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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JOE DONNELLY, a Senator from the State of Indiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and ever blessed God, we thank You for Your divine grace that sustains us and for each evidence of Your Spirit's leading in our Nation and world.

Lord, inspire our Senators to walk in Your light, as they grow in grace and develop a greater knowledge of You. Make them this day human channels through which Your love can flow to bring harmony where there is discord and hope where there is despair. Empower them to lift high the lamp of truth to illuminate our Nation and world. Incline their hearts to follow Your leading, knowing that in due season they will reap if they persevere.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOE DONNELLY, a Senator from the State of Indiana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. DONNELLY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NEVADA FIRES

Mr. REID. Mr. President, I returned from Nevada this Sunday. On Saturday I had a briefing by the head of the Forest Service in Nevada. We thought things were going very well with the fires in Nevada, and they were. Progress was being made—limited but progress was being made. But since that time the fires have gotten much worse.

Not everyone can see this, but I have a picture—of course, I didn't get this until early this morning and didn't have a chance to enlarge it so we could put it on an easel—but this is the beginning of the Las Vegas strip. This is downtown Las Vegas. It is called the Carpenter fire. You can see it burning.

It is only about 10 miles from Las Vegas, maybe 12 at the most. We can see Mount Charleston, a 12,000-foot mountain. The flames are shooting above that. We don't get many clouds in southern Nevada, but the smoke cloud here is intense. One of my staff indicated that where she lives it is raining ash. This is a very devastating fire, and the firefighters are doing the very best they can in a very difficult situation.

My thoughts go out to the thousands who have been evacuated from their homes in southern Nevada's Mount Charleston area—I think hundreds

would be a better way to say this. Out where the Carpenter 1 fire is, as it is called, it has burned more than 30 square miles of forest and desert.

My heart goes out to the first responders. They are working very hard in extremely rugged terrain. They are doing a lot in the air with helicopters and large airplanes. A couple of areas have been saved because these firefighters have been able to cut waves so the flames don't jump over into these houses. Yesterday the wind changed, and one of the roads going up to Mount Charleston, Kyle Canyon—it jumped that road, burning there, getting closer to some of the homes we are so concerned about.

Lives have been saved as a result of what the firefighters are doing. They have been working around the clock to contain the blaze and protect their communities. Unfortunately, this is southern Nevada where we had heat last week virtually every day of 112 to 117 degrees. It is hot in Las Vegas without this fire; we don't get much rain. In the entire year we get 4 inches of rain. The summer heat, these dry conditions, and the winds are really working against the firefighters, but they are working very hard.

The progress we were making was erased yesterday. The fire jumped Kyle Canyon Road, as I said, and spread to new forest and new desert land. We thought everyone would be able to return to their homes in Kyle Canyon yesterday, but with the fire having spread the way it did, we hope they can get back in their homes soon. We have had a number of hotels in Las Vegas that allowed people who have been displaced to have free lodging.

As I indicated, smoke can be seen everywhere. We have 2 million people now in Las Vegas. Everybody can see the fire. These flames, one can see them well over the 12,000-foot mountain.

The Bureau of Land Management and the Forest Service are all working with other Federal agencies and State agencies. They are assisting firefighters in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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containing the blaze and helping residents to move.

There is also a fire burning in Reno, south of Reno. It is called the Bison fire. It is the largest fire ever recorded in western Nevada. People have been—especially in the Pipeline Canyon area—urged to evacuate. I am going to continue to monitor both of these fires because they are disasters.

I appreciate all the work done at the State level. My office has extended support to Governor Sandoval to do everything we can to assist the State in anything they need, and I will do everything I can to ensure every Federal resource that is available will be made available to support local officials and fire crews.

There are currently more than 20 active fires in 11 States, including Nevada's neighbors: California—and we all know about the fire in Arizona, but there are others—Oregon, Idaho, and Utah. There are thousands of firefighters working around the clock to save lives and to save property. I will do everything I can, I repeat, to help them.

STUDENT LOANS

Mr. REID. In a couple of hours we will vote on whether to begin debate on our plan to keep loan rates low for students for an additional year. Last month Republican obstruction forced interest rates to double from 3.4 percent to 6 percent for about 7 million college students.

If we fail to roll back this increase, those students will each pile on lots of new debt to get a college education. These rates will be particularly harmful to low- and middle-income families that rely on these Federal loans more than anyone else.

We have the Pell grants, which go to low-income people, but people who are middle class have to do these loans; schools have become so expensive. States have cut back on the support they give to colleges, so this is a very difficult situation.

Students shouldn't suffer because some Senators are standing in the way of that compromise. That is why we have proposed a 1-year extension of last year's 3.4 percent rate. We don't want it to double. The extension will allow us to craft a long-term solution to mounting college debt without harming students in the short term. However, a number of Senators met at my direction this morning at 9 o'clock, and there is progress being made. Maybe we can come up with a compromise. It will be imperfect, like a lot of things that happen legislatively, but it will be a way for us to move forward. The meeting went very well. It was done in Senator DURBIN's office. Democrats and Republicans attended that meeting. I think we are making some progress.

KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 124, S. 1238, Senator REED's student loan bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1238) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following the remarks of Senator MCCONNELL, the time until noon will be equally divided and controlled between the two leaders, with each Senator permitted to speak for up to 10 minutes each.

At noon there will be a cloture vote on the motion to proceed on S. 1238, the student loan bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. For more than a month, I have been coming to the floor to talk about student loan reform. I have said that to an outside observer, this is an issue that should have been an easy bipartisan slam dunk. I have noted that the proposals put forward by both President Obama and congressional Republicans have been strikingly similar. We both agree on the need for a permanent reform, and we agree on the need to help all students and not just some of them. Yet here we are after the July 1 deadline and Democrats are still blocking bipartisan student loan reform.

You have to ask yourself why. It is because they have prioritized politics over helping students. There are basically two different Democratic groups battling for supremacy: a more responsible reform-permanently faction and a more political campaign-permanently faction.

In the first group are the sensible Democratic Senators who agree with both President Obama and Republicans that it is time to finally solve this issue. Washington should actually help students and stop using them as pawns in a political chess match. They support the bipartisan compromise plan put forward by Democratic, Republican, and Independent Senators alike.

Unfortunately, this faction is opposed and outnumbered by the campaign-permanently Democrats. They are the ones whom I suspect would actually prefer to see rates lapse so they can manufacture another campaign issue. To hear the musings of some top Democrats, one would have to conclude that the Democratic leadership is on the side of campaigning permanently and against helping students.

As the majority leader put it a few weeks ago: “[We’re] not looking for compromise.”

Another Democratic Senator in leadership boasted a goal in this debate was to show “the difference between the two parties on a key issue.”

I mean, this is just the kind of thing that makes people so cynical about Washington. Washington Democrats yell and wave their arms about the need for something, and then they appear to do everything possible behind the scenes to sabotage it, apparently so they can manufacture a politically convenient crisis. They are doing it on student loans, and they have been doing it with nominations too.

All week it seems they have been breathlessly telling any reporter who will listen that we have a nominations crisis around here; that Republicans are holding up the President's nominees. It is really laughable.

To hear some of the over-the-top rhetoric, one would think Republicans have blocked all of the President's second-term Cabinet nominees. But then, of course, you would be entirely wrong.

The truth is, since the President swore his oath of office in January, the Senate has confirmed every single Cabinet pick that has been brought up for a vote—every single one of them.

Let me repeat that. Every single one that has been brought up for a vote, all of them have been confirmed. Many of them have been confirmed on unanimous or nearly unanimous votes. Yesterday, the ranking Republican on the Environment and Public Works Committee announced his support for an up-or-down vote on Gina McCarthy's nomination to be EPA Administrator. So there is no question she is going to be confirmed.

It is clear that facts are getting in the way of the Democrats' arguments, which is why they are forced to gin up this fake—absolutely fake—nominations “crisis.” It is why we see them bringing out all the nominees who have been appointed to office either illegally or who are exceedingly controversial. Democrats themselves have delayed consideration of these nominees literally for months—because the majority leader determines the timing—so they could pull them all out of the woodwork at the same time, in the hopes the Senate would reject them.

Democrats are out there daring the Senate to do it. They want it so badly it appears to be their goal. And there is a reason for this. It is because the far-left base seems to be getting fed up with the democratic process. The big labor bosses are sick of waiting for the special interest legislative kickbacks they must feel they are owed, and now they know that altering the rules of our democracy is the only way to get what they want.

This isn't going to work. The facts show the truth, and the truth is that any crisis over nominations is a crisis of Washington Democrats' own making—one they have stirred up intentionally—an absolutely manufactured crisis by any objective analysis.

As of last night, there were 140 nominees pending in various committees.

These nominees are under the control of the majority, not us. And there are a little over two dozen or so eligible for expedited floor consideration, many of whom Republicans have already said we would pass unanimously. Why hasn't the majority leader called for votes on any of these folks? Clearly, if anyone is obstructing here, it is the majority leader, because this whole conversation isn't about making the Senate work better, and he knows it. It is all about his power grab. Well, let me caution him again to think long and hard about what he is doing.

As one of the most senior members of the Democratic Party said yesterday, deploying the nuclear option would mean breaking the rules to change the rules—breaking the rules to change the rules. As the majority leader himself once said, it would “ruin our country.” And we all know why. Once the trigger is pulled, there would be no limit to the consequences, not just for Republicans or for our country but for Democrats too. They should think very carefully about the ramifications for them when a future Republican President makes his own appointments to the Cabinet and to the Federal bench.

Look, we know Senate Democrats are not serious about implementing student loan reform. They have already demonstrated that by blocking just about every bipartisan effort to do so. But on the nuclear option, it is certainly my hope that cooler heads will prevail. I have to believe they will choose the long-term health of our democracy and of their party over what frankly amounts to the narrowest—the narrowest—of short-term political considerations. Pulling the nuclear trigger is not something the history books will look favorably on, and they know it. And, of course, there will be consequences.

When the President was in the Senate back in 2005, and the then-Republican majority was thinking about something akin to this, this is what the President had to say. “If they choose to change the rules and put an end to the democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.” The President was entirely correct.

Senator REID said in 2009, a couple of years ago, “There is no way I would employ the use of the nuclear option. No way.” He said it would “ruin our country.” He said, “It would have destroyed the Senate as we know it.”

Hopefully, that was not then and there is some different standard now. And, of course, we know we had this debate at the beginning of the year. Actually, we have had it at the beginning of the last two Congresses, and the Senate—the occupant of the Chair had newly arrived here—voted on two rules changes and two standing orders, after which the majority leader said, “The rules issue for this Congress is over.”

He gave his word in January of this year. We are waiting to see if that word will be kept.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 p.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURR. Mr. President, I come to the floor today to talk about the future of student loans for America's students. When I say students, I have to define who that is because, as we know, today we have students of all ages.

We have a category of students where a financial impact requirement is applied, such as for a 19-year-old who has entered their freshman year, and depending upon where the income of their family is, under the current system they may get a subsidized loan. The maximum they can receive under that subsidized loan as an undergraduate is \$3,500.

I would be willing to bet the President pro tempore and I both can't pick an institution in any of our States where the tuition on an annual basis is \$3,500. It doesn't happen today, and that is the reality that has been left out of the debate so far. This debate has been all about politics and it has not been about students and how to apply affordability as broadly as we can in the marketplace.

Let me describe where we are today. Between 1965 and 1992 the cap on the student loan program in this country was 10 percent—10 percent. In the mid-2000s, Congress, very politically, said: You know what. We are going to adjust it, and subsidized loans are going to be at 3.4 percent and unsubsidized loans are going to be at 6.8 percent, graduate loans are going to be at 7.9 percent, and if you are a parent borrowing, you are going to have an even higher rate, in the 8-plus percent range.

That strikes me as incredibly unfair. We are taking two undergraduates—two 19-year-old freshmen—entering the same institution with the same financial obligation and we are saying to one: We are going to give you a rate on your student loan that is half of the person who sits in the seat next to you—half. In this chair, the student will pay 3.4 percent, and the student sitting in the chair next to him will pay 6.8 percent. Understand, the parents of the person sitting in this chair,

depending upon the cost of the institution, may have an income over \$100,000. Yet they may qualify for a Federal subsidy.

Let me suggest to you that the marketplace is the thing that ought to dictate and decide what the rate is. That is the only thing that is fair to the taxpayers in this country—the predictability of knowing it is tied to something.

Let me suggest that the bill we are going to take up—and we are going to vote on a motion to proceed at 12 noon today—is a bill that was created in the 2000s. Two years ago we kicked the can down the road and said we are going to extend this inequitable student loan program at 3.4 percent for some, 6.8 percent for others, 7.9 percent, and 8-plus percent for parents. Why? Because we are overcharging some to subsidize others. Let me say that again. We are overcharging some—we are overcharging some 19-year-old undergraduate freshmen in college—at 6.8 percent so they will subsidize the 3.4 percent we are charging on the subsidized loans.

Let me point to a chart I have here which shows undergraduates under the student loan program. This is a comparison. Actually, let me move to a different chart, because this one best displays what I am talking about.

Twenty-six percent of our Nation's kids are undergraduates and are subsidized, and 55 percent of the eligible students are either undergraduates or graduate students who fall under a 6.8-percent interest rate. So when the Senate majority leader came to the floor and said some were upstairs trying to negotiate a deal, he was 100-percent accurate. But the reality is we are still only going to have a vote on one plan at 12 o'clock. There is no option for Members of Congress.

What I would suggest is that this displays why, at best, there should be two options and, at worst, we ought to vitiate the motion to proceed and see if we can come up with another bipartisan agreement.

You see, another option—the Manchin bill—is a bipartisan approach.

It is Democrats and Republicans coming together and saying we can agree on something that we think is fair and equitable and financially sustainable.

But this is the plan we are going to have a vote on at 12. Fifty-five percent of the population of students, quite frankly, are being screwed. They are overpaying. They are paying 6.8 percent for interest, when a home mortgage for 15 years is 3.8 percent. Yet we are charging students 6.8 percent, and we are saying that to go to this is an injustice to our students, where all of a sudden we take 64 percent of the kids and we treat them all alike and we charge them 3.66 percent. Something is inherently wrong in the debate we are having.

If this is about kids and about affordability, this is the plan on which we

should be having the motion to proceed, not this one. This plan merely kicks the can down the road for 12 more months.

Let me say this plan wasn't created by JOE MANCHIN or RICHARD BURR or TOM COBURN or Senator KING or Senator ALEXANDER. This plan was created by the Congressional Budget Office. The Congressional Budget Office in their March 2011 report to Congress came up with the idea of tying the interest rate to the 10-year Treasury bond, except the CBO says it should be the 10-year Treasury bond plus 3 percent. That is what Senator COBURN and I introduced. When Senator MANCHIN, Senator KING, Senator ALEXANDER, Senator CARPER, and others got involved, we decided what we needed to do was continue to have a blended rate. We all agreed that an undergraduate student shouldn't face an interest rate schedule that is not equitable to all undergraduates.

