

We need to do more on Ukraine—there is no question about that—and I look forward to working with him and all Senators to do that.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The motion to proceed is withdrawn.

PROVIDING FOR THE COSTS OF LOAN GUARANTEES FOR UKRAINE

The PRESIDING OFFICER. The clerk will report H.R. 4152.

The bill clerk read as follows:

A bill (H.R. 4152) to provide for the costs of loan guarantees for Ukraine.

AMENDMENT NO. 2867

(Purpose: To provide a complete substitute)

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. MENENDEZ, for himself and Mr. CORKER, proposes an amendment numbered 2867.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, is there more that the Chair needs to do?

The PRESIDING OFFICER. There is not on that matter.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at 11 a.m. Wednesday, March 26, 2014, the Senate proceed to executive session, and that notwithstanding rule XXII, the Senate proceed to vote on cloture on Executive Calendar Nos. 581, 582, 583, and 584; further, that if cloture is invoked on any of these nominations, the time until 2:30 p.m. be equally divided between the two leaders or their designees and that at 2:30 p.m. all postcloture time be expired and the Senate proceed to vote on confirmation of the nominations in the order upon which cloture was invoked; further, that following Senate action on these nominations, the Senate proceed to vote on confirmation of Calendar No. 694; further, that there be 2 minutes for debate prior to each vote and all roll-call votes after the first vote in each sequence be 10 minutes in length; further, that following the disposition of Calendar No. 694, the Senate resume legislative session; further, that upon disposition of the listed nominations, the motions to reconsider be considered made and laid upon the table and President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROTECTING VOLUNTEER FIRE- FIGHTERS AND EMERGENCY RE- SPONDERS ACT OF 2014—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 333, H.R. 3979.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 333, H.R. 3979, a bill to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am now here for the 62nd weekly effort to have my colleagues wake up to the threats of climate change. Congress continues to remain sound asleep. I suspect anesthetized by the narcotic drip of polluter money into our veins. But the signs of change around us continue.

These are the Mau Loa monthly carbon dioxide concentrations. We have just passed, again, 400 parts per million of carbon dioxide in the atmosphere. This is the second year in a row this has happened. This year it happened 2 months earlier than last year. So why does it matter that we are at 400 parts per million? What does that mean to anybody?

We have actually gone back and measured where the carbon concentration in the atmosphere has been going way back. We can measure back in ancient ice so we know that for at least 800,000 years, our carbon concentration is between 170 and 300 parts per million. That is a long run for a species that has only been homo sapien for about 250,000 years. That has been a long and hospitable window, during which our species has developed from very primitive hunter-gatherers into the complex people that we are now.

So when you take something like that, the carbon concentration, and you bust out of a range that has sheltered us for 800,000 years, that is not nothing. It is particularly not nothing when you know that carbon dioxide in the atmosphere raises the temperature of the Earth. We have known that since Abraham Lincoln was President. This is not something that is debatable. This is not new news. This is established science for 150-plus years.

We also know—because you can replicate it in the laboratory—that when you put higher concentrations of carbon in the air over seawater, it acidifies

the seawater. If you doubt any of that, you can go out and measure that it is actually happening—the known provable theories, the known principles, I should say. In fact, laws of science are actually manifest in sea level rise from the warming oceans, in warming ocean temperatures, in increased acidification. These are measurements.

As this continues, we continue to do nothing about it, but we let the big polluters continue to spew carbon pollution into our atmosphere. Some of us in Congress are tired of waiting for folks to wake up. This month 31 Senators from every part of the country held the Senate floor through the night to sharpen this Chamber's focus on the threats of climate change. I thank Senator SCHATZ of Hawaii for leading us through this wake-up call, and to Senator BOXER for her leadership of the Senate Climate Action Task Force, and to the Presiding Officer, the senior Senator from Massachusetts, for her enthusiastic participation and support in that effort.

