

RECOGNITION OF THE MAJORITY LEADER

A LONGSTANDING TRADITION

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I thank very much the Senator from Maine, Mr. KING, for his fluent reading of President George Washington's Farewell Address, a message to the American people at the close of his great Presidency—the first Presidency.

The annual reading of the farewell address is one of the Senate's longstanding traditions. The custom began in 1862 as a commemoration of the 130th anniversary of President Washington's birth. It was intended to boost congressional morale during the Civil War.

As then-Senator Andrew Johnson—by the way, I have a great painting of President Johnson in my office. I always tell people who come to my office to contrast that with the statue of President Johnson when he was Vice President. I have the good fortune of having Andrew Johnson's desk at the time Lincoln was assassinated. I have that beautiful piece of furniture in my office. It is stunningly beautiful. I haven't had a chance to talk about that before, so I took this opportunity.

As then-Senator Andrew Johnson of Tennessee said before the first recitation of the address:

The time has arrived when we should recur back to the days, the times, and doings of Washington and the patriots of the Revolution, who founded the government under which we live.

In 1888—the 100th anniversary of the Constitution's ratification—the Senate then observed the ritual, and every year since 1896 the Senate has marked Washington's birthday, honored his legacy, and recurred back to those who founded the government under which we live, as we did today with the reading of Washington's Farewell Address.

As Senator KING mentioned, President Washington prepared the address with input from James Madison, America's fourth President, as well as Alexander Hamilton, the Nation's first Treasury Secretary. Similar to our Nation's founding documents, including the Constitution, the Farewell Address was a collaboration between the great minds of our country's formative years. Each year, for 118 years, the Senate selects one of its Members, alternating parties, to deliver these val-
edictory remarks.

I am pleased the Senator from Maine, an avid student of history—and he truly is—was able to carry on this important tradition today. Senator KING has delivered unique aspects of history to our caucus and, of course, on the Senate floor he has no parallel to his being able to pinpoint times of history. I admire him very much, as we all do.

With this bipartisan custom of honoring our Nation's founder fresh in our minds, the Senate embarks on a fresh work period today. I hope this session will be marked by a tone of coopera-

tion. Washington's collaboration with Madison and Hamilton, among others, is proof enough that when patriots collaborate with the country's good in mind the product is vastly improved. Too often over the past few years our two parties have found themselves working at odds instead of pulling together for a common purpose. I hope to change that this work period.

In addition to considering a number of important nominations, the Senate will consider legislation that should draw overwhelming support from Members of both parties, a bill sponsored by the Senator from Vermont Mr. SANDERS which expands health care and benefits for our Nation's veterans.

I also hope Democrats and Republicans will work together to pass the child care block development grant bill this period. It is bipartisan in nature, and I think it should pass. This measure ensures working families have safe child care options, protecting both children and working parents. This bipartisan bill, as well as the veterans measure we will consider this week, will offer an opportunity for Democrats and Republicans to find common ground and work together.

COMPREHENSIVE VETERANS HEALTH AND BENEFITS AND MILITARY RETIREMENT PAY RESTORATION ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 301, S. 1982.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: Motion to proceed to Calendar No. 301 (S. 1982) to improve the provision of medical services and benefits to veterans, and for other purposes.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, if any, the Senate will be in a period of morning business until 5 p.m. Senators, during this period of time, will have an opportunity to speak for up to 10 minutes.

At 5 p.m. this afternoon the Senate will proceed to executive session to consider the nomination of Jeffrey Meyer to be U.S. district judge for the State of Connecticut. At 5:30 p.m. there will be a cloture vote on the Meyer nomination, and there will be additional votes on nominations this evening.

MEASURE PLACED ON THE CALENDAR—S. 2024

Mr. REID. Mr. President, it is my understanding S. 2024 is at the desk and due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2024) to amend chapter 1 of title 1, United States Code, with regard to the definition of "marriage" and "spouse" for Federal purposes and to ensure respect for State regulation of marriage.

Mr. REID. I object to any further proceedings with respect to this legislation.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Maine.