So instead of applying it to 26 percent, we applied it to 100 percent of the undergraduates. We said: If you are an undergraduate in college, we are going to give you the best rate, which is the 10-year bond plus 1.85. It is fair. It is understandable. It is predictable. It is consistent. One year in advance you know exactly what your rate is going to be because it is determined on the 10-year bond every May.

My good friend Senator HARKIN, whom I have great affection for, came to the floor and said we were balancing the budget on the back of the student loan program. The student loan program is a \$1.3 trillion program. Based upon the CBO score on this bill, it had a 0.7-percent surplus. By Washington standards, in a \$1 billion program, 0.7 would be a rounding error. This is a \$1.3 trillion program. Let me assure the President and my colleagues, this is a rounding error. I can't look everybody in the face and say it might not cost us \$100 billion. It might save us \$100 billion. But we are certainly not balancing a \$17 trillion deficit debt on the back of the student loan program. Let me assure you of that, and for any who suggest we are, that is, in fact, disingenuous.

This is the first time I have been accused of balancing the budget on the backs of our kids. But in 2010, as part of the health care reform act, Democrats ended the Federal Family Education Loan Program, FFEL, at a savings of \$61 billion. Of that, the Democrats directed \$19 billion to deficit reduction and the rest to help pay for ObamaCare, the Affordable Care Act.

If I am being accused of balancing the budget on 0.7 percent, determined by CBO, and in 2010 the Democrats voted to eliminate the FFEL Program and save \$61 billion and applied \$19 billion to deficit reduction and the rest to help the Affordable Care Act, then they plowed this ground long before I did.

As a matter of fact, in 2007, as part of the College Cost Reduction and Access Act, the Democrats found \$21 billion in

savings and spent a good amount of it on new programs—and then directed \$1 billion to deficit reduction.

I said earlier, I have great affection for Senator HARKIN. Senator HARKIN said this should be part of the Higher Education Reauthorization Act—that may or may not happen next year.

We made changes to the interest rate on student loans outside of the higher education reauthorization in 2012 with a 1-year extension of the 3.4 percent. We did it in 2010 with the elimination of the FFEL Program. We did it in 2005 under the CCRAA, the Deficit Reduction Act. Senator HARKIN's Appropriations Committee has made changes to the eligibility rules for Pell grants each of the past several years outside of the higher education authorization, including the elimination of summer eligibility, ability to benefit, and lowering of the automatic enrollment for low-income students.

It is not fair to come and say to me that I am doing it outside of higher education reauthorization when there is continually a track record of the person who accused us of doing it of doing it himself.

Mr. MANCHIN. Would the Senator yield?

Mr. BURR. I would be happy to yield.

Mr. MANCHIN. I thank the good Senator for working in such a bipartisan manner. I think this truly is a bipartisan bill.

This bill has been described as belonging to one party or the other, and that is wrong. Senator BURR, Senator ALEXANDER, Senator COBURN, Senator KING, Senator CARPER, and I sat down and looked at how we could fix something. We looked at it from the standpoint that this deadline has hit. One year ago we extended it. They said it was the political atmosphere and we had to extend it. We knew that year would come and, similar to everything else that has happened here for the last 2 or 3 years, nothing gets done. We just said: Enough is enough. It has to be fixed, and if we want to fix it, to understand the program, we have to look at the whole program.

I think now they are making accusations that students are paying profits so we can pay down the debt. Whether there is profit built in depends on the accounting procedures used by our Federal Government. It was built in. You can blame whomever you want to blame, but it is built into it. We have to deal with the facts in front of us.

What I would ask the Senator, all of us have agreed in a bipartisan manner that no profit will be made on the backs of students, what we can determine through the bill we are working on, right?

Mr. BURR. That is 100 percent correct.

Mr. MANCHIN. So we have all come to that agreement—Democrats and Republicans—no profit in debt reduction. It should go to lowering the rate.

Mr. BURR. That is correct.

Mr. MANCHIN. We agreed on that. We have agreed on a long-term fix, 10

years, rather than kicking it down the road another year, knowing another year will come and go and we are probably going to be standing here debating. That is the conclusion we have come to, which is different than what the House sent us. I applaud the Senator for working with us to put in a fixed rate.

So if it is at 3.66 this year and I am able to qualify and I am subsidized at \$3,500 of a subsidized loan the taxpayer will be paying, that 3.66 is fixed for the full life of the loan. We agreed on that, correct?

Mr. BURR. That is correct.

Mr. MANCHIN. So when they say it is a Republican bill or a Democratic bill, that is erroneous. That is not fair. This is truly a bipartisan effort, and we are working with all of our colleagues in my caucus—and I know the Senator is in his caucus—to understand that if I have a subsidized Stafford loan, that means the Federal Government—the taxpayers of this country—will pay my interest while I am in school, correct?

Mr. BURR. That is correct.

Mr. MANCHIN. At the end of that, then I pick up whatever interest rate has accumulated while I was in school, and I take it from that day forward.

What I think a lot of our colleagues don't understand, I can't make it just on that \$3,500. I have to borrow more money. So now, if I go with my colleagues on the Democratic side, if I borrow more money, I have to borrow that at 6.8 percent.

We were able, in a bipartisan way, to bring that to 3.66 percent for all undergraduates, correct?

Mr. BURR. The Senator is correct. I might add to my good friend, this chart shows exactly what we talked about. Under the plan on which we will vote at 12, because of the need for students in the subsidized category to borrow additional money at 6.8 percent, at the end of their process, they owe \$78 a month, where under the bipartisan bill, where every undergraduate is treated the same, they owe \$75. It is actually cheaper, even for the undergrads who are subsidized.

Mr. MANCHIN. So the money I would have to borrow, even though I qualify because of my income for a subsidized loan, I don't have to pay the interest on an annual basis. So by bringing it down to one low rate, I am making much lower payments. So that is less obligation and less hardship on me as a college student to make that lower payment than it would be to make that higher payment.

We want to help the subsidized, very poor kids. I might be poor, but I can't make it on just what you give me because I am poor. I have to have a little more help. Then, on top of that, I want to go to graduate school after I get my college degree. So then I am at 6.8 again. Ours brings it down to 5.21, which is more savings, which I know the Senator agrees to.

If I may ask my colleague from Tennessee, right now we know we have a

consolidated cap at 8.25 percent. Let's say I graduate and I went to school during the high recession times. At the end, I have an 8.75-percent accumulative interest I owe. I can cap that and consolidate at 8.25, correct?

Mr. ALEXANDER. Madam President, if I may respond to the Senator from West Virginia.

First, I wish to congratulate Senators MANCHIN and BURR for helping the full Senate understand this issue. This is similar to a lot of issues we have to face. They are not simple. I used to be a college president and the U.S. Secretary of Education. I had to re-educate myself on this legislation. I still made some mistakes.

I was saying last night, for example, that there were only 2 million subsidized loans. What I was forgetting was the point that the Senator from West Virginia makes, which is that 80 percent of the students who have subsidized loans, the low-income students, also have unsubsidized loans. So when we only take care of these subsidized loans, we are leaving 7 million students with unsubsidized loans out here hanging high and dry, and nobody is taking care of them. So we are hurting both the middle-class families and the low-income families when we have an incomplete solution.

The Senator from West Virginia posed a question. Let's say I graduated from the University of Tennessee and I had two loans; I had a subsidized loan, which means the government paid my interest while I was in college. Typically, if I am similar to four out of five students, I also had an unsubsidized loan, so I accrued that interest. Suddenly the interest rates have gone up for me because the country's interest rates have gone up to 10 percent. What I can do is take all my government loans at once and turn them into an 8.25-percent loan. So that is, in effect, a cap on my loan, and then I would have the choice.

I would say this to the Senators from West Virginia and North Carolina. I have heard some Senators say that when I consolidate my loan at 8.25 percent, that means the student is going to have to pay a lot of interest because it spreads the loan out over a long period of time.

But does not the student have that choice? Isn't it similar to a 15-year mortgage, where you have higher monthly payments, but you pay less interest because you pay it off quicker?

Mr. MANCHIN. I think what they are referring to—and I might have misunderstood, but I think I am accurate on this. Everyone will take the loans for the longest period of time, and I just got out of school so I want the smallest payment. Four or five years out I have a better job. Instead of paying \$150 a month, I can afford to pay \$300 or \$400.

There is no penalty for me to shorten that, as it would be in a conventional market. Is that how the Senator understands it?

Mr. ALEXANDER. Madam President, I ask consent that the Senators from North Carolina and West Virginia and I be permitted to engage in a colloquy for a few minutes.

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

Mr. ALEXANDER. That is how I understand it. I would say to the Senator from North Carolina,—I would presume a graduate of the University of North Carolina would be smart enough to make that decision for herself or himself?

Mr. BURR. I think they would. I think one of the agreements we came to was that students ought to be in control of their decision about their loan rate based upon what is available to them. If students go through the next 4 years and they have a combined interest rate of about 4.5 percent for the life of the loan, why in the world would they be excited at 8.25? If for some reason 10 years from now somebody got out of school and their combined interest rate was 9 percent, we give them the option of going back to 8.25.

I think the Senator from West Virginia made an extremely good point. For the most subsidized students, they can only borrow \$3,500. Think of the institutions that are out there—none of them have an annual tuition of \$3,500. We know they are going to borrow out of the 6.8-percent pot. What we are offering is that the pots are the same and that the subsidy is that—for students who qualify for the subsidy—they are not responsible for the interest rate while they are in school. That subsidy still exists. It is just that we are not overcharging one group and we are certainly not overcharging the ones we just subsidized because they have to borrow more money to complete their college education.

Mr. MANCHIN. To both of my friends, let me say that I graduate from college—no matter what the interest rates are, no matter what they might have been—I graduate and economic times are tough. I find a job that is not what I think my value is, but I find a job at \$40,000—\$40,000. I am married now, and I have a child or two. Don't we have in our bill a protection which has been in place for a long time—both Democrats and Republicans have supported this protection—which is called income-based repayment? By law, I can only pay 15 percent of my disposable income. I think that breaks down to my payment can only be \$142. Isn't that a subsidy too? Wouldn't we be subsidizing that to an extent? I am also understanding that if my economic condition does not improve and that is all I pay, by the end of 25 years it is exonerated. I pay nothing. I am done.

Mr. ALEXANDER. If I could respond to the Senator who suggested that,—the answer is yes. I think it is fair to say that the consolidation option that a student has in case the rates go up,

at 8.25 percent can be called a cap. It is not a hard cap, but it is a cap. And the second cap is the income repayment provision of which the Senator speaks. If you are making \$40,000 a year, after they apply the formula you probably are not spending more than about 10 percent of your income—it is something called disposable income—to pay for your student loan. Loan repayment then continues for about 20 years. If at the end of 20 years you have not paid your loan off, the loan is forgiven.

Any student who has a loan has that opportunity. They can consolidate at 8.25 percent, and income repayment limits the amount they have to pay each year. So they have that.

One of the things I noticed about the Manchin-Burr bill that I would like to ask the Senators to talk about is that you have come up with—what I am beginning to understand, as I study this more and more—a very significant contribution: the idea that all of the undergraduate student loans—which, as I understand it, are about two out of three of the loans—should have the same interest rate. First, it is confusing the way undergraduate loan interest rates are now, but the other reason is that about 80 percent of the people who have subsidized loans, the low-income students, also have unsubsidized loans. So your contribution is to say: Let's simplify it, provide certainty over a long period of time, and treat all undergraduates the same. Otherwise, it seems to me, you are leaving 7 million middle-income students who have unsubsidized loans high and dry, and the 80 percent of the low-income students who also have these unsubsidized loans, you are not helping them either.

I wonder if the Senator could comment on this idea? I notice, without a cap, you are able to get the interest rate for all undergraduate loans down to about 3.66 percent, which is a pretty low rate.

Mr. MANCHIN. Let me say very quickly—and I will use \$10 million hypothetically that is borrowed every year—\$10 billion, \$10 million, whatever you want to use—25 percent of that money goes to the subsidized, just 25 percent. I understand that it is close to about 40 percent of the students who participate in borrowing money, but the volume of money is about 25 percent, one-fourth of the money that is loaned out. So if we are keeping the rates low on one-fourth of the money, that means we artificially have much higher rates on three-fourths of the money students need to get an education.

What we are saying is that we are going to bring a larger majority of that down to the lowest rate. We think it is a good policy that we should be discussing and talking about. That is where we are. That is why we came up with the plan we did, but we reduced all the rates. The PLUS loans I think went from 7.9 to 6.21, yes, and then the graduate loans went from 6.8 to 5.21.

But if you do all of the undergraduate, it would go from 3.4 to 3.66, a quarter and a point—.26.

Mr. BURR. The most significant part is for the undergraduates who were not subsidized, they would go from 6.8 to 3.6.

Mr. MANCHIN. Right. Right.

Mr. BURR. This goes to the heart of what the Senator from Tennessee said. Today the subsidy goes to 26 percent of our students; 55 percent pay the 6.8 rate. Under the bipartisan bill, 64 percent—all undergraduates—get 3.66.

If this is about affordability, if this is about what provides the greatest flexibility for students to afford it, then the answer is clear. It is on the chart. But it also computes in the monthly payments to which students are obligated. The fact is that for a typical student in their first year, taking \$5,000 out, \$3,500 comes from the subsidy—\$5,500 out, \$3,500 comes from the subsidy, \$2,000 comes from the 6.8 rate.

Mr. HARKIN. Will the Senator yield for a question.

Mr. BURR. I will be happy to yield for a question.

Mr. HARKIN. I just want to ask—I am sorry, I couldn't see the chart from the other side, so I came here. On the undergraduate student, 3.66, 64 percent, for how many years does that hold, that 3.66 percent? For how many years?

Mr. BURR. It holds for 1 year until the readjustment of the 10-year bond, which could be higher, it could be lower.

Mr. HARKIN. Just 1 year.

Mr. BURR. Higher than it was in May—

Mr. HARKIN. And what does the CBO project the rates will do in the next 10 years?

Mr. BURR. I am sure the Senator came with a chart. But let me say that we have an 8.25-percent consolidation cap. The reality is that if you are going to move to a market-based system, the question we have as Senators is, How do we drive interest rates the lowest for our Nation's students? If you put a hard cap of 8.25, then all of a sudden this interest rate goes up, if we are getting to a zero surplus. It is not going to cost us anything, not going to make anything; 3.66 goes up, it doesn't go down. So by having the flexible cap at 8.25, where anybody can consolidate at any time, we are able to do it at the 10-year bond plus 1.85. And this is all CBO numbers. We are using the same source for this.

But I think at the heart of this, and I say to my good friend from West Virginia, the real question is, Are we going to let 26 percent participate in an attractive interest rate or are we going to extend it to 64 percent, which is the entire class of undergraduates?

Mr. MANCHIN. That was the bipartisan agreement we had. I appreciate that very much. Let me say, here is the last 10 years. If we would use the last 10 years, with the bipartisan bill kicked in, this is what the students who basically are paying the higher rate now—

6.8 percent frozen—would have been able to take advantage of, the lower rates. They never got a chance to take advantage of the lower rates. All we are assuming is that if rates go up in 3 or 4 years, they are going to be paying higher rates. We never assume the market—that is the reason why you fluctuate with the market on the 10-year T-bill. This would have happened with the 10-year T-bill. Look how much lower they would have been paying in the last 10 years.

