 to 10,000 years. Here it is going along, temperature goes along, starts to drop, and then it drops in a decade. It is as if someone throws a switch. So this isn't something where we can just say: Oh well. We will do a few little things now and maybe it will be OK, and then 100 years or 500 years from now somebody else will worry about it. There could be a catastrophic event within years, certainly within decades.

The University of Maine has a center that talks about climate change. When I went up to see them last spring, they said: Senator, you have to understand, we are talking about the possibility of abrupt climate change, not just climate change. I think that is a very important point to realize.

So what difference does temperature make? If it gets a little warmer, Maine will have a longer tourist season. That will be OK if it is warmer. I don't think anybody will complain if it is warmer in Maine in February—maybe the ski industry. But what difference does it make?

It makes a lot of difference. It makes a lot of difference to species, but it also makes a lot of difference to people.

Here is a chart that shows what would happen to many of our coastal communities with a sea level rise that is reasonably modest. The dark red out here is a 1-meter rise. It goes up to 6 meters. That is about 20 feet. But remember the last time we were at 400 parts per million, it was 60 to 80 feet. So this is conservative. This is a smaller example of what can happen if we let this happen to us.

Boston essentially is gone. A good deal of downtown Boston, Virginia Beach, Norfolk, the Outer Banks—gone. Southern Florida, Miami, the eastern coast of Florida all the way up into Tampa—gone. By the way, there is no more fresh water in Florida during this period either because of the intrusion of seawater into the water table. New Orleans is all gone. This is at 20 meters. In fact, it is not even that. This is about a 3-meter rise. Going up, Savannah and Charleston, New York City, Long Island, the New Jersey shore—all gone.

This isn't academic. This impacts billions of dollars of expenditures to try to fight this off and to hold it at bay.

What about species? In Maine we talk about lobster. The lobster is an iconic product of Maine. It is a huge part of our society, it is part of our culture, it is also a big part of our economy. Well over \$1 billion a year in Maine is attributable, in one way or another, to the lobster. The lobster population in Maine was pretty steady for an awful long time. When I was Governor—and that was 10 or 12 years ago—we harvested roughly 50 million pounds of lobster per year. That was the way it had been, between 40 and 50 million. In 2008 it went to 69 million pounds; in

2009 it went to 81 million; 2010, 96 million—last year, 123 million pounds, more than twice as much as what was harvested 10 or 12 years ago.

I am sure you are saying to yourself: What is the problem, Senator? The lobsterers are doing great.

They were doing great in Rhode Island and Connecticut until the temperature started to kill them off. It makes a boom and then there is a danger—we certainly hope it will not happen—but there is a danger of a collapse. That is what happened. The lobster fishery in southern New England has essentially collapsed.

The lobster makes up about 70 to 80 percent of our fisheries' value. What is happening in Maine is as the water gets warmer the lobsters go north. Is the water getting warmer? Here is Maine—Boothbay Harbor, ME, a great town. If anybody wants to visit, it is a wonderful place to visit. I have to get in that little bit of promotion.

Here is the water temperature in Boothbay Harbor over the last 10 years. It is going up. It is getting warmer. There is no indication—in fact, if you follow the curve here, it appears it is headed into an accelerating mode, the famous hockey stick.

Anything above 68 degrees of water temperature is very stressful to lobsters. The University of Maine says:

While warmer waters off the coast in recent years have probably aided the boom in lobster numbers, putting us right in the temperature sweet spot . . . we're getting closer and closer to that point where the temperature is too stressful for them, their immune system is compromised and it's all over.

"And it's all over," that is a frightening phrase, it is all over. In the 1980s lobster fishing was concentrated in southern Maine, along our coast, in what is called Casco Bay, which is down around Portland. Then it moved up into what is called the midcoast, Lincoln County near where I live. The bulk of the lobster fishing moved up into Penobscot Bay and now the bulk of the lobster fishing is in what we call Hancock County, the village of Stonington, ME. At least that is where it was last year. In other words, the lobsters are moving north because the temperatures are getting warmer. That is what is happening.

I have a young man on my staff whose father is a lobster buyer in the midcoast of Maine. His father has been buying lobster since 1975. This past summer he bought 200 crates a night of lobsters; 10 years ago he was buying 100. So it has doubled. But what we are worried about is that when the lobster line passes, this industry is gone. We saw it collapse in southern New England, Rhode Island. In 1999 lobstering in Long Island Sound collapsed totally without warning, in part because of an infection that was brought about by the warmer water temperatures.

I use lobster as just an indication. You can substitute your own issue, local issue. Whether it is lobsters in Maine or flooding in Colorado, the impacts are real.