HISTORY OF WASHINGTON'S FAREWELL ADDRESS

Mr. KING. Mr. President, it was a great privilege for me a few moments ago to read George Washington's Farewell Address for a number of reasons; one, we learned in doing a little research on this practice—which as the majority leader indicated goes back more than 100 years—that the last Senator from Maine to read President Washington's Farewell Address was Senator Ed Muskie, who read it on this floor exactly 50 years ago. The last Senator to read before him from Maine was a freshman Senator in 1949, one Margaret Chase Smith. So if you believe that I am honored and humbled to be following in those footsteps, you would be correct. This is one of the seminal documents in American history. It really ranks with the Federalist Papers, the Declaration of Independence, and the Constitution itself. As the majority leader indicated, it didn't simply spring from Washington's mind. It actually has an interesting history. It was originally drafted in 1792, at the end of Washington's first term, when he intended to retire. He kept wanting to retire all the way from the end of the Revolutionary War, and the public kept calling him back into service.

The first speech in 1792 was drafted by James Madison, who was the father of our Constitution. Madison, Hamilton, and Jefferson convinced Washington that he couldn't leave at the end of his first term because there was too much going on in the country. The country was still in its very formative years, and patriotism required him to stay for a second term, which he reluctantly did.

This speech was delivered in September of 1796—at the end of Washington's second term—and was based upon the original Madison draft, edited and updated by Alexander Hamilton. I don't know about others, but I wouldn't mind having Madison and Hamilton be my ghostwriters—two of the greatest minds in American history and minds which didn't always agree about all the principles of what the country should work toward, but they agreed to work with Washington on this remarkable address.

I would like to take a moment to talk about Washington's importance. I used to teach about leadership, and one of the fundamental principles I used to pound into my students was that execution is as important as vision—that

having a good idea and a concept is not enough; it has to be executed well in order to take root and actually achieve the benefits that are intended.

Washington was the execution of the vision of the Constitution. When he took office, there was no United States. There was an idea, there was a vision, there was a concept, but how it was actually put into practice was so much in the consequences of Washington's decisions on a day-to-day basis, starting with only running for two terms, starting with when they asked him what the President should be called—and, of course, in Europe it was “Your Excellency” and all these fancy titles—and he said: “Mr. President” is the proper appellation for an executive in a republican form of government. But Washington was essential to the success of this country because of his role as the person who did the executing of the vision embodied in the Declaration of Independence and the Constitution.

The speech itself is amazing. In many parts, it could have been written last week. Several things come through to me very quickly.

One is his wonderful, inspiring, powerful, passionate commitment to public service. He talked about his humbleness, his patriotism, his feeling of duty in order to serve his country. Next, he is passionate about national unity, and indeed his comments foreshadow the Civil War. He talked about regional differences and the importance of unity not only to the country as a whole but as benefits to the regions themselves. He talks about the North and South and the East and the Atlantic. He is presaging the arguments of the 1830s, 1840s, and 1850s that led to the attempted dissolutions of the country and passionately argued for the importance and significance not only as an abstract principle but in a very material, concrete interest, how important union was.

Of course, as one of the two Independents in this body, it would be unbecoming for me to dwell at too great length on his imprecations about the dangers of party to our society. I will let those speak for themselves. But he was very worried about what he called factions and later on in the address actually refers to them as “parties.”

He also talks about the dangers of concentration of power and the usurpation of power by one branch or another of the government—again, a fundamental principle and a realization of the important role the Constitution played in dividing powers between what he calls the segments of the government.

I think one of the aspects that comes through in this document, as it comes through in the Federalist Papers—which is the other sort of seminal explanation of how our government came to be and what the thinking is—is a brilliant in-depth understanding of human nature. He is talking to the ages in this speech. He is not talking to

the politics of 1796 or the politics of 1800s or the politics of the Revolutionary War; he is talking about human nature and the tendency toward despotism, the tendency toward usurpation, the tendency toward power being accumulated in one place, and that comes through. Often he talks about human nature. I think that was one of the most important and most salient characteristics of all of the founding individuals of this country.

There is a very interesting provision on religion expressly stating that religion is part of our heritage and that morality is part of our heritage. He has an interesting image: How can an oath mean anything if religion doesn't mean anything?

Finally, there is a short but powerful passage about the importance of education. He calls it the “general diffusion of knowledge.” That is public education. The general diffusion of knowledge means everyone, not just the elite. That is one of the secrets of America, the general diffusion of knowledge.

Of course, one that speaks to us today is his admonition to cherish the public credit and not get into debt, and if you get into debt because of a war, endeavor during peacetime to pay off the debt. I think that is something we really need to take to heart and think about, lest our debt swamp us in the future. He uses a phrase I couldn't help but emphasize when I read the speech: that we should not ungenerously throw upon posterity the burden which we ourselves ought to bear. In other words, we ought to pay our own bill, and right now in this country we are not doing that.

