

water infrastructure—which is vital to the economy of every American community.

On the other side, the House is proposing a cut of \$1.756 billion, more than 75 percent. That cut would devastate these programs and result in 97,000 fewer jobs. These are the good kinds of construction jobs, high-paying jobs, that allow families to stay above the water and allow communities to prosper. The workers who are putting in those infrastructure projects are also going to local supermarkets, local restaurants, paying the fees and dues to the Little League teams, and doing the things we expect every family should be able to do and we hope every family can do.

In the Transportation bill, for example, we were able to maintain our promise to fund transit, airport, and highway systems. We have been able to set aside more than \$1 billion for the popular TIGER grant program and a new initiative to replace bridges in critical transportation corridors. This is an effort that can benefit every State in this country in terms of infrastructure projects.

Looking across the Capitol at the House Republican Transportation bill, they are cutting by \$7.7 billion—even more than last year's sequestration level. It not only eliminates the TIGER grants for 2014, it reaches back to 2013 TIGER grants and cuts them by \$237 million. These kinds of cuts are untenable.

They also signal a very different attitude here. It was at one time clear that transportation was one of those issues that united us, Republicans and Democrats, the North, the South, the East, and the West, because it was something that every community needed and every community understood. Now we see this dichotomy, and that is unhealthy for our government and for our economy.

House Appropriations Chairman HAL ROGERS said last July when these draconian cuts forced House leaders to pull the bill from consideration:

With this action, the House has declined to proceed on the implementation of the very budget it adopted just three months ago. Thus, I believe that the House has made its choice: sequestration—and its unrealistic and ill-conceived discretionary cuts—must be brought to an end.

Even the chairperson of the House Appropriations Committee is signaling that sequestration is untenable and unworkable.

On this side of the Capitol, Chairman MIKULSKI has been a strong voice echoing—not only echoing, but asserting—that position constantly.

We can't get rid of sequestration with spending cuts alone. We can't cut our way to prosperity. Revenue has to be part of the solution.

In fact, as we have done over the last several years, we have cut discretionary spending dramatically. We are down to not fat but bone, and so we need additional revenues.

There is some good news. There are loopholes, egregious loopholes, that in and of themselves should be closed, regardless if we were dealing with the issues of deficit and sequestration. They are not appropriate, not efficient, and they do not add to the overall economic benefit of the country. They do benefit very narrow interests. It comes down to whether my colleagues on the other side of the aisle are willing to see these special preferences prevail or whether the national economy and the families across this country will benefit.

We have to move forward. We have to emphasize things that will help us, for example, create more manufacturing jobs in this time and for the future. I think at one point we thought manufacturing was passé. We discovered it is not only not passé but it is absolutely vital, because we can't take new innovation, new discoveries, at which we are so good, commercialize them, and then create new products in that commercialization process, unless we have manufacturing.

We learn a lot on the manufacturing floor. We have seen products we have developed intellectually become not only manufactured but improved by other countries who have the ability to manufacture, we have to get back to doing that.

We have to be able to align our workforce and our education system so that we have the skills for the next century. Job training has to be competent, efficient, and adequate. All of this requires investments in resources, not simply cutting away and cutting away.

Ultimately, as we understand, and as our predecessors, particularly my predecessor, Senator Claiborne Pell, understood, education is the engine that pulls this country forward. We used to assume we were the most educated. We were the country with the best record of college graduates. We were the country that advanced public education for everyone. We look around the world and we have slipped in terms of college graduates. We have slipped in terms of skills. Our public education system needs to be reinvigorated. Not only with suggestions from the sidelines, not only with new approaches, but also with real resources. These investments have to be made.

It is a multifaceted approach, but I think we have to begin with only the simple understanding, as we go forward, we need to provide the economy, our constituents, and ourselves the certainty of an adequate funding level for the government for the next 2 years. We need to suspend, dispense with, postpone—whatever the appropriate term—sequestration, because it is not going to help us grow the economy. In fact, it will take away about 900,000 jobs.

Then we have to certainly make it clear we will not threaten the creditworthiness of the United States by defaulting on our debt.

If we can do these things, and I believe we can, we can provide the cer-

tainty that our private entrepreneurs need to make real investments in the economy and to grow. In all of this, we have to bring a balanced approach. It is not only cutting, it is expenditure cuts wisely chosen, together with revenue wisely chosen, through closing loopholes that will give us a growing economy, hopefully increase opportunity, and put us back on the path to profound sustained economic recovery.

(The further remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

There upon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. HEINRICH).

DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business and that the Senator from South Carolina, Mr. GRAHAM, be allowed to join me in a colloquy.

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

The Senator from Arizona.

IRAN

Mr. MCCAIN. Mr. President, the administration's negotiations with Iran failed to achieve an interim agreement this past weekend, and if published reports are accurate, we owe our French allies a great deal of credit for preventing the major powers in the negotiations—the so-called P5-plus-1—from making a bad, bad, bad interim deal with Iran—a deal that could have allowed Iran to continue making progress on key aspects of its nuclear program and in return receiving an easing of billions of dollars in sanctions.

The Senator from South Carolina and I are not opposed to seeking an interim agreement with Iran as a way to create better conditions for negotiations on a final agreement. We joined with some of our colleagues in a letter to the President in support of such an approach before the Geneva agreement. But our support was conditioned on the need for any interim agreement to be based on the principle of suspension for suspension; that is to say, the Iranians would have to fully suspend their enrichment of uranium and the development of their nuclear weaponization programs and infrastructure, including construction of the heavy water reactor at Arak. The idea would be to freeze Iran's nuclear program in place so that negotiations could proceed on how to roll it back without the threat the Iranians could use negotiations as a delaying tactic.

I remind my colleagues they have done that time after time. In fact, the new President of Iran, Mr. Rouhani, bragged when he was negotiator that they were able to fool the negotiators and increase the centrifuges from 150 to 1,000. We have seen the movie before.

If Iran agreed, though, to this freeze, Senator GRAHAM and I have said we would support suspension of our efforts to pass and implement new sanctions. Unfortunately, public reports suggest the administration was willing to agree in Geneva to less than a full suspension of Iran's program and to pay for that inadequate step with billions of dollars in sanctions relief. This is not "suspension for suspension," regardless of administration claims to the contrary. And that is a problem. It puts too much trust in President Rouhani—the one whom I talked about before who bragged—he bragged—about deceiving the international community when he was Iran's nuclear negotiator. In fact, the current diplomatic efforts are consistent with a pattern of past dealings undertaken by the Iranian government to buy breathing space and shift international expectations in order to continue development of its nuclear program.

We have to avoid an interim agreement that diminishes Iran's incentive to make the hard decisions we ultimately need them to make as part of a final agreement, and that final agreement must require Iran to do the following: Comply with all outstanding U.N. Security Council resolutions; sign, ratify, and implement the additional protocol of the nuclear proliferation treaty; address outstanding concerns of the IAEA, especially through expanding inspection measures; halt construction on and ultimately dismantle the Arak heavy water reactor; stop development of advanced centrifuges; and turn its supply of enriched material over to the IAEA.

A final agreement should also not recognize that Iran has any inherent right to enrich. A country that has continuously been on the path for nuclear weapons, that has violated protocol after protocol, should not have the "right to enrich." Without these measures, Iran's nuclear program will continue to grow. And as the program grows, it will be harder to track and harder to set back.

Only when Iran seriously undertakes measures to dismantle its nuclear program should sanctions be unwound. The administration should not weaken the strong negotiating position that Congress has helped create. Instead, it should use its position to its advantage.

Before I ask my friend from South Carolina to comment, I would add that we should not forget the context of Iran and negotiations with Iran. This is an arms control issue—the nuclear weapons. Meanwhile, we seem to ignore the fact that Iran is spreading terror throughout the Middle East and would like to throughout the world.

It is the Iranians who have armed and trained and equipped 5,000 Hezbollah, who are slaughtering people in Syria. It is Iran that sends the Iranian Revolutionary Guard into Syria and slaughters people. It is Iran that is supporting the Islamic extremist groups that are now moving seriously on the side of Bashar Assad into Syria. It is Iran that is spreading terror throughout the Middle East and would attempt to throughout the world. They still view the United States of America as the great Satan. They are still committed to "wiping Israel off the map."

Iran is a threat to peace in the world. And it is not only the issue of nuclear weaponry, it is their entire behavior of spreading terrorism throughout the region, propping Bashar Asad while he continues to slaughter, maim, rape, torture, and kill. And for this administration and this Secretary of State to ignore those facts about Iran, in my view, is disgraceful conduct.

Finally, before I turn to my friend from South Carolina, I would add that the influence and power of the United States throughout the world, especially in the Middle East, is no longer there. Every Middle East leader I talk to, everyone I know in the region, says they believe the United States is leaving, the United States is not in any way involved, and they are making accommodation for the absence of the United States leadership.

This President does not believe in American exceptionalism. America must lead or Iran, Russia, and other countries will lead, and sooner or later the United States will pay a very heavy price. We must not ignore the lessons of history. Several times in our history we have tried to withdraw the fortress America, and every time we have paid a very heavy price.

So I say to my friend from South Carolina, it is important, this Iranian issue, it is of transcendent importance, but I do not believe it can be viewed in a vacuum, considering Iran's continued effort to try to undermine and destroy everything—the freedom and democracy—for which American stands.

Mr. GRAHAM. If I could respond, I guess the essence of what we are trying to say is we believe Iran is the problem, not the solution, to the Mid East and the world at large. There has been bipartisan support for curtailing and controlling and eventually eliminating the Iranian nuclear program. There has been bipartisan support for our friends in Israel, and we want to keep it that way. We want to make sure Congress speaks with one voice, that we are helpful when we can be, and that we offer criticism at an appropriate time.

I guess the concerns we have about this agreement are that it is getting to be more like North Korea in a fashion that makes us all uncomfortable. If you interject billions of dollars into the Iranian economy now, without dismantling the centrifuges, I think you have made a huge mistake.

What are we trying to accomplish? We are trying to make sure the Ira-

nians do not have the capability to develop a nuclear weapon. The first question you have to ask: Are they trying to build a nuclear powerplant—a nuclear infrastructure for commercial purposes—or are they trying to create capability to produce a weapon? Trust me on this: Nobody goes about building a commercial nuclear program this way. They are trying to build a nuclear weapon. Why? Because that would give them influence in the region they have never had. It would give Iran a strong standing in the historical Sunni-Shia conflict between the Persians and the Arabs. And as a consequence, it would lead to a nuclear arms race in the Mid East, because the Sunni Arabs are not going to allow the Shia Persians to have a nuclear capability.

They also believe, fairly rationally so, if they get a nuclear weapon, the regime is probably home free; that the West is going to back off, much as we did in North Korea. So the decision of how to handle this program is probably the most important decision President Obama will make in his second term and will be one of the most important decisions the world makes for the future of our planet here going into the 21st century.

Mr. MCCAIN. If my friend would yield for a question, the Senator from South Carolina and I have known the Prime Minister of Israel rather well over the years. Obviously, the first target of Iran, in the case of a nuclear weapon, would be Israel. Iran has never stepped back from saying that Israel should be wiped from the face of the Earth. Has the Senator from South Carolina ever known a time since the creation of the State of Israel that the United States and Israel have been further apart; that there has been more open disagreement and, indeed, tension at a level the likes of which we have never seen? And does it not appear by not including Israel in any of the negotiations, to start with, but also there seems to be a complete disregard of the knowledge, information, and frontline status of Israel in this whole issue?

Mr. GRAHAM. Well, I think it is pretty obvious the tensions are growing, and not just with Israel. I believe the Obama administration's eagerness to reach a deal is unnerving to the people in the region, and not just Israel. The Israelis and the Sunni Arabs are being pushed together in an unprecedented fashion. We are hearing out of the Arab community the same concerns as out of the Israeli community. So that is an odd alignment.

Mr. MCCAIN. And haven't the Saudis already basically let it be known if Iran acquires a nuclear weapon they will be right behind them?

Mr. GRAHAM. Oh, absolutely, it will create an arms race.

There is a positive note here: The Congress itself. The Congress has not been confused. We are more together on this issue than we have ever been. The Congress passed 90 to 1 a resolution rejecting the idea of allowing the

Iranians to have a nuclear weapon and trying to contain them. The idea of containing a nuclear-armed Iran is not a good idea. We fear they would share the technology with a terrorist group that would wind its way here to the United States. And Israel believes they could never have a moment of peace with a nuclear-armed Iran. Containment won't work.

Secondly, the Congress, 99 to 0, said: If Israel has to defend itself against a nuclear-capable Iran, has to intervene to stop this existential threat to the Jewish state, that we would provide political, economic, and military support. So the Congress has been very much together.

The next thing we hope to do is have a resolution, bipartisan in nature, that defines the end game. What are we trying to accomplish? We don't want a war. Nobody wants a war. The idea of the Iranians having a commercial nuclear powerplant is OK with me. Mexico and Canada have commercial nuclear power facilities. They just don't enrich uranium. They buy the product from the world community. They don't have enrichment and reprocessing. I don't mind the Iranians having a nuclear powerplant for commercial purposes as long as the international community controls the fuel cycle.

Here is the problem: They are insisting on the right to enrich. And the problem is you can take uranium and enrich it to a certain level for commercial purposes, and with today's technology you can break out and have a nuclear weapon very quickly.

Mr. MCCAIN. May I ask, aren't the parameters of this proposed agreement to allow them to continue to enrich materials?

Mr. GRAHAM. The concern the Israelis have, and that my colleague and I have, is the number of centrifuges available to the Iranians is into the tens of thousands now, pushing from 18 to 24,000. Who really knows. But the advanced centrifuges we are talking about can take 3.5-percent enriched uranium and go to 90 percent to get a weapon in just a matter of weeks, if not months.

So here is the rub: I think Congress will speak with one voice. We don't mind a commercial capability for the Iranians as long as you control the fuel cycle. As to the previously enriched uranium, particularly the 20 percent stockpile, turn it over to the international community. That is the U.N. position. Stop enriching. There is no right to enrich. At the end of the day, this plutonium heavy water reactor that you are building is a threat to Israel beyond belief. Dismantle that reactor. You don't need a heavy water plutonium-producing reactor to engage in commercial power production. These are what we would like to let the administration know would be a successful outcome regarding the Congress. They actually mirror the U.N. resolutions.