I know we can all use figures any way we want to use them, but the bottom line is that it is either going to be market—it has always been that before. There have been caps that have been much higher, and we are trying to find something that is affordable, but the bottom line is, do we try to protect the lowest rate?

Most undergraduates have the hardest times. Once you get your undergraduate degree, you have a much higher percentage of making it. If you want to get a graduate degree and a higher Ph.D. degree, you have a much better chance.

The bottom line is that we want to keep the rates low so that when students go out they are not burdened with the highest payments. We have a lot of protections built in that a lot of times are misunderstood and are not explained properly, and I am glad we are having this colloquy.

Mr. BURR. Would the Senator from Iowa like another question?

Mr. HARKIN. I have a statement to make but not a question.

Mr. BURR. I will wrap up and move on.

Mr. HARKIN. If we are going to get into a colloquy, that is fine.

Mr. MANCHIN. Yes.

Mr. BURR. I would rather make the points that I need to because at 12 we are going to vote on one bill. We are going to vote on a 3.4-percent extension, kicking the can down the road for 12 months, not fixing the problem, not finding the solution, and continuing to overcharge some students and subsidize another pool and go to bed at night and feel good about this.

I think the reason we have a bipartisan agreement is there are some who do not feel good about that. We look at it and we say the Senate has not done what people sent us here to do, and that is to get it as close to right as we can.

Again, I say to my colleagues—and I can go to the CBO again—the CBO scored the bill, and CBO says the bipartisan bill is within .7 percent of having no cost and no surplus. I am not sure you can get any closer than that. They have also told us verbally and showed us in scoring: put the cap in and you raise the interest rate on all students, all postgraduates, all parents. And our objective, when Senator MANCHIN and Senator KING and Senator COBURN and Senator ALEXANDER got into the discussion, was, How can we get rates as low as we can? Our focus was on the af-

fordability for the students; secondarily, the sustainability of the program, which was long-term, something we do not visit every 1 or 2 or 3 years.

Let me get into specifics because there are four proposals out there. One of them has already passed the House of Representatives. The House of Representatives has a 10-year variable rate that fluctuates annually. For unsubsidized loans, the rate is 4.31; for subsidized loans, the rate is 4.31, which is 10-year plus 2.5 percent; for PLUS loans, 5.74. It removes the consolidation cap—removes it—and it creates caps of 8.5 and 10.5 percent.

The vote that we will have at noon, I think everybody knows it is a 6.8-percent rate for most students. Twenty-six percent get a subsidized rate of 3.4 percent. The PLUS loans are at 7.9 percent, and that is 18 percent of the loans at 7.9 percent.

Under the President's proposal, the unsubsidized is—I think this is backward. I think it is the subsidized at 10-year and .93; the unsubsidized at 10-year, 2.93; the PLUS at 10-year plus 3.93; and it is uncapped and fixed for life.

So it brings us to the bipartisan bill. The Senator from West Virginia said it well. What were the agreements we made? We are not going to make money and we are not going to lose money. We are at .7 percent, according to CBO.

An undergraduate is an undergraduate. We should not cheat one to subsidize another. But there should be a subsidy for low-income at-risk students. The assumption is that they are not responsible for the interest payment while they are in school. The reality is that we extend the same 10-year bond plus 1.85 percent to all undergraduates.

For the graduate students, we would bring the rate down to 10-year plus 3.4, and for PLUS loans, 10-year plus 4.4, and we keep in place the consolidation cap that has been in law. Let me remind my colleagues what I said earlier before they came to the floor. From 1965 to 1992, the cap on student loans was 10 percent. If we put that in today, it will raise the percentage each individual is going to pay.

Mr. MANCHIN. Would the Senator yield?

Mr. BURR. I am happy to yield.

Mr. MANCHIN. I am not sure how the Senator voted on the extension a year ago. I voted for the extension a year ago.

Mr. BURR. As did I.

Mr. MANCHIN. I don't intend to vote on the extension again because we have not fixed it. By voting on this extension, what we are voting on is 3.4 percent just for the subsidized, and everybody will be at 6.8 percent, and 7.9 percent for PLUS loans.

When my colleague is talking about that, the difference of savings between our bill—if we got a vote on our bill, which is a compromised, bipartisan bill, we would save close to \$9 billion in

interest that students wouldn't have to pay. I believe we agree on that.

Mr. BURR. That is correct.

Mr. MANCHIN. I think we are going to have a chance to vote on one bill, and that is about \$2 billion. In West Virginia that is a lot of money in savings of \$7 billion that students don't have to pay in interest, which is across the board for students who have subsidized and unsubsidized loans. That is the point we are trying to make, and we hope we get that through.

I know the Senator hopes, as I do, that we get a vote on this today.

Mr. HARKIN. Will the Senator yield?

Mr. MANCHIN. I believe Senator BURR has the floor.

Mr. BURR. I am happy to yield the floor.

Mr. HARKIN. My friend from West Virginia made a statement a few minutes ago that resonated with me. He said we are trying to get the market rates because we always had the rates.

When I first went to college in 1958, 1959, 1960, and 1961, I borrowed money under this program. It came into being in 1958, so 1959 was the first year I borrowed money. It was called the National Defense Education Act or the Eisenhower bill. I went back and looked to see what the 10-year Treasury note was at that time for those 3 years that I borrowed. The 10-year Treasury note at that time ranged between 4.2 percent and about 4.8 percent. I borrowed money at 2 percent.

I say to my friend, that is not a market rate. Not only did I borrow the money, but all the time I was in college I paid no interest charges. I spent 5 years in the military with no interest charges. I then went to law school—3 years in law school—with no interest charges. Then I had a 1-year grace period after I graduated from law school with no interest charges. For all those years the interest rate clock never started ticking.

Mr. MANCHIN. Was that for every student who was in college at that time no matter what their ranking or what service they had performed in the military or whether they had the GI bill?

Mr. HARKIN. Everybody.

Mr. MANCHIN. Everybody in college during that period of time could borrow at the low rate of 2 percent with no interest at all?

Mr. HARKIN. That is right. The reason I raise that is, Why were we so special? Why was my generation so special that this country was willing to subsidize my education, but for these young people here we are saying: No, no, you have to pay interest rates?

Mr. MANCHIN. Maybe Congress did a better job of getting its financial house in order than we have.

Mr. HARKIN. We made a commitment at that time to invest in a generation of young Americans so they wouldn't have a huge amount of debt hanging over their heads.

Mr. BURR. What didn't exist when my colleague went to college and grad-

uate school was that we didn't have an income test for repayment. We don't charge anybody over 15 percent on an annual basis.

When the Senator went through the system, he was responsible to pay back 100 percent of it. Today, after a certain period of time on the subsidized loans, we forgive it. We have a lot of programs that didn't exist when he went through school. We have Pell grants that extend a tremendous amount of money that is not obligated to be paid back—\$4,000. We have student loan higher education tax credits that did not exist when he went through college.

We have a basket of products. What we are looking at is, How can we take one program, which is the rate-based program, and make it as attractive and affordable for students as we possibly can? Under this scenario, we are able to accomplish that for 64 percent. Under what we will vote on, we only do it for 26 percent. We can't help but make the argument: You are overcharging here to subsidize here.

I agree with my good friend from Iowa, for whom I have great affection, that I want to make sure every student has an opportunity to go to college and that it is affordable for all. We have a system right now where the Federal Government controls 100 percent. When my good friend went through college, there were private lenders that competed with the Federal Government. At this time we have no private lenders. We legislatively eliminated the private sector from competing for student loans. It is all dominated by the Federal Government. At least we can try to get those loans as inexpensively as we can for the largest group of college students.

I have a unanimous consent request. I hope we will entertain this because not only is the debate worthy, but a vote is worthy.

I ask unanimous consent that if cloture is not invoked on the pending motion to proceed to S. 1238, the Jack Reed bill on student loans, it then be in order to move to proceed to S. 1241, the Manchin bill on student loans; further, that the cloture motion, which will be at the desk, be considered filed on the motion to proceed; and further, notwithstanding rule XXII, the Senate then immediately proceed to a vote on the motion to invoke cloture on the pending motion to proceed to the Manchin bill, S. 1241.

Before the Chair rules, let me just say this agreement would allow us to have two votes on two versions of student loan rates that start at noon today.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BURR. Madam President, this is an important issue, and I want to thank my colleagues who came together this morning to try to find an additional solution.

I thank Senator MANCHIN, Senator KING, and Senator CARPER because they were willing to try to fix this problem. I am convinced that my good friend from Iowa is doing this in good faith, but now is the time to find a solution. It is not a year from now, it is not a month from now, it is not a week from now, it is today.

Mr. MANCHIN. I have one question that I would like to ask in the spirit of a colloquy to my dear friend from Iowa. They are saying 1 year, and they are looking at the compromised, bipartisan bill we have worked on. In 3 or 4 years the rates may go up because market rates will change. If we are only looking at 1 year, is there anything prohibitive in our bill that we couldn't go back a year from now if we see a better solution? If we get an education bill, we can say: Hey, here is the grand bargain, which is better than what we thought we had.

Still yet, our bill saves \$9 billion, and the bill my dear friends in my caucus support only saves \$2 billion. If we only do it for 1 year, we help more people save more money, and then we can still rewrite another bill in 1 year. Are we able to do that?

Mr. BURR. I have learned in my 20 years in Washington that "permanent" is defined as a 2-year session of Congress, and the next could easily change it.

Mr. MANCHIN. If we look at it from year to year, we have 3.4 percent for the smallest group, 6.8 percent for everybody above that, and 7.9 percent for PLUS.

Under our bill, it is 3.66 percent for all undergraduates, and every rate comes down; correct?

Mr. BURR. The Senator is correct.

Mr. MANCHIN. So that is \$9 billion versus \$2 billion, and that is about as simple as I can make it.

Mr. BURR. As I said earlier, how does that compute to the average student? It means a lower monthly payment. Under the bill that we will vote on, which is the current extension—the kick-the-can-down-the-road plan—they will pay \$78 a month, and that number is based on a student borrowing \$5,000. Under the bipartisan bill, it is \$75 a month.

On the graduate Stafford comparison by month, the person who borrows under the graduate program—under the kick-the-can-down-the-road plan—is going to pay \$251. Under the bipartisan solution, they are going to have a monthly obligation of \$230.

For the highest group, the PLUS loans—and in a lot of cases those are parents—the monthly obligation is going to be \$197 on the kick-the-can-down-the-road plan, and under the bipartisan solution, the monthly obligation is going to be \$180 in payments. Again, this is figured with \$5,000 borrowed over a 10-year amortization of the loan.

It makes the good point my friend from West Virginia made: Why would we not take the opportunity to make

this cheaper for everybody for the next 12 months? If we find a better way to do it, let's change it 12 months from now.

Mr. MANCHIN. I think what we are talking about also is that they are saying if it consolidates, it strings the payment out for the maximum of 30 years, which means they are paying a lot more back in interest; correct? That is the argument I have heard from different people. So that means, why would you have an automatic consolidation?

With that being said, I understand that with the government-run loan right now, there are no penalties for me. If I string it out to get the lowest payment for 30 years, and then I said I want to have 10 years, I can do that; correct? That is able to be done. So I can reduce that amount of time and amount of interest with my affordability to pay more.

Mr. BURR. The Senator is exactly right.

There are others on the other side who would like to speak.

Madam Chair, at this time I reserve the remainder of the time on our side and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I know Senator STABENOW has an important meeting to get to, and I will yield to her in just second.

I just want to respond to my friend from North Carolina as to why I objected since I don't believe in all of these reservations for objections. Either you object or you don't, and there is a time to explain that later on.

I wanted to explain why I objected. If we vote for cloture at noon on this underlying bill, then what the Senator from North Carolina wants, they can add as an amendment. They can offer that as an amendment to the bill. The bill will be open to any amendments anybody has.

So the reason I object is because we have a bill, and it is under regular order. We have cloture and the bill is open for amendments. So the Senator from North Carolina or Tennessee or West Virginia or anybody else can offer any amendments they want, and that is the way the regular order ought to proceed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I think what we are witnessing today are people who have differences in philosophies and want to solve problems with different approaches.

I believe the issue before us at noon is a vote on doing no harm. There is not an agreement on both sides of the aisle as to whether we keep the student interest rates as low as possible for an ongoing basis or whether we tie it to market rates going up so that they go up over time. There is not agreement on that. I hope we have an agreement to do no harm.

The vote at noon is, let's keep it at 3.4 percent, where it has been, which is, by the way, the market rate. Right now you can go out and get a car—and I encourage people to purchase a new American-made automobile—with a 4-percent interest rate. You can get a mortgage for about 4 percent.

Doubling the rates makes no sense, and putting in place something that students are asking us not to do, which starts where we are and goes up over time, does not make sense either. So let's do no harm. Let's vote yes to give us a year.

We have people who care about this issue. We can sit down and spend that time working under Chairman HARKIN, who is committed to addressing this in a comprehensive way. He is interested in addressing not just the interest rates on subsidized Stafford loans but on all of the issues. There is a range of issues, not the least of which is the \$1 trillion that students and families are carrying in this country, which is more than the credit card debt that we have.

Let's start with do no harm. If we do that, then 7 million students are not going to be hit with the interest rate hike that is going to be in place. If we do that, we are going to be saying to students: We are not going to see the government making billions of dollars in profits on the backs of students because the loan rates have gone up.

So I would encourage everyone—people of different philosophies—to vote yes to give us the time to work out what is clearly a broad comprehensive issue to make sure young people and people going back to college have the opportunity to dream big dreams, to have the same opportunities many of us have had.

I went to school on student loans. I went to school on a tuition-and-fees scholarship because of my own family situation growing up. The reality is we have the opportunity to do no harm, and then work together on something comprehensive that does not down the road see students paying 7, 8, 9 or, in the case of what the House did, top out rates at 10.5 percent. I reject that. Colleagues on this side of the aisle reject that.

Let's vote yes and do no harm and then get to work in a bipartisan way on the larger problem and solve it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, let me commend Senator STABENOW, Senator HARKIN, Senator WARREN, Senator FRANKEN, and Senator HAGAN, particularly, who is the cosponsor of the legislation I have proposed.

My proposal would keep the student loan interest rate for subsidized Stafford loans at 3.4 percent while we deal with a very complicated and complex set of issues. It is not just the rate structure; it is the issue of providing appropriate incentives to control the costs of higher education. It is also the issue of refinancing existing debt and

prospective debt so that this huge wall of debt, the avalanche of debt affecting college graduates and professional school graduates today, can be addressed. I don't think we can do that—because these are complicated programs—off the cuff, as we are attempting to do today or as we have been over the last several days.

It turns out that if we do not extend this rate for at least a year, but instead take up the so-called bipartisan proposal eventually rates will rise on students across the board. That is because the law now calls for a 6.8-percent rate for the Stafford subsidized and unsubsidized loans and 7.9 percent for PLUS loans—fixed rates—and in order to score this as a zero in terms of the Congressional Budget Office and deficit effects, we have to over that time make up all of that interest.