He also has a sort of amusing passage about taxes, saying: Nobody likes taxes. They are never fun. They are always inconvenient. But they are necessary. And he talks about how the members of the government have to prepare the public for the idea that they have to pay for those expenditures that are going to be entailed in the pursuit of any governmental enterprise.

Finally, he talks about foreign entanglements, probably the most famous portion of the speech, where he talks about being neutral, the luxury we have being protected by huge oceans, and that we really should avoid foreign entanglements.

Interestingly, on that provision I went back and read the comments. Each time a Senator reads the speech, there is a leather-bound book in which they put their notes, which I am going to be doing in a few minutes. I went back and read the notes of Ed Muskie and Margaret Chase Smith. In 1949 Margaret Chase Smith wrote in her note: I wonder if we should be entering into NATO. This was indeed the first major foreign commitment of American enterprise after Washington's speech. Margaret Chase Smith obviously had second thoughts after she had read the speech here on the Senate floor in 1949.

Finally, this speech is so powerful because it is so fresh and it speaks to us today. My favorite quote from Mark Twain—and there are many, but one which I suspect I will repeat on this floor at least half a dozen times during my tenure here: History doesn't always repeat itself, but it usually rhymes. In this case, what Washington was telling us in the fall of 1796 rhymes. It helps us to think through so many of the issues which are confronting us here today and the wisdom of Washington expressing it. Remember, two of the most brilliant minds of that period—Hamilton and Madison—participated in the drafting of the speech—words well worth remembering, a wonderful contribution to the life of our country.

I thank the majority leader and the leadership for giving me the privilege and the honor to read the speech today on behalf of my colleagues.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ENERGY REGULATION

Mr. MCCONNELL. Mr. President, I spent the morning over at the Supreme Court. I was there to support the plaintiffs in a very important case against overreach by the Environmental Protection Agency. And here is why I say this case is important—not only for Kentucky but for the entire country.

First of all, it involves the all-important question of whether elections actually still matter in our country. I say that because 4 years ago President Obama tried to push far-reaching energy-regulating legislation through a Congress which was at the time completely dominated by his own party. He had a 40-seat majority in the House and he had 60 votes in the Senate. The cap-and-trade bill passed the House but did not pass the Senate. Even with then-Speaker NANCY PELOSI and a Democratic majority leader in the Senate, he just couldn't get the votes to enact the cap-and-trade bill. A Democrat-controlled Congress beat back the President's plan to radically upend energy regulation in our country. They stopped the national energy tax.

Just a few months later the American people rendered a harsh verdict on the Obama agenda in an election wipe-out which the President himself referred to as a “shellacking.” Others have described the November 2010 midterm elections as a national restraining order.

My point is that this should have been the end of the story on the President's energy regulation plan. Instead, it was just the beginning.

The President's base wasn't about to back off from divisive policies just because they couldn't achieve them legislatively. So the far-left fringe pressured the White House to push similar regulations through the back door, to achieve through Presidential fiat what they could not achieve through legislation. That, of course, is what the Obama administration has done. The administration has attempted to use

statutes such as the Clean Air Act to regulate what those laws were never intended to regulate and don't even mention.

The administration itself effectively acknowledges that if it actually followed the plain language of the Clean Air Act in regulating carbon emissions, that would lead to "absurd results." The administration itself said that if they actually followed the plain language of the Clean Air Act in regulating carbon emissions, it would lead to "absurd results."

So here is what the Obama administration decided to do about the absurdity: just unilaterally rewrite parts of the law it didn't like, on its own, without the input of Congress—the branch of government that is supposed to write our laws. This kind of Presidential overreach should concern every Member of this body, regardless of party. From a constitutional perspective, this is a wholly troubling practice which needs to be rectified by the High Court.

But this case is about more than just constitutional theory; it is also about people's lives. Regardless of their constitutionality, the energy regulations imposed by this administration are simply bad policy. Coupled with cheaper natural gas, the administration's regulations have helped foster hardship in many of America's coal communities—hardship which has ruined lives and has hurt some of the most vulnerable people in our country.

In Kentucky these regulations have helped devastate families who haven't done anything wrong—other than to be on the wrong side of a certain set of liberals who don't seem to approve of the hard work they do to support their families.