I am hopeful we can find a way to end the nuclear program in Iran which

would be a win-win situation for the Iranians and the world at large. But what we can't afford to do is get it wrong with Iran. These negotiations, the interim agreement, as Senator MCCAIN stated so well, sent chills up the spine of almost everybody in the region. So if the Iranians insist upon enriching, to have the ability to take the uranium and enrich it in the future, I think is a nonstarter. That would be incredibly dangerous, and we will wake up one day with a North Korea in the Middle East. If the Iranians get a nuclear weapon, it will be far more destabilizing than North Korea having a nuclear weapon on the Korean Peninsula. It will open Pandora's box.

I am hopeful the administration will go into the next round of negotiations eyes wide open, understanding where the American people and the international community are and the people in the region and if we get a deal, it is a good deal. But what is a good deal? To make sure the Iranians can have a peaceful nuclear power program but can't get a bomb. The only way they can get a bomb is to have enrichment capability as part of an agreement. Mexico, Canada, and 15 other nations have nuclear powerplants for commercial purposes, but they don't insist on enriching uranium to provide the fuel. If they insist on enriching, that tells us all we need to know about what their true intent is.

I thank Senator MCCAIN for bringing his voice.

Mr. MCCAIN. It is also true that the right to enrich is undercut by their many years' record of deception and efforts at acquiring a nuclear weapon.

Finally, again, I want to emphasize our Israeli friends are on the frontline. It is not the United States of America that the ayatollahs have committed to "wipe off the face of the earth," that have been dedicated ever since the Iranian revolution to the extinction of the State of Israel.

So shouldn't we pay close attention? We aren't dictated by Israeli behavior, but shouldn't we profit from their experiences? Twice the Israelis have had to act militarily against nuclear facilities. Twice they have had to do that in order to prevent in one case Syria and another case Iraq from acquiring nuclear weapons which would threaten them with extinction. Now this agreement, clearly, in the words of the Israeli Prime Minister, is something that is very dangerous to the very existence of the State of Israel.

Again, Israel does not dictate American policy, but to ignore the warnings of literally every expert in the Middle East—especially that of Israel, including Arab countries—I think is ignoring evidence and opinions that are very well informed. To get an agreement for the sake of an agreement, in my view, would be a disaster.

Mr. GRAHAM. Would the Senator yield? To conclude, why are the Iranians at the table? Because the sanc-

tions are working. The Congress has passed tough sanctions. To the Obama administration's credit, they put together an international coalition—unprecedented in nature—which has gotten the Iranians' attention and we are at the table. The last thing we want to do is relieve the pressure because that is what got them there. There are two things they must understand: Until you abandon your nuclear quest for a bomb and replace it with a reasonable solution for commercial nuclear power aspirations, we will continue sanctions. The threat of military force is also one of the factors that got them to the table.

Jay Carney said yesterday: If you push for new sanctions, you are inviting war. I would like to respond. I think the reason we are having a peaceful opportunity moment here is because of the sanctions. If we back off now and infuse billions of dollars into the Iranian economy and leave the centrifuges in place, we are inviting an attack by Israel. If you don't shut down the plutonium heavy water reactor, Israel is not going to sit on the sidelines forever. So to not have a continuation of sanctions until we get the right answer is going to invite more destabilizing in the region.

We have to realize that Israel is in a different position than almost anybody else. They are close. The Iranians have talked about wiping them off the map. When it comes to the Jewish people, they don't take that stuff lightly anymore. When they say "never again," they literally mean it. Can you tell the Prime Minister of Israel—given the behavior of the Iranians in the last 30 years—that they are just joking? Can you tell the people of the United States, if the Iranians got a nuclear weapon, they wouldn't share it with a terrorist group to come our way? Name one thing they have produced they haven't shared.

So this is a moment of history. This is the biggest decision President Obama will make, and I would like to help him make the right decision. I would like to help the world resolve this problem without a war. But here is the situation we find ourselves in: If we attack Iran to stop their nuclear program if we couldn't get a peaceful ending, we would open Pandora's box. It would be difficult. But if they got a nuclear weapon, it would empty Pandora's box. That is the world in which we live. We have a little time to get this right. I hope we can.

Mr. MCCAIN. I appreciate the patience of my friend from Iowa, and I thank the Senator from South Carolina.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to cover the bill we are on, the Drug Quality and Security Act. Before I do, I ask unanimous consent that at the end of my remarks the Senator from New Hampshire, Ms. AYOTTE, be recognized to speak.

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

Mr. HARKIN. One year ago, we were at the beginning of our effort to understand one of the worst public health crises this country has experienced in recent years. We were just learning about the New England Compounding Center's astonishing disregard for basic procedures to ensure that the products they were manufacturing were sterile. We were shocked and saddened by the news that hundreds were sick and dozens had died from infections caused by NECC's blatant disregard for patient safety, and we were fearful for the fate of the thousands of additional patients who had received injections of NECC products.

Despite the urgency of that crisis, the bill we are considering was not slapped together overnight—far from it. It is the product of a full year of careful bipartisan policy collaboration, and it rests upon the factual foundation developed through the bipartisan oversight investigation that Senator ALEXANDER and I launched over 1 year ago. When we learned of the NECC tragedy, we did not rush to pick up a pen and dash off a quick legislative answer. Instead, we sought to understand what that story was, what its causes were, so we could develop legislation which would make a difference in the future and not just make headlines.

In early October of 2012, shortly after the outbreak became known, this is what the outbreak looked like. We had these States with 64 deaths and 750 people got sick. I don't mean they just got sick overnight and then got better. Some of the people who lived will have lingering illnesses for the remainder of their lives. In many cases they will never be able to work again because of meningitis. My partner's home State of Tennessee was very hard hit with 153 cases. Michigan was the highest with 264 cases.

But this is what it looked like when this outbreak occurred. As we can see, there were a couple out West, and it was starting to spread in that direction. Thankfully, the Centers for Disease Control and Prevention was able to intervene and find the source of it and stop it; again, another example of how CDC protects the American people.

When this happened, we began to talk directly with various stakeholders to understand it. We continued to talk to the FDA and the CDC on their investigations. We held briefing calls with the Massachusetts Board of Pharmacy, where the NECC was located. We talked to an array of compounding pharmacies and purchasers of the compounded products.

On October 25 of last year, to explore the need for and potential contours of legislation, the committee launched a bipartisan process to examine the respective State and Federal roles in regulating compounding pharmacies. My oversight team worked with Senator ALEXANDER's to gather documents from FDA and from the State of Massachu-

setts that shed light upon how NECC had been allowed to grow so large with so little oversight. Last November, we released an initial report and held a hearing exploring the statutory and regulatory gaps that contributed to this tragedy. Our bipartisan investigation continued and culminated in a final report released on May 22 of this year.

Over the course of this investigation, we explored how drug compounding has evolved as an industry over the past couple of decades. Drug compounding is a traditional and longstanding activity of pharmacies. It serves an important role in our health care system. Compounding is when just a few people—maybe only one person—needs a certain compound of a drug. So a pharmacist, maybe not with the classic mortar and pestle but with other devices, mixes, compounds the specific drug that is needed. Maybe it is needed for a few people in a hospital, a specific chronic illness that someone might have. This is sort of the traditional compounding, where you can't just get a prescription for it and go down to the pharmacy and have it filled, simply because there is not that big of a demand for it. But over the last couple of decades a number of large-scale drug compounding companies have started to produce large batches of high-risk drugs for national sale.

For example, at the time of the meningitis outbreak, NECC's sister company called Ameridose was providing prepared IV mixtures to 25,000 hospitals and facilities across the country. Despite a scope of operations that makes these companies much more similar to drug manufacturers than to pharmacies, they primarily faced oversight similar to State-licensed community pharmacies rather than the more rigorous quality standards governing traditional drug manufacturers.

Our investigation found that both NECC and Ameridose had lengthy track records of producing drugs of questionable sterility and potency, and both had been the subject of repeated adverse event reports and consumer complaints. The committee review of FDA documents indicates that between 2002 and 2012, NECC was the subject of at least 52 adverse event reports, exposing the dangers created by its hazardous compounding practices with documented issues including the failure to ensure the sterility of equipment and products, the distribution of drugs containing particulate matter, the manufacture of superpotent and subpotent drugs, mislabeling of drugs, inaccurate "beyond use" dating, and the illegal distribution of drugs in the absence of patient-specific prescriptions.

Similarly, between 2007 and 2012, internal documents indicate that Ameridose was the subject of at least 18 adverse event reports. Ameridose was cited in 2008 for producing a compounded version of the pain reliever fentanyl that was more than 100 percent stronger than the standard level.

What was happening at NECC during this time period was unfortunately an example of a larger problem across the industry. In an effort to understand better the risks posed by increasingly large drug compounding companies, the FDA undertook surveys of compounded drugs in 2001 and 2006. In each of those surveys, about one-third of the drugs sampled failed one or more standard quality tests. In the 2006 survey of sterile injectable drugs, 33 percent of the samples contained either not enough or too much of the active drug ingredient.

Between 2001 and 2011, FDA documents indicate at least 25 deaths and 36 serious injuries, including hospitalizations, were linked to large-scale drug compounding companies, including 13 deaths in 2011 alone. Between 1998 and 2005, FDA documented at least 38 deaths and 210 injuries from drugs that were contaminated, mislabeled, or caused overdoses because they contained more of the active pharmaceutical ingredient than indicated. These include the deaths of 6 infants and children, and at least 18 other children paralyzed, burned, hospitalized, or suffering from other severe reactions, and these numbers likely understate the actual number of adverse events because current law, unlike what we have in this bill, does not require reporting of adverse events.

Our bipartisan investigation concluded that large-scale drug compounders continue to pose a serious risk to public health. At the time of our final report in May, we had identified at least 48 compounding companies that had been found to be producing and selling drugs that were contaminated or created in unsafe conditions in just the preceding 8 months since this outbreak.

I guess what I am saying is, if you follow this, this had been going on for some time but it kept getting worse and worse as more and more of these large-scale drug compounders found they could get away with it.

In that same time 10 drug compounders had issued national recalls because of concerns about contamination, and 11 drug compounders had been ordered by State licensing agencies to stop producing some or all drugs.

Our investigation concluded that in order to reduce the serious and ongoing risk to the public health from compounded drug products, it is essential that a clear statutory framework be enacted that requires entities compounding drugs outside of traditional pharmacy practice to engage in good manufacturing practices and to better ensure the sterility and quality of their drugs. So we developed this bill, the DQSA, as we called it, to address the regulatory gaps that we identified in this investigation.

Under the legislation before us, large compounders such as NECC or any other compounder that chooses to operate outside of traditional pharmacy

practice have only one legal option: They must register with the FDA. They must follow good manufacturing practices. They must tell FDA when their products hurt people; otherwise, they must follow the manufacturer-like requirements that apply to outsourcing facilities under this bill. If they are not traditional compounders and they do not meet the requirements for outsourcing facilities, our bill says FDA can shut them down immediately.

The Drug Quality and Security Act is a carefully crafted bill that not only responds to the NECC outbreak but to the root causes that I have gone over that go back almost 2 decades, that really led up to this tragedy. It is good bipartisan policy.

I pointed out the other day in my remarks, and I point out again today, it has wide industry and consumer support: the Academy of Nutrition and Dietetics, the American Pharmacists Association, the Chamber of Commerce of the United States, large drug manufacturers, and also consumer groups—the Center for Science and Democracy, the Center for Medical Consumers, and others. So it has both consumer and industry support.

I wanted to take this time to lay out the background as to why this bill is so vitally important. I will also point out the House of Representatives passed this bill on a voice vote. Now we have it here at the desk. It is the same basic bill we passed out of our committee on a bipartisan unanimous vote.

Last night we had a 97-to-1 vote on cloture to proceed to this bill. That ought to be an indication that this is an important bill, but one that has broad bipartisan support. Now, under the rules of the Senate we have 30 hours, of which I am now taking my part of 1 hour. I don't intend to take the whole hour. Then we go 30 hours, and then we get on the bill. If one person then—this one person—continues to object, I guess we will have to file cloture on the bill. That will take 2 days to ripen, 2 days for cloture to ripen. Then we will have yet another vote on cloture on the bill. I assume we will get 97 to 1. Then we have 30 hours after that, and then we vote. I think that takes us to Sunday, if I am not mistaken, if we stay here.

This is not really part of what I want to talk about, but I think this is an important reason why I have supported a change in the rules of the Senate since 1995. We cannot continue to be a 21st century country, to be a major world power, and operate under 19th century rules and regulations. It is just not right that one person, one Senator, any Senator—I am not pointing fingers at anyone. I am saying anybody, any one Senator in the face of a bill that is not only vital for the health and safety of the American people but which has broad bipartisan support—that one person could tie up the Senate for literally a week or more through procedural roadblocks. That is why I say we need to do something about the rules around this place.

If this were a contentious issue, I could see the need to slow things down. This has to do with the health and safety of the American people. A lot of time and effort went into this bill, by Republicans and Democrats, FDA, CDC, pharmaceutical companies, consumer groups. That is why I think it has such broad support. I hope we do not have to go through all this. But if we do, we do. There is no doubt in anybody's mind that this bill will pass and it will probably pass on a 97-1 vote. But why tie up the Senate for all this time? Why put off the signing of a bill that would get action to protect the health and safety of the American people?

I hope we can bring this to a resolution and have a vote up or down on it. Frankly, I think we could probably voice-vote the bill. I think we could ask for unanimous consent—but for one person—and then we could voice vote it. Then, if there is an objection, maybe we do have to have a rollcall. If someone wants a rollcall, that is their right, but at least let's vote on the bill and get it out of here. That is the least we can do to protect the health and safety of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

OBAMACARE

Ms. AYOTTE. Mr. President, last week I came to the floor to discuss the negative impact that ObamaCare is having on the people of New Hampshire. I shared dozens of compelling stories from my constituents, who are telling me that they are seeing their coverage canceled and they are seeing their premiums rise. These sad stories continue to arrive in my in-box every day, and these are real people. They are having great difficulty with not only the Web site but structural problems that exist with the law itself. They deserve to have their voices heard on the floor of the Senate. I will say, as one of my constituents said to me: Lives in New Hampshire are depending on it.

Last week President Obama said he was sorry to those who are now receiving cancellation notices. But a simple apology falls short because the structural problems we are now seeing with this law, including the cancellation notices that too many of my constituents are receiving, were problems that many in this Chamber, even before I got elected to the Senate, warned about before the law was passed.