The proponents of the alternate approach are suggesting we will go with a lower rate now, but that simply means mathematically we will have to have higher rates in the future. The question of when that future arrives is a function of the way interest rates will be moving in the overall economy, and every indication is those interest rates will start rising, and perhaps quickly. The Federal Reserve has already indicated they are beginning to pull back on their quantitative easing, which means rates are likely to go up. We have seen a significant rise in the 10-year T-bill rate. Since May, it has gone up almost a full percentage point. So we are in a rising rate environment, and the other side proposes moving from a fixed rate to a floating rate, without an effective cap.

What we know is that—it might not be next year or the following year but relatively quickly—we could likely see and will likely see students paying higher than the 6.8-percent rate and, without a cap, it could be significantly higher.

If we adopt the proposal suggested by my colleagues—and they have been working with great energy and great sincerity to try to come to a solution—I am afraid we are going to ultimately end up seeing students paying much more, and that is not what we should be about.

We have a situation right now, even with the 3.4-percent rate that doubled to 6.8 percent on July 1, where the Federal Government is making about \$50 billion this year, between the cost of funds and the repayments being made by students, so students have become profit centers for the Federal Government rather than, as I think the intention of the program was, that the Federal program was going to help students get through college so they can help us as productive workers in our economy.

It is projected that these Federal student loan programs between now and 2023, over a 10-year period, will make \$184 billion for the Federal Government, in terms of the difference between what students are paying back

and the cost of borrowing from the government. So there is a lot we could do—but not in 24 hours—to redesign our program so students are not essentially being hammered with huge debts as we are benefiting profitably from those students.

The CBO estimates that under this Bipartisan Student Loan Certainty Act, between 2017 and 2023, students would pay an additional \$37.8 billion more on their loans than they would under the current rate of 6.8 percent. This goes to my initial point. The first few years have been designed so interest rates will be lower than 6.8 percent. However, according to the CBO, between 2017 and 2023 they will be much higher—so if a person is a high school student right now, they are looking at paying a lot of money if they intend to go to college—about \$37.8 billion more—because it all has to balance out to effectively generate as much revenue as a 6.8-percent interest rate, which is the current rate.

Students know that. That is why they have come to us and said, Listen, thanks, but no thanks. This short-run discount of a few years in terms of the interest rate, we know we might get the benefit if we have already started or are just finishing college. We definitely know that our younger brothers and sisters in high school and another generation of Americans will be paying for it.

So I don't think we should take that approach. I think what we have said is let's wait. We have a lot of work to do. We want to look at proposals that might actually align the real cost of Federal lending for a college education and the real charges we impose on students. Right now, my sense is what our colleagues have done in their bipartisan approach has been essentially to make sure the first few years look good—they are certainly less than 6.8 percent, close to 3.4 percent—but then they have to put in a rather arbitrary delta—an increase in costs—because at the end of the 10-year period they are going to have to make up all of the interest that would have been charged at 6.8 percent. I don't think that is the way to approach fundamental reform of college loans in this country.

There is another point I think is important to make as well, which is we have always either had a fixed rate or an adjustable rate with a cap on each loan program—a cap on subsidized Stafford loans, unsubsidized Stafford loans, and on PLUS loans for families. Now, in the bipartisan proposal, they don't have a cap. There is some discussion that if students consolidate loans, they will get an 8.25-percent cap. But consolidation can only take place after a student is in repayment. And before a student is in repayment, all of that interest on the unsubsidized Stafford loans and the PLUS loans is accumulating and being capitalized into what the student owes. So when the student consolidates, they have a much bigger principal to pay off. There might be a

cap of 8.25 percent, but it is a much bigger principal. By the way, the loan is extended over a longer period of time, so they also have to pay for that longer extension of time.

That is not the cap we have had before in the context of these programs. It has been a cap on the individual loan, a cap on the subsidized loan and unsubsidized loan, and a cap on the PLUS loans. I think that is a major fault within the proposal we are seeing today.

The other issue, which goes to the index, is that a 10-year T-bill interest rate has been chosen. Typically, we have chosen a 91-day T-bill, and the 91-day T-bill is cheaper, frankly. We start off with a much lower index, which lowers what the student has to pay, and then we add other costs to it, including the discount estimate of default, and all of those things come up with the final rate. But we are going to a 10-year T-bill rate, which means students will be paying more relative to a 91-day T-bill rate. Again, I don't think that is what we want to do.

We want to take the time to try to address this whole set of issues, to do it in a thoughtful way, to understand that one of the big challenges we have is not just the issue of what rate but also how do we keep college costs in check. How do we provide the kind of education students need to be competitive in the workplace? How do we deal with the interaction between all of these different types of loans? How do we go ahead and—again, this might be one of the biggest challenges we face going forward—how do we somehow allow these students who are drowning in debt to effectively refinance these loans so they can buy homes, they can buy cars, they can participate in the economy? That is not included in this proposal.

Indeed, one of my concerns is with these rates locked in—and this is long-term legislation—we won't have the proper incentive to effectively deal with these issues; we will just let them slide along. I think that would be to our great detriment and, more importantly, to the detriment of families throughout the country.

There have been—and appropriately so—comments and criticism of this short-term approach. We should have fixed it last year. Well, we haven't fixed it, and I think we have to give ourselves the time to fix it.

There is the suggestion that we are dealing with a portion of the loans—the subsidized Stafford loans—and everybody else won't get a benefit. From the numbers we have seen from CBO, one thing is certain: In the last years of the other side's proposal, from at least 2017 to 2023, everyone—subsidized, unsubsidized, and PLUS loans—will be paying more. So the one conclusion we can draw, if we go to the alternative approach, is that eventually every borrower will be paying more.

Therefore, I very strongly urge that we move forward with this cloture vote

to get on to the legislation. As Senator HARKIN rightly pointed out, once we are on the legislation, it is open to amendment. At least we can debate the proposals from all of my colleagues that could improve or change or modify the underlying bill. But if we don't get to cloture, then we are not moving forward, and I think we should at least move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I know we are still on our time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I understand Senator HOEVEN wanted to take 5 minutes.

Mr. HOEVEN. Madam President, I wish to clarify for the esteemed Senator from Iowa that I intend to speak in support of the student loan certainty act which he may not be in favor of, so I wish to be clear.

I ask unanimous consent to speak for up to 5 minutes, while preserving the 2 minutes remaining for the distinguished Senator from North Carolina prior to the vote at noon. I wish to be clear so the good Senator from Iowa understands as far as whether he wishes to object.

Mr. BURR. If it influences the Senator from Iowa at all, I will allow my 2 minutes to go to him, if the Senator wouldn't object to him having 3 additional minutes.

Mr. HARKIN. That would be fine.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. My understanding is to preserve the 2 minutes for the Senator from North Carolina.

Mr. BURR. Go ahead.

Mr. HOEVEN. Madam President, I rise to speak to the permanent solution that is being put forward on a bipartisan basis today, which is the Student Loan Certainty Act. Again, I wish to emphasize that this is a bipartisan solution. Senator JOE MANCHIN, a Democrat from West Virginia; Senator LAMAR ALEXANDER, a Republican from Tennessee; Senator RICHARD BURR, a Republican from North Carolina; and Senator ANGUS KING, an Independent from Maine—I guess tripartisan, right? This is truly a bipartisan effort, including the support of Senator TOM CARPER, a Democrat from Delaware, myself, and others. This is a bipartisan effort to come up with a permanent solution.

I have been listening to the floor debate and what everybody says over and over is we need a permanent solution, and that is exactly right.

A year ago I served on the conference committee for MAP 21 which is the authorization for the highway program. We included in that conference report an extension, a 1-year reauthorization, of the Federal student loan program. So we could do what? Put a permanent solution in place—not come here a year later and extend it again for a year.

So that is what the vote at noon is all about. It is yet another 1-year extension. We need to put a permanent

solution in place. Our bipartisan plan is simple and straightforward. It provides students with dependable low-cost financing on a long-term basis. We call it the Student Loan Certainty Act because it provides just that: certainty for our students and for our families, not another 1-year extension.

There has been a lot of discussion here, and it is easy to get confused. But let's go through it for a minute. How does it work? This is a simple straightforward plan. The plan would tie all student loan rates to the 10-year Treasury note to reflect current market and employment conditions.

Right now, that index rate—the 10-year Treasury note rate—is 1.8 percent. Then both subsidized and unsubsidized Stafford loans would be 1.85 percent over that rate. Graduate Stafford loans: 3.4 percent over that rate. PLUS loans—loans parents take out—4.4 percent over the 10-year Treasury note rate. Those rates are then fixed, locked for the life of the loan. The student knows that is a fixed rate then for the life of the loan, until it is paid off.

So let's compare the programs, compare the existing student loan program to what we are proposing. That is easy enough to do.

Subsidized Stafford loans. Right now they are actually at 6.8 percent because the existing program expired, didn't it. But under the old program they were at 3.4 percent for the subsidized Stafford loans. Under our proposal: 3.66 percent—3.4 percent; 3.66 percent—so it is about the same, isn't it.

Actually, those rates have gone to 6.8 percent because, again, we go year to year. This program expires so we are really bringing them down. But even if you assume it has not expired, it is about the same rate—3.66 percent versus 3.4 percent.

For unsubsidized Stafford rates, again, under our proposal, you get the same rate as for the subsidized student loan program—3.66 percent. That compares to 6.8 percent under the existing program. That is a big-time savings for 60 percent of college borrowers, big-time savings: 3.66 percent versus 6.8 percent. Which would you rather have? Big-time savings for 60 percent of the undergraduate borrowers.

Graduate student loan rates under our proposal: 5.21 percent versus 7.9 percent under the existing program; parent PLUS loans: 6.21 percent versus 7.9 percent under the existing program—in both cases, again, lower rates.

The consolidated loan rate remains at 8.25 percent. That is a cap. We keep that in place—8.25 percent—in essence, providing students and families with a cap, another safety feature.

There is also another protection measure in the bill. The good Senator from North Carolina just referred to it a minute ago. Under the income-based repayment level provision, student loan payments are limited to 15 percent of income. So your repayment, your payment amount is limited to 15

percent of your income, and after 25 years, if the loan is not paid off, the balance is forgiven. So you have both a cap and a repayment limit provision to protect borrowers.

Furthermore, this program is designed solely for students and their families. What do I mean by that? This program is solely for students and their families. Unlike the existing student loan program, it does not subsidize health care. The current program, in essence, provides a subsidy for Federal health care—the Affordable Care Act, ObamaCare. It provides a subsidy, and the students pay for it. Why would we do that? Why would we continue that?

What we are talking about is a vote at noon to extend the current plan. It is a 1-year extension, meaning we are going to be right back here 1 year from now doing the same thing. Furthermore, it is paid for with a tax increase on withdrawals from retirement accounts—a permanent tax increase to pay for a 1-year extension. That does not make any sense. What are we going to do a year from now to come up with the revenue to once again extend it? A permanent tax increase for a 1-year extension.

The third point is, why in the world are we using a student loan program to subsidize the Affordable Care Act, ObamaCare? That does not make any sense. Why would we do that?

Again, I come back to the point I started with, the point I made earlier that I think reflects on the debate and the discussion we have all had here: There is a desire to come together. I do not think we are very far away. I think this bipartisan measure is very close to something we can agree on. The good Senator from Iowa said himself he wants a permanent plan in place that takes care of students. I think we are close to doing that. I think the Student Loan Certainty Act provides that bipartisan framework we can now gather around. It may need some modification, but we can gather around it and get a permanent solution in place. I know that is what all of the Members of this body want. I ask my colleagues to join with us so we can get that done, and we can get it now—not extend it for a year and hope to get it done. Let's get it done for the benefit of our students across this great country and their families.

Ms. MIKULSKI. Madam President, I am proud to rise today to support the Keep Student Loans Affordable Act. This bill would extend the current interest rate of 3.4 percent for subsidized Stafford loans for the next school year. This interest rate reflects a record low for interest rates on Federal student loans, and these loans can only go to students and families that demonstrate a need for them; 60 percent of dependent subsidized loan borrowers come from families with incomes of less than \$60,000. Subsidized Stafford loans help more than 7 million college students without worrying that the interest on

their loans will begin accruing while they're in school. It helps more than 105,000 students in Maryland. Middle class families are feeling stretched and stressed and if we fail to act, students could be facing an additional \$1,000 in debt over the life of their loans.

I would also like to announce my support for the Bank on Student Loans Fairness Act, introduced by Senator ELIZABETH WARREN. This legislation would lower the current interest rate of 3.4 percent to 0.75 percent for subsidized Stafford loans for the next school year, which is the same interest rate that banks pay. Banks have arbitrarily raised interest rates on consumers, and applied higher interest rates retroactively. They charged fees without any legitimate purpose—and then charged interest on top those unfair fees. And they marketed their products to college students who they knew could not afford the credit they were providing.

The banks are not looking out for the best interest of students; they are looking after themselves to make a profit. The Federal Government has worked hard to keep student loan interest rates as low as possible to ensure that access to higher education remains a viable option for students and their families. That is why it is important that we work together to keep the interest of students at heart and not create additional burdens on them. So why not let students pay the same interest rates as banks?

I have said this often, but we in this country enjoy many freedoms—the freedom of speech, the freedom of the press, the freedom of religion. But there is an implicit freedom our Constitution does not lay out in writing, but its promise has excited the passions, hopes, and dreams of people in this country since its founding. The freedom to take whatever talents God has given you, to fulfill whatever passion is in your heart, to learn so you can earn and make a contribution—the freedom to achieve.

When I was a young girl at a Catholic all-girls school, my mom and dad made it clear they wanted me to go to college. But, right around graduation, my family was going through a rough time because my dad's grocery store had suffered a terrible fire. I offered to put off college and work at the grocery store until the business got back on its feet. My dad said:

Barb, you have to go. Your mother and I will find a way, because no matter what happens to you, no one can ever take that degree away from you. The best way I can protect you is to make sure you can earn a living all of your life.

My father gave me the freedom to achieve. And this legislation will give millions of Americans that same freedom without adding a dime to the deficit.

Students will bless us if we are successful in keeping their student loan interest rates as low as possible. Getting a college education is the core of

the American dream and I am going to be sure that every student has access to that dream and make sure that when they graduate their first mortgage is not their student debt. Senator REED's legislation should be passed in a swift, expeditious, uncluttered way. It gives our students access to the American dream. It gives our young people access to the freedom to achieve, to be able to follow their talents, and to be able to achieve higher education in whatever field they will be able to serve this country.

While our work is not done when it comes to ensuring access to affordable higher education, this bill helps us get there. While these bills will fix the problem today, I will continue to work with my colleagues to figure out a longer-term solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Well, Madam President, I think we have had a good debate and colloquies on this bill. At noon we are going to be voting, as I understand it, on a cloture motion on whether we are going to have a bill on the floor. That is all we are saying: Will we have a bill on the floor to which amendments can be offered by anybody?