The American people tuned in, tweeting over 54,000 times at the hashtag up4climate in the 24-hour period of this effort. Also, Americans added more than 200,000 signatures to online petitions urging Congress to get with it and do something about this climate problem. The public knows it is a problem and has been pushing us to act now for years.

I have heard it from Rhode Island fishermen who now have to chase their catch further offshore into cooler waters because our coastal waters have warmed. The Presiding Officer has heard it from her Massachusetts fishermen as well. I have heard it from homeowners in South Kingston, RI, whose houses are falling into the ocean as the sea level rises and they encroach further inland into what had for generations been family homes.

Rhode Island does its part to try to address climate change. We are participating in the Regional Greenhouse Gas Initiative, and we are everywhere readying our coastlines for worse storms and higher seas. But the Ocean State cannot do this alone. The health, the safety, the prosperity of the people I represent in Rhode Island's communities depend on national action. We need a national groundswell of citizens and elected officials from every State.

So last week I went to Iowa to share with that State Rhode Island's climate change stories and to listen to Iowans tell me their climate change stories and how it is affecting their communities. I was invited to Iowa by Senator Rob Hogg, who is a passionate defender of the Iowan environment and way of life and a very knowledgeable expert on climate change.

I want to thank him and I also want to thank the Iowa legislature, particularly house minority leader Mark Smith and senate majority leader Michael Gronstal for their warm welcome. I also want to thank my colleague Senator HARKIN and his staff for

their assistance in planning and coordinating my visit.

Farming is not a big deal in Rhode Island. We are not known as an agricultural State. We have farms and we love them. But it is not quite the same as Iowa. Farming is the cornerstone of Iowa's economy. Disruption of agricultural productivity is one of the great climate risks in Iowa. The recent National Climate Assessment draft finds this:

In the long term, combined stresses associated with climate change are expected to decrease agricultural productivity, especially without significant advances in genetic and agronomic technology.

But we do not have to wait for the long term. Iowans are already being hit by extreme weather. In 2013, just last year, 155 science faculty and research staff from 36 Iowa colleges and universities—home State Iowa teachers from their colleges and universities, 155 of them—signed the Iowa Climate Statement, concerning the losses that farmers across the State are already experiencing due to climate change.

I ask unanimous consent that the Iowa Climate Statement be printed in the RECORD following my statement.

Iowa has had 20 Presidential Disaster Declarations since 1990 due to flooding. Damage has been more than \$20 billion. Although no one particular flood can be directly connected to climate change, we know that carbon pollution loads the dice for the extreme downpours that provoke these floods in Iowa and in the Midwest.

I call it the Barry Bonds rule. You do not know which home run was caused by the steroids, but you know for sure he was hitting extra home runs because of the steroids and you can measure that. In 1993 in Iowa, a flood exceeding once-in-500-year flood levels hit Des Moines. Ted Corrigan of Des Moines Water Works told me during my visit that the city's infrastructure was overwhelmed, leaving Des Moines without clean water for more than 2 weeks.

The Des Moines Register reports that Iowa has endured at least 10 so-called 500-year floods since 1993—10 500-year floods since 1993. That includes the big 2008 flood that cost \$10 billion statewide in Iowa.

Doug Newman, the executive vice president at the Cedar Rapids Economic Alliance, told me what it was like to live through that unprecedented flood. Doug explained that in Cedar Rapids, flood levels had never, for as long as they have measured it, exceeded 21 feet. This flood maxed out at 31 feet, 10 feet above the all time previous ever recorded record.

A thousand businesses were flooded. One-fifth of them were lost. More than 1,000 people lost their jobs. So it was tough. But what I saw was Iowans taking action—from college students to business leaders, from activists of the Iowa Citizens Climate Lobby to the conservationists to the Izaak Walton League. Iowans are preparing for the effects of climate change, and they want to see Federal action.