Here are some of the stories I want to share from people in New Hampshire and how they are being impacted by this law.

Jeanne in Meredith wrote me she was diagnosed with breast cancer 2½ years ago. She was laid off from her job of 20 years and then went on COBRA. Jeanne traveled to Mass General in Boston to receive care and when her coverage ran out she worked with her insurance agent to receive coverage that she could afford and that would allow her to continue with her subsequent treat-

ments without any interruptions. She has now told me that what she has worked out in the plan she had has been canceled. She wrote me:

I liked my plan. And I not only liked my doctors, I consider them my lifeline. If I purchase a plan under the Exchange, I lose access to all my doctors in Boston, and I am finding that I will also lose my oncologist in Nashua as well. This can't be happening.

Lori in Littleton wrote me. She told me she and her husband recently were notified that their coverage will be canceled. When she learned about the new plan that was being offered to comply with ObamaCare, she said:

We were shocked that the cost would be \$400 a month more than we are currently paying. This is way beyond our budget. So we began to explore the so-called Exchange to shop for all of our choices. Once again, we were very frustrated to learn that New Hampshire has a monopoly with only one carrier [on the exchange].

What I have also heard from my constituents is concerns that they are receiving notices that their premiums are rising as a result of ObamaCare. Sara in New Castle wrote me that her premiums for a high-deductible plan that complies with ObamaCare will be double her current premium. Moreover, Sara said that she "will no longer be able to go to Portsmouth Hospital. My primary physician, gynecologist, eye doctor, and children's pediatrician are all excluded from the ACA plan that I will be forced to purchase by the end of 2014."

She finished the letter she wrote to me by saying: "No, my family is not better off with the ACA."

John in Pembroke wrote:

The new law is called the Affordable Care Act. What a hurtful joke that is to hard-working Americans. My existing policy is being canceled. After I called Anthem to inform them they must have misheard the President and the other supporters of the ACA, they told me that my existing policy did not meet the standards for the new law. I was shocked. The new higher plans from Anthem in the best case scenario are more than double my existing plan.

David in Nashua wrote me that recently he saw his coverage canceled like too many others. He wrote:

When working with Anthem to get a plan that will have the closest coverages and plan services with similar deductibles and copays, I was disheartened to learn it will cost me an additional \$110 per month—about 40 percent more than I was paying.

He continued:

To get comparable services to what I had it will cost an additional \$45 per month. All said, I am looking at an increase of \$155 per month.

David said he is looking at a 57-percent increase in costs and an additional \$1,800 per year.

He said to me:

This is grossly unacceptable, has been misleading from the words conveyed by the President and downright frustrating to have to deal with such a problem.

A couple from Amherst, NH, wrote me and said:

... because of the Affordable Care Act our health insurance plan is being canceled and

the least expensive plan, either within the exchange or outside of it, will more than double our cost. The least expensive plan we can obtain will increase our monthly premium from \$582 to \$1,183 per month. Our annual premium under the new health care law will increase from \$6,984 to \$14,196—an increase of [over \$7,000] per year.

They further wrote to me:

President Obama promised us that if we liked our plan, we could keep it. But ours has been canceled. President Obama promised us that if we liked our doctor we could keep our doctor.

President Obama promised us that under the new health care law we would save \$2,500. But our premiums will be increasing by over \$7,000 a year.

A couple from Center Sandwich also contacted me. They said their rates will double and cost them an additional \$7,000 per year.

They wrote:

We are both in our second careers and in our 50s, working hard and doing two jobs. Blue collar couple who are very healthy. Under this so-called Affordable Care law, our rates are going to double!

Scott from Concord wrote:

I currently have a great family plan through my work. This plan costs me \$240 per month. On January 1st this plan will cost me \$600 per month. I can't afford to pay such a high premium. Now I am forced to get a plan that has a 50% greater deductible, and much higher co-pays.

I also heard from a mother from Manchester. She has a little girl who is scheduled to have surgery at the beginning of January. As any mother would be, she is worried, and now she has been told her plan has been canceled. She wrote:

I looked, and my current plan is not available through the Exchange. I will have to purchase a plan with a high deductible. The new plan will cost over \$1,200 per month, increasing my premium which is currently just over \$1,000 per month. The new plans, through the Exchange, have a smaller network of doctors, so I could be losing my doctors too.

Finally, I am hearing frustration and concerns from my constituents about the Web site.

David in Bedford wrote:

My wife and I are semi-retired and have been trying since October 1 to obtain health insurance through HealthCare.gov. We have also used the telephone option but we were unable so far to obtain coverage.

He finished this message to me by saying:

We are very concerned with being without coverage on January 1, 2014.

I heard a similar concern from a resident in Greenfield who also expressed deep concern about private information put on the Web site. I heard the same from a registered nurse from Milford. She expressed frustrations about how the exchange is working.

There are many more pieces of correspondence I have received from my constituents. I will not share them all on the floor today, but their voices deserve to be heard. Because of this law, people in New Hampshire are losing the coverage they thought they could keep. They are getting premium increase no-

tices, which they cannot afford to pay, that are attributed to ObamaCare. Finally, as I have previously said on the floor, some people are having their hours cut because it defines the workweek as a 30-hour workweek. Unfortunately, the people who do want to continue to work more hours are being harmed.

As I have done before, I come to the floor today to call for a timeout on ObamaCare. We need a timeout because we are seeing that the problems with this law are much deeper than a Web site. We hope those problems will be fixed. Of course, they have not yet been fixed. The Washington Post reported today that they may not even be fixed with what the administration has represented—at the end of this month.

That said, what about the canceled policies, the premium increases, and the lost hours? It is time to have a timeout where we do what should have been done in the beginning. Instead of passing a law of this magnitude on a partisan basis, people need to come together to address health care, rising costs, access, and the issues the American people want us to take on. This law is not the answer, and the American people—and the people of New Hampshire—deserve better.

The PRESIDING OFFICER (Mr. COONS). The Senator from Washington. Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

EARLY CHILDHOOD EDUCATION

Mrs. MURRAY. Mr. President, I come to the floor today to talk about the issue that got me into politics many years ago in the first place—early childhood education.

I thank my friend and colleague Chairman HARKIN, whose leadership on this critical issue is unparalleled. I am delighted he is on the floor today as well. I also thank Senators CASEY and HIRONO for their strong support of early childhood education. They are great partners in this work as well.

Of the 535 Members of Congress, I have to say each one of us comes to Washington, DC, with our own unique background. We are a collection of military veterans, farmers, business owners, and a lot more.

As for me, I come to Congress as a mother and preschool teacher. When my kids were much younger, I found that their wonderful preschool program was being closed down by my State because of budget cuts. When my children were very young, I put them in my car and traveled to Olympia, our State capital, which is 100 miles away, to explain to these legislators, whom I did not know, why they could not cut this important program. When I got there, legislators told me there was nothing someone like me could do to save that preschool program. One legislator in particular told me I was just a mom in tennis shoes and had no chance of changing anything. He said I could not make a difference.

Well, that made me slightly mad. I drove home, picked up my phone, started calling other moms and dads, and they called moms and dads from around our State. Over time—about 3 months—we organized thousands of families in our State. We wrote letters, held rallies, and when all was said and done the legislature listened to us and reinstated that preschool program. I went on to teach in that program as a preschool teacher and then to serve on my local school board.

When I eventually did come to Washington, DC, as a U.S. Senator, I knew firsthand that if we want to strengthen our economy and give our kids a brighter future, we could not wait until they were teenagers or adults to invest in them. I had seen in my own classrooms that when young children get the attention they need, they are miles ahead of their peers on the path to success. I saw that my own students who knew how to raise their hands or ask questions or stand in line to go to recess were the ones who were then able to go on and tackle a full curriculum in school.

That is why this week I joined a bipartisan group of colleagues to introduce legislation that will give every American child access to high-quality early education. The bill, the Strong Start for America's Children Act, aims to significantly increase access to and quality of early learning programs that start when a child is born and last until their first day of kindergarten. This legislation authorizes a Federal program that supports our individual States' efforts to educate their youngest citizens. It ensures that early learning programs everywhere have quality teachers and meet high standards, but it also provides States, school districts, and preschool programs the flexibility they need to meet their local children's needs.

Although I approach this issue today as a grandmother and mother and a former preschool teacher, many of my colleagues have their own reasons to support early education. Former law enforcement officers and lawyers and sheriffs whom I work with know that when we invest in our children at a young age, they are more likely to stay out of trouble and out of jail. Business leaders and economists know that when we spend \$1 on a child's education in the first few years of their life, we save as much as \$17 throughout their life. Our military leaders tell me that 75 percent of our Nation's 17- to 24-year-olds are ineligible to serve their country often because they are not able to pass the necessary math and reading.

It is not only teachers who are fighting for pre-K, it is generals, sheriffs, and CEOs. Fifty years of research backs this up. We know that 80 percent of a person's brain development occurs before the age of 5. While China is aiming to provide 70 percent of their children with 3 years of preschool by 2020 and India is doing the same, we do not

have a national strategy to get the youngest Americans ready to learn. Nobel Prize-winning economist James Heckman, an advocate for early learning, says “skill begets skill.”

This summer I traveled throughout my home State of Washington visiting early learning programs. I heard from a kindergarten teacher who told me that while some of her students in kindergarten are practicing writing their names on their work, others are learning how to hold a pencil. Those children, even at an early age, are already playing catchup. So when a child who has benefited from early education knows how to open a book and turn a page, someone can teach them to read. But in classrooms across our country, some children are falling behind. The gap between children who start school ready to succeed and those who don't has serious implications for our country's future.

Although historically we have invested in education to build a path to the middle class, we are now falling behind. We now rank 28th globally in the proportion of 4-year-olds enrolled in pre-K and 25th globally in public funding for early learning. That cannot continue.

In the coming weeks and months, I will be working with my chairman Senator HARKIN, who is here today, and with many others to work toward making some smart investments in our educational system so we can move this legislation forward. Our country in very large part is the product of decisions that were made decades ago. The decision to make public education a priority now will have an extraordinary impact on the next generation. Every day we are choosing between being a country that is struggling to catch up or being a country that has the knowledge and power to continue to lead.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—H.R. 3204 AND S. 1197

Mr. VITTER. Mr. President, I rise today to again advocate for no Washington exemption from ObamaCare. This is an issue I have talked about with several of our colleagues in this body, and I have been joined by many supporters in the House of Representatives. I believe it is very important.

As we hear story after story from Americans in each of our States about what they are facing—being dropped from policies they liked and wanted to keep, having premium increases of 1,000 percent in some cases, getting their work hours cut back to under 30 hours a week—the fact remains that Washington has essentially an exemption from all of that pain. Washington has a big taxpayer-funded subsidy that nobody else in America at the same income level can get, and that really needs to end.

One critical component of this issue is the fact that even though the

ObamaCare statute clearly said that every Member of Congress and all of their official staff had to go to the exchanges for their health care—and of course mentioned nothing about any huge taxpayer-funded subsidy—in fact, that language was considered and not included. Even though that is crystal clear under the statute, the Obama administration issued a special rule to get around that clear language. Part of that rule, which I think is outrageous on its face, says: Well, we don't know who official staff are. We cannot determine that, so we are going to leave it up to each individual Member of Congress to determine who their official staff are. As long as they deem certain staff nonofficial, then they don't have to go to the exchanges at all. They don't have to follow that clear mandate in the statute itself.

Well, again, when we are talking about folks who work on our staff, committee staff, and leadership staff, that is ridiculous. They are clearly official staff. They are not campaign staff. They are not off Capitol Hill and outside of government. They are not working for other entities. They are clearly official staff. This is just one of the major ways this illegal rule does an end run around the clear language of the statute.

In reaction to that part of the illegal rule, I introduced a bill that simply says these decisions by each individual Member of the Senate and the House need to be made public. There needs to be full disclosure when anybody is using this end-run around and saying: Yes, this person works for me but somehow they are not “official,” so they do not have to follow the mandate of ObamaCare to go to the exchanges. That information should absolutely be public, and I put that in the form of a bill which I have filed both as a free-standing bill and as an amendment to the measure before the Senate today.

Whatever we think about the underlying issues—and I know there is disagreement—to me it should be a no-brainer that there is full disclosure about how each individual office handles the situation. That is not fully disclosed now. Some Members may choose to say it to the press, to answer press questions, but it is not public information. It seems clear to me that how each office elects to handle that situation, how each elected Member elects to handle that situation, should be, by definition, public information, fully disclosed.

The measure I am talking about right now, that is all it does. It does not prohibit anything else from going on. I object to that. I have other measures I will push to prohibit it. But all the measure I am talking about right now does is make sure that information, that election by each individual Member, is public, that there is full disclosure about something I think clearly the public has a right to know about. So I am simply on the floor lobbying for that measure to pass and lobby-

ing for a vote opportunity up or down on that important provision.

My first choice would be a simple vote on the measure in front of the Senate right now, the drug compounding bill. I have no interest in delaying progress of that bill. I simply want an amendment vote on the measure I am describing. We can vote it up or down. Either way, I think it is crystal clear this bill will proceed to become law. If my amendment is adopted, it would be voted on in the House. I think it would clearly be passed, become law. That is my first choice request here.

If that is not possible, I do have a second choice request, which is to simply make this vote in order in the context of the next major bill coming to the floor, the National Defense Authorization Act—again, a simple amendment, a simple vote. I have no interest in delaying the time running on the consideration of this bill, on delaying votes on this bill, or of delaying debate and voting on other amendments on the Defense authorization bill. It seems to me that is a very basic, straightforward request: a vote on a pure disclosure provision.

By the way, this provision has been hotlined on the Republican side, and there is no Republican objection to the substance of this provision. It is pure disclosure. We all think it should be public information. There is no objection.

So I would simply ask unanimous consent to proceed in this way and expedite, in the process, consideration of all of this, including the compounding bill on the floor right now. The distinguished floor manager for the bill said a few minutes ago he does not want delay on this bill. I do not want it either. There does not have to be any delay, and, in fact, this unanimous consent will expedite all of that consideration.

In that spirit, I ask unanimous consent that all remaining time on the motion to proceed to H.R. 3204, the compounding bill, be yielded back; that the motion to proceed be agreed to; that my amendment No. 2024 be the only amendment in order; that no second-degree amendments be in order; and that the amendment be subject to a 60-vote affirmative threshold for adoption; I further ask that there be 2 hours of debate equally divided, and that upon the use or yielding back of that time, the Senate proceed to a vote on my amendment; following the disposition of my amendment, that the bill, as amended, if amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, Mr. President, reclaiming my time, that is unfortunate.