So what do we do? I hate raising problems and not talking about what to do. By the way, I have to say I am puzzled about why this has become a partisan issue. I do not understand it. Maybe it is because Al Gore invented it? I don't know. But I don't understand why this became a partisan issue because it is a scientific issue, it is a data issue. The data is overwhelming.

So what do we do? By the way, I should mention when I was a young man working in and around the legislature in Maine, the leaders of the environmental movement in Maine who passed the major legislation to protect our environment were all Republicans—not all, but most of them were Republicans and they were great names in Maine history.

OK, what do we do? The first thing we have to do is admit there is a problem. If you do not admit there is a problem, by definition you cannot address it. That is No. 1. I think the data is becoming overwhelming.

The second thing you have to do is gather all the facts and information you can. Gather all the information. It has been my experience in working on public policy most of my adult life, if you have shared information, if the people working on the problem have the same facts, generally the conclusion, the policy, is fairly clear. It may be controversial, it may be difficult, but usually it becomes pretty self-evident if everybody shares the same sets of information. Once we can agree on the facts, the solutions become clear.

What are some things we can do in the near term? We have to talk about mitigating the impacts. We have to talk about the fact that fisheries are made up of both fishermen and fish. As climate change alters these coastal economies, we have to work to preserve both. We have to work with groups such as a nonprofit in Maine called the Island Institute that is working to preserve Maine's working waterfronts, and we also have to make sure our Federal fisheries management laws take cognizance of what is going on here and manage ecosystems, not just single species. We have to take cognizance of the fact that the fish are in fact moving.

In the long term, it seems to me, it is pretty simple. The big picture answer is we have to stop burning so much stuff. That is what is putting carbon in the atmosphere. Whether it is in our automobiles, our homes, our factories, our powerplants—it is burning fossil fuel that is putting CO<sub>2</sub> into the atmosphere. That is why the efficiency bill we are on this week is an important bill, because it cuts back on the use of energy altogether and saves us in terms of putting CO<sub>2</sub> into the atmosphere.

The President has proposed a carbon agenda that I think is an important first step. But this is hard. Dealing with this is a hard issue, just as dealing with the prospect of World War II was a hard issue in England in 1936. It

is hard because it is going to require changes that are going to be, perhaps, expensive, and significant modifications—because our whole society is based on burning stuff. That is what makes our cars and trucks go, that is what makes our transportation system work, that is what keeps us warm in the winter, cool in the summer, and creates the electricity for all the products we use. It is hard because of the internal impacts.

It is also hard because it is an international problem. The Senator from Rhode Island talked about this being national. You know, Maine and Rhode Island can't fix it. He says the Federal Government has to step in. I would take it one step further. This has to be an international solution. We cannot take steps which would compromise our economy at the same time China and India are becoming major polluters. Air doesn't respect international boundaries. CO<sub>2</sub> is the same whether it is coming up from China, India, Europe, or the United States. I believe this is a case where we absolutely have to have international cooperation.

We have to do something. We have to do something. The generation that nobly woke up to World War II and fought it and preserved this country and Western civilization for us has often been referred to as the "greatest generation." The reason they were the "greatest generation" is they were willing to face a problem and make enormous sacrifices in order to deal with it, to protect us and our children and grandchildren and our ability to function in this new world. They were the "greatest generation."

I have to say, if somebody were going to characterize us, we would be characterized as the oblivious generation, the generation that saw the data, saw the facts, saw the freight train headed for us and said: That is OK, it is business as usual, don't bother me, I don't want to be inconvenienced.

To go back to Churchill:

The era of procrastination, half-measures, of soothing and baffling expedients, of delays, is coming to its close. In its place we are entering a period of consequences. . . . We cannot avoid this period; we are in it now.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, may I take this opportunity to thank my friend Senator KING for his remarkable comments on the Senate floor. I think it truly is our choice in this time and in this generation to be Nevilles or to be Winstons. Which way will we go? On that choice will hinge history's judgment of us.

There was another good Winston Churchillism that talked about " . . . the sharp agate points, upon which the ponderous balance of destiny turns."

For better or for worse, we live at a time that is a sharp agate point upon which the ponderous balance of destiny will turn. Senator KING has done a

wonderful job of calling us to that duty and to that responsibility. I fear that in this particular body the facts are less relevant than the interests that are involved.

There are special interests, there are polluters who are calling a tune to which too many of our Members are happy to dance. I worry that many of them will be willing to go down with the ship; that as the waters gurgle down their throats that last time, the last words up out of their mouths will be the flagrant falsehood: But the science still isn't real.

As much as I would like to see us solve this problem in this Chamber, as committed as I am to making that happen, I think we do have to call on the American people to stand and be counted and to make sure their voices are heard, because the choice that is before us is one where the American people have a view. They understand this problem and they know it is real. They are not fooled. They are not part of the polluters' dance. But they have to be heard. Whatever we can do to make sure their voices are reflected here I think we need to do.