Like Rhode Islanders, they are tired of trying to carry this themselves. Des Moines Mayor Frank Cownie is one of over 1,000 mayors represented on this map all across the country who have signed the U.S. Conference of Mayors Climate Protection Agreement, pledging to meet or beat the Kyoto Protocol targets in their own cities and to press their State governments and the Federal Government—us—to enact meaningful greenhouse gas reductions.

I visited with TPI Composites. TPI Composites has a development and manufacturing facility in my home State, in Warren, RI. They are part of our composites cluster in Rhode Island. But they are also a leading Iowa manufacturer of wind turbine blades. In 10 years, TPI has manufactured more than 10,000 wind turbine blades. So when the Maytag headquarters closed, leaving as many as 4,000 workers jobless in Newton, IA, this helped the town get back on its feet.

If we allow the production tax credit or the PTC to lapse, loss of that tax incentive for wind energy producers will jeopardize the business that TPI has built. So the Iowa State Senate unanimously passed a resolution in January supporting the extension of the production tax credit—unanimously, bipartisan.

There is bipartisan support for the extension of both the production tax credit and the investment tax credit, and we should get that done in this Congress. I also heard in Iowa from Warren McKenna, the manager at the Farmer Electric Cooperative in Kalona, IA. Kalona is a town of about 2,400 people. It has Iowa's first community solar garden, with 25 kilowatts of capacity. For the co-op's 800 owner-members, that 25 kilowatts of energy helps reduce their monthly bills. And for members who have their own solar panels, they also get paid for the energy they add into the co-op's system. And this year, off of those successes, the co-op is breaking ground on an 800,000-kilowatt solar installation, taking advantage of a State solar tax credit that was passed by a Democratic senate and a Republican house and signed into law by a Republican Governor.

This body could learn a thing or two from the Iowa State legislature. It shows what can happen when the polluter money doesn't have a Democratic institution locked down the way Congress has been.

I also visited BioProcess Algae. This is a Rhode Island-based company. The CEO, Timmy Burns, is right here—a Quidnick Islander like myself. They design, build, and operate commercial-scale algae bioreactors. The commercial demonstration project shown here is located down in the southwest corner of Iowa in Shenandoah.

BioProcess Algae uses the wastewater and the waste heat and the carbon dioxide emissions from the nearby ethanol refinery to grow algae. The algae can then be used for animal feed,

can be used for biofuels, and, while it is growing, it eats up the carbon dioxide that would otherwise be emitted to pollute the atmosphere. Here in Shenandoah, American ingenuity is turning carbon pollution into economic opportunity.

I also visited this wind turbine. This is the base of a wind turbine. This is the stairway up into where you can go inside to serve it. You can see it is pretty big. There is the arc of the round steel base, and it towers up hundreds of feet. I think the blade diameter was 160 meters. It is a pretty serious-sized wind turbine. It is located in one of five wind parks which have a combined 500 wind turbines that are operated by a company called MidAmerican Energy.

Thanks to pioneering companies such as MidAmerican, and to the State tax incentives that encourage these projects, more than a quarter of Iowa's electricity is generated by wind. They are leading the country. More than a quarter of their electricity is generated by wind. It measures in the gigawatts. That is a lot of wind power. And they love it. The farmers get paid for having the wind turbine on their farm. If you look—I don't know how well the camera can see this—this is the turbine itself, the stand that it rises up on, the column. That is the doorway into it. We are standing on a gravel sort of service road ring around it so that equipment can be pulled up to it for maintenance purposes. But look right here. That is not too far away. That is maybe 25 feet. They are farming right up to 25 feet away from this thing. So you farm and you get paid for having the wind turbine located on your farm. It is a wonderful two-fer.

The conclusion I drew from all of this—from the exciting new types of energy being grown from algae, from the huge commitment to wind, from the audiences that came out and expressed their support for getting stuff done on climate, for the bipartisan support from so much of this clean energy stuff—is that Iowans have awoken to the threat of climate change. And that is important. Because Iowa plays a key role in our politics. Iowa helps determine which issues our Presidential candidates will be judged on. In 2016, I will bet that Iowans are going to insist they all address carbon pollution and they are not going to accept a lot of nonsense denial out of those candidates.