That could dispose of this bill and pass this bill today—a very straightforward, expeditious way of passing this bill with no delay.

I said I had a second choice, a path forward which I think is very reasonable as well, related to the National Defense Authorization Act.

So let me propose this unanimous consent request: I ask unanimous consent that all remaining time on the motion to proceed to H.R. 3204, the compounding bill, be yielded back; that the Senate proceed to H.R. 3204; that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table; I further ask that the Senate then proceed to the consideration of S. 1197, the national defense authorization bill; that my amendment, which is at the desk, be called up, and that notwithstanding rule XXII, my amendment remain in order; that no second-degree amendments to my amendment be in order; and that the amendment be subject to a 60-vote affirmative threshold for passage.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, on behalf of leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, Mr. President, reclaiming my time again, I think that is unfortunate. That would be an even quicker route forward on the compounding bill because had that unanimous consent request been agreed to, the compounding bill would have just passed the Senate. It would have happened right now, and we would move on to something that clearly needs time for debate and discussion and amendments, the National Defense Authorization Act.

In closing, let me underscore all I am seeking, urging, and, yes, demanding is a clear up-or-down vote on a pure disclosure provision: let the public know, as I think they clearly have a right to, how each individual Member is handling the situation. If a Member actually has the gall, in my opinion, to say: No, all these people who work for me are not “official staff” and therefore they can right out ignore the clear language and mandate of ObamaCare that says Congress and all staff must go to the exchanges for their health care—people have a right to know that.

By the way, a lot of Members, including myself, say: No, we are all going to the exchanges. That is what the law says. It is perfectly clear, and that is what we are going to live by. A lot of Members are doing that.

Either way, the public should know what is going on. There should be full disclosure, and that is all the provision I am discussing today does.

It has been completely cleared by hotline on the Republican side. There is no objection. I would urge us to move forward with a simple, straightforward vote on it, so we can expedite consideration of this bill on the floor,

so we can move more quickly to the national defense authorization bill, which does merit a lot of significant floor time, so we can have amendment votes on that bill immediately and not have any controversy about that.

I urge that reasonable and expedited and clear path forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to say a couple things about my objections. I know a lot of Senators, when they object, always use that phrase: reserving the right to object. But I think if you look at the Senate rules, there is no such provision for reserving a right to object. I have always made it my habit that if you object, you object, and then, when you get time on the floor, you explain why you objected. Thus, I am taking my time now to explain why I objected.

The Senator from Louisiana propounded two unanimous consent requests. The first was basically that we go ahead and get to the bill, the compounding bill that we are on right now; that his amendment, which has nothing to do with the bill, by the way—and I think he would agree with that. It has nothing to do with it. It is not even relevant, not even germane to this bill. It has something to do with ObamaCare and whether we tell people whether our staffs are going on the exchange. So it has nothing to do with this bill.

It seems odd that the Senator from Louisiana says he wants an inalienable right to be able to offer an amendment to this bill, but no one can offer an amendment to his amendment. It is kind of a double standard, to my way of thinking. He says that we vote on his amendment and that no second-degree amendments be in order. Why not? If amendments were allowed to be in order on the bill that were nongermane and nonrelevant, why shouldn't there be a second-degree amendment allowed on his amendment? Kind of a double standard. He wants it all his way, without thinking about the rest of the Senate. Well, again, that is why I keep saying we need the rules changed so that not one person can demand such outrageous accommodations.

Again, this bill is so important to get passed and to get to the President so we can begin this process of protecting the health and safety of the American people. We know how to treat compounders, and they have to register and stop doing what they have been doing in the past. This is vitally important.

The Senator says: Well, we can expedite it if only you will do it my way. Why should we have to do it his way? When 97 people already voted on this bill, when it passed the House by unanimous consent, why should it be: Well, this one Senator has the right to stop this bill, slow it down, unless we meet the demands of that Senator? Yes, it is outrageous in terms of how we conduct our business in the Senate.

Again, I have argued for a long time that rules need to be changed. I have also argued for a long time that the minority ought to have the right, the inalienable right, to offer amendments, but amendments that are relevant and germane to the bill before you; otherwise, you get amendments on everything from Timbuktu to wherever on any bill, and that you can keep offering them and offering them and offering them.

It was my understanding that the majority leader offered to the Senator from Louisiana an up-or-down vote on his amendment—not on this bill, but at some point an up-or-down vote, as long as that was the definitive vote on the amendment and it would not keep coming up. It is further my understanding that the Senator disagreed with that, that he wanted the right to bring it up again and again and again and again. I think this is, again, an outrageous imposition of one Senator's views and considerations on the entire Senate.

I would say to the Senator that there ought to be some way for the Senator to get an up-or-down vote on his amendment—not on this bill. It is not relevant. It is not germane. I do not think it is relevant or germane on the Defense bill. I will say more about that in a second. But we have a lot of things coming down the pike before we leave here this year—or even in the next session of this Congress—to accommodate the Senator from Louisiana on his amendment. But why should we have to keep voting on it time after time after time if we have one dispositive vote on it up or down, which is, as I understand, what the majority leader offered?

Secondly, in regard to the second unanimous consent request proffered by the Senator from Louisiana, to which I objected on behalf of the majority leader—I am not the chairman of the Defense Authorization Committee, nor do I have the right to bring legislation to the floor—again, the Senator wants everything accommodated to his wishes because if you read the unanimous consent request, the Senator asks the Senate then proceed—well, there is a word missing there—it means: to the consideration of S. 1197, the Defense authorization bill.

That is the right of the majority leader. It is the majority leader's right to bring legislation on the floor—not my right, not the right of the Senator from Louisiana, not the right of a Senator from anyplace else. I do not know if the majority leader wants to go to the Defense authorization bill next. I do not know, but that is not my decision to make. But the Senator from Louisiana says he wants to make that decision, and to make sure the Senate does just that. I would say to the Senator from Louisiana, well, when he becomes the majority leader, he would have that right.

So he wants, again, to be able to bring up his amendment—again, which has nothing basically to do with the

Defense authorization bill—and, again, that no second-degree amendment be in order on his amendment—again, a little bit of a double standard.

He wants the right to offer a non-germane, nonrelevant amendment to a bill, but nobody can offer any amendments to his amendment in the second degree. Well, I think we see this for what it is. The Senator obviously wants to vote on his amendment, maybe today, maybe tomorrow, maybe next week, maybe next month; I do not know how many times he wants to vote on his amendment. He was offered the right for an up-or-down dispositive vote on that amendment.

My understanding is—it is only my understanding; I do not know whether this is correct—that was turned down by the Senator from Louisiana. So I say that is why I objected to both of these requests, because on the compounding bill, of the necessity to get it through. I do not know whether the Senator's amendment would fail or lose. I do not. But I do know that the House has said they will not take the compounding bill back. You might say the House is unreasonable. I do not run the House. I do not run the House. All I know is the House passed it by unanimous consent, sent it over here, and said if it is amended, they will not then revisit it. That is what the House said.

So if the Senator's amendment, as worthy as it might be to some, is put on the compounding bill, that is the end of the compounding bill. That is the end of protecting the people of America, their health and their safety, that we have worked so hard to come together. That is why it has no place on this bill.

It may have a place, and I say that the Senator should have a right for a vote on his amendment at some point on either a relevant bill or a freestanding bill, that the Senator gets the right for an up-or-down vote on his amendment, either as a freestanding bill itself or as a relevant or germane amendment to some other bill on the floor. He should have that right but not to stymie, to stop a bill that is so vital to the health and safety of the American people. That is why I objected.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate the comments of the distinguished floor manager. I want to respond very briefly. My goal is a clear up-or-down vote on this pure disclosure proposal. I am open for suggestions for that to happen in any reasonable timeframe, meaning this calendar year.

I have focused on these two bills simply because it seems to me, from what I know of the Senate schedule and floor activity, these are going to be the only opportunities in terms of amendments proposed. If there are other opportunities we can identify for this year, if we can identify an opportunity for a vote on a freestanding bill, I am all ears. I am completely open to that. I want more amendment votes in the Senate,

not fewer. If there is a side-by-side idea, that is fine by me. I am completely open to that. I simply made these concrete suggestions because, based on what I know of the majority leader's plans for the rest of the calendar year, these are going to be the amendment opportunities.

By the way, the only reason I put in my second consent to turn to the Defense bill is because that is exactly what the majority leader articulated as his desire, his plan, to turn to that as soon as possible, to take up amendments.

So I am open for any reasonable opportunity this year for this vote. Again, this is a pure disclosure provision. I do not see why it should be partisan or controversial. It has been cleared through the hotline on my side. So if there are any other suggestions of how this can happen, I am completely open to that.

Unfortunately, I had a phone call with the distinguished majority leader last week and proposed various options. His response was simply: No. No. No. No. No other ideas, no other options. No. But I am completely open to those other ideas. It is obviously part of the tradition of the Senate that non-germane amendments are considered all the time. In fact, with regard to the Defense bill, that is the norm, not exception. There are usually significant nongermane amendments, often by the majority side, sometimes by the majority leadership, which are critical votes on the Defense authorization bill. That is not unusual at all.

I am for more amendment votes, if there are alternative ideas on this topic, more amendment votes there, not fewer. So I look forward to moving forward in a productive, effective way toward getting this simple vote on disclosure and toward moving in an expedited way through this bill and to the Defense bill and whatever else is on the Senate calendar as determined by the majority leader. But, again, so far the response is no, across the board, not any sort of alternative suggestion.

Finally, with regard to the idea of having one vote and one vote only, there is a clear practical problem with agreeing to that. That is the following: For instance, what if there were one vote on my disclosure provision on the Defense authorization bill? That bill is going to a conference committee, so it would obviously be possible for my amendment to be adopted 100 to 0 and then be dumped in the conference committee and stripped from the bill. Then I would have forgone the opportunity to ever bring up the subject again this entire Congress. I mean that is a fool's agreement. I am not going to agree to a fool's agreement. I need to be able to protect my right to revisit the issue, particularly when it would pass through a vote under that scenario and then be stripped in conference.

So I hope we find a productive way forward. Again, this is a pure disclosure provision. I am going for a simple

up-or-down vote in whatever context presents itself this calendar year, on this bill or any bill. I am open to other suggestions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

CONDOLENCES TO SENATOR INHOFE

Mr. HELLER. Mr. President, before I begin, I would like to offer my condolences to my friend and colleague from Oklahoma Senator INHOFE and his family on the tragic loss of their son Perry. Both my wife and I will continue to keep their entire family in our thoughts and prayers during this very difficult time.

HEALTH CARE REFORM

I rise today to talk about the President's broken promises on ObamaCare and its effects on the people of Nevada. For more than a month now, the American people have witnessed how poorly this burdensome law has been implemented. People all over the country are frustrated with the problems plaguing healthcare.gov, as they should be.

The government spent hundreds of millions of taxpayers' dollars to overpromise and underdeliver on the signature legislation of this administration. But there are serious problems in addition to the Web site, and one glaring issue in particular I would like to focus on today. We have all heard from the law's supporters that ObamaCare would give uninsured Americans access to health insurance. Time and time again they promised that people who already had their health plan could keep it. In fact, President Obama made the exact promise on numerous occasions.

In a speech to the American Medical Association in June of 2009, President Obama said:

... no matter how we reform health care, we will keep this promise to the American people: If you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you'll be able to keep your health care plan, period.

But one of my constituents sent me a letter last week telling me that that was not the case. Sunny from the Las Vegas area wrote, "I wanted to tell you that we have lost our wonderful health insurance plan." Sunny's family received a letter from their insurance company telling them that their existing plan did not qualify under the Affordable Care Act. They were automatically reassigned to a new plan that cost about \$400 more per month.

Let's remember what the President said, this time in August of 2009, during his weekly Presidential address about what he called "phony claims" regarding health reform:

If you like your private health insurance plan, you can keep your plan. Period.

But yet another one of my constituents, Kirk from northern Nevada, was

just notified that his current health insurance has been cancelled. He went to the exchange to find a new policy and shared his story with me. He wrote:

... despite higher deductibles and higher co-pays, my new insurance under this devastating law will be more than 250% of what I am paying now.

Again, March 15, 2010, just a few days before the law was passed—albeit unread—by a party-line vote and signed into law, President Obama said:

If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor.

I wonder how President Obama and the law's supporters would explain that statement to Marc in Reno. Marc received a letter telling him that his current plan was no longer offered. The plan, the letter detailed, was cancelled in order to "meet the requirements of the new laws." Marc was given the option to keep his plan for 1 additional year if he accepted a rate increase, even though he just saw a rate increase in September.

Mark goes on to tell me:

As an individual health care plan holder and a self-employed individual, the ACA appears to punish me for doing the right thing by having a health care plan for the past 10 years and rewards those who did not.

But yet as recently as this past July, President Obama promised:

If you already have health care, the only thing this bill does is make sure that it's even more secure and insurance companies can't jerk you around.

President Obama made this statement more than 2 years after his administration admitted in comments in the Federal Register that 40 to 67 percent of existing individual policies would lose their grandfathered status. The President knew millions of Americans stood to lose their existing policies but he repeatedly told the American public in no uncertain terms that they could keep their plan.

I think Steven from Washoe County would likely take issue with that promise. He told me that he now has health care that costs \$293 per month. However, he just received a letter from his health care provider informing him that the cost of his health care would increase to \$546 per month on January 1. That means his health insurance costs will nearly double next year.

There is nothing affordable about that. There is nothing secure about that.

On September 26, just days before the exchanges opened to a disastrous roll-out, the President repeated yet again what the administration knew was not true:

... the first thing you need to know is this: If you already have health care, you don't have to do anything.

Well, I have another letter here from a father from Reno. He writes:

I am writing to tell you that I'm now eating crow. A few weeks back I wrote to you and expressed my support for health reform and my dissatisfaction with the government shutdown. Since then, I've received notification from my insurance company informing me that my current policy is being discontinued. I then began shopping for new policies for myself and my family and have found that rates are two to three times what I am currently paying and that my max out of pocket will double, all for basically the same plan as what I have now. In essence, I've been put into a situation where I can either save for my kid's college education or buy healthcare.

But this particular letter closes with something that really highlights the tough financial decisions facing the American people in these difficult economic times. This father says:

I'm unfortunately one of those people who makes too much money to qualify for Federal subsidy, but not enough to sell my house which is still underwater from the housing crisis of 2008.