There are some very important voices that recognize climate change is real: the United States Conference of Catholic Bishops, the Joint Chiefs of Staff, the entire property casualty insurance industry, the nameplate corporate leaders of America—whether it is Ford and GM or Nike and Apple or Coca-Cola and Pepsi, our national security establishment or national intelligence establishment and our foreign policy establishment. Wherever you look, people get it, except right here where the polluters call the tune and too many of us dance to it.

But with more people standing up the way Senator KING did, the sooner we will be able to bring that day. I am confident the American people will get this done and get it right.

The last Churchillism—I am kind of a fan of Winston Churchill: The American people will always do the right thing, after they have tried everything else.

We work together to bring that day forward.

Let me change the subject briefly to remark on a different occasion. It is also oceans related.

#### BATTLE OF LAKE ERIE

We have just been through the 200th anniversary of one of the pivotal naval victories in our Nation's history which was led by a great Rhode Island hero, Commodore Oliver Hazard Perry. Commodore Perry was born just after the dawn of our Republic in 1785, in South Kingstown, RI. His father Christopher Perry had fought in the American Revolution and after the war became a captain in the U.S. Navy. By the time young Oliver reached his teenage years, he was already serving as a midshipman on his father's vessel. Interestingly enough, his father's vessel was called the General Greene, named after Rhode Island's Revolutionary War hero

Nathanael Greene, whose statue stands in this building—in the center of the Capitol—and who is renowned. General Cornwallis is reputed to have said that "Greene is more dangerous than Washington."

Young Oliver Perry was also destined for great things. The late 1700s and the early 1800s were a very precarious time for this fledgling American democracy, and it was still an open question whether our experiment in self-government would endure. In 1812, when America once again declared war on Britain, following a series of disputes over trade and territory, the future of this young democracy hung in the balance.

Oliver Hazard Perry went to war. He began his war service in Newport, RI, but in February of 1818, as the War of 1812 raged on, Perry was given command of the American forces on Lake Erie.

When Perry arrived in the region, the British had taken Detroit and were looking to expand their control of the American Northwest. As Richard Snow wrote in his chronicle of the Battle of Lake Erie for American Heritage magazine: "Perry took command vigorously and at once." He oversaw an aggressive shipbuilding operation on the lake's shore and worked diligently to raise enough men and guns to carry out his mission. GEN William Henry Harrison, later to be President, had positioned his fleet into a stalemate with British GEN Henry Procter on Lake Erie, leaving Perry and his fleet with the responsibility of retaking the lake for the United States.

Perry sailed west and holed up in Put-in-Bay on Lake Erie's South Bass Island. There he waited until, on September 10, 1813, Robert Heriot Barclay sailed his British command within sight of Commodore Perry's lookout. As Snow wrote about that:

The American ships cleared for action; stands of cutlasses were set up on deck, shot was placed near the guns, and the hatches were closed . . . Sand was sprinkled on the deck so that the sailors could keep their footing when the blood began to flow. Perry brought the ship's papers, wrapped in lead, to the ship's surgeon and told him to throw them overboard should the Lawrence be forced to strike. Sometime during the morning he hoisted his battle flag, a blue banner bearing the dying words attributed to Captain Lawrence: "Don't give up the ship."

The battle commenced, but the British were better armed and gained an early advantage. Soon enough, Perry's flagship, the Lawrence, was crippled, but he refused to give up. He took down his flag, climbed aboard a small row boat, and made his way toward the Niagara, the Lawrence's sister ship which had yet to engage in the battle. Perry's crossing between the ships is the inspiration for William Henry Powell's painting, which hangs in the staircase directly outside of this room right now. It is the biggest painting in the Senate, and it features a hero of the littlest State in the country.



From the Niagara, Perry reengaged the battle with the British and ultimately gained the day. He forced their surrender and sent the now famous message to General Harrison: "We have met the enemy and they are ours." Lake Erie had been secured for America.

The War of 1812 continued on through 1814, but Perry's victory on Lake Erie was pivotal. Had the British taken Lake Erie, it would have provided a base for attacks into New York or into the new State of Ohio and for control of the American Northwest. Instead, the Treaty of Ghent ended the conflict with no loss of territory or trade to the United States.

Perry continued his naval service after the war, but he contracted yellow fever during a mission to Venezuela in 1819 and he died at the age of 34. Today, his name and his actions are remembered in ways large and small throughout our country. In Ohio, on Lake Erie, a bicentennial celebration was held this year commemorating the great battle, and Put-in-Bay boasts a memorial maintained by the National Park Service—Perry's Victory and International Peace Memorial. I am told that up there one can toast to Perry's victory with a Commodore Perry IPA, courtesy of Cleveland's Great Lakes Brewing Company.