In fact, I believe if the Republican Party tries to nominate a climate denier for President, they are in big trouble. Of course, the carbon fuel-funded denial machine will do its best to change the subject, to muddy the waters, to create doubt, to use its anonymous dark political money to keep candidates quiet. But all the money in the world can't change the fact that Iowans know, just like Rhode Islanders do, that climate change is real. And those Iowans are going to put those Presidential candidates on

record. If you are a denier, good luck in Iowa. Iowans see the changes taking place and they are speaking up. Farmers in Iowa and fishermen in Rhode Island may be miles from each other geographically, but they both see in their lives around them the facts of the changes that are already happening.

The time to sit on the sidelines is over. If we fight hard, if we are willing to have this fight, I am confident we can do a strong climate bill in Congress and soon—a climate bill that will strengthen our economy, because it will; a climate bill that will redirect our future, as it must; a climate bill that will protect our democracy, because the pollution of our atmosphere and oceans that the carbon polluters are doing is matched by the pollution of our democracy that they are doing with their dirty and anonymous money; and finally, a bill that will honor our duty to the generations that will follow us, because each American generation takes that duty as a very high duty. Right now we are dishonoring that duty and we are not leaving for future generations the kind of country we should.

I went recently to Ukraine. I met with one of the leaders of the Ukrainian freedom movement. His name is Vitali Klitschko. If you are a boxing fan, you know who Vitali Klitschko is because he is a huge guy who was the world heavyweight boxing champion for years, and he has now thrown himself into the struggle of Ukraine for freedom; first of all, freedom from Russian influence and control, and more recently freedom from the oligarchs who basically robbed the country blind but were finally run out after that long bloody siege at the square in Kiev, the Maidan.

Vitali has an interesting phrase that he uses. Because when he started this fight, it wasn't the least bit clear that anybody could win this thing. The oligarchs are billionaires. They have immense resources at their disposal. And they keep stealing, so there is always more. And, of course, the Russians are right there with their baleful influence, trying to make sure there is as little freedom and opportunity as possible and to keep Ukraine under their thrall. Those are some powerful forces. So people would ask him: Can you win? And he had a very simple answer. I can't imitate the good Slavic accent, and I can't imitate the basso profundo voice of a man that big, but his phrase was memorable: No fight, no win.

Well, we have had no fight in us for too long on climate. It is time to put some more fight into this thing, because I think on climate the opposite is true. This isn't a no-fight, no-win situation. This is a "if we fight, we will win" situation. The facts are there. The public is ready. There is nothing between us and doing our duty other than the barricade of lies, the polluter-funded denial beast that is out there shopping their nonsense, and we can

outdo them. It doesn't take much. Because, among other things, it is always easier for the truth to win over a lie. You just have to be willing to go out there and have that fight. So we have to wake up. When we do, we will win. I am more confident than ever, having been back from Iowa.

There being no objection, the material was ordered to be printed in the Record, as follows:

IOWA CLIMATE STATEMENT 2013: A RISING
CHALLENGE TO IOWA AGRICULTURE

Our state has long held a proud tradition of helping to "feed the world." Our ability to do so is now increasingly threatened by rising greenhouse gas emissions and resulting climate change. Our climate has disrupted agricultural production profoundly during the past two years and is projected to become even more harmful in coming decades as our climate continues to warm and change.

Swings from one extreme to another have characterized Iowa's 2013 weather patterns. Iowa started the year under the widespread drought that began in 2011 and persisted throughout 2012. But the spring of 2013 (March-May) was the wettest in the 140 years of record-keeping, creating conditions that hampered the timely planting of corn and soybean fields. During those months, sixty-two Iowa counties experienced storms and flooding severe enough to result in federal disaster declarations.