This is the reality of the health care law. Now, in addition to trying to save for his children's education and attempting to recover from the housing crisis, a father has been forced off the plan he likes.

The options available are two or three times more expensive. These stories don't fit with the narrative we have heard for nearly 5 years. President Obama is now trying to backtrack on the dozens of times he made his promise to the American people. Only last week he said:

Now, if you have or had one of these plans before the Affordable Care Act came into law and you really liked that plan, what we said was you can keep it if it hasn't changed since the law passed.

That is just not true. That is not what he promised. Now my constituents are receiving cancellation notices for their existing plans.

The administration argues that even though many people are losing their existing plans, those plans were subpar policies and their new policies will be better, but that ignores the promise. My constituents liked their plans. They decided what was best for them, what plans fit their individual and family needs.

The President and the administration knew before the legislation passed that millions of Americans would lose their current plans. They admitted it in the Federal Register after the bill was signed into law, but the whole time they continued to promote this promise and dismiss any concerns as fearmongering or phony claims. That is unacceptable.

These personal stories are why I am proud to cosponsor the If You Like Your Health Plan You Can Keep It Act, introduced by my colleague Senator JOHNSON of Wisconsin. This is a simple but necessary bill to give Americans the ability to keep their health plans if they like them. The people of Nevada deserve better, and they deserve to have a government that keeps its promises.

I yield the floor and 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. MURPHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

GUN VIOLENCE

Mr. MURPHY. Mr. President, reports are emerging of another school shooting today. Early reports out of Pittsburgh are that three people have been shot at a high school. The police right now are searching for the shooter in the woods surrounding the high school. We hope and we pray that the three reported victims will survive.

This is becoming part of our regular work week in Washington; that we can expect at some point during the week that we are going to turn on the TV to one of the cable news networks and find a live report from a school or a mall or a church somewhere in this country where a shooting is in progress. It is happening at a rate I don't think any of us could have expected. This number is growing at a rate I don't think any of us could have expected.

I brought this chart to the floor of the Senate for about 6 months since the failure of our commonsense anti-gun violence bill this spring. This number represents the number of Americans who have died of gun violence since December 14.

December 14 means something to everybody in this Chamber but certainly to those of us from Connecticut. That is the day in which 26 6- and 7-year-olds and the teachers who protected them died in Sandy Hook—10,465 additional people have died.

I have tried to come down to the Senate floor since the failure of that bill to try to tell the stories of these victims. If statistics don't do the job, if the sheer numbers alone don't convince people that something should change, then maybe hearing about who these people are might change things. We hope we will not add to this number with some new young victims from the reported shooting in Pittsburgh today.

These shootings happen in unlikely places. Schools, now, unfortunately, are a likely place for a shooting to happen because they seem to happen with some regularity in schools, in part because we do very little, if anything, to stop them with legislation from this Chamber.

They are happening in other unlikely places as well. Clubs—for instance, in New Haven, CT—have been the site four times just this year of major shootings. Only a few weeks ago, on October 26, police in New Haven responded to an early Saturday morning shooting at a place called the Key Club Cabaret. They arrived and found that 26-year-old Erika Robinson had been killed in a shooting spree that also injured 19-year-old Amanda John, 29-year-old Jahad Brumsey, 24-year-old Nijia Ward, 34-year-old Albert Dickerson, as well as 25-year-old Ivette Sterling.

Officers rushed to the scene as hundreds of patrons were running out.

They walked in and found six victims of gun violence—a dispute in a club resulting in the death of Erika Robinson and several more being injured.

Only a few days ago, in Cypress, TX, there was another shooting at a house party in which two high school students were killed and 19 others were injured shortly before 11 p.m. on November 9, 2013. There was a house party celebrating a young woman's 18th birthday. And because of a local dispute between two rival groups, Qu'eric Danarius Bernard Richardson, 17 years old, was killed, and Arielle Shepherd as well. According to authorities, Richardson was shot in the head while he was running away from the house party. When students returned to school on Monday, there was a lot of crying as they mourned the death of two of their classmates.

School parties celebrating 18th birthdays, clubs in places like New Haven and Bridgeport, CT—not places you think of going where you might end up being shot at when you walk into them—are now the scenes of pretty vicious shootings, as are our schools.

And shootings are increasingly happening in another way as well—by accident. Unfortunately, in preparation for a lot of these speeches, I riffle through a lot of pretty grizzly reports and increasingly I am seeing more and more accidental shootings ending up in tragedy. In Waterbury, CT, again, just a few weeks ago, Dow Kling and Shawn French, both 22 years old, were playing around with their .22 caliber Ruger inside an apartment in Waterbury when the gun went off and Dow was shot to death. His best friend Shawn French, who shot him, said:

I'm sorry. I wish it was me and not him. I wish I could trade places with him, I really do.

A week earlier, in Henderson, NV, another example where Cherish Pincombe was playing around with a gun with her friend Colin Lowrey. The Remington .45 was loaded. They didn't know it was loaded, and Colin shot Cherish dead, 23 years old. She was described as follows:

An amazing coworker. She was so caring. She was kind. She was always helpful. She always wanted to do something to help you out. She was very generous.

And just because they didn't understand the gun was loaded, and they were being reckless and playing around with a firearm, Cherish is dead.

So that is why people out there don't understand why we can't have an honest conversation about change. Even when those conversations are attempting to take place, they get shut down and cut off. A pretty innocent op-ed piece in the *Guns & Ammo* magazine suggested that maybe people should get a few hours of training before they get a concealed carry permit. As a consequence of running that editorial, the editor of *Guns & Ammo* had to resign and step down, simply because he ran an op-ed by an author that suggested maybe people should get some training before they have a concealed weapon.

So even when we try to engage in these discussions, we can't have them because the folks who get their money from the gun industry, whether it be the NRA or these magazines, aren't even allowed to have these conversations, despite the fact that 84 percent of gun owners support universal background checks, despite the fact that 50 percent of gun owners support a restriction on high-capacity ammunition clips, despite the fact that 46 percent of gun owners think it is a good idea to ban high-powered assault weapons.

Organizations such as *Guns & Ammo* and the NRA are out of step with gun owners who don't want to see this number continue increasing, who don't want to turn on the TV and see another school shooting.

The reason I come here to talk about who these victims are is because the conscience of this Nation should be enough to move this place to action, and it is about time gun owners and nongun owners alike get together to do something about this. There is much more agreement than there is disagreement among both people who own guns and people who choose not to own guns. Whether it is background checks or a ban on illegal gun trafficking or just a simple requirement that you get a little bit of training on how to use a gun so you don't fire it accidentally and end up shooting your best friend, there are simple commonsense bipartisan things we can do to make sure this number doesn't continue to accelerate at the pace that it has since December 14.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here today for now the 50th time to urge my colleagues to wake up to what carbon pollution is doing to our atmosphere and our oceans. Once a week—50 weeks—every week. Why? Why do I do this?

First, because it is real. It is very real. It is happening. Here is the change in average global surface temperature since 1970. It is pretty hard to deny. Of course, if you are a denier, you will look at it and you will see from the same data that it stopped. The denier who tells you it stopped won't tell you that it stopped five times earlier on the way up. In fact, you could say that climate change has stopped six times since the 1970s, and

even went down, but it didn't stay stopped long.

Look at the linear trend for the whole data set from 1970 to 2013. No one can deny over this period the Earth is warming. This decade was warmer than the last, which was warmer than the one before that, which was warmer than the one before that.

Let's look at NASA's entire historic surface temperature record going back to the 19th century. Listen to what University of California Berkeley physics professor Richard Muller has to say about the temperature record.

The frequent rises and falls, virtually a staircase pattern, are part of the historic record, and there is no expectation that they will stop, whatever their cause. . . . [T]he land temperature record . . . is full of fits and starts that make the upward trend vanish for short periods. Regardless of whether we understand them, there is no reason to expect them to stop.

Here you can see again these short steps in the upward march.

One reason we can't expect these upward steps to stop is that we know what is driving them. What is driving climate change is something even contrarian scientists accept; that is, more carbon dioxide leads to more warming. Simple as that; a 150-year-old established basic principle of physics.

This is the October 1861 edition of the *London, Edinburgh, and Dublin Philosophical Magazine and Journal of Science*. It includes a manuscript by physicist John Tyndall entitled "Radiation of Heat by Gases and Vapours." He says:

[T]o account for different amounts of heat being preserved to the Earth at different times, a slight change in [the atmosphere's] variable constituents would suffice for this. Such changes in fact may have produced all the mutations of climate which the researches of geologists reveal.

The "variable constituents" to which Tyndall refers include carbon dioxide, methane, and water vapor. That is from 1861. President Lincoln took office that year. Yet here we are today having to explain on the floor of the Senate the physics of what carbon dioxide does in the atmosphere.

It is not just the principle that is established. There are lots of measurements. The carbon dioxide in our atmosphere now exceeds 400 parts per million. For the last 800,000 years—at least 800,000 years, and perhaps actually millions of years—we have been in a range of 170 to 300 parts per million. That has been the whole of human existence. *Homo sapiens* have been around for about 200,000 of those 800,000 years, and it is only now—it is only since the industrial revolution—that we have broken out of that safe window that has protected us through that entire history of our species and now we have broken to 400. And that is a measurement.

Look at the oceans. Oceans have absorbed more than 90 percent of the excess heat caused by greenhouse gases over the last 50 years. Absorbing all that heat makes the oceans rise.

Oceans have absorbed about 30 percent of our carbon emissions, which would otherwise be in the atmosphere causing more warming. Absorbing that carbon makes the oceans more acidic, and that is all stuff we measure.

At the Newport tide gauge, sea level is up almost 10 inches since the 1930s when we had our catastrophic 1938 hurricane in Rhode Island. You measure that. It basically takes a ruler.

We are about 3 to 4 degrees warmer in the winter in Narragansett Bay than we were 50 years ago when my wife's URI mentor was doing his doctoral thesis—3 to 4 degrees. You measure that. It takes a thermometer.

And the ocean is acidifying at the fastest rate recorded in 50 million years. You measure that with a litmus test, which anybody with an aquarium does.

It is one thing to be against science, it is another to be the party against measurement. So the polluters and front groups don't talk much about the oceans, but that doesn't change the fact this is real and it is past denying.

That takes me to the second reason I do this, and that is that it is plain old-fashioned wrong when people lie and trick other people, particularly when people are going to be hurt by the lies. And it is worse when there is money behind the trickery—when it is purposeful. Lies cannot go unanswered, and that is another reason that I speak.

There isn't just lying going on. There is a whole carefully built apparatus: phony-baloney organizations designed to look and sound like they are real, messages honed by public relations experts to sound like they are true, payroll scientists whom polluters can trot out when they need them, and the whole thing big and complicated enough to be fooled into thinking it is not all the same beast. But it is. It is akin to the mythical Hydra—many heads, same beast.

One day folks are going to look back at this and those behind it are going to be disgraced for what they did and it is going to be a scandal. That is the third reason I speak. We are all going to be judged very harshly, with all the dread power that history has to inflict on wrong. The polluters and their collaborators will be judged harshly. The Republican Party will be judged harshly for letting itself be led astray by them. But—and here is where it truly hurts—the failure of American democracy this is causing will also be judged harshly and will stain the reputation of our great American experiment. We in this generation have been passed this precious experiment by generations before us that fought, bled, and died to put it safely in our hands—and we do this. We foul it, by lying and denying for a bunch of polluters. Some generation we are going to be.

If we believe this world needs America, this matters. Because a world fouled and changed by carbon pollution, in ways we could foresee but de-

nied, will not believe it as much of a need for what a lying and denying America has to offer. This episode will darken the lamp America holds up to the world. We are a great country but not when we are lying and denying it is real. The atmosphere is warming; ice is melting; seas are warming, rising, and acidifying. It is time for the misleading fantasies to end.

Here is how we go forward. First, price carbon right. Make the big carbon polluters pay a fee to the American people, as I have proposed with Representatives WAXMAN and BLUMENAUER and Senator SCHATZ; a pollution fee to cover the cost of dumping their waste into our atmosphere and oceans, a cost which they now happily push off onto the rest of us. I know at present political conditions do not allow us to price carbon, so we must change those political conditions, and we can.

Recently, President Obama changed the calculus for polluters: carbon pollution standards for new and existing powerplants, no more unchecked carbon dumping. Fifty powerplants emit one out of every eight tons of America's carbon dioxide emissions. These 50 dirtiest U.S. powerplants emit more than Canada or Korea. When the big polluters see the costs of complying with those new standards coming down at them, they may take a second look at an economywide carbon fee. Here is a news flash. When the polluters' calculus begins to change, the political calculus in Congress will change too.

Nothing says we have to wait for the polluters to figure this out on their schedule. There are armies on our side. It is not just the environmental groups such as the Natural Resources Defense Council, League of Conservation Voters, Environmental Defense Fund, Sierra Club or National Wildlife Federation. It is not just virtually every major scientific organization, such as the American Association for the Advancement of Science, the American Geophysical Union or the American Meteorological Society.

We have faith-based groups such as the U.S. Conference of Catholic Bishops, the National Council of the Churches of Christ, Interfaith Power & Light, the Coalition on the Environment and Jewish Life, and the Jewish Council for Public Affairs. We have fishing, wildlife, and outdoor groups such as Trout Unlimited, Pheasants Forever, and Ducks Unlimited. They are joined by major sports leagues such as the National Football League, Major League Baseball, National Basketball Association, and National Hockey League, as well as the American Lung Association—which prefer to see kids playing outside in clean, healthy air.

We have the Joint Chiefs of Staff on our side, joined by NASA, the National Academies, the National Oceanic and Atmospheric Administration, even the Government Accountability Office, the congressional watchdog. By the way, about NASA—let's not forget that NASA scientists sent an SUV-sized

rover to Mars, they landed it safely on Mars, and they are driving it around on Mars right now. I will put NASA scientists up against the polluters' payroll scientists all day long.

We have insurers and reinsurers whose business depends on understanding the mounting risk of natural disasters, folks such as Munich Re, Swiss Re, Allianz, and the Reassurance Association of America. We have State and local governments that are already active. Nine Northeastern States, for instance, including my own Rhode Island, engage in cap and trade through the Regional Greenhouse Gas Initiative. Four Florida counties share resources and strategies for adapting to climate change through the bipartisan Southeast Florida Regional Climate Change Compact, and those are just two examples of many from around the country.