I say to my friends on the Republican side, if they have an idea—and some of them do—that has some Democratic support—and there is some of that—the best way to flush this out and to see whether the Senate as a whole agrees is to vote for cloture on the motion to proceed to the bill at noon. That means the bill is on the floor. That means it is open for amendment. That means if Senator BURR wants to offer an amendment that incorporates his whole bill, he can do that and we can have a debate on that. And I would say to my friends on the other side, it only takes 51 votes, not 60. It only takes 51 votes to adopt an amendment.

It seems to me the proper way, if you want to proceed on this, is to vote for cloture. That brings the student loan bill to the floor. If my friends from North Dakota or Tennessee or North Carolina or wherever—or my friend from West Virginia on this side—if they want to offer amendments, do so. We can debate it. And then it only takes 51 votes. I do not know why they would be opposed to voting for cloture on the underlying bill because that moves us to a point where 51 votes is controlling. So I hope we will get the 60 votes necessary to move ahead with this very important bill and this issue.

A lot has been said here this morning, and my friend, I think, from West Virginia said there are a lot of numbers floating around and there are a lot of charts floating around. Everybody has a chart on this and numbers on that. No one is trying to befuddle anyone, and no one is deliberately trying to mislead anyone. It is just that when you get involved in an issue such as this, it is complicated, it is very com-

plicated, because if you do a little bit on this one thing—let's say on a cap—then it does something on other interest rates. If you do something on consolidation, all these things bounce around. You can look at what an interest rate would be today, but you do not know what it is going to be tomorrow or what it is going to be next year or the year after. All we have to go on is CBO estimates, Congressional Budget Office estimates.

I will be forthright. I will say honestly, I can love CBO one day and hate them the next because of the way they figure things, and sometimes it is almost inscrutable how they figure things. But, nonetheless, those are the rules we have to sort of play under here. So we have to look at what the CBO scores are and how they score all of the various proposals.

My friend from North Carolina had all of his charts out there and different things about interest rates and all that. I asked the question: How long does that 3.66 percent interest rate last? He was forthright. He said 1 year. But then he went on to talk about what would happen in the future.

Well, here is yet another chart that I present for the Senate. Their bill is S. 1241. That is the Burr-Manchin-Alexander et al. bill. So what we did was we plotted it out as to what would happen in the outyears. As you can see, if you look at this line about right here on the chart: 6.8 percent. That is where the student loan interest rate is today because on July 1 it doubled from 3.4 percent to 6.8 percent. And 6.8 percent is permanent law. Madam President, 6.8 percent is permanent law, so that is where it is today.

If you look at S. 1241, the Burr-Manchin et al. bill, they are quite correct that in the first 2 or 3 years the interest rates are lower than 6.8 percent. That is why I asked the question. He mentioned 3.66 percent down here on the chart. That is good for next year. But we can only go by CBO estimates, so we asked CBO: What are your projections of the 10-year Treasury notes? That is what we have to go by. If you use that, and you look at what their bill proposes, you will see almost like a classic bait and switch. For the first couple, 3 years, interest rates are lower than 6.8 percent. But beginning in 2016—2½ years from now—both the graduate Stafford loans and the PLUS loans go way above 6.8 percent—up to 8.6 percent and 9.6 percent.

If someone looked at that, they would say: Well, for the first couple, 3 years that might be OK, but what about these students out here? How about these young students getting ready to go to college? They and their families are paying these high interest rates. That is why we heard from so many student groups saying: That is not a good deal. We do not want just a good deal for us for a couple of years and then stick the students in the future with higher interest rates.

Then for the undergraduate Stafford loans—which right now are at 6.8 per-

cent—the Burr-Manchin and others bill goes up to 7.1 percent. You might say that is not much of a difference, but it is more.

So in every single case, by 2018, the interest rates under the Republican bill are higher—higher—than if we stuck with current law, which is 6.8 percent. That is a fact. They cannot dispute that unless they want to say they do not want to use CBO figures. But that is what we have to apply. I have asked—I make the request again—any of the supporters of S. 1241, if you disagree with this chart, please come to the floor and tell us why this is not right. I challenge anyone to come here and tell me why this is wrong, if they think it is wrong, and why they think it is wrong. But that is exactly what will happen under their bill.

It seems we have a couple of courses here. As I said, the first thing is to do what we can to keep interest rates low, and then to address this in a comprehensive fashion.

The bill before us, the bill we are going to vote cloture on, is just a 1-year extension at 3.4 percent. Again, that has a cost. CBO told us what the cost was. So we had a pay-for, as we say around here a pay-for—how do you pay for it—by closing a loophole in the IRAs, the individual retirement accounts. As we developed those, those were to be used for retirement. But a current loophole in the law allows very wealthy people to build up a retirement account in an IRA and use it as an estate planning gimmick.

So millionaires, billionaires can pass on millions in their IRAs to their heirs without paying taxes for years, if not decades. That was never what IRAs were for. That is a loophole. It has to be closed. I think in anything coming before this body in the way of a tax reform, I can assure you that loophole will be closed. So we are saying, for 1 year, we will close it and use the savings from that to keep student loans at 3.4 percent for 1 year.

Am I saying we have to keep student loans at 3.4 percent forever? No, I am not. What I am saying is that this whole area of student loans and interest rates is one piece of a jigsaw puzzle, the jigsaw puzzle being how are we going to do two things; one, make college more affordable in the future and how are we going to address the \$1 trillion-plus that is in student loans out there right now. This is just one part of that.

When we take one part out of that jigsaw puzzle, it affects everything else. That is why I have argued for a long time that our committee, the HELP Committee, needs to address this in the Higher Education Act reauthorization. The Higher Education Act expires this year. So we have to reauthorize it. My good friend Senator ALEXANDER is the ranking member on the committee. We have already had discussions about the Higher Education Act. I believe this is the proper way to proceed, so we can have experts come

in and tell us: OK. If you jiggle this number a little bit, if you do this on student loans, how does that affect Pell grants. If you do something on Pell grants, how does that affect college work study.

All of these things fit together. We need to address a comprehensive measure on college affordability, on making sure college costs are transparent for our students and their families. Comparisons. Why does one course of study at one college cost \$200 a credit hour and another college the same course costs \$400 a credit hour? Why is that? Should parents not have a good comparison chart? What can we do to encourage colleges to have a better graduation rate in 4 years or 5 years? Secretary Duncan has talked a lot about promoting an idea of having high schools graduate kids that after 4 years they can get an associate's degree. If they study hard and do advanced placement courses, they might even graduate from high school or shortly thereafter with an associate's degree.

These are interesting ideas. We need to pursue them. But if we take this out, if we take out the student loans, it sort of messes up the rest of the formulas. That is why I think we should extend the 3.4 percent for 1 year, pay for it with the closing that loophole for 1 year, and let our committee do its job. We have good people on the committee. Senator ALEXANDER, Senator BURR are on the committee. We have thoughtful, smart people who understand this.

I think generally we work pretty good together on the committee. This issue now of the student loans, it reminds me of all my time in the Senate, now marking 39 years. It seems that every time we rush to judgment, we have a deadline, that is when mistakes are made. Need I go any further than to talk about the sequester?

It is a horrible mistake. But faced with a deadline, we have to do all of this, then we rush to judgment on something such as this. I think we made a terrible mistake on that.

So I plead with my fellow Senators to put this over for 1 year. Let our committee do its work, so we can address the whole issue of college affordability, college completion rates, and how we address also the issue of the \$1 trillion that is hanging out there. That may be more of an issue for the Finance Committee, but there may be partial jurisdiction for both the Finance Committee and the HELP Committee.

Again, last year, we extended the 3.4 percent for 1 year, to July 1 of this year. I know I have heard some say we did that for 1 year and we did not address the issue. But, again, I remind my fellow Senators that last year was an election year, campaigning, we were not here that much, had a big election in November, then we had all of these budget things facing us at the end of the year.

With the budget problems we had earlier this year, there just was not

time to do anything, plus the fact that the Higher Education Act does expire this year. So it is incumbent upon us to address the issue of higher education. That is where this belongs. I would again hope we would extend the 3.4 percent for 1 year and let our committee do its work.

I urge my colleagues to support the 1-year extension. My friends on the other side, they say they want a long-term solution. I have no problems with that. But let's do a long-term solution based upon a rational approach, one that comprehensively looks at all of the issues surrounding college affordability. The way to do that, as I said, is through the committee's work.

There was one other point that was made this morning that I wish to address myself; that is, consolidation. Everybody thinks consolidation is such a hot deal. I have pointed this out before. For example, we took a \$41,000 Stafford loan borrowed in school—\$41,000—and used that as the baseline. Then we said, under current law, the student would pay \$21,716 in interest over 10 years. Under the Republican bill, S. 1241, they would pay \$28,607. Under consolidation, they pay \$69,000.

So consolidation is not the big deal people think it is. Now here is one that is even more drastic. Again, the \$41,000 in Stafford loans and \$30,000 in PLUS loans borrowed by a graduate student, under current law, \$43,760 is what they would pay back. Under S. 1241, they would pay \$52,498. But if they consolidated it, they would pay \$148,000—\$43,000 to \$148,000. That is under consolidation. So you wonder why students do not consolidate? Because they realize they are going to be paying back three and four times as much in interest charges than if they never consolidated.

The other point I wish to make on consolidation is you only get to do it one time—one time. So let's say that you graduate from college. You decide I want lower monthly payments. I want to stretch it out for a longer period of time. You do that. You consolidate. Then let's say you want to go to graduate school. You cannot consolidate after that. That is it. You are through.

So if you have to borrow money at higher rates and stuff, you cannot consolidate those later on. I think that is what some of my friends forget. You can only use consolidation one time—one time. So consolidation and having a cap or whatever it is on consolidation is certainly not any kind of an answer to these high interest rate payments students are making.

Again, what we are looking for—I know people want to have a long-term solution. They want to get to something that is revenue neutral. I understand that. I hope if we get cloture and we can move to the bill, Republicans can offer their amendments. As I said, it only takes 51 votes to adopt an amendment. But if not, then let's just extend this for 1 year. I do not think that is too much to ask, to extend it

for 1 year and let us do this in a comprehensive fashion.

I would hope that would be what we would do and not double these interest rates on students right now. I think both sides agree on that, even under S. 1241, next year interest rates will be 3.66 percent. I am all for that. On 1241, they want to keep interest rates at 3.66 percent next year. That is fine. That is pretty close to 3.4 percent. The problem is what happens in the outyears, as I have pointed out.

If both sides agree that in the next year interest rates should be down around here at 3.6 percent for the undergraduate loans, 3.4 percent, 3.6 percent, not a heck of a lot of difference. Why do we not just extend the 3.4 percent for that year and then fix this in the Higher Education Act? I would agree. They want to keep it at 3.66 percent for 1 year, fine. But there is not that much difference between 3.4 and 3.66 percent.

I think what we all agree on is in the next year, interest rates should not go up—should not go up. Where we are not agreeing is on a long-term fix. Again, if we cannot agree on a long-term fix, then at least let's do no harm. Let's extend the 3.4 percent for 1 year and take care of the long-term solution in the Higher Education Act reauthorization, which we can have on the floor sometime next spring.

With that, I again ask my colleagues to vote for cloture on the bill. Let's extend 3.4 percent for 1 year and let our committee do its work.

I yield the floor and reserve whatever time we may have remaining.

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. REED. 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. REED. Madam President, we are about to take this vote. It is vitally important. The proposal is very straightforward, to extend the interest rate for subsidized Stafford loans at 3.4 percent. It is fully paid for. It will allow us to work through a very complicated set of issues. It will allow us to avoid raising rates this year and work toward a proposal we hope will avoid rising rates in the future.

The alternative proposal eventually raises rates on every student, not immediately, but CBO indicates by at least 2017 the rates will be up.

This is on top of a huge cascade of student debt we have to deal with. In fact, one of the major issues we should deal with is how do we refinance the existing loans that are at high rates. Refinancing will be even more important if we were to enact the rising rates coming from the proposals on the other side.

I urge all of my colleagues to support cloture and move forward to debate this bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 124, S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

Harry Reid, Tom Harkin, Jack Reed, Kirsten E. Gillibrand, Patrick J. Leahy, Amy Klobuchar, Tom Udall, Sheldon Whitehouse, Ron Wyden, Benjamin L. Cardin, Richard Blumenthal, Christopher A. Coons, Sherrod Brown, Robert P. Casey, Jr., Elizabeth Warren, Al Franken, Richard J. Durbin, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted: yeas 51, nays 49, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—51

Baldwin	Gillibrand	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Pryor
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Rockefeller
Boxer	Hirono	Sanders
Brown	Johnson (SD)	Schatz
Cantwell	Kaine	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Coons	Levin	Udall (CO)
Cowan	McCaskill	Udall (NM)
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

NAYS—49

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Reid
Burr	Heller	Risch
Chambliss	Hoeben	Roberts
Chiesa	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	King	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	Manchin	Wicker
Cruz	McCain	
Enzi	McConnell	

The ACTING PRESIDENT pro tempore. On this vote the yeas are 51, the nays are 49. Three-fifths of the Sen-

ators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, last week 40,000 students in my State got some very bad news: The rates on new Stafford student loans doubled. Today, these students got bad news again. Today, our Nation's students once again wait in vain for relief.

These students work hard; they are ambitious. They know how important a college education is. They know what it means to their future and to our Nation's future. They expected more of us, and I share their disappointment.

We saw this coming. This bus has been approaching the cliff for a year. That ought to be time enough to turn it around, and turn it around without throwing students underneath it. I know many of my colleagues here are trying—trying to find a long-term solution, but today we failed. Our Nation's students pay the cost of that failure.

For so many in my State, grants and loans make the difference. Federal subsidized Stafford loans are absolutely crucial, opening a door to college, to opportunity, to investing in the future. We all know these students. Most have lower incomes and fewer advantages. We ask them to work harder, and now we ask them to pay more.

They are folks such as Lori Cole. Lori was quoted in the Las Cruces Sun News. She said:

I'm almost 50 years old and returned to school last year. I've had to take out loans on top of my grants. I don't like the rates going up but what can I do? I have a teen in college and a mortgage. I have no choice but to continue with my student loans if I ever want to make more than \$10 an hour.

They are folks such as Josh Dunne. Josh wrote the following on his Facebook page:

As a disabled combat vet, my wife and I who are both students do not have a choice but to eat the increase . . . I don't understand how they can continue to raise the rates on us not only for tuition but now also the loan rate and expect the amount of students to continue to go to school. Hope they can figure it out for our future.

I say to Josh and to so many other students like him, I hope we can figure it out too.

These students are struggling. Our economy is slowly recovering. Now is not the time to set up more barriers.

Now is not the time for interest rates to double, weighing down students, weighing down hard-working families, weighing down the middle class.

The Keep Student Loans Affordable Act of 2013 would have helped, keeping the interest rate at 3.4 percent for new Stafford loans for 1 year and giving Congress time for a broader solution. But the problem is not just interest rates, it is the growing burden of student debt.

Higher education is at a tipping point, and we need a long-term plan—a plan that is sustainable, that is comprehensive. These are complicated questions that require careful answers. But one principle should be clear. For fairness, for investing in our Nation's future, college should be within the reach of all American families, not just the privileged few.