By mid-August, very dry conditions had returned to Iowa, subjecting many of the state's croplands to moderate drought. These types of weather extremes, which are highly detrimental to Iowa's crops, were discussed in our 2012 Iowa Climate Statement, where we also noted that globally over the past 30 years extreme high temperatures are becoming increasingly more common than extreme low temperatures. In a warming climate, wet years get wetter and dry years get dryer and hotter. The climate likely will continue to warm due to increasing emissions of heat-trapping gases.

Climate change damages agriculture in additional ways. Intense rain events, the most notable evidence of climate change in Iowa, dramatically increase soil erosion, which degrades the future of agricultural production.

As Iowa farmers continue to adjust to more intense rain events, they must also manage the negative effects of hot and dry weather. The increase in hot nights that accompanies hot, dry periods reduces dairy and egg production, weight gain of meat animals, and conception rates in breeding stock. Warmer winters and earlier springs allow disease-causing agents and parasites to proliferate, and these then require greater use of agricultural pesticides.

Local food producers, fruit producers, plant-nursery owners, and even gardeners have also felt the stresses of recent weather extremes. Following on the heels of the disastrous 2012 loss of 90% of Iowa's apple crop, the 2013 cool March and record-breaking March-through-May rainfall set most ornamental and garden plants back well behind seasonal norms. Events such as these are bringing climate change home to the many Iowans who work the land on a small scale, visit the Farmer's Market, or simply love Iowa's sweet corn and tomatoes.

Iowa's soils and agriculture remain our most important economic resources, but these resources are threatened by climate change. It is time for all Iowans to work together to limit future climate change and make Iowa more resilient to extreme weather. Doing so will allow us to pass on to future generations our proud tradition of helping to feed the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Madam President, I am here to express my support for S. 2124, which expresses the American people's support for the sovereignty, integrity, democracy, and economic stability of Ukraine. I also support the Senate taking up a modified version of H.R. 4152 so we can get this measure to the President's desk—something we should have done weeks ago.

I thank and praise Majority Leader REID for his commitment to this issue, his fortitude, and his patience—as well as our colleagues Senator MURPHY, the head of the subcommittee of the Foreign Relations Committee, and my colleague from Connecticut and Senator MENENDEZ, along with Senator MCCAIN, whose leadership in spearheading this measure has been so instrumental.

I believe the people of Ukraine need and deserve the opportunity to determine their own future. This goal is not an exceedingly ambitious one. It is hardly novel. It is the universally accepted principle that forms the basis for the sovereignty of all nations.

Together with our European allies, the United States has encouraged Ukrainians to stabilize their country and hold elections this spring. We have taken these actions not to bring Ukraine closer to the European fold or separate it from its historic ties to any of its neighbors but to affirm the principle of human rights, freedom, and sovereignty, which is the bedrock of our own national security and ultimately the security of our global order and the rule of law.

Russia's territorial expansion into Crimea destabilizes and calls into question the security of Russia's neighbors from Finland to China. Who will be next? What pretext and implausible denials will Russia use next time? Who knows, other than Putin and his inner circle.

The United States needs a productive working relationship with Russia, and the world relies on us to be the one nation that can always be counted on to speak clearly and honestly about world events. Ukraine's deep internal division and chronic economic challenges are exacerbated by Russia's less than neighborly interests.

I support targeted individual sanctions already put in place by the President. I thank him for his leadership. We will vote on those this week. But we and our European allies must do more. These measures must be the beginning, not the end. What we do on this measure is a start, a good step in the right direction, but it must be accompanied by additional action—not

just words or rhetoric on the floor of the Senate but action that speaks louder than words, sanctions that bite, just as the sanctions on Iran had their effect and brought Iran to the table.

Two years ago I worked successfully with my Senate colleagues on the Helsinki Commission to impose sanctions on government officials in Russia who were complicit in the murder and coverup of Sergei Magnitsky, a Russian lawyer and auditor who died in a Moscow prison after investigating fraud. This law serves as good groundwork and a framework for expanding these types of individually targeted sanctions, which should include travel and banking restrictions on anybody inciting violence and anyone who profits from the theft of state assets.

