

about an amendment I am trying to get a vote on to the FAA bill, the Federal Aviation Administration bill, which is before us. This issue is another no-brainer.

Later this morning, I will meet with Captain “Sully” Sullenberger. I think you remember him. He was the “Hero of the Hudson.” He was the one who miraculously landed U.S. Airways Flight 1549 on the Hudson River on January 15, 2009. Because of his incredible skill, he saved the lives of all 155 passengers and crew.

When it comes to safety—safety, in terms of our pilots being able to think clearly and not be suffering from fatigue, who could be better than Captain Sullenberger? I am going to stand with him. I am going to explain the issue that he and I are fighting for.

I first got into this issue—which is safety standards for all pilots—in 2009 when Colgan Airlines Flight 3407 crashed into a home near Buffalo, NY, killing 50 people. After that tragic crash, Senator Snowe and I wrote legislation that updated pilot and fatigue regulations. They had been written originally in the 1940s.

Clearly, there is a lot of scientific research on what happens when you have a lack of rest. We needed to see a new rule. So, because of the efforts of Senator Snowe and me, the Department of Transportation issued a rule in 2011 to ensure adequate rest for passenger pilots, which was great.

Shockingly, they left out cargo pilots. So I am going to show you a picture of two planes—two planes. Look at those planes. They look exactly the same. They share the same airspace, the same airports, and the same runways. But guess what? Because of the disparity in this rule from the FAA, the pilots are not treated the same. Now, passenger pilots cannot fly more than 9 hours in a day, while cargo pilots have been forced to fly up to 16 hours a day. Let me say it again. The rule that came out of the FAA said: If you are a passenger pilot, you can only fly up to 9 hours a day, but if you fly a cargo plane the same size, you can fly up to 16 hours a day. How does this make sense? It is dangerous. It is dangerous. I will show you how. But our top safety board, NTSB, the National Transportation Safety Board, has made reducing pilot fatigue a priority, mentioning it is on their top 10 list of most wanted safety requirements for years.

So follow me. In 2011, we had the rule. The rule left out cargo pilots. Since then, I have been trying, along with colleagues KLOBUCHAR, CANTWELL, and others, to change this. Now, let's look at what Captain Sullenberger has said about this issue. He said it about our bill: You wouldn't want your surgeon operating on you after only 5 hours of sleep or your passenger pilot flying the airplane after only 5 hours of sleep. And you certainly wouldn't want a cargo pilot flying a large plane over your house at 3 a.m. on 5 hours of sleep, trying to find the airport and land.

They are working up to 16 hours without adequate opportunity for rest, so what we say in our amendment is simple: We want parity. We want the same periods of flying time for both pilots.

Now you say: Well, Senator BOXER, have there been any accidents? Yes. Since 1990, there have been 14 U.S. cargo plane crashes involving fatigue, including a UPS crash in Birmingham, AL, in 2013 that killed two crew members.

In that tragedy, the NTSB cited pilot fatigue as a factor. Let's listen to the pilot conversation, which was retrieved after the crash. Let's hear what those pilots, who were exhausted, said to one another. Then, if the Senate does not want to have a vote on this, I am going to stand on my feet until we do because, for sure, one of these planes is going to crash, whether it is in California or Nebraska or Arkansas or anywhere else in this Nation.

Listen to this.

Pilot 1: I mean, I don't get it. You know, it should be one level of safety for everybody.

Pilot 2: It makes no sense at all.

Pilot 1: No, it doesn't at all.

Pilot 2: And to be honest, it should be across the board. To be honest, in my opinion, whether you are flying passengers or cargo, if you are flying this time of day, you know, fatigue is definitely—

Pilot 1: Yeah, yeah, yeah.

Pilot 2: When my alarm went off, I mean, I'm thinking, I'm so tired.

Pilot 1: I know.

Well, let's look at what happened to this plane after this conversation. Just look at what happened to this plane. I think it is important that everybody look at it. It went down. It went down. Now, when that flight went down, I honestly thought: The FAA is going to change. They are going to pass a rule. They are going to make sure that all pilots get that necessary rest. But they did not. They did not. One hour after that conversation I shared with you, Mr. President, this is what happened to that plane.

This dangerous double standard risks lives in the air and on the ground, and it cannot continue. That is why our amendment and our bill, which we base the amendment on, are endorsed not only by Captain Sully but also by the Air Line Pilots Association, the Independent Pilots Association, the Coalition of Airline Pilots Associations, the Teamsters Aviation Division, and the Allied Pilots Association.

Let me just ask a rhetorical question. If we don't listen to pilots, who are in those planes, on what they need to fly safely, who on Earth are we listening to? And yet I can't get a vote on this. So far, I can't get a vote. I am hoping I will. Let people stand in the well and vote against this safety provision, and the next time there is a crash, they will answer for it. Stand up and be counted. We need a vote on this provision. One level of safety for all pilots is one level of safety for the public.