In Rhode Island, one can travel along Commodore Perry Highway in his native South Kingstown or visit the newly commissioned Rhode Island tall ship SSV Oliver Hazard Perry, which will provide education-at-sea programs to Rhode Island kids.

It is fitting that we continue to honor this great Rhode Islander. His victory on Lake Erie was, to borrow from Churchill, one of those "sharp agate points" on which history turned. So today I hope we will all take a moment and remember Oliver Hazard Perry and reflect on how differently our world would have turned out were it not for his actions.

I thank the Chair, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. KING. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### CONSTITUTION DAY

Mr. LEAHY. Madam President, today, the Nation celebrates the 226th

anniversary of the Constitution's signing. That moment was a decision to create a Federal Government with the power to address national problems. During the Constitutional Convention, the delegates debated hundreds of issues and proposals before crafting the original version of the Constitution. Even then, though, the true genius of their charter was article V, which provided for later amendments—because the Founding generation knew that they did not have all the answers and they had faith in future generations to perfect their charter and "form a more perfect Union." And so, step by step, we have. "We the People" have shown a continuing concern for the sacred right to vote. And we have amended the Constitution six times to expand that right.

For over 2 centuries, the Constitution has allowed America to flourish and adapt to new challenges. Since the inclusion of the Bill of Rights in 1791, the Constitution has been amended 17 times. Our current version of the Constitution reflects not just the Founders' original crafting, but also the need for subsequent amendments. Today is a good day to remind the American people that when we pledge to support the Constitution, we must pledge our support for the whole Constitution, and not just those specific provisions and amendments that we favor or find convenient to uphold.

Too often, I have heard people who profess to support the original meaning of the Constitution, ignore the subsequent amendments that inform and alter that original meaning. Some even express strong support for specific amendments, but then ignore others. That is not how our charter functions. It is not a menu that you can pick and choose from. The whole Constitution is what we celebrate today.

This past June, when the Supreme Court issued its decision on the Voting Rights Act, I noticed that there was surprisingly little discussion of the fundamental importance of the Reconstruction Amendments. After the Civil War, we transformed our founding charter into one that embraced equal rights and human dignity by abolishing slavery, guaranteeing equal protection of the law for all Americans, and prohibiting racial barriers to the right to vote. I find it alarming that many who claim to support and honor the Constitution conveniently ignore these critical amendments that made our Nation a more perfect one after the Civil War.

There are perhaps no two amendments that have played a larger role in securing liberty and equality for all Americans than the 14th and 15th Amendments. Without the 14th Amendment we would still have "separate but equal" treatment of Americans and State-sanctioned gender discrimination. Without the 15th Amendment, minorities would continue to be excluded from fully participating in our democracy.

The importance of these amendments was clear upon passage. President Ulysses S. Grant in 1870 signed a bill into law that created the United States Department of Justice to help facilitate the enforcement of the 14th and 15th Amendments. But the Justice Department does not have sole responsibility for supporting and upholding the 14th and 15th Amendments. Congress, as provided by the text of the Amendments, has an even greater role in enforcing the mandates of those Amendments.

Section 5 of the 14th Amendment states that: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Section 2 of the 15th Amendment states that: "The Congress shall have power to enforce this article by appropriate legislation." It is clear that the Constitution has placed the burden on Congress to ensure that all Americans are entitled to the freedoms and rights guaranteed by these two amendments.

It is for this reason that Congress must respond to the recent Supreme Court decision severely undercutting the Voting Rights Act by passing legislation that protects against racial discrimination in voting. It is our duty and constitutional obligation to not waver from the path of greater political inclusion that we have set for the Nation through our bipartisan support of the Voting Rights Act. I hope that Congress will work with me so that we can provide the protections guaranteed by these two amendments for all Americans.

On this day, as we commemorate the signing of the Constitution of the United States of America 226 years ago, I hope that Congress will be reminded of its obligation not only to periodically read the words of our founding charter, but to act and to give meaning to those words. I look forward to working with fellow Senators to reinvigorate the Voting Rights Act this fall to uphold our constitutional values and ensure that every American enjoys the right to vote.

#### CITIZENSHIP DAY

Mr. LEAHY. Madam President, in 1940, Congress officially recognized the values inherent in United States citizenship by enacting legislation to designate a day of commemoration. At that time, the third Sunday in May was designated "I Am an American Day." In 1952, Congress passed new legislation to move the commemoration date to September 17, the date in 1787 the Constitution was signed. September 17 became known as Citizenship Day, a day that we recognize today.

Today's celebration of the values represented by United States citizenship represents also a celebration of our democracy. In Vermont, United States Federal District Court Judge William Sessions will conduct a naturalization ceremony today. Once again the President will issue a proclamation to honor