I believe the legislation before us is an important matter of national security, and we should delay it no further. We have taken a week with extraneous amendments, and delay and time do not strengthen our hand.

The fact is, as we have seen with Iran, we will need strong and strengthening sanctions on Russia to have real effect. This first step must be followed by more, and maybe equally important we need close cooperation with our regional allies to create a really effective deterrent so the Russians know their unilateral seizure of Crimea is condemned by all law-abiding nations and we are taking positive steps to isolate Russia.

Russia's attack ought to be an alarm to the harm of Russian arms exports and military expansion that have brought effects globally and should be a focus of ours and international efforts countering Russian expansion. That expansion takes place at the expense of its neighbors, also sovereign nations, and at the expense of more than 140,000 civilian casualties.

To my dismay and to the sadness of much of the international community, Russia remains the largest arms supplier to the Syrian Government. Russia is a chief obstacle in achieving meaningful progress toward a peaceful resolution in Syria, and they have undermined progress in Geneva, obstructing or watering down efforts at the U.N. Security Council and a variety of international forums to bring humanitarian relief so desperately needed within Syria and in the refugee camps.

The Senate should take meaningful action to sanction Russia's arms exporters. These companies and individuals who benefit from contracts, both for the fuel they provide to the civil war in Syria and the takeover of Crimea, truly deserve not only our condemnation but action. That is why I am cosponsoring an amendment with my colleagues, Senator CORNYN and Senator COATS, to take exactly such action and why I introduced the Syria Sanctions Enhancement Act of 2013, which would create comprehensive sanctions against anyone who finances the murderous actions of Bashar al-Assad or sustains his military.

I have also written the U.S. Department of Treasury urging them to take action against Russian banks that have undermined U.S. sanctions by facilitating transactions with the Syrian Government. That is right—Russian banks facilitating actions with the Syrian Government. Sanctions on them can have an effect because their activities have reportedly included facilitating payments for S-300 missile batteries, Assad's personal offshore funds, as well as payments for crude oil. In my view, these institutions—Russian banks, the financial structure of Russia—are complicit in prolonging the brutal conflict in Syria and should be barred from the U.S. financial system.

Secretary Kerry said in February:

Russia needs to be part of the solution, not contributing so many more weapons and so much more aid that they are really enabling Assad to double down.

As the majority leader has said, we need to act quickly on the legislation before us. But let's begin and let this action be the beginning of the Senate working together on a bipartisan basis to push back against Russian adventurism and aggression in all its forms, whether it is in Crimea or Syria, and the institutions—financial, energy, and otherwise—that support those efforts. I look forward to joining with my colleagues in those efforts and approving this important measure.

GM CALL FOR ACTION

Madam President, there is no question at this hour on the Senate floor that serious and severe defects in the ignition switches in General Motors vehicles have caused at least 31 crashes and 12 deaths. That tragic loss of life—not even counting the damage to cars, resulting in economic loss, and the injuries to people, resulting in suffering and emotional pain—is part of a situation that calls for action. These defects meant that in a car going full speed down the highway, simply bumping or weighing down the key in the ignition could cause the engine to shut down—as well as disabling the airbags.

That situation has prompted leadership on the part of a number of my colleagues, and I want to thank Senator MARKEY for his legislative proposal on NHTSA, Senator MCCASKILL for her convening a hearing of our consumer protection subcommittee of the commerce committee, as well as others who have taken action to criticize General Motors.

There is also no question, as the New York Times reported this past Saturday, that GM was aware of that situation—those problems with the switches—as early as 2001. That was 8 years before GM went into bankruptcy. The old GM and the new GM were separated. Now the Department of Justice is investigating whether GM committed fraud when it did not disclose those defects in the context of its 2009 bankruptcy.

I have been a Federal prosecutor, and I can tell you about people who have

been prosecuted very severely for lying to banks or lying to the Federal Government—lying to banks when they got a loan sometimes for as little as a couple of thousand dollars and false statements to the Federal Government in connection with a seemingly small matter.