I am proud to stand with Captain Sullenberger and all the pilots in America and the organizations that represent them to say this: If this is an FAA bill, if this is the Federal aviation bill and we have all kinds of goodies and tax breaks and this and that in there—which is a whole other conversation—the least we can do is to stand up for safety. The least we can do is to stand up for safety. I will insist on a vote. I will stand on my feet until I get a vote, and I know the pilots are going to be all over this place today knocking on doors.

The American people don't think we are doing anything for them. We have the worst rating. My friends beat up on President Obama, but he has the same ratings as Ronald Reagan during his time in the same timeframe—same ratings as Ronald Reagan, their hero. We are down in the gutter with our ratings because we put special interests ahead of the people.

Now, maybe there are a few special interests that don't want to pay their pilots enough money, that don't want to give their pilots rest—too bad. They are wrong. They are jeopardizing lives on the ground. It is penny-wise and pound-foolish to have someone suffering from pilot fatigue flying over your home wherever you live in America.

All I want is a vote. I am just asking for a vote. So far, I do not have that commitment, but we are working hard. We are hoping to get it. That is why I came here today, and that is why I will be standing with Captain Sullenberger later this morning—to call for a vote to make sure that after 9 hours of flight, pilots get adequate rest—not after 16 hours—and to make sure there is parity, fairness, and equality between those flying a passenger jet and those flying a cargo jet. The fact of the matter is they share the same airspace, they fly over the same homes, and they deserve not to be exhausted as they maneuver their planes.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NATIONAL EQUAL PAY DAY

Mrs. FISCHER. Mr. President, I rise today to discuss the issue of equal pay for equal work. Today is National Equal Pay Day, and this provides us an opportunity to talk about how we can promote policies that will make life easier and more flexible for American families. It allows us to celebrate the amazing advancements that women have made.

Women have an incredibly positive story to tell. We now hold more than half of all professional and managerial jobs, double the number since 1980. We earn over 55 percent of bachelor's degrees, run nearly 10 million small businesses, and we serve in Congress at record levels.

Some may be surprised to see a Republican speaking out to support equal

pay. My friends on the other side of the aisle have made quite an effort to politicize this issue, claiming that Republicans don't care about equal pay.

I am here to state unequivocally that is ridiculous. Equal pay for equal work is a shared American value. At its core, equal pay is about basic fairness and ensuring that every woman, just like every man, has the opportunity to build the life she chooses.

For over half a century, the Equal Pay Act and the Civil Rights Act have enabled women to make significant economic strides. Any violation of these important laws are illegal, and they should be punished to the full extent of the law. But I believe we can also go further. Congress now has the opportunity to recommit itself to this issue and ensure that these existing laws are better enforced.

Our country is stronger today because women have advanced in the workforce. There are stories of young women who start off at entry-level jobs and rise to the top of corporate ranks because someone somewhere recognized their potential. There are managers and mentors committed to their team. Men and women across the workforce are focused on cultivating strengths and providing thoughtful feedback in areas that need improvement.

Unfortunately, there are also stories of pain, discrimination, and bias. We all have friends and neighbors, sisters and mothers who were treated unfairly at some point in their careers. But silence does not foster progress. I want to help every woman and every man put a stop to unfair pay practices, and this starts by breaking the barriers to open discussion.

Few realize the extent of this problem. In 2003 the University of Pennsylvania conducted a study on how salaries are discussed in the private sector. The survey found that over one-third of private sector employers have specific rules prohibiting employees from discussing their pay with their coworkers. This was reinforced by another survey from the Institute for Women's Policy Research. Roughly half of workers reported that discussing wages and salaries is either discouraged or prohibited and/or could lead to punishment. It went on to note that pay secrecy appears to contribute to the gender gap in earnings.

These studies point to a common problem—one that is fueling anger, resentment, and fear. The American workforce is lacking protections for employees to engage in this open dialogue about their salaries. People are afraid to ask how their salary compares to their colleagues. Meanwhile, current law does not adequately protect workers against retaliation from employers who want to prevent those conversations about their compensation.

If you want to know how your salary compares to your colleagues, you should have every right to ask. This is

as basic as the First Amendment. Ensuring transparency would not only make it easier for workers to recognize pay discrimination, but it would also empower them to negotiate their salaries more effectively.

Wage transparency is not a new initiative. It already enjoys support on both sides of the political spectrum. In fact, both President Obama and Hillary Clinton are in favor of it. But not all transparency is created equal. Earlier this year, the Obama administration proposed a new regulation targeting businesses with over 100 employees. The Labor Department would use this rule to require businesses to submit large amounts of data regarding race, gender, and other statistics to the Equal Employment Opportunity Commission. The administration believes this will end discrimination.