A coalition of investors worth nearly \$3 trillion just wrote to 45 fossil fuel companies seeking explanation about risks facing their fossil fuel investments. Divestment campaigns are popping up at college campuses across the Nation. Major utilities accept the science and are investing in renewables and improving efficiency. Energy companies PG&E, the Public Service Company of New Mexico, and Exelon all quit the U.S. Chamber of Commerce after a Chamber official called for putting climate science on trial such as the Scopes "monkey trial" of 1925.

America's flagship companies such as General Motors, Ford, Coca-Cola, Pepsi, Nike, Apple, Walmart, and Alcoa all recognize the serious implications of climate change. This support is latent, though, and it is unorganized. It is time to wake up and to gather our armies. We have to create allied command, assemble our divisions, agree on a strategy, and go into action. That will affect the calculus in Congress.

Most important, we have the American people. Sixty-five percent of voters support the President taking significant steps to address climate change now. Another poll found that 82 percent of Americans believe we should start preparing now for rising sea levels and severe storms from climate change. Those in Congress who would deny science to protect the polluting interests increasingly look ridiculous, even to their own side. Misleading statements in the media, such as the stuff purveyed by the opinion page of the Wall Street Journal, are losing their battle and losing their audience. It is not just time to wake up. People are waking up. Inevitably, the truth will be fully known.

The polls show clearly that climate denial is a losing tactic. Four out of five voters under 35 support the President taking action to address climate change. Fifty-two percent of young Republican voters would be less likely to vote for someone who opposed the President's climate action plan. Even a majority of Texans say more should be done about global warming by all levels of government, with 62 percent of

Texans saying more should be done in Congress. For those last holdout deniers comes this: Fifty-three percent of young Republican voters under age 35 said they would describe a climate denier as ignorant, out of touch, or crazy.

Republicans outside of Congress are trying to lead their party back to reality and away from what even young Republicans are calling ignorant, out of touch, and crazy extremist views. They support a revenue-neutral carbon fee: Republicans such as our former colleagues in Congress, Sherwood Boehlert, Wayne Gilchrest, and Robert Inglis; Republicans such as former Environmental Protection Agency Administrators William Ruckelshaus, Lee Thomas, William Reilly, and Christine Todd Whitman, who served under Presidents Nixon, Reagan, George H.W. Bush, and George W. Bush respectively; advisers such as President Reagan's Secretary of State George Schultz, Reagan's economic policy adviser, Art Laffer—known as Reagan's economist—and David Fromm, speech writer for George W. Bush.

Here is what the Republican Presidential nominee had to say 5 years ago:

[I]n the end, we're all left with the same set of facts. The facts of global warming demand our urgent attention, especially in Washington. Good stewardship, prudence, and simple common sense demand that we [act to] meet the challenge, and act quickly. . . . We have many advantages in the fight against global warming, but time is not one of them.

[T]he fundamental incentives on the market are still on the side of carbon-based energy. This has to change before we can make the decisive shift away from fossil fuels. . . . [T]here were costs we weren't counting . . . [a]nd these terrible costs have added up now, in the atmosphere, in the oceans, and all across the natural world. . . . We Americans like to say that there is no problem we can't solve, however complicated, and no obstacle we cannot overcome if we meet it together. I believe this about our country. I know this about our country. And now it is time for us to show those qualities once again.

It is indeed time for us to show those qualities once again. It is time to wake up. It is time to turn back from the misleading propaganda of the polluters, the misguided extremism of the tea party, and the mistaken belief that we can ignore without consequence the harm our carbon pollution is causing. It is time to face facts, be adults, and meet our responsibilities.

I give these speeches because climate change is real, because the campaign of denial is as poisonous to our democracy as carbon pollution is to our atmosphere and oceans, and because I am confident, I am confident we can do this. We can strengthen our economy, we can redirect our future, we can protect our democracy, and we can do our duty to the generations that will follow us and will look back in shame unless we change our program. But we have to pay attention. We have to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

THE ECONOMY

Mr. COONS. Mr. President, I come to the floor once again to talk about jobs and economic growth.

We are continuing to see signs of a steadily improving economy, with more than 200,000 jobs created last month in the jobs report just released last Friday. Of those, 19,000 were new manufacturing jobs. We have had 43 straight months of private sector job growth, but the unemployment rate remains stubbornly high and sadly particularly for those who are long-term unemployed.

Earlier today the Budget Conference Committee met, and we heard from Congressional Budget Office Director Dr. Elmendorf. He let us know that in his view, the uncertainty—the lack of clarity about the path forward for all of us here, for the solutions we need for the budget and for the deficit—is one of the greatest drags on job creation and on competitiveness for our country and our economy.

In our Budget Conference Committee, we need to come together and reach a balanced budget deal that repeals sequester and allows the Appropriations Committee—ably led by Chairman MIKULSKI—to move forward with an Omnibus appropriations bill for this fiscal year. We cannot afford, in my view, another long-term continuing resolution at the current sequester levels.

As we heard today from Dr. Elmendorf, and as we have heard from other sources, the sequester will have killed 750,000 jobs by the end of the year, and next year these ongoing, steady, grinding cuts could kill another 800,000. These are jobs. These are investments by the Federal Government that could be helping the private sector create jobs in repairing our crumbling infrastructure. In Delaware alone, we have 175 deficient bridges being neglected. These are jobs that help families to put food on the table. In Kent County, DE, where Dover Air Force base is, sequester has hurt those who serve our Nation who operate the base and serve our country valiantly. These are jobs that could be going to help research a cure for cancer. NIH supported more than 500 jobs in Delaware in 2011. Now cuts are costing those jobs and setting us back in the fight to find a cure for cancer and many other diseases.

Sequester has been devastating to Delaware and the whole Nation. We need to replace it with a smarter, more balanced set of spending reforms that maintains investments that will allow our country to be competitive. In particular, if I might, we need to refocus on jobs by investing in infrastructure and focusing on manufacturing.

In my view, the 19,000 jobs in the manufacturing sector that we just learned were created in the last month were a promising development but far from as many as we should be filling. Why? Because manufacturing jobs are high-quality jobs. They pay more in wages and benefits. They help create secondary local service jobs. They con-

tribute more to the local economy. And manufacturers invest more in private R&D than any other sector in our economy.

Mr. President, as you know, before I came here to the Senate and before my service in county government, I spent 8 years with a manufacturing company in Delaware. At one point I was part of a large site location team that went around the country to try to decide where to build a new state-of-the-art semiconductor chip packaging manufacturing plant. To make a long story short, in the end we decided on a location where there was a skilled and reliable workforce, a responsive government that invested in the local infrastructure, and certainly we considered other factors—tax rates and incentives offered by the State and local government—but really the skill of the workforce and the quality of the infrastructure were absolutely essential to the decision we made—a surprising decision in terms of where we ultimately located. We invested and were able to get up and running a state-of-the-art plant in record time and were able to contribute significantly to local employment and the tax base. This taught me a lot about the significance of infrastructure and workforce skills.

If I could mention this, the World Economic Forum ranked the United States 25th overall in infrastructure, a key drag on our competitiveness. The American Society of Civil Engineers says we are falling behind by \$250 billion a year in deferred maintenance, in investments not made by Federal, State, and local government. In my view, the case for infrastructure investment is a no-brainer. This is exactly the sort of thing we should be doing and that the sequester is preventing us from doing, making wise, timely, and needed investments in improving our infrastructure.

Another critical foundation for growth, as we saw, is a skilled and adaptable workforce. We can be the world's manufacturing leader again but not without investing in workforce skills and in workforce training. There are many programs that can help make this possible. One I like to point to is the Federal, State, and local partnership called the Manufacturing Extension Partnership that helps make it possible for university-based researchers to partner with local manufacturers to deliver skills training that keeps them at the cutting edge, that makes them more productive.

In today's modern manufacturing workplace, there are fewer people, but they are more productive because of their skills. Back in August I visited a new facility, the ILC Grayling plastics manufacturing plant in Seaford, DE, which is a great example of what it will take for America's manufacturing resurgence to continue and grow. This plant has already brought more than 100 jobs to Sussex, DE. These are not the manufacturing jobs of the past. The men and women working on this

line need to be able to collaborate and communicate, to do advanced math and adequate quality control work and oversee high-tech machinery and have an intimate understanding of the products they are working with. In the end, this company looks forward to growing, to probably doubling the number of jobs in this facility in Sussex County. To me, in an even more exciting development, these are jobs that had left the United States to go south to a lower wage country and that have been brought back, brought back from Juarez, Mexico, to Seaford, DE, where there are now Delawareans employed in this newly expanded manufacturing facility.

Let me conclude by simply saying that here in Congress we have the opportunity, if we work together across the aisle, to find a pathway toward making these investments in the skills of our workforce, in the infrastructure of our country, that will help grow our economy and help create good manufacturing jobs today and tomorrow.

One of the core challenges we face in the budget conference committee is to find a path forward that will respond to the call that I hear up and down the State of Delaware, and I presume my colleagues hear from their home States, that we should make principled compromises that allow us to invest again, to replace the sequester with a more responsible and balanced package of revenue and cuts that allow us to return to investing in the skills and infrastructure necessary to grow our economy.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Wyoming is recognized.

OBAMACARE

Mr. BARRASSO. Mr. President, it has now been more than 6 weeks since the Obama administration launched its health insurance marketplace. This afternoon, the Obama administration finally confirmed how few people have been able to select insurance through the exchange. According to the White House, only 106,185 people have selected coverage since October 1. This doesn't mean people actually bought their coverage, it just means they selected a plan.

For most of these, it was through the State-based exchanges. People may be wondering how the Washington-run exchange did. Only 26,794 people selected a plan through healthcare.gov. It is safe to say, if this were a commercial Web site, the plug would have been pulled by now. They came, they saw, they did not buy it.

Low expectations met with even lower reality. The numbers paint a bleak picture of the confidence the American people have in the health care law and the faulty Web site created to sell it. The administration's goal was for a half million people, 500,000 Americans, to sign up in the month of October, the month of October alone. Instead, we now know that

only a little over 100,000 people have actually signed up.

The reason the numbers are so low and so disappointing is that the Web site is totally broken and the American people are discovering that the coverage offered on the exchange often costs them more than they can afford, and more than they were previously paying. So far, the ObamaCare exchanges have only succeeded at crashing people's computers or lightening their wallets.

To make matters worse, for every one person who has selected an ObamaCare plan—either from the State or Federal exchanges—40 people have received cancellation notices. This is not what the President repeatedly promised and it is not what the American people deserve.

Enough is enough. It is time to give Americans what they wanted all along: access to quality, affordable health care. It is time to stop this train wreck and ease the damage being done by this terrible law.

To help make that happen, Senator GRAHAM and I will soon introduce a bill that lets States opt out of some of the health care law's most burdensome provisions. Under the State Health Care Choice Act, States could opt out of the individual mandate that requires people to buy government-approved health insurance or face a tax penalty. They could opt out of the employer mandate that will force businesses to provide government-approved health insurance or pay penalties.

Under our bill States could also opt out from the health care law's benefits mandates. These are the requirements that health insurance plans provide numerous expensive services that many people may not want, may not need, will never use, cannot afford, and do not want to pay for. The Obama administration has already issued hundreds of waivers to businesses and it has delayed the employer mandate by a year. States should have the same opportunity to give relief to their citizens.

We know the numbers coming out of Wyoming. In Wyoming we see over 3,000 people have received cancellation notices. Yet only 85 people have been able to select a plan. I was at the Target store in Casper this Saturday. A former patient came up to me, somebody I had operated on. He told me he had received a cancellation notice. He is a small businessman, works hard for himself and for his family, and the insurance he had worked for him. It was something he could afford. What he told me is he will now have to pay a higher premium and also more out-of-pocket costs in terms of a higher copay and higher deductibles. Frankly, he is not sure what he is going to do.

The people I talk to tell me about all of the mandates, the higher costs, the bad side effects of the President's health care law, and they tell me this is not what they wanted in health care reform.

I got a letter from one woman from Newcastle, WY. She told me she is los-

ing her health insurance plan also. The reason she is losing it is it does not meet the President's requirements that she have maternity coverage. As she points out, she doesn't need maternity care, she said, because she has had a hysterectomy and she doesn't like Washington telling her that she has to pay twice as much to get a plan that covers it—something she doesn't want, will never use, doesn't need, cannot afford.

When it comes to health care and health care coverage, one size does not fit all. States should be free to help the citizens of those States get the care they need from the doctor they choose at lower costs. A lot of people in this country do not want all these new mandates, all the burdens and the higher costs. All they actually wanted was President Obama to keep the promises, to allow them to have what the President promised them: that they could keep the insurance and the doctor they already had. After all, that is what the President said.

We have millions of people getting letters from their insurance company canceling their insurance plans. As of today I know that number is over 4.2 million—42 people canceled for every 1 that actually got insurance through the exchange. One of the reasons for all of the insurance plans being canceled, in spite of what the President told the American people repeatedly, is something called the grandfather regulation that the Obama administration actually wrote. The President's own people wrote the regulation so that people cannot keep the insurance they want, in spite of the President's repeated promises. This was a rule the Obama administration wrote to force more people off the insurance plans they had before the law was passed, and force them into new Washington-approved plans.

Three years ago Republicans saw that this regulation was going to lead directly to the millions of cancellation letters that have now gone out across the country. My colleague from Wyoming, Senator ENZI, took the lead and he took to the Senate floor to try to stop this destructive rule from the Obama administration. He introduced a bill that would immediately overturn the administration's restrictive regulations about people keeping their plans. Senator ENZI pointed out back then, 3 years ago, that the administration's rule would have caused millions of people to lose the insurance they had and that they liked. He was right, and the Washington Democrats, here on the floor of the Senate, did not seem to care. Every Democratic Member of this body, every Democrat in the Senate, voted to make sure that the restrictive regulations stayed on the books. Because of that vote, now we have over 4 million Americans looking for new insurance plans that satisfy Obama administration mandates, but they have lost their insurance in spite of the President's repeated promises that if

they like what they have, they could keep it.

Many of them—such as my friend and former patient whom I ran into this past weekend in Casper—are learning that their copays and their deductibles will be much higher than the plans they have lost. Once they get those plans, many of them are going to find out that their costs have increased—but not just that; their choice of doctors has shrunk as well. They may not be able to go to their family doctor because he or she will not be covered by their new plan anymore.