At the time it went into bankruptcy and then emerged, GM signed a document—section 6.12—entitled “True and Complete Disclosure,” and it said to the Federal Government that in return for not a couple of thousand dollars, not even a couple million dollars, not a couple of billion dollars, but tens of billions of dollars, more than \$40 billion—I am quoting:

There is no fact known to a Responsible Person of any Loan Party that, after due inquiry, could reasonably be expected to have a Material Adverse Effect that has not been disclosed herein.

It also said that the documents that were submitted to the U.S. Government at that time “do not contain any untrue statement of material fact or omit to state any material fact necessary to make the statements herein or therein.”

And that section is replete with other representations that now pretty clearly were false because those defects and the role of those defects in causing the crashes were known to GM. It knew also that those defects and the death, injury, and damage seem almost certainly then and now to be a material fact and have a material adverse effect on that agreement.

Well, when GM was restructured in 2009, it was split into an old GM, which took most of the bad assets, such as GM's closed-down plants, and the new GM, which took the good assets. Old GM took the liability for accidents that occurred before the bankruptcy, effectively granting the new GM a shield from responsibility but not a shield from criminal liability. That is why the Department of Justice investigation is so critically important in holding GM officials and GM itself responsible.

Although some prebankruptcy claims have been settled, they have a greatly reduced pool of money to draw upon so that the potential claims on the part of those 12 families whose loved ones perished, not to mention the injured parties who are due money for their suffering as well as economic loss and others who may have claims—all those claims will be without recourse unless something is done.

Let's be clear about the 2009 bankruptcy. It was not the kind of reorganization that involved Manville, where a fund was created with a trustee. That kind of reorganization is a way that bankruptcies are often pursued. This was a sale of assets. It was fast and easy because the government wanted it so. And, of course, the old GM and the new GM—GM officials, shareholders, everyone interested—wanted it to be so.

I was serving as attorney general of Connecticut at the time, and I warned

that this bankruptcy agreement would leave many injured victims without recourse. I led a group of eight State attorneys general in warning the Federal Government—which supported and sponsored the bankruptcy plan—that the situation we see now would come to pass. I don't take a lot of satisfaction in knowing that now we have learned the real facts GM concealed then. I don't take any satisfaction in the potential denial of what is due to the victims of GM's concealment, not to mention its reprehensible and potentially illegal failure to repair those defects rather than conceal them. But, unfortunately, that is what has happened.

Due to GM's failure to disclose that known defect in its vehicles and facts that will continue to come to light in this investigation, everything suggests that this failure to disclose was, in fact, deliberate, fraudulent concealment of information from consumers and from government officials. That is criminal, and that is why the Department of Justice is investigating.

As we stand here, we may be too early to reach conclusions but not too early for the Department of Justice to make things right and for GM to do the right thing.

Yesterday I sent a letter to Attorney General Eric Holder. I told General Holder respectfully that I believe the Federal Government has a moral if not a legal obligation to take certain steps to protect innocent consumers, and I requested that he give it his personal attention. I do that again today—make that request—and urge his personal attention.

Although consumer victims may be barred from seeking relief before the bankruptcy court, the Department of Justice can take steps now in the context of this criminal investigation that could greatly help people who have been injured—innocent victims who were driving that car down the freeway or on a country road when the ignition was bumped, when the key ring had too many keys and their car stopped, the airbag failed to operate, and some died.

I requested the DOJ to have GM establish a fund to compensate injured consumers. It is a civil remedy that can be done as an interim step in a criminal prosecution. The Department of Justice has the authority to request many kinds of relief, and in light of the continuity of personnel between the old GM and the new GM, this kind of remedy would be absolutely appropriate for the new GM and it could simply allocate some of its assets. And fortunately it is doing well. No one begrudges GM its success. We welcome its profitability. But it can do what is right and use some of those profits to correct this wrong.