I believe this is just another government mandate that intrudes into the operations of a private business. We can't discount the burden this will put on employers and job creators, and every—every—new regulation creates a new cost. I also have real doubts that this raw data will give the administration what it is looking for. Instead, it does risk presenting a distorted picture of pay data. Moreover, it remains unclear how this information would even identify discrimination. The data does not take into account other factors, including years of experience, education level, and productivity, and they are appropriately used to determine a person's wages.

Looking at big data alone fails to tell the whole story. I am concerned that the rigid compensation structures resulting from the President's proposal could force businesses to provide employees with less flexibility, and that would deal an even greater blow to women. The same is true with the Paycheck Fairness Act. While it is very well-intentioned, it will ultimately hurt flexibility for women to form unique work arrangements, and it will undermine merit-based pay. Instead, we should be empowering both employers and employees to negotiate flexible work arrangements that best meet their individual needs.

I agree we have more work to do on equal pay, but the way we can make meaningful and lasting progress isn't through a misguided Executive action that could hurt women. To make a difference in the lives of working families, we must focus on building bipartisan consensus. I have been working hard to do just that by collaborating with my colleagues and generating support for my bill, which is known as the Workplace Advancement Act.

I believe every American worker should have the ability to discuss compensation without fear of retribution. My legislation breaks down the barriers to open dialogue, allowing employees to ask questions and gain information. Access to this information could enable workers to be their own best advocates and let them negotiate

for the salaries they feel they deserve. Knowledge is power. By freely discussing their wages, workers can negotiate effectively for the pay they want.

My proposal has received the support of almost every Senate Republican and also five Democrats. But as we know all too well, in Washington anything that receives bipartisan support stalls with five words: It doesn't go far enough.

The biggest critics of this plan say that it is too modest. They claim that transparency is only the first step and that a second step would require mandates. But the truth is, meaningful change cannot happen without action, and it cannot happen, colleagues, without compromise. By its very definition, it requires both agreement and accommodation. My bill can make a real difference for American workers, and, unlike legislation that is offered by Democrats, my bill can actually pass.

Others would argue that this change is unnecessary because the right to discuss salaries is protected under existing law. While it is true that certain employees and certain conversations are protected, there is no reason why we can't apply the same freedom to all Americans. As I discussed previously, surveys suggest that over one-third of private sector companies have specific prohibitions in place.

I am encouraged by the support we have already garnered on both sides of the aisle for this bill, the straightforward update to our equal pay laws. It is achievable. We are all here to find solutions that both Republicans and Democrats can achieve for the American people. An all-or-nothing attitude—well, that only prevents progress, and it leaves us with the false choices and stereotypes that have persisted for decades.

Last week I was encouraged to hear Senator MIKULSKI and several other Democrats hold a press conference and discuss the importance of protecting workers against retaliation for discussing their salaries. I agree. Protecting workers who seek this information is a crucial step toward ensuring that women and men are compensated fairly.

With that in mind, I call on my friend from Maryland and any other Members of this body to work together on solutions to this problem. Wage transparency is an area of common ground. Democrats praised the President's Executive order in 2014, and my bill goes further: It protects more American workers. If we are going to make real, meaningful change, we are going to have to work together. We should not let raw politics stand in the way of progress for working women.

Congress has a real opportunity to make a difference for both men and women who work hard every day to provide for their families. Above all, we can help them succeed and prosper in the workforce while being secure in the knowledge they are compensated fairly for their work.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oklahoma.

PARIS CLIMATE AGREEMENT

Mr. INHOFE. Mr. President, I think Senators THUNE and NELSON have done a great job of putting together the reauthorization bill for the FAA. It is something that should have been done some time ago. We are hoping the House will adopt what we have or something close to it because we are getting ready to do this. It is significant.

I want to mention something that people may not be aware of. This month leaders from around the world are going to meet in New York to sign the Paris climate agreement—an agreement that hinges entirely on President Obama's commitments to reduce emissions in the United States.

In Paris, he said: We commit that the United States will reduce our CO₂ emissions somewhere between 26 and 28 percent by 2025.

Of course, that is just not going to happen.

President Obama has three legacies, as his days are now numbered. One of them is to take away people's guns. We all know about Second Amendment rights. Every time something happens, they always try to restrict gun ownership. He still wants to do that. Closing Gitmo is another one. The third one we are trying to survive is his global warming program.

While the President has been working to solidify his legacy on global warming, he has chosen to ignore the reality that the United States will not keep his carbon promises. The document that will be signed on April 22—Earth Day—will soon be added to the president's stack of empty promises on global warming. This has been going on since 1997. While President Obama will undoubtedly issue a press release praising the signing as a "historic" event—he won't even be attending. That should be a good indication that he knows he is not going to be able to do this. He is not even going to be there.