Students know how to set goals, they know how to set priorities. They expect the same of us. And priorities come down to choices. The Keep Student Loans Affordable Act offered a choice—to help students to work toward real solutions, and we could do it by simply closing a tax loophole. No new tax, no new debt, just closing a tax loophole—not exactly a radical notion.

I will do all I can to ensure the Senate will find its way to long-term answers. We will not give up on this issue. Seven million students and their families are waiting, waiting for predictability, waiting for more affordable education, and control of spiraling costs. They and their families do the heavy lifting. Every day we should lend them a hand.

The average college senior has over \$26,000 in debt at graduation. Some have much more. The burden is heavy enough. We should not be adding to it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. RUBIO. Mr. President, this issue is very important to millions of Americans, and one with which I am too familiar. I think I have shared this in the past, but I will share it again.

Obviously, my parents didn't make a lot of money. So I would not have gone to college, I would not have gone to law school had it not been for Federal financial aid, both in the form of Pell grants, loans, and work-study. All of these programs opened that door for me. In fact, I don't think any of my siblings could have gone to college without some assistance.

The point is that I know how important these programs are to Americans. In fact, when I was elected to the Senate in 2010, I still had a student loan that was over \$100,000. I was fortunate to write a book—which is now available in paperback, if anyone is interested—and with the proceeds that I made from that, I was able to pay off that loan. Had it not been for that, I am not sure when I would have been able to pay off my student loan for law school.

Early on, when I had multiple student loans from both undergrad and law school and the private loans I had to take out for the bar study, there were months where my student loan payments were higher than anything else I was paying. At its peak, it was about \$1,400 a month. That is with a graduate and a law degree, and making what most people would consider a pretty good living. Even with that, it was a real load.

Obviously, that is at the high end of the spectrum, but even if you talk about the average loan debt in America today being around \$25,000 or \$26,000, the evidence is clear this is having an impact on graduates.

So you graduate from college, you have the student loan debt around your neck, and it actually prevents you from doing things like starting your life, buying a home. In some instances, if you fall behind on your payments, it starts to hurt your credit rating. The evidence continues to grow that a significant percentage of young Americans are facing a challenge that no Americans before us have faced with regard to this sort of student loan debt that hangs over their heads.

So, clearly, we have to figure out a permanent solution—not a 1-year solution but a long-term solution—on the issue of student loan rates. That is an important part of this debate, but here is what I think is missing from this debate; that is, an open acknowledgment that what we have today in higher education as it is currently structured is becoming increasingly and inexplicably unaffordable. And that is the part that isn't being discussed.

The fundamental problem isn't the loans. The fundamental problem is the tuition rates that continue to climb across this country. In fact, according to the Wall Street Journal today, institutions of higher education grew their revenue faster than inflation from 2005 to 2011. Of course, the spending also grew. How many other parts of our economy grew their revenue and their spending at a pace faster than inflation over the last decade?

The evidence is that every time we increase the amount of student aid that is available in both Pell grants and in loan programs, that is just eaten up by higher tuition rates.

Now, as a former State legislator in Florida, that was a battle we had every year because the universities said they needed higher tuition in order to retain quality faculty, et cetera. To some extent, I imagine some of that is true. But at the end of the day, there comes a point—especially in our public institutions—where quality but also affordability have to meet. We cannot continue to price people out of higher education in this country because it is inextricably linked to our future well-being.

There are two fundamental problems that face our economy. No. 1 is we don't have an economy that is growing fast enough, producing the kind of mid-

dle-class jobs that allow people to have the kind of lifestyle all Americans want. The other problem is we have a skills gap in America where a growing number of people simply have not acquired the skills they need for 21st-century middle-class jobs. The only way to close that skills gap is through education—and particularly higher education.

What I would argue today is that the model of higher education we have in place today, largely based on 19th- and 20th-century models, is broken. It no longer lives up to the reality of the 21st century.

For example, many of the higher paying jobs in the middle class today don't require a 4-year degree from a liberal arts college. They require less than 2 years or a 2-year degree program that you could get at a community college.

There are other things available to us in terms of how we can incentivize or reform our higher education programs. We should look at accreditation reform.

Right now, in order to get student loans or aid from the Federal Government, you have to go to an institution that is accredited. Traditionally, these are the 4-year or 2-year institutions. But there are now alternatives available to us, things that we weren't doing a few years ago.

No. 1, we should rely on community colleges, which, by the way, are a treasure in this country. The services that community colleges provide students to get 2-year degrees—in fact, some community colleges are in the 4-year degree program, and they have tailored programs that allow people to go to school while they continue to work. That is an important part of the backbone.

It is also an extraordinary part of retraining people. You might have a job, and all of a sudden that job doesn't exist anymore, and you have to get retrained in a new skill or a new trade. Community colleges are an important part of that component.

It goes beyond that though. Career and technical education, for the life of me, I do not understand why we have stigmatized that in this country; why we have created this idea that unless you get a 4-year degree or more that you are somehow not successful when we know we have a shortage of people we need to be trained in the skills and trades we once used to do in this country. We should get back to some of that. We should encourage that, quite frankly, even before the college level.

Why can't we graduate kids from high school with an industry certification and a career in a trade, so when they graduate high school they get a diploma and they are industry certified to go to work?

We have an example of that on a smaller scale in south Florida, where a friend of mine actually takes high school kids and begins to train them as BMW technicians. They go to school in the morning for a couple of hours.

Then they go to the shop and get trained. When they graduate from high school, they are BMW-certified technicians. Within a year after that, they can get even higher levels of accreditation, and some of them start making \$35,000, \$40,000 a year out of high school.

Why aren't we doing more of that? Instead, we leave kids trapped. They feel as though they are studying things they don't like and don't speak to them. They drop out of high school. They languish in the economy for 10 or 15 years, and then sometimes they will find themselves in a for-profit college or some other program to try to get trained.

Let's avoid all of that. Let's allow these high school students and others across this country with an opportunity to study something they enjoy and they love and to get the needed skills so they can avoid all of that.

We also have this new revolution in massive online coursework. Now, not every course can be taken that way, but we now have the ability to allow people to actually have self-directed learning, to use the Internet platforms that are available so they can take a course in political science from Harvard and economics from Yale. You can sit there and actually put your own course work together. This is still being developed, but this is an important part of our future innovation—the ability to bring the in-classroom learning to the student, not just require them to sit there for lectures for an hour and a half in a classroom when they can easily get it online and it can be tailored to their work schedule, to their workload, to their needs.

Beyond that, innovations, in terms of giving people credit for work experience or life experience—we see that colleges are doing that now where you can go in and say: This is what I have done for the last 20 years of my life, and you get credit for that work because you have life experience and work experience in a field. They don't make you sit there and spend a bunch of money on electives you are never going to use and don't really need because they want you to be "well rounded" but all it does, in fact, is drive up the cost of your education.

I don't know about you, but in the last 4 years of my degree I was searching for electives to take because I had to have electives. I don't remember what some of those electives were, but I paid for them with student loans and Pell grants. I would much rather have gotten my degree in the things I needed to know so I could have moved on to law school and done that there.

These are some of the ideas we have in terms of how we should revolutionize our higher education system to reflect the needs and the realities of the 21st century. The fact is that we now have a challenge before us unlike anything we have ever had. Industries are now evolving on a yearly basis. Most Americans are going to have to

be retrained at some point in their lives on a new skill because that is the pace of change, and we need to have infrastructure in place to provide that for people in a way that is affordable.

It reminds me of a story of a friend I had who was one of the parents on one of my son's teams, and the mom was always struggling. She was always the first one to get laid off at her office. She worked primarily as a receptionist at a dental clinic or medical clinic, got a little bit into billing. What she really needs to become and would like to become is an ultrasound technician so she can make a little bit more money, have a little job security, and provide her kids with the opportunities she wants them to have. The problem she has is that she has to work 8 hours a day. How is she going to do that and go to school and get that training?

In many parts of this country we do not have the infrastructure in place for that to happen and the financial aid programs both on the loan side and Pell grant side do not provide the flexibility to allow them to do it in the most cost-effective way. To that end I have proposed a number of pieces of legislation. Most of them are bipartisan. I have worked with Senator WYDEN and others on the Student Right to Know Before You Go Act. That basically means that before you take out these loans, you are going to be provided meaningful information: This is how much it is going to cost to go to school here, this is how much people who graduate with this degree from this college make when they graduate, and this is how much you are going to owe. You can still take the course, you can still major in that, but you deserve to know. You deserve to know that if you are going to owe \$20,000 and you are only going to make \$20,000 a year when you graduate with this degree, it will take you a long time to pay it, if ever.

Students have a right to know before they go. That is the Student Right to Know Before You Go Act.

I also offered the Higher Education and Skills Obtainment Act, which will create one universal tax credit for higher education, and it will produce measurable savings, some of which can be redirected to the shortfalls in the Pell Grant Program that are coming up. The bill offers one tax credit for students who are most in need, giving students the ability to avoid navigating a confusing maze of temporary tax provisions worth different amounts for different income thresholds.

By the way, people involved in job skill training would also have access to this universal credit as opposed to all these different credits floating out there now that people do not fully understand how to use.

There are other ideas I have proposed. I have introduced legislation with Senator COONS that provides an innovative partnership that will create an interactive source of information for students to be able to create college

savings accounts. Studies have shown that American children with college savings accounts in their name are seven times more likely to go to college than students without one. This bill will combine innovative student support tools with savings accounts to promote access for low-income students in our country so they put some money aside to be able to do this.

The fact is that today's 21st-century student requires a higher education system that best suits their needs, whether it is in the form of a traditional university, a community college, a career or technical education, workforce retraining programs, or a combination of all of these.

I am not saying this is not an important debate to have because it is. It is facing people right now. But I hope at some point we will look at our student aid programs and what we can do to tailor them to the 21st century, to all of the innovations that are now available to us to allow people to gain the knowledge they need to become competitive in a 21st-century economy. That is going to require, in my opinion, a significant restructuring on how our higher education is developed.

This is not a threat to liberal arts colleges or a transitional 4-year college education. That will always be a part of our system. It is an important part of our system. But that does not work for everybody, not because they are not smart enough but because they have a job during the day, because they are raising three kids. If you are a single mom with three kids and a full-time job, you cannot just leave all that behind and go to Gainesville, FL, to the University of Florida for 4 years. You need the ability to get that degree that allows you to do that. I lived that. My sister had to do that. She went back to school in her thirties and finished her college degree and then got her master's to become a teacher, and today she is an assistant principal, all the while raising two boys on her own. She would not have been able to do that if the only choice she had available to her was the University of Florida, Florida State, because she couldn't just move. That doesn't work for someone in that part of their lives.

We need to have answers. So I hope we will spend some time focusing on what we can do and reforming the way we accredit colleges, particularly when it comes to student financial aid, and in the way we structure our financial aid programs so that the education system meets the needs of our 21st-century students and not the other way around.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I understand the Senator from New Hampshire is going to go next. I ask unanimous consent that the time until 5 p.m. be equally divided and controlled between the two leaders or their designees, that Senators be permitted to speak therein

for up to 10 minutes each, and that any time in a quorum be equally divided between Democrats and Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire.

MS. AYOTTE. Mr. President, I rise today to talk about an issue we are all very concerned about, particularly in my home State of New Hampshire; that is, the rising student loan rates. In fact, one study that looked at it for the class of 2011 found that for New Hampshire, the average load of debt for the class of 2011 was \$32,000—over \$32,000.

Like the Senator from Florida, I have experienced it personally as well. I would not have been able to get a law degree or to have the education that I have without the ability to take out student loans—and only paid them off, fortunately, right as we had our first child. So this was something that—basically, I used to call it “I had a mortgage to pay” to pay off my student loans. But I was grateful for the opportunity to get those loans and get the education that I was able to receive. We want to make sure all students are able to pursue higher education in the most affordable way possible.

Here is where we are today. This is such a complete, typical Washington deal. We just voted on a proposal on the floor, and that proposal is a 1-year fix. It only applies to 40 percent of student loans. We would be back again next year—like Groundhog Day—trying to fix this problem again. It is a complete Washington deal in this way.

There actually has been a bipartisan proposal that has Members of both parties coming together. What happened is we saw that the President put forward a proposal as to how to deal with the increase in rates on July 1. The House Republicans had a proposal on how to deal with those rates. I was with Secretary Duncan at a hearing, and I asked him about that, and he said: They are not too far apart. Can't we come together? There was an opportunity for compromise.

As a result, a group of Senators got together here. I commend Senator MANCHIN, Senator ALEXANDER, Senator BURR, Senator CARPER, Senator COBURN, and Senator KING. They sat down and came up with a permanent solution to try to make sure student loan rates would not rise from where they are right now. This solution, of course, would decrease the rates for almost every student and put a cap on consolidated loans and also, most importantly, is not a 1-year fix so that we are back here again like Groundhog Day putting students and parents in a very difficult situation, not knowing how to plan, and educational institutions—everyone in the tough situation of not knowing what is going to happen and thinking that they are facing a dramatic increase in student loan rates.

I think the American people are very tired of what happens here and the

gamesmanship played in Washington. Here is the unfortunate thing. We had the vote on the 1-year fix.

By the way, I thought the Washington Post addressed that 1-year fix very well this morning in its editorial in which it said that lawmakers should “reject this pathetic non-solution and put their efforts instead into finalizing a compromise plan.”

There was a compromise plan that Senators from both sides of the aisle have worked on. I am a proud cosponsor of that plan. Yet we are not being offered a vote on that plan. That is why I say this is a typical Washington deal.

I can understand why the American people would be so frustrated that a bipartisan proposal that would prevent the loan rates from doubling would not receive a vote on the floor of the Senate. It is a proposal where Senators from both sides of the aisle have tried to take what the President wanted and to take what was done by the House Republicans and come up with a very reasonable agreement that is a solution that does not just leave us here in the same position next year. It doesn't just address 40 percent of student loans. It addresses all student loans and puts us in a situation where we would have a solution that would be bipartisan and would give students certainty. It would make sure their rates do not double as they did on July 1. Yet it does not even receive a vote on the floor of the Senate. That is what is wrong with Washington.

I hope the majority leader will reconsider. He may not like the proposal. I understand. But to not give it a vote on the floor of the Senate, where it has bipartisan support, is absolutely wrong. It deserves a vote. It deserves a thoughtful vote given that it has bipartisan support and it is very close to the proposal that was put forward by the President of the United States.

I hope that we will end the gamesmanship on this important issue, that we can address it, that bipartisan proposals like the one I just talked about will get a vote on the floor of the Senate, and that we will resolve this issue on behalf of students and parents as well, for whom I know this is causing a lot of unnecessary consternation. To not give a proposal that has bipartisan support a vote, at a minimum, seems to me just wrong. It is what is wrong with Washington. I hope the majority leader will at least give it the vote it deserves. I hope we can come to an agreement on this important issue.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

SH ENERGY SECURITY

Mr. CARDIN. Mr. President, I take this time to speak on the floor of the Senate to express my disappointment in last week's district court decision on the Cardin-Lugar provision of the SEC rule. An amendment offered by Senator Lugar and me on the Dodd-Frank legislation imposed certain transparencies on extractive industries. It was a pret-

ty simple position. It said that those companies that are registered on the SEC that are involved in extraction of minerals would be required to disclose on a project-by-project basis the details of those contracts.