Last week President Obama finally admitted he and his administration were not, as he said, “as clear as we needed to be.”

Not as clear as he needed to be? That is what the President regrets, that he was not as clear as he needed to be? For the millions of people who are losing their doctors, they don’t want an apology; they don’t want a new government handout. What they want is what they had before this law came into effect. They want President Obama to live up to his promise and to allow them to keep the coverage they had and they liked and that worked for them. Even former President Bill Clinton has called for a change. Remember, the Obama administration has called President Clinton the so-called “Secretary of Explaining Stuff.” They had him traveling the country, trying to convince people that their health care law was going to work out well for everybody. Now it looks as though he is trying to explain to President Obama how badly the President’s own health care law has hurt Americans who are losing access to their insurance plans and to their doctors.

Bill Clinton said it just the other day. He said:

... even if it takes a change to the law, the president should honor the commitment the federal government made to those people and let them keep what they got.

Well, that is exactly right. Not only should President Obama take steps to keep his promise to the American people, he should support Republicans who want to help all Americans who are being harmed by the President and the Democrats’ terrible health care law. Today’s enrollment numbers show what a disaster that law has been, and the President should support the Health Care Choice Act so that States can serve their citizens and opt-out of this terrible law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

NETWORK FOR MANUFACTURING INNOVATION

Mr. BROWN. Mr. President, earlier this afternoon, I appeared with Senator BLUNT, my Republican friend from Missouri, in front of Senator ROCKEFELLER’s Commerce Committee to talk about our bipartisan legislation with manufacturing hubs. It would promote new technologies to make our country a leader in advanced manufacturing.

Let me illustrate by saying this: Along the Ohio Turnpike—from Toledo, to Lorain, to Cleveland, to Akron, to Youngstown—much of the auto industry grew, from glass that would go for windshields in Toledo, to steel in Lorain and Cleveland for the fenders and the hoods and much of the car, to rubber in Akron for tires—the world’s leading tire manufacturer—to assembly in Youngstown, where today the Chevy Cruze is made. If you are on the Ohio Turnpike, you will see this huge plant with the big letters “CHEVY CRUZE.” If you have not been at an auto plant or you are not from Ohio and you may not have seen one, the expansiveness of this plant is pretty remarkable. Autos were assembled all along this turnpike.

But the reason this matters—in addition to why it matters in the Presiding Officer’s State of Connecticut and other places—is not just that the auto industry, the supply chain, creates jobs, but what happens when an industry sort of locates with a critical mass in a community.

Because Toledo, OH, with the auto industry, had huge glass manufacturing, the University of Toledo had scientists who worked in material science and in glass manufacturing. Today, as a result, while we do not make quite as much glass in Toledo as we did for autos, Toledo is one of the top two or three largest centers for solar energy manufacturing.

Go to Akron, which used to be the center of the world for tire manufacturing. There is not so much of that now, although Goodyear’s corporate headquarters is still there and there is a lot of research. But now, again, in partnership with the University of Akron, the scientists who were processing and researching and innovating in rubber and tires—now, for polymer development and manufacturing, Akron is one of the leaders in the country and in the world.

The lesson we learned is what Senator BLUNT and I were talking about. We know in Ohio and Missouri manufacturing is a ticket to the middle class. We also know that for too long Washington made choices which biased finance over manufacturing, that left manufacturing behind—bad trade deals, failure to enforce trade laws, taxes that did not work for manufacturing, and a kind of backing off of a focus on innovation and technology.

So we have seen communities such as Lordstown and Cleveland and Dayton live with the consequences. Between

2000 and 2010, 60,000 plants closed in this country and 5 million manufacturing jobs were lost.

Since the auto rescue and the more aggressive trade enforcement from President Obama—while I do not agree with some of his trade policies, he has been more aggressive on trade enforcement, through the Commerce Department and through the International Trade Commission, than any of his predecessors in either party.

So since 2010, we have seen a beginning of growth coming back in manufacturing—not nearly making up anything close to the 5 million jobs lost or the 60,000 plants closed. But the importance of manufacturing—not just because it is in my State, where my State is No. 3 in the country in production, in manufacturing; and only Texas, with twice our population, and California, with three times our population, make more than we do—but the importance of manufacturing is the multiplier effect. More than any other industry in our country, in manufacturing, for every \$1 spent in manufacturing, another \$1.48 is added to the economy. We know what that means in the auto supply chain or in the wind turbine supply chain or in the chemical supply chain or anything we manufacture in this country. But what is holding us back is this—we never consciously follow this—but this sort of “innovate here, make it there” syndrome. Yes, we still have the best scientists, the best engineers, the best researchers, the best universities. Whether it is storrs at the University of Connecticut or in Cleveland at Case Western or in Dayton or in Cincinnati, we have the best universities, the best researchers, but too often we do the innovation, we do the discovery, we do the experimentation that leads to products, and then we offshore and make the products there.

Let me give you an example about why that does not work and what does work. There is a small community in Ohio: Minster, OH. It is not far from Wapakoneta, Neil Armstrong’s hometown—the first man who walked on the moon—and just north of Dayton. It is in Auglaize County, where I visited some time ago. It has the largest yogurt manufacturer in North America. When I went in that plant, they had just made it more efficient. In the past, their supplier had delivered little plastic cups to this yogurt manufacturer. In the plant they had these big silver vats of fermented milk with yogurt, and they would squirt this yogurt into these plastic cups and seal it and package it.

A young industrial engineer and a couple of people who had worked on the line for a decade or so said: We can do this better. Instead of bringing the plastic cups in from a supplier, they did something simple for an engineer—not so simple for me. They took plastic rolls, and they fed a plastic sheet into a machine—the whole assembly line was maybe 80 feet long—and the plastic

would be heated and then extruded and then cooled slowly, and the yogurt would be squirted into the plastic cup and sealed and sent.

Now, the innovation took place on the shop floor. That is what happens. When you develop a product, wherever you manufacture it, the innovation, the product innovation and the process innovation—the process innovation meaning how you make it, the process of making it, as they did Dannon yogurt in the packaging and the actual improvement of the product—it takes place on the shop floor. That is why this is so important.

This legislation, the Revitalize American Manufacturing and Innovation Act of 2013, creates a Network for Manufacturing Innovation and would position the U.S. as the world's leader in advanced manufacturing.

We have already done something like this in Youngstown, OH, mentioned by the President in his State of the Union message, the first ever National Additive Manufacturing Innovation Institute. It is called America Makes. It is in conjunction with the University of Missouri and in conjunction with businesses and universities—Eastern Gateway and Youngstown State in the Mahoning Valley and the University of Pittsburgh. It is sort of this tech belt along there. They do something called 3-D printing, which is kind of hard to conceptualize, until you see it. But it really is something to look for in the future.

We know how to produce in this country. We have seen, with some Federal funding matched by \$40 million in private funds, it is making Youngstown a world leader in 3-D printing manufacturing technology already.

We need to build on this momentum. That is why our legislation is so important. It is supported by manufacturing associations, semiconductor groups. We have seen other countries begin to sort of mimic it and parrot it and imitate it. We know we have something here that will help America lead the world.

In concluding, before yielding to the Senator from Oregon, think of this in terms of a teaching hospital, where you have a great teaching hospital at the University of Cincinnati or Ohio State or Case Western in Cleveland or the University of Toledo. At these teaching hospitals—where research and development and innovation are happening with great scientists and great doctors and great researchers—often what they produce, what they come up with is commercialized locally, and you build a critical mass in that field. In some kind of scientific medical field you build that expertise in that region. That is what we want to do with these manufacturing hubs, like NMI in Youngstown, where in Youngstown we will see all kinds of job creation that will make Youngstown the vital city that it has been in much of its history and we want to see it become in the future.

It is good for our country. It is good for manufacturing. It is good for fami-

lies who earn their living from manufacturing. And it will be particularly good for our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

NOMINATIONS

Mr. MERKLEY. Mr. President, I rise to address an issue that should be of concern to all Americans; that is, the advice and consent function of the Senate regarding nominations. This is the critical check envisioned by our Founders in which the President has the power to nominate for the executive branch positions and for judicial nominees, and the Senate is held responsible to provide a check to make sure there are not outrageous nominees that are placed in positions.

That is the advice and consent function which throughout our history has basically been a simple majority function with very rare exceptions. This issue comes up at this moment because 2 weeks ago the minority of this body in the Senate would not allow there to be a vote on whether to confirm Mel Watt. They did that by preventing there being enough votes to close debate.

So that blockade was basically put in place without respecting, if you will, the fact that Mel Watt is highly qualified for his position at the Federal Housing Finance Agency, a position he would hold, and giving the entire Senate the ability to weigh in about whether they agreed with that judgment, the judgment of the President that Mel Watt was well qualified.

In the same week, this body also blocked an up-or-down vote on Patricia Millett, who was a nominee for the DC Circuit Court. On this occasion, it was not because folks said she was not qualified. They said, instead: We do not want to put any more of President Obama's nominees onto the DC Circuit Court because we want it to be dominated by the judges who were confirmed when President Bush was President.

Then, just yesterday, this pattern of blockading up-and-down votes on nominees continued with the minority filibustering, blocking the closing of debate on Cornelia Pillard—again, a highly qualified individual. An argument was not made that there was some exceptional circumstance in her background that left her unprepared for this position. The argument was simply made: We do not want to let the President put any judges on this DC Circuit Court.

That is of extreme concern. I must say that it has caused folks who have been scholars in this area to look at it. Norm Ornstein of the American Enterprise Institute basically said: It is ridiculous for the minority to block up-and-down votes, not on the basis that

there is something wrong with her qualifications, but just they want to take away the President's ability and constitutional responsibility to nominate individuals to fill vacancies.

So this obstruction, exercised over the last almost 5 years now, has done significant damage to the court. It has done significant damage to the executive branch. It prevents qualified nominees to get a vote on this floor so that they can—if they receive a simple majority vote of support—work on behalf of the American people either in their executive branch capacity or addressing the huge backlog in our judicial system.

The Senate has the advice and consent role which is a treasured responsibility. It is a weighty responsibility. I think everyone in this body—I think all 100 Senators—could agree that under advice and consent the Senate must exercise a significant check on the quality of Presidential nominees, whether for the courts or for the executive branch.

The Senate should vet nominees. The committees that are related to a particular position should explore their background, they should hold a hearing, they should ask tough questions, they should debate the nominees, and then once recommended on the floor of the Senate, we should continue that vetting and debating process. Then, having shared our insights on their background, we need to vote to confirm or reject.

It should be on very rare exceptions, when there are extraordinary circumstances that make someone unworthy that they should be blocked from having a final vote. Advice and consent must not become “block and destroy.” But advice and consent has become block and destroy. The Senate nomination process is broken.

A minority of one branch of government, the Senate, should not be able to systematically undermine the other two branches of government. Yet that is what we see today. President Obama's district court nominees have waited, on average, more than twice as long as President George Bush's nominees to be confirmed by the Senate after being reported out of committee.

So we have the challenge of getting up-or-down votes. We also have basically a process of dragging feet in order to make it more difficult to actually get to the votes on these individuals in the first place. For the circuit courts, that comparison is even worse. President Obama's nominees have waited 3½ times longer than the nominees of his predecessor—3½ times longer.

The Congressional Research Service notes that of the last five Presidents, President Obama is the only one to have his district and circuit court nominees wait, on average, more than 6 months for confirmation. So those delays, in combination with ultimately denying the possibility to hold an up-or-down vote—to hold a final vote on whether to confirm or not confirm—

they constitute a systematic undermining of the function of the other two branches of government.

Now, this was not envisioned in any possible way by the creators of our Constitution. They argued there should be three coequal branches. But this outcome, in which the Senate minority seeks to undermine an executive branch nominee, is inconsistent with the constitutional design of coequal branches. They are not coequal if one branch can systematically undermine another.

In regard to the courts, in an outcome in which the Senate minority is seeking to ideologically pack the courts by having insisted on up-or-down votes for President Bush's nominees and then blocking up-and-down votes on President Obama's nominees, it politicizes our judicial system. It undermines the integrity of our court system.

The Senate has confronted this abuse of advice and consent three times in recent history. In 2005, the Democratic minority was blocking up-and-down votes on a series of President Bush's nominees. They were doing the same thing that we see today. A gang of 14 gathered to debate this, because essentially the Republican majority said: If you do not quit blocking up-or-down votes on the President's nominees, we are going to change the rules and make it a simple majority. Out of the gang of 14 came a deal. The deal was that Democrats would, except under exceptional circumstances, not block the nominee. The counterpoint being that the Republicans would not change the rules. So they got what they wanted, which was up-and-down votes without a rule change.

That pledge the Democrats made was honored when subsequent nominees got their up-or-down votes. Now, in January of this year the Democrats, in the reversal of positions, insisted that the Republican minority quit blocking up-or-down votes of President Obama's nominees—kind of a *deja vu* moment, only the two parties were reversed.

Out of that conversation, out of that dialogue in January, came a promise from the Republican minority leader of this body. He promised a return to the norms and traditions of the Senate regarding nominations. What are those norms and traditions? Those norms and traditions are simple up-or-down votes with rare exception.

But that promise was barely made and within weeks it was broken, when we saw the first ever filibuster of a Defense Secretary nominee. It just so happened, ironically, that the Republican filibuster—the first time in history of a Defense nominee—was against one of their former colleagues, our Republican colleague Chuck Hagel. So the January promise was broken. This led to increasing tensions until July of this year when Democratic and Republican Members met in the Old Senate Chamber to privately share their concerns. A new deal was hammered out,

which is, essentially that executive nominees would get up-or-down votes. That happened for a significant list of nominees.

There was an up-or-down vote on Richard Cordray to be the head of the Consumer Financial Protection Bureau; Gina McCarthy to lead the EPA; nominees to fill the National Labor Relations Board; nominees to head Alcohol, Tobacco and Firearms; a nominee to lead the Ex-Im Bank; and, following shortly thereafter, a nominee to be the U.S. Ambassador to the United Nations, Samantha Powers.

So that July deal held through a list of nominees until 2 weeks ago. Two weeks ago this body blocked an up-or-down vote on MEL WATT. So we are right back where we were before, right back where we were, the promise made in January shattered, the promise made in July shattered, and the ability of this body to do its advice and consent responsibility shattered.