If necessary, the Department of Justice also could enter into a deferred prosecution agreement, as it did recently with Toyota, and it reached a settlement there of \$1.2 billion.

There is also a precedent for criminal investigations of this nature being re-

solved by settlements in the BP oil spill in the Gulf of Mexico. A \$4 billion criminal settlement was distributed among groups working to mitigate the spill's effects and prevent future problems, including the National Fish and Wildlife Foundation, which has done great work, and the Oil Spill Liability Trust Fund.

If such a settlement were reached here, there should be priority on ensuring that funds compensate consumers who suffered the worst losses—the loved ones of people killed as well as the innocent victims who were injured or suffered economic loss.

In addition to the fund, I also requested that the Department of Justice intervene in pending civil actions to oppose GM's effort to deny knowledge or responsibility for damage. What GM has done is to remove State court cases to Federal court and then asked for a transfer to the bankruptcy court, all the while knowing that the bankruptcy proceeding cannot be reopened, and in any event the old GM has vastly insufficient assets to satisfy any real judgment.

I believe there are answers here that will satisfy fairness and justice and enable GM to live up to the integrity and image that befits them. I believe that the Department of Justice, or another consumer protection agency, must ensure that consumers are aware of the potential dangers in this continuing defective series of vehicles, including the Cobalt, the Saturn, and other models over those same years.

I would never let one of my children behind the wheel of one of those cars without a major repair. I don't know that anyone else should—or anyone driving themselves—be behind the wheel of these cars.

When a large national company such as GM markets a product, they have a responsibility. They have a moral and legal responsibility to ensure that the product is safe. When one of those companies—any company—becomes aware of safety issues, it has a responsibility to disclose them.

I joined a bill—with the leadership of Senator MARKEY—that would require better, faster disclosure by NHTSA, and I will speak on another occasion about the lapses in responsibility on the part of Federal watchdogs who failed to protect the public, failed to detect a pattern of problems in these cars, and failed to blow the whistle.

GM has its own responsibility, and I know that a new era of leadership at GM under a new leader may mean a new day in its acknowledging its moral and legal responsibility, and I hope for that new day.

The innocent victims of defective cars suffered life-ending and life-changing injuries. Many of them could have been avoided but for the purposefully misleading and deceptive conduct by GM. Our responsibility now is to see that justice is done either through ensuring that compensation is made available or through appropriate criminal

enforcement or both. The criminal law, as we know in this body, is a means of seeking justice, and it can provide a good outcome if it is properly framed and enforced.

I thank the Presiding Officer.

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

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

TRIBUTE TO JEAN M. MANNING

Mr. DURBIN. Mr. President, I congratulate Jean Manning on her retirement from the Senate and thank her for her 21 years of dedicated service. Her wise counsel will be missed in the Senate. That is why the Senate recently passed S. Res. 391 designating Jean Manning as Chief Counsel for Employment Emeritus of the United States Senate.

Jean grew up in the heart of Chicago and received three degrees from the University of Illinois—a B.A., an M.B.A., and a J.D. While pursuing her law degree, Jean was a member and the articles editor of the University of Illinois Law Review and was awarded the Rickert Award for Excellence in Legal Writing. Not forgetting where she came from, today Jean remains very active at the University of Illinois, where she is a member of the University of Illinois Foundation and of the College of Law Board of Advisors, serving as president at one time.

In the early 1990s, Congress as a workplace underwent a sea change when all major employment laws became applicable. In 1993, following a nationwide search, Jean was tapped to establish and manage the Office of the Senate Chief Counsel for Employment. She and her staff helped guide Senate offices as these employment laws were implemented and has continued to assist our offices to this day. Jean has counseled Senate offices to ensure compliance with the Equal Pay Act, the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act and many other laws. It was her responsibility to see that Senate offices understood and followed employment laws so that Senate employees have the rights and protections the laws provide.

To Jean's credit, the Office of the Senate Chief Counsel for Employment