We did that for many reasons. We did it because we thought transparency is right. We did it in order to deal with energy security so that we know the types of contracts that are being entered into. We did it so investors would have information in order to decide whether they wanted to invest in the stock.

The United States has been in the forefront of transparency, and this decision will delay implementation of a vital transparency rule that will shine much needed sunlight on information designed to protect investors and to promote U.S. energy security.

The Cardin-Lugar amendment and the SEC rule are critical to achieving important U.S. policy objectives. These objectives include protecting U.S. interests in both national and energy security. Why do I say that? Having transparency in what the extractive industries are doing makes it more likely we will have stable energy sources globally. Stable energy sources are critically important to our national security interests. These provisions are important for our national security. It also ensures investors awareness and protection. If you are going to invest in a stock of an oil company or a mineral company, you have the right to know where they are doing business. You have the right to know what countries they are doing business in and the specific contracts they enter into so you can make the right decision as an investor. That is why the SEC rules make sense.

Lastly, it promotes America's core principles of transparency, integrity, and good governance worldwide. It is interesting that we sometimes talk about the mineral wealth of a country as being a resource curse. Although they have wealth, that wealth is taken by the elite of the country and used to finance corruption, which just adds to the misery of the people.

Some of the wealthiest nations that exist as far as minerals are concerned have some of the greatest poverty in the world. Well, the provision Senator Lugar and I coauthored was an attempt to deal with that and an attempt to deal with good governance. If we can trace the money, we have a better chance to end corruption, develop good governance, and stable regimes.

The district court's ruling of API v. SEC, which sends the rule back to the SEC, is disappointing. The rule is flawed because the court completely misread not only the statute but the clear congressional desire of the statute. The statute provision was for transparency, and yet the court's ruling strikes down the SEC rule which implements that transparency. The court spent a tremendous amount of time addressing the issue of public dis-

closure of company reports. The whole purpose of section 1504 was to provide transparency to investors and citizens about payments made to the government.

Why would Congress write a law to increase transparency for investors and then allow the SEC to keep the reports secret? Congress was clear in the letter and the spirit of the law that this information should be in the public domain.

On the issue of the host country exception, over the very lengthy comment period for the rule, the SEC was not presented with one concrete example from industry about a specific law or contract that would prohibit these types of disclosures. In fact, examples are to the contrary, including the fact that companies such as Norwegian oil giant Statoil regularly report their payments to countries such as Angola and China—where industry says prohibitions exist—yet that company had no negative repercussions. The API is trying to muddy the waters by having the SEC address problems that the industry has failed to prove exists.

The United States has been a leader on transparency in the extractive industries. It is the district court that has now put a hurdle on that transparency. The district court's decision is not only contrary to the law, it is contrary to what is happening globally today.

The EU has already enacted a law requiring the same payment disclosure that section 1504 requires on a project and company level without exceptions.

In a summit last month, the G8 issued a communique unequivocally backing mandatory disclosure. Canada said it will develop mandatory disclosures in 2 years. The Canadian mining industry endorsed that provision. Despite the oil industry's continued fight in the U.S. court, the overwhelming momentum is on the side of mandatory disclosure. Why? Because of national security. Why? Because investors have a right to know. Why? Because it is the right thing for good governance.

Despite this setback, let me make it clear: We will not give up. This law still stands, and the SEC has many options to appeal the decision or revise the rule. The SEC must make sure it finishes the job.

As Senator LEVIN, Senator Lugar, and I stated in our amicus brief in this case:

Resource companies can believe whatever they wish and make any communication they wish about their payments to foreign governments. “The resource curse,” or the benefit or costs of transparency; they have done so throughout this process. What resource companies may not do is impede the power of the legislative branch to require disclosure of objective information to fulfill compelling public policy objectives, including the strengthening of American national and energy security and investor protections.

That is exactly what that provision did. Congress exercised its right, as the

legislative branch, to require transparency for good public reasons. Members of Congress and the administration on a bipartisan basis have long supported transparency through comprehensive disclosure of payments made by resource companies. That support will continue as we work with the SEC to implement this important law. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. 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. MURPHY. I ask unanimous consent to speak as if in morning business.

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

AMERICAN JOBS MATTER ACT

Mr. MURPHY. Madam President, I rise today to speak on the American Jobs Matter Act. This legislation was introduced by myself, Senator BLUMENTHAL, Senator BROWN, and Senator MERKLEY.

No one is going to disagree that this country has the greatest, most powerful military in the world. Although the Defense Department has not been spared from the draconian cuts included in the sequester, we still have a robust defense budget. Annual defense spending has grown from \$287 billion in 2001 to over \$700 billion today. Today it is hovering at around 6 percent of GDP.

A significant portion of these Federal defense dollars are used to purchase manufactured goods that make our military the preeminent fighting force in the world. In order to have the best military, you need the best people—we certainly have that—and the best stuff, which we have as well.

It is not debatable that our industrial base—going all the way back to the iconic assembly lines that churned out the machinery which was used to defeat fascism during World War II to today's shipyards that are producing our nuclear-powered submarines—is not still the best in the world. But 20, 30, or 50 years from now are we still going to be the best? That is the question before us today and the question this legislation seeks to answer.

Over the past 5 years the Department of Defense has cumulatively spent about \$700 billion on manufactured goods. Over that same period of time, the United States has lost 1.7 million manufacturing jobs.

Why is this? Obviously, there is no single answer to this question, but it is telling that during this period of time DOD has spent \$124 billion purchasing goods from foreign manufacturers. Some of these foreign manufacturers are in countries that are our allies today and will always be our allies, but some of these foreign manufacturers come from countries that are not our allies today and will never be our allies.

The bottom line is that when we outsource defense-manufacturing capabilities—either to our allies or to our adversaries—manufacturers shut down in this country and our capability to create and make critical defense items for our soldiers vanishes. The erosion of our industrial base kills jobs, and it jeopardizes our national security.

There are countless examples of how these spending decisions harm our industrial base, but I will give two examples that affect my home State of Connecticut.

In Waterbury, CT, there is a company that makes the metal tubing which goes into every ship the Navy builds. It holds the wires and the conduits. It is an incredibly complicated product, such that there are only two or three companies in the world that make this. For over 150 years this company in Waterbury, CT, has employed people in my State and kept our Navy equipped with the tubing it needs.

Over the years, the Navy has started to favor a foreign competitor who, frankly, has a history of engaging in unfair trade practices in order to undermine its competitors. They are offering the Navy a slightly more discounted price than the American company. So from the Navy's perspective, it is tempting to award that bid to an overseas contractor, but the monetary costs to the Navy cannot be the only thing we look at.

First of all, if this company in Waterbury goes under, then we will forever lose the ability to make this critical defense item in the United States. The country from which we are buying this equipment might be our ally today, but who knows what the case will be 10 or 20 years down the line. The fact is, you cannot just recreate the expertise, personnel, and machinery that makes this specific type of metal tubing.

Second, even if the Navy gets a 5- or 10- or 15-percent discount on this particular item, that benefit to the Navy essentially disappears when you look at the overall cost to the U.S. taxpayer because when those jobs are lost in Waterbury, CT, those men and women start qualifying for Federal benefits such as unemployment and Medicaid. We lose the tax revenue that comes to the local government, the State government, and the Federal Government. And, all of a sudden, that small discount they get by going to a foreign manufacturer vanishes before their eyes.

Here is a second example and one that to a lot of Americans will be absolutely maddening. We have a machine that makes dog tags. Essentially, we have a machine that goes out into the field and makes them for soldiers. There is nothing more iconic and emblematic of the danger soldiers put themselves in, the sacrifice they sometimes make, than the dog tag. It has historically been made by an American-built machine. But, recently, bids have been going to an Italian company that makes a similar machine simply

because the Italian company's machine costs 3 percent less than the American machine.

First of all, it is not acceptable that our dog tags are not American made. Second of all, that 3-percent difference is negligible when we compare it to all of the money lost when those jobs disappear in the United States. How can this happen?

There was overwhelming bipartisan consensus when Congress passed something called the Buy American Act 75 years ago, which said we should give preference to companies in the United States when we are buying things for the U.S. military. I don't think anybody today questions the wisdom of that act. But over the years we have built loophole after loophole, exception after exception, into the Buy American Act such that sometimes a minority of the parts of a particular thing we are buying for the Department of Defense comes from American firms.

The real world examples I mentioned and many others have prompted me, along with Senators MERKLEY and BROWN and BLUMENTHAL, to introduce the American Jobs Matter Act. Here is what this legislation will do; it is pretty simple: It will require that the Department of Defense, for the first time, has to measure domestic employment as a factor in awarding a contract. It is a simple premise. In the same way that DOD considers price and past performance when awarding work, they should also consider the impact on domestic employment in the award of a contract.

Under this bill, our largest contractors would also have to account for the expected job creation of their subcontractors, because that is where a lot of the problem is. We are not buying a lot of big goods that are assembled in other countries, but the hundreds of thousands of parts that sometimes go into a submarine or a jet engine or a tank or a humvee are often made outside of the United States. This would require the contractor to present an estimate of how many jobs throughout the supply chain are created here in the United States. Under this bill, when DOD gets two similar bids and one would create more American jobs than the other bid would, DOD can take that into account when awarding the contract.

Frankly, most people I talk to back in my home State of Connecticut think this already happens. People assume that if past performance and price are about equal, the home team should win. But, today, there is no law that allows military contractors to make that distinction. This bill would allow them, for the first time, to do that.

Retired U.S. Army BG John Adams recently published a study about the vulnerabilities in our defense supply chain. His report, which mentioned actually some of the specific examples I referenced, said this:

The health of our manufacturing sector is inextricably intertwined with our national

security, and that the United States' national security is threatened by our military's growing and dangerous reliance on foreign nations for the raw materials, parts, and finished products needed to defend the American people.

It is time we changed that. The American Jobs Matter Act will put our defense industrial base on a stronger footing for the future.

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.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. 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. ENZI. Madam President, I wish to make some comments about the vote we had on the floor awhile ago. I think it is time to stop holding the students of this country hostage 1 year at a time. That is what the bill did that just got turned down for cloture. It kicked the can down the road for a year. There were several Democrats who voted with the Republicans on that one, because they thought it is time to stop kicking the can down the road.

How do we stop kicking the can down the road? Take a look at the Republican alternative that was offered. The Democratic bill was going to save 40 percent of the students half of the interest rate for 1 year so that 3.44 percent would be their interest rate. The Republican plan solves it for all students getting a loan and it solves it in perpetuity. It does it by making it 3 percent greater than what the Federal Government borrows its money at, which at the present time is 3.66 percent. I submit 3.66 percent is not much higher than 3.44 percent and it is a lot less than 6.88 percent.

Why do we have a rise in the interest rate to 6.88 percent? The Federal Government, this body and the other body, and the President, decided a way we could fund health care in this country would be to take over the student loan business and then raise the rates to 6.88 percent. It provides money for the Affordable Care Act.

So we had a vote without having a side-by-side. Nobody got to vote on the 3.66-percent interest rate for everybody in perpetuity, but we got to vote for the 3.44-percent interest rate, which means kicking the can down the road for a year for 40 percent of the students. That is wrong.

Why didn't we get to vote on both of them? Well, the Republican plan would have had more votes than the Democratic plan. There are people on the other side who don't want to kick the can down the road and who understand the alternative is a reasonable solution to the problem. It would take care of all the students and take care of them

from now on, and it provides a solution to the problem.

I have to say it is pretty clever, that by bringing up this bill by itself and having it defeated on cloture, it solves two problems: No. 1, they get to blame the Republicans. No. 2, the money will still be there for the Affordable Care Act. That means keeping the money and blaming the Republicans. How can it get better than that? It can get better than that if we solve the problem for all of the kids applying for loans this year, not just 40 percent of them, and solve it so they know exactly where the interest rate is going to be at the time they apply and it stays that way on their loan for the whole time they have the loan.

In future years, as others apply, the interest rate may be higher. The rate will be the same as whatever rate the Federal Government pays to borrow money. We are not going to be able to borrow at the low rates we are borrowing at now, but students will get the same break everybody else does, at just the 3-percent higher interest rate.

I notice the majority leader changed his vote to no, and that is so he can bring up this bill again. Why would we bring up this bill again without having the alternative bill so people can vote for it, which I think might pass? It is so we can be blamed one more time.

This isn't supposed to be a blame game around here. This is supposed to be about finding common ground and getting things done. I think there is some common ground; otherwise, there wouldn't be some Democrats joining with Republicans on a bill Republicans proposed, but that is not the way we need to do bills anyway. We need to have the chairman and the ranking member of the appropriate committee sit down and work out a basic bill that can then be amended on the floor—first amended in committee. We are not going through a regular process on a lot of these bills and yet we should be. I assume it would go to the Committee on Health, Education, Labor, and Pensions. Maybe, since it deals with the health care act, it would go to the Committee on Finance. At any rate, there would be an appropriate committee for it to go to, perhaps both the Finance Committee and the HELP Committee, but it didn't come to either. Neither proposal came to that committee.

It is time to quit making deals around here and start legislating. That is the way things have been done in America for a couple of hundred years and it is time we did that again. We can get solutions if we go through the regular process.

It is time to stop kicking the can down the road. I hope we can reach a solution. I hope we get to vote on both proposals and we can see where a majority of the votes go. Slowly, people are coming to realize that a solution for 100 percent of the students taking out loans is better than a solution for 40 percent of the students taking out

loans, and one that goes on in perpetuity is better than one that goes on for 1 year.

Every year in July we say to the students, Your interest rate is going to go up unless we take action, and then we show how one side or the other doesn't want to take the action.

We have to get this problem solved. There are a lot of other aspects of higher education that need to be solved as well. It is time for that bill to be reauthorized, and it should go through the regular process as well.

I hope we quit blaming each other and get something done. I personally like the long-term solution for 100 percent of the students instead of half of a solution for 40 percent of the students.

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. COONS. 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. COONS. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

EMPLOYMENT AGENDA

Mr. COONS. I rise today to talk about something we do not hear enough about on the Senate floor these days: Jobs, jobs, jobs. During the 2012 election, the monthly jobs numbers were even more closely watched and analyzed than the daily polls, but ever since it is as if Congress has forgotten there are still 12 million Americans looking for work, and from my home State of Delaware alone, 32,000 Delawareans are out of a job.

Sure, we are eager to hear if the unemployed numbers nudged up or down a tenth of a percent. But maybe Washington is all too willing to put the unemployed on the back burner. We are adding nearly 200,000 jobs a month now, according to the most recent jobs report. That is certainly progress. But one of the things I found most chilling was an analysis that said at this pace, it will be 2017 before our Nation gets close to full employment again.

Is that acceptable to the Presiding Officer? That is certainly not acceptable to me. When is Washington, when is Congress, going to get back to working on behalf of those still looking for work?