This should be deeply troubling to all. We must restore the ability of the Senate to perform its responsibilities under the Constitution to advise and consent. The Senate with simple up-or-down votes will be a check on bad nominations from the President. I have voted against at least one of the President's nominees. I was prepared to vote against another here just a few weeks ago. The President withdrew that nominee so that vote was not necessary. But that was related to a judgment of the qualifications of the individuals and whether they were a good fit for a particular position. It was not about trying to systematically undermine the executive branch and keep them from operating.

That is essentially why we have up-or-down votes; it is a check on unqualified individuals or a poor fit for a particular position. So in this area, both in the Senate's failure to do its job vis-a-vis judicial nominees and to do its job vis-a-vis executive nominees, we have created unequal branches of government. It is time to fix the broken Senate in regard to nominations. It is time to restore the traditional role of the Senate in evaluating nominations so that with nominees who are confirmed, they can go to work in the courts, can go to work in the executive branch to do the work that the citizens of the United States of America expect them to do on behalf of our Nation.

I yield the floor and 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. SCHATZ. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHATZ. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

TYPHOON YOLANDA

Mr. SCHATZ. Five days ago Typhoon Yolanda devastated the central Philippines. As a category 5 supertyphoon, this was reportedly the strongest storm ever to make landfall anywhere in recorded history, sweeping away almost everything in its path.

Nearly 10 million people were impacted by this supertyphoon and tens of thousands of homes were destroyed. Eighty to ninety percent of the homes in city of Ormoc, the second largest city in the Leyte Province, are gone. The stories of loss are shocking and heartbreaking.

We do not yet know the full extent of the devastation this typhoon has brought to the Philippines. Local authorities estimate as many as 10,000 people may be dead in the Leyte Province alone, one of the hardest hit regions.

The State Department has said roughly 3,000 Americans were impacted when the storm hit. Our Embassy in Manila is coordinating with U.S. agencies to locate these Americans and bring them home.

The United States and the Philippines share a special bond, rooted in strong cultural and historical ties between our two countries. In Hawaii, where more than 197,000 Filipinos have made their home, we know this bond well.

Our Filipino community has been a part of the islands for more than 100 years, and many at home maintain close relationships with family and friends in the Philippines. My deepest condolences go to those who have lost family and friends in this tragedy.

Although the storm is over, our work has just begun. Millions of survivors are without clean drinking water, food, shelter or power. Rescue workers are attempting to reach isolated coastal communities, but debris and downed power lines are blocking road access.

The U.S. Government is helping the Philippines to recover. We have provided \$20 million in humanitarian aid and deployed a Disaster Assistance Response Team to support the Philippine Government. These experts will help to assess the extent of the damage and determine what resources remain to be added.

The USAID Office of U.S. Foreign Disaster Assistance has shipped relief supplies, including shelter materials and hygienic supplies, to help around 10,000 families. We are partnering with the U.N. World Food Program to provide \$10 million for emergency food assistance because close to 2.5 million people will need food assistance over the next 6 months.

This aid will help airlift 55 metric tons in emergency food to feed more than 20,000 children and 15,000 adults, providing immediate relief for the next 4 to 5 days. It will bring more than 1,000 metric tons of rice to feed 60,000 people for 1 month.

U.S. marines are on the ground. Our military is helping to airlift relief supplies, conduct aerial damage assessments, and coordinate search and rescue operations.

U.S. Pacific Command has forces in Manila to help deliver food and water to the impacted areas. The *George Washington* Carrier Strike Group and its 5,000 sailors are expected in the area soon to provide humanitarian assistance and disaster relief.

For those still searching for displaced or missing loved ones, I urge you to contact the Philippine Red Cross or the National Disaster Risk Reduction and Management Council operations center.

Google has also launched the Person Finder: Typhoon Yolanda. Americans can also visit CNN's iReport Web site to upload photos and information about people you may be looking for.

The challenge for the Filipino people is great, but the Philippines is a resilient nation and a true American ally. They need our help. Please donate.

I am proud of our local organizations in Hawaii collecting donations to help survivors and the families of victims. The Philippine consulate in Honolulu, Filipino Chamber of Commerce, Filipino Community Center, Congress of Visayan Organizations, and Kokua Philippines have all stepped up in this time of tremendous need. A full list of organizations is available on my Web site schatz.senate.gov. One may also text AID to 80108 to give a \$10 donation to the mGive Philippines Typhoon Disaster Relief Fund. Text AID to 80108 if you would like to give \$10 to the relief efforts.

I wish to especially recognize and thank all of the women and men of the U.S. Embassy in Manila, USAID mission in Manila, the State Department, USAID in the District of Columbia, and the U.S. Pacific Command for their great efforts in coordinating our ongoing response.

Today I introduced a resolution expressing the support of the Senate for the victims of the typhoon, along with several of my colleagues. I thank Senators MENENDEZ, DURBIN, CARDIN, RUBIO, HIRONO, TOM UDALL, BOXER, and BEGICH for cosponsoring this resolution.

As the Philippines begins the recovery from this tragedy, I ask that we all pledge together to work with them. When they rebuild their communities, rest assured they will emerge stronger than ever.

I yield the floor, and 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. BEGICH. 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. BEGICH. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Mr. BEGICH. Before I make my comments regarding manufacturing and job creation in America and in Alaska, I would like to say I know my friend from Hawaii was here earlier, Senator SCHATZ, talking about the important resolution that has been submitted that I was honored to be able to cosponsor regarding the typhoon in the Philippines.

Alaska has over 20,000 Filipinos living in our State—an incredible group of individuals, people I have known in the business world, as individuals, and family members. The devastation is unbelievable as you look at the photos and see the devastation of the typhoon and the impact it has had on families there. Even though it is thousands of miles away, I can tell you, in Alaska, we feel it, we see it. Our Filipino friends there have many relatives on the islands, and the impact is just unbelievable.

I was in Alaska this weekend and met with members of the leadership of the Filipino community, as well as members from the Red Cross and others to see what we can do from an Alaskan perspective, because Alaska knows what disasters are like. From earthquakes to floods, we seem to have them quite often. We know what type of impact these events have on families, so I was very happy to support the resolution my friend from Hawaii submitted, but also want to recognize the 20,000 Filipino community members in Alaska who are suffering and thinking about their families and friends overseas.

We want to do everything we can. I know our country is there and ready and moving a lot of resources to assist. So I wanted to put that on the record and give my condolences to families who have lost loved ones, but also to Alaskans who are grieving for family and friends who may have been lost in the typhoon. I know personally I have done my own contributions, whatever I can to assist in moving operations forward and bringing resources to the islands.

JOB CREATION

I also came today to talk on the floor about the need for additional job creation. Already in the first 10 months of this year we have created 1.9 million new jobs—higher than last year at this same time—which is a good start, but more needs to be done. Senators COONS and DURBIN and others have been discussing our Manufacturing Jobs in America initiative. In particular, we are talking about the skills necessary to succeed in today's economy—the skills Americans need to land and to keep good manufacturing jobs.

There used to be a time when a bright kid in this country could work hard in school, graduate with a high school diploma, and go work in a factory. He or she could make a decent living, a living wage, enough to raise a family and own a home and think about the future of their kids. Those

days are long gone. Unfortunately, today's factories and plants don't look like they used to. The level of technical expertise needed to operate some new machinery is pretty high. That is why I have made career and technical education a priority. We need to have options for the bright kids after high school or that mid-career worker looking to shift gears.

My own State of Alaska is already a leader in career technical education—CTE. As these programs continue to innovate and change across the country, Alaska is in the forefront. I see it when I travel around the State. From career pathways in high schools to creative programs through the University of Alaska system, my State is a leader in career technical education.

To address these issues, I have introduced a bill entitled Investing in Innovation, otherwise called i3, which takes a look at what is happening in our local schools and puts resources into what is working. It supports and expands programs that are helping to improve student achievement. This bill requires 25 percent of the money to go to local rural communities. There are so many programs that sometimes forget our small and rural communities, not only in Alaska but throughout this country.

I have also introduced the Career Readiness package of legislation focused on career and technical education. One of the bills in this package is the Counseling for Career Choice Act. This bill will help fund stakeholders in developing comprehensive career counseling models that emphasize guiding students to productive careers.

Our counselors are in unique position to help expose and guide our students to postsecondary opportunities—to help prepare them for high-demand careers. This bill makes sure our school counselors have the resources they need to emphasize all types of postsecondary education, not just the traditional 4-year degree. It focuses on opportunities such as apprenticeships, certificate programs, associate degrees, and, of course, 4-year degrees. It makes sure that business, economic development, and industry leaders are at the table providing information on available postsecondary training opportunities and career trends—basically making sure that we match what we are teaching to not only what is available in the market today but in the future. Our students need the best teachers and the best facilities.

I also have legislation that focuses on career technical education, CTE, professional development for teachers and principals.

Another career readiness bill provides funding to make sure we are modernizing our CTE facilities. We know students who are involved in career and technical education programs are engaged in their future careers. We have to keep making sure what our students learn is relevant to the real

world. We must align our educational system with the in-demand careers to fill those jobs in that pipeline, and we must keep our students engaged.

If we are going to compete in the 21st century as we did in the 20th century, we need to make sure our students have the very best skills—skills that are tailored to the 21st century economy. Career and technical education is the best approach, in my opinion, to give students those skills.

I am a big fan of the Manufacturing Jobs for America initiative led by Senator COONS and several of my colleagues. America's manufacturing sector has enormous potential to create new jobs and to speed up our economy and economic recovery. These are good jobs and they spin off into even more jobs.

According to the National Association of Manufacturers, every manufacturing job we create adds 1½ jobs to the local economy. So let's move forward, let's pass these bills to help with job training, career facilities and readiness, and let's do everything we can to get our manufacturing sector running full speed ahead.

Before I conclude my remarks, let me say that I know there is a lot of debate on the floor where we talk about health care, we are talking about a national defense authorization bill, and we are going to talk about a compounding bill, but at the end of the day, what Americans, what Alaskans, come to me to talk about on a regular basis—and certainly it was true in the 4½ days I just spent in Alaska—is what are we doing to create jobs for the future, not only for people today in the work environment but the kids of the future who will be in the work environment.

This legislation, and many other pieces that have been introduced in this package, help lead this economy and continue to move this economy. We have to remind ourselves where we are: This year, this month, we created over 200,000 jobs. The first month I came here, when I was sworn in, the economy was in a tailspin. We had lost over 700,000 jobs. So we have been in the positive trendline for several months here, but we have more to do. And an area that I think is an incredible opportunity not only for Alaska but for all across this country is improving our manufacturing sector and ensuring our young people are ready for the 21st century.

Again, I thank my friend Senator COONS for all the work he is doing to bring manufacturing to the forefront, as well as all my colleagues who have been coming to the floor to talk about an important piece of legislation to create jobs and improve our economy for the long term.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONDOLENCES TO SENATOR INHOFE

Mr. REED. Mr. President, I rise to express my deepest sympathy to the senior Senator from Oklahoma Senator JAMES INHOFE and his wife Kay on the sudden and untimely loss of their son, Dr. Perry Inhofe, this weekend in a plane crash. I extend my thoughts and prayers to the entire Inhofe family.

Perry Inhofe was an orthopedic surgeon as well as a licensed pilot and flight instructor, with a family of his own. Flying is integral to the Inhofe family—I know that from my service with Senator INHOFE on the Armed Services Committee and as cochair with him of the Army Caucus, a caucus he created along with Senator Dan Akaka to support the men and women serving in the Army. I know of his intense involvement in flying.

I hope, certainly, that the memories and the time he had with his son will help sustain and comfort him in the days ahead. Senator INHOFE is a man of great integrity, with great dedication to his faith, to the Nation. Again, at this time of loss, I only hope the memory and the example of his son, his son's service and his courage and faith and love will sustain the Inhofe family.

NOMINATION OF PATRICIA M. WALD

Mr. LEAHY. Mr. President, I commend President Obama for renominating Judge Patricia M. Wald to serve as a member of the Privacy and Civil Liberties Oversight Board, "PCLOB". The Senate unanimously confirmed Judge Wald to this post on August 2, 2012. The President renominated Judge Wald to this position in March, and the Judiciary Committee favorably reported the nomination without objection months ago. During her tenure on this important oversight board, Judge Wald has served with great professionalism and dedication. And next week, she will receive the Presidential Medal of Freedom, the highest civilian honor that the President can bestow.

For the past several months, we have been engaged in a national debate about the ever-growing need for limits on the government's surveillance powers. In the coming weeks, the House and the Senate will consider bipartisan

legislation to rein in those expansive powers in an effort to protect Americans' privacy and to increase transparency and oversight. While I look forward to that debate and consideration of this important legislation, it is urgent that the Privacy and Civil Liberties Oversight Board continue to operate at full strength to safeguard our constitutional rights. The PCLOB has held two all day hearings on these surveillance matters in recent months, and plans to issue an important report to the President and Congress. Judge Wald has been a key participant in these proceedings. Should the Senate fail to confirm her nomination before we adjourn, however, Judge Wald would be forced to step down from the PCLOB at a critical time when the board is conducting its work to evaluate the privacy and civil liberties implications of the Nation's surveillance programs.

Democrats, Independents, and Republicans alike have supported the important work of this nonpartisan board. Unfortunately, a secret objection on the Republican side is needlessly delaying Judge Wald's confirmation. I urge the Senate to promptly confirm this well qualified nominee, so that the PCLOB can carry out its important responsibilities. If a single Republican Senator has a concern about Judge Patricia Wald's impeccable credentials, they should come forward with the reason they are holding up her confirmation.

NATIVE AMERICAN HERITAGE MONTH

Mr. LEAHY. Mr. President, this month, we commemorate Native American Heritage Month. It is an important opportunity to recognize the exceptional achievements and contributions of those in the Native American community. They are an integral part of this country's history, which has been both proud and painful. It is important to stop and reflect on how we as a nation can learn from the past and plan for our shared future as fellow Americans.

It is fitting that in this month we also celebrate Veterans Day. For over 200 years, Native Americans, including American Indians, Alaska Natives, and Native Hawaiians, have served honorably and with distinction in the U.S. Armed Forces. Native Americans have served in every conflict since the Revolutionary War and contribute in disproportionately high numbers to our Nation's defense. No group of Americans has a higher per capita service rate in the military than Native Americans.

One of the most unique and extraordinary contributions was by the "Code Talkers" during both world wars. Using codes based on their distinct languages, these Native American soldiers transmitted orders and communications to troops and allies, which were indecipherable to our enemies. Later