When President Obama took office, there were more than 18,000 coal jobs in Kentucky. At last count that figure has dropped to less than 12,000—with eastern Kentucky coal employment dropping by 23.4 percent this last year alone.

Let's be clear. These regulations are unfair, and they represent the conquest of liberal elites imposing their political will on working-class Kentuckians who just want to feed their families. That is why I have filed an amicus brief in the case I was referring to. It is on behalf of the Kentuckians who are voiceless in this debate, the families that find themselves on the losing end of a "war" that has been declared on them by their own government.

I held a listening session on these EPA regulations with coal miners in December, and many of their stories were heartbreaking. Listen to what Howard Abshire of Feds Creek had to say:

I say to you, Mister President of the United States . . . We're hurting. You say you're the president of the people? Well, we're people too. No one loves the mountains . . . more than we do. We live here. We crawl between them. We get up every morning and we go on top of a mountain in a strip job in the cold rain, snow, to put bread on the table

. . . Come and look at our little children, look at our people, Mr. President. You're not hurting for a job; you've got one. I don't have one.

I hope the President is listening.

As far as the Supreme Court is concerned, it now has the opportunity to end this latest abuse of the Constitution by the Obama administration. I hope the justices will make the right decision in this case. Either way, I am going to keep fighting. I have already filed a proposal that would allow Congress to have a say in the administration's job-killing regulations.

It is time for Washington elites to think about ways to help, instead of hurt, the hard-working people of eastern and western Kentucky.

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.

The PRESIDING OFFICER. The Senator from Kansas.

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

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

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2037 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. Mr. President, I yield the floor. It would appear we do not have a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FREE SPEECH PROTECTION

Mr. MORAN. Mr. President, along with my colleagues, I have been in places across the country this past week. Most of my time was spent in Kansas, and certainly Kansans had a good opportunity to express to me some of their worries and concerns about what is going on in Washington, DC.

One of the things that has become very dominant in those conversations is the concern that this administration—Washington, DC—that the Constitution, as we learned it, as we were taught in high school government classes, does not seem to be being complied with. The concern is the constant efforts by this administration to do things unilaterally, to put in place executive orders and policies and regulations.

This has become a common conversation. It is pleasing to me that Kansans care so much about the structure of our government, the foundation that was created by the Framers of our Con-

stitution, and they have a genuine concern that the Constitution is being violated. Often the conversation is: What are you doing about it?

The topic I want to talk about today is just one more example. This one has a reasonably positive ending, but I want to highlight something that has transpired in Washington, DC, that started last May at the Federal Communications Commission.

I just learned about this recently, and it became much more of a common topic with knowledge across the country as a result of one of the FCC Commissioners, Ajit Pai, and his opinion piece that appeared over the past few days in national publications.

What we learned was the Federal Communications Commission was considering—in fact, considered, put in place—a program in which they were going to survey the broadcasters they regulate. They hired an outside firm, as I understand it, and questions were prepared that were going to be asked of people in newsrooms across the country.

The pilot program was organized to occur in South Carolina. Among the kinds of questions that were going to be asked in newsrooms across the country by the FCC were: What is the news philosophy of this station? Who decides which stories are covered—whether a reporter ever wanted to cover a story and was told they could not do so.

It seems to me whether you have a conservative or liberal bent or you are down the middle of the road, you ought to have great concern when the agency that regulates the broadcasters decides they want to get into the newsroom to discover how news is developed at that station. That is not part of what the mandate of the FCC is, and it ought to raise genuine concerns from those who care about free speech. It certainly raised those concerns from me.

I came back to Washington, DC, today with the intention of highlighting this issue for my colleagues, making the American people more aware of this tremendous affront to the First Amendment of the U.S. Constitution. The good news is that Chairman Wheeler at the FCC announced just a couple days ago that this proposal, as it included questions about how news was developed, was being withdrawn.

So in part I am here to express my genuine concern about how did we get so far as for anyone at the FCC or their contractor to think this is appropriate behavior for a regulator; and, secondly, I am here to say that I am relieved and pleased that Chairman Wheeler has stepped in to withdraw those kinds of questions.

The argument was made that this is a voluntary survey, but as Commissioner Pai indicated in his opinion piece in the Wall Street Journal, it is hard to see how something the FCC is asking of a regulated broadcaster would be really considered voluntary.

The Commissioner says: Unlike the opinion surveys that many of us receive on the phone or in the mail, in