The jobs numbers that are typically reported mask an even deeper and more concerning structural problem in our economy as well. Almost 40 percent of those currently unemployed, about 4.3 million Americans, are described as the long-term unemployed. These are folks who have been out of work 6 months or more. Short-term unemployment has dropped, but long-term unemployment remains persistently high and troubling. The longer a worker is unemployed, the more difficult it becomes to

find a job, whether it is because there is a stigma attached to being unemployed or because their skills need to be updated or because we need something to help lift their spirits and make them successful in job interviews.

Across all of these different reasons, in my view we need stronger, more engaged, more agile interventions by the Federal Government, by State and local governments, in our economy and in support for those seeking work to help them find employment.

I think we need to act swiftly on measures to improve skills training, job placement, and collaboration with State and local labor agencies. The fact is the longer we wait to deal with long-term employment, the tougher it will be to help these folks get back to work. Yet many of us here in Congress apparently cannot or will not focus on unemployment, long term or short term, much less on other measures to stimulate our economy. Is it any wonder the American people think Congress is not even trying anymore?

Here in the Senate, we know that while deeply challenged by filibusters and ideological fights and caucus politics, we are still managing to get big things done. It would be an overstatement to say we are making it all work, that it is easy. But thanks to a contingent of Republicans and Democrats here who are working in good faith together, we have been able to make some meaningful bipartisan progress. The Senate passed a bipartisan farm bill that would have taken steps to modernize our Nation's agricultural system, which supports 16 million jobs, and actually reduce the deficit by \$24 billion.

What a remarkable trifecta of accomplishments: supporting one of the world's most cutting-edge agricultural economies, supporting significant job creation, and significantly cutting our deficit. What is not to love in that farm bill? Well, the House passed a series of amendments that eliminated our hard-fought bipartisan compromises and has effectively doomed the bill.

Similarly, the Senate here passed a bipartisan Water Resources Development Act to modernize America's water infrastructure all over the country, including drinking water, wastewater treatment, shipping channels. It got 83 votes here out of 100 in the Senate. It is being slow-walked in the House over ideological objections about the empowerment of the government on environmental authority.

After a historic committee markup, after the Congressional Budget Office said it would reduce the deficit by \$150 billion in the first decade and \$700 billion the second, this Senate passed an overwhelmingly bipartisan immigration reform bill—I think one of the biggest accomplishments of this Congress. This Senate passed an overwhelmingly bipartisan immigration reform bill, only for it to languish stubbornly in

the partisan hunger games that are today's House of Representatives. The headline in Politico from today reads "Immigration Reform Heads For Slow Death."

Americans are frustrated with this, and so am I.

The House of Representatives has sadly become wholly dysfunctional, paralyzed by partisan civil war over the fundamental question of whether government should be an instrument of good in people's lives. That is the key here. Sadly, the fighting within the Republican Party is dividing that caucus internally. On the one hand you have genuinely principled Republican lawmakers who believe in this legislative process, who are committed to working collaboratively on the challenges our Nation faces. These folks have worked with me and others and cosponsored many bills I have introduced and others to try to make a difference here. On the other hand you have an antigovernment, frankly anti-Obama faction that took over the House in 2010. Their numbers are small but their voices are loud. It is their core belief that Congress and the Federal Government cannot and should not legislate, that government has no meaningful or constructive role to play in our society.

I worry that that belief informs their tactics of stall and delay, investigate and repeal. The Huffington Post reported this week that this Congress, in particular this House, has had only 15 bills signed into law so far—15. You have to go back a long time to find a Congress that has passed fewer pieces of legislation, between House and Senate, than this one, the 113th Congress.

Democrats and many Republican lawmakers look at this as an embarrassment in a time of enormous challenges overseas and at home for us to take so few actions together. But the tea party and some conservative ideologues look at it as an accomplishment and say that any compromise is a four-letter word, especially if the alternative is broad or progressive legislation. So what we have is a fight between folks who would, for example, trim the scope of funding for the Federal Department of Education, and folks who would fundamentally think there should not be a Department of Education. That is a fight in which I think the American people do not win.

An opposition party is a great thing, a necessary thing for our democracy. But this opposition party within the opposition party is crippling this Senate, this House, this Congress. By my count it has been 90 weeks since a Republican filibuster blocked a jobs bill that was designed to keep teachers, police officers, and first responders on the job. It has been 87 weeks since a filibuster blocked a bill to put Americans to work through investments in infrastructure, and 51 weeks since a Republican filibuster blocked a bill to give tax breaks that bring jobs home and end a tax deduction for companies that

move jobs overseas. Frankly, just 42 weeks ago, a Republican filibuster in this Chamber blocked a bill to help 20,000 veterans find new jobs.

In the other Chamber, it is no better. The House of Representatives has now voted 37 times to repeal the Affordable Care Act. The New York Times did the math. The House has spent 15 percent of its time voting to repeal the so-called ObamaCare. In May, the Congressional Budget Office, which is the arbiter of what is or what is not necessary, the scorekeeper, actually said the House has voted to repeal the Affordable Care Act so many times it will no longer issue new scores as it attempts over and over to achieve what seems to be its most basic purpose: repeal. That is how much time and energy this House has wasted on this particular project, that could be better invested in finding ways to implement this bill more responsibly.

How much time do we waste here in this Chamber, running out the clock, waiting for 30 hours for cloture to ripen, because we cannot get simple agreements to move forward? I know this is not what our side or our leadership wants. I suspect it is not what most Senators of either party want. It is certainly not what our constituents want. What should be taking days is taking weeks. What should take weeks is taking months or even years.

We are not here to run out the clock. We are here to make a difference, or at least that is why our constituents sent us here. Ideological obstruction has rendered this Washington, this Congress, so ineffective, so inert, that when it comes to helping people get back to work in Delaware, my colleagues Senator CARPER and Congressman CARNEY and I have taken an unusual action for Members of Congress. We have started hosting job fairs. We have used the power of the office to convene when we cannot use the power of the office to legislate. We have had actually 13 job fairs up and down our State in all three of our counties in Delaware. We have watched as hundreds of folks have come and had the opportunity to apply for and pursue new employment.

Congress should be taking a clue from that effort. We should recommit ourselves to helping our innovative small businesses grow, to helping open new markets for American goods, to helping Americans find good jobs, and to supporting those who have not been quite so lucky yet.

I think we need an agenda, an agenda that focuses on five areas where investment now will lead to new jobs, not just for today or tomorrow but long into the future. First should be education. We have to do more, as I said before, to help the long-term unemployed get professional skills to thrive in this job market. We have to do more to prepare young people for the challenges of the modern economy.

I have a bill, the American Dream Accounts Act, cosponsored by Senator

RUBIO and others, that would help get our at-risk kids through school and into college.

We should also support innovative cutting-edge research. I have a bill that would make the R&D tax credit permanent and open it to startups. It is called the Startup Innovation Credit Act, which has been cosponsored by a wide range of Senators: ENZI and RUBIO, BLUNT and MORAN, STABENOW, KAINE and SCHUMER, a truly bipartisan bill.

I am proud to be working with Senator ALEXANDER of Tennessee on, hopefully, strengthening and reauthorizing the America COMPETES Act.

The third area we should be focusing on is tied to us doing more to harness the resurgence of American manufacturing. There are a dozen smart bills—many with bipartisan support—that have been introduced, taken up, and passed in the Senate that are currently languishing in the House. We should work to make a real difference for America's manufacturers.

Fourth, we have to help grow our economy by growing our markets, by growing our opportunities around the world. As chairman of the African Affairs Subcommittee of the Senate Foreign Relations Committee, I have worked across the aisle to push forward bills that would create new market opportunities for American businesses.

With Senators DURBIN and BOOZMAN, I have reintroduced a bill which aims to triple the amount of U.S. exports to Africa over the next 10 years.

Fifth and last, an area on which I thought all of us would be able to come together, is investing in infrastructure. The BUILD Act, introduced and taken up in the last Congress—which I hope we will soon move to—would create a national infrastructure financing vehicle, an infrastructure bank, if you would, to help bring private funds into vital infrastructure projects. It has had bipartisan support in the past from the Chamber of Commerce to the AFL-CIO.

It is my wish we can take it and use it as a vehicle to help the 12 million people who are looking for work find the jobs they need.

I have a simple question: When is Washington, when is Congress going to get back to work on behalf of those still looking for jobs? How much longer will we wait? How much more clock will we run out? How much more time will we waste?

It is my prayer that this Chamber, this country, finds a way to work together to get over this partisanship that has paralyzed our political process.

In closing, I wish to say a word of thanks to colleagues I have seen who have come to join me in the Chamber, Senator MCCAIN and Senator FLAKE of Arizona. They are exemplars of the folks who have worked together across the aisle to find solutions to some of the big problems facing us.

They worked tirelessly with Democratic colleagues to put together the

architecture of the bipartisan immigration bill that was passed through this Chamber in recent weeks. It is my hope that others in the other Chamber will see that spirit and take this opportunity to take up and pass legislation to put America on a track toward growth. There are 12 million reasons for us to do that, 12 million Americans looking for help getting back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

HONORING THE FALLEN HEROES OF THE GRANITE MOUNTAIN INTERAGENCY HOTSHOT CREW

Mr. FLAKE. I rise today with a heavy heart to remember 19 brave men, 19 grieving families, 19 empty places in the Prescott community that will never be filled. Arizona and the entire Nation, shares in their sorrow.

The loss of the members of the Granite Mountain Hotshots and the loss to the community was both terrible and swift. We are right to ask why.

Why were they taken from us? Why were these seemingly fearless men, these exemplars of all that is brave, good, and decent in men, choose a job that causes them to run into an inferno just as everyone else is running away from it?

In answering that, we get an essence of who these men are, these 19 lives of achievement and purpose, courage and discipline.

From all corners of America, they came together in Prescott with a single goal in mind: protecting people and property. To do this, they trained relentlessly, willingly took the worst that Mother Nature could throw at them, all to save lives and homes for their friends and their neighbors.

They did so accepting the risks, embracing them even, in the words of the old hymn, "calm in distress, in danger bold."

They did so in the name of community.

Americans are characterized by the word, by our sense of communal spirit, civic duty, and service to others. This is what makes us who we are.

Those characteristics describe perfectly the 19 members of the Granite Mountain Hotshots. They were not merely given the gratitude and respect of the citizens of Prescott, they earned it. They earned all of our admiration and respect, as well.

Now in that same communal spirit, we must help the families who carry the weary load.

Grief is a lonely thing, but those who are grieving for a husband or for a son, know that millions of us are thinking of you and praying that your hearts find solace and comfort.

To the children of these men, carry deep inside of you the knowledge that they were as proud of you as you are of them.

This band of 19 embodied what is best about our country. I am honored that

they were, in the end, Arizonans. We should all be proud to live in a community, State, and nation built on the kinds of guts and selflessness that these men personified.

Today we are all, in the words of A.E. Housman, "townsmen of a stiller town."

May God bless the souls of these 19 brave men.

Senator MCCAIN and I had the privilege yesterday to travel out with the Vice President, two Cabinet Secretaries, and other Members of Congress to a memorial service for these brave 19. It was an incredible experience to see a community come together as it did. The townspeople, people from across the State, across the country, and people across the world were sending their condolences for the actions of these men.

We are so fortunate to live in a country like this. Senator MCCAIN and I are so fortunate to be Arizonans. We are fortunate to witness what we have witnessed in the past couple of weeks.

I am pleased to submit this resolution to honor these men.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Arizona.

Mr. MCCAIN. First, I thank the Senator from Delaware for his kind words about me and my friend and colleague from Arizona, who I believe is carrying on in the fine tradition of his predecessor Senator Kyl in a spirit of bipartisanism and dedication to the people of Arizona.

I come to the floor with my colleague from Arizona to offer a resolution honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew.

Yesterday, Senator FLAKE and I were privileged to attend a memorial ceremony in Prescott, AZ, honoring the life and sacrifice of the 19 brave men of the Granite Mountain Hotshots who lost their lives last week battling the Yarnell Hill Fire in Yavapai County, AZ.

I know I speak for all of my fellow citizens in expressing our gratitude to the Vice President of the United States, who came all the way to Arizona and gave a moving, stirring, and wonderful testimony to these brave Arizonans. I believe it is typical of my friend for so many years, the Vice President of the United States, that he and his wonderful wife would come to Arizona to join us to honor the efforts of these brave men.

These were not men merely worth knowing, they were men to admire. They were men to emulate if you have the courage and character to live as decently and honorably as they lived. Not many of us can. But we can become better people by trying to be half as true, half as brave, half as good as they were and to make our lives count for something more than the sum of our days.

The news accounts of their lives and the testimonials to their virtues that have appeared in the days since we lost

them give the rest of us a glimpse of what a blessed memory they are to those who knew and loved them. Some of them were the sons of firefighters who grew up wanting to be like dad, their hero. Some leave behind wives and children. Some were expecting the birth of their first child. Some married their high school sweethearts. Some were engaged and looking forward to being husbands and fathers.

Two were cousins and best friends. One rescued horses. One aspired to preach the word of God. One was a standout ball player. One dressed in a yellow raincoat when he was 6 and pretended to put out fires. Some were born in Arizona. Some came from other places and fell right in love with the beauty and people of Arizona.

Some were shy. Others were practical jokers. They were all respected and admired, the kind of men you just like being around.

They all loved the outdoors. They were athletic and adventurous. They loved their jobs. They wanted to serve others. They wanted to make a difference. They all had a purpose greater than themselves. They were all young, so young. They were all brave, so brave. They were all loved and were loved, so loved. They will all be missed, so terribly missed.

I will forever be touched by what their families and friends have told me about them and how much they meant to them and their communities. Their stories teach us how to be better people. Their loss reminds us to hold each other a little tighter, to love each other a little harder. I will always consider myself disadvantaged for not having known them. From the little I know about hope in the face of daunting challenge and the indomitability of the human spirit, it is so vital to helping us keep our faith and to endure. I hope I can offer some solace when I say the courage of those we honor today is immortal. It does not perish with them. How they lived and what they did will inspire others to live courageously, purposefully, selflessly.

Of these qualities, we tend to see merely flashes throughout our lives. In these men of the Granite Mountain Hotshots, we see grand examples—sublime, shining, and unforgettable examples—that will summon good men and women today and long after our time has passed to live bravely, compassionately, and honorably.

In a fierce and terrifying encounter with extreme danger, they stood their ground like the heroes they were and fought for their community. While they did not come home to the people who loved them so much and will miss them always, I firmly believe we will see them again in the better world that is to come.

Until then, we fondly remember the humanity and the heroism of these brave men, their wonderfully unassuming down-to-Earth nature, all of their marvelous imperfections known only

to their closest family and friends, and how, in the face of dire peril, they rose beyond all that makes us merely ordinary and let God cradle them in his arms and carry them away.

The lost men of the Granite Mountain Hotshots died having taught us all to live. For that, as we honor them and pay our respects to their loved ones today, I submit we should all find great solace.

I ask unanimous consent the Senate proceed to the consideration of S. Res. 193, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 193) honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCAIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. McCAIN. I yield the floor.

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

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

KEEP STUDENT LOANS
AFFORDABLE ACT OF 2013—MO-
TION TO PROCEED—Continued

DISABILITIES CONVENTION

Mr. HATCH. Mr. President, 23 years ago I stood here on the