Once again, I want to make sure the international participants are warned that the President's climate commitment lacks the support of his own government and it is going to fail. There is no question about that. I can say that because history has already repeated itself. I have been on the frontlines dating back to the failed Kyoto treaty of 1997. For over 20 years, history has been repeating itself, and I have been on the frontlines dating back to that time.

This is kind of interesting. In 1997 President Clinton and Vice President Gore went to the Kyoto convention. They signed the treaty and they thought: This is great. Everyone is going to have to do cap and trade.

They got back here, and there was a little thing called the Byrd-Hagel resolution. It passed this body 95 to 0. What

did it say? It said: If you come back with the Kyoto treaty and it does one of two things, we will vote against it. That was 95 Members; there were 5 people absent that day.

They said they would not do it if two things were in it: No. 1, if it is an economic hardship on the United States of America, and No. 2, if you come back with a treaty that doesn't treat developing countries the same as developed countries. In other words, if we have to do something in the United States that China doesn't have to do, that India doesn't have to do, that Mexico doesn't have to do, then we will vote against it.

Of course, they came back with something that violated both. So there was never any possibility that it was going to pass, and it didn't. We subsequently rejected four cap-and-trade bills in the following 13 years.

This past year a bipartisan majority in both the Senate and the House spoke again when we passed two resolutions of disapproval formally rejecting President Obama's carbon regulations. There is a little thing a lot of people don't know about called the CRA, the Congressional Review Act. That means if the President tries to do something that is against the wishes of the people through their elected representatives, then you can pass a CRA—Congressional Review Act—that will reject the regulation. So we passed two resolutions formally disapproving what he was trying to do.

So I say to the 196 countries that might show up here: Don't show up anticipating that something is going to happen, because it is not. This isn't even supported by a majority of the Members of the Senate or the House. Congress has continuously shown that the American people don't want the Federal Government imposing harsh penalties like cap and trade to address the highly contested theory of man-made global warming.

The first attempt to enact cap and trade back in 2003 would have cost our economy upwards of \$400 billion a year.

I say to our good friend from Alaska who is the Presiding Officer right now that every time I hear a large figure, I take the current population in my State of Oklahoma—those families who actually pay Federal income taxes—and I do the math. In this case, this would cost in the neighborhood of \$3,000 per family, and of course, as I will demonstrate in just a minute, they will get nothing for that.

In 2003 the first bill that came up would have cost upwards of \$400 billion. This has not been contested, and the numbers aren't much different from what the President is trying to do right now with his Clean Power Plan, which he is trying to do through regulation because he knows it won't pass as legislation.

The Clean Power Plan—the centerpiece of the President's promise to the international community that the United States will cut greenhouse

gases between 26 and 28 percent by 2025—this plan, which attempts to do through regulation what the President was unable to do through legislation, stands on very shaky legal ground.

Most recently, the Supreme Court joined the chorus in signaling to the President that the President's efforts on climate change are dead on arrival. This is the U.S. Supreme Court.

I think we owe it to the 196 countries to let them know that nothing is going to happen once they get here. I think it is nice if they all want to come and tour America and spend their money, maybe take old Highway 66 down through my State of Oklahoma and see what America really looks like. I would love to have them come. But I want to make sure they know that nothing is going to happen in terms of the President's Clean Power Plan or his broader international commitments.

The Supreme Court dealt the President's legacy a major blow when it voted 5 to 4 in February to block the implementation of Obama's Clean Power Plan while it is being litigated by over 150 entities, including 27 States, including Oklahoma, which are filing a lawsuit to make sure this does not happen. So we have a majority of States in America saying: Not only do we not want it, but we are suing them to make sure it is not implemented. There are also 24 trade associations, 37 electric co-ops and 3 labor unions challenging EPA in court. They are all filing these lawsuits, so the Supreme Court comes along and says: Until these are resolved, we are going to stay the regulation.

This decision delays implementation of the rule until the next President and completely upends Obama's Paris commitments. Without the central component of his international climate agenda, achieving the promises he made in Paris is a mere pipe dream. Even with the Clean Power Plan, the United States would fail to meet 45 percent of the promised greenhouse gas emission reductions. Now, with the Supreme Court's stay on these regulations, there could be an even greater deficit. If the Clean Power Plan is overturned, the United States will miss the mark by about 60 percent. Furthermore, the litigation on the Clean Power Plan won't likely get resolved until 2018. That means the regulations will be blocked for at least the next 2 years, as the chart shows.

First, on June 2, the three-judge panel on the DC Circuit will need to hear the case. The three-judge panel will issue a decision sometime this fall, and it will almost certainly be challenged with a request for an en banc review by the entire DC Circuit. A decision from an en banc panel won't come until much later—likely by the end of the year, as we can see on the chart. This decision will almost certainly be appealed to the U.S. Supreme Court. If the Court decides to hear the case, a final decision is expected in late 2017 or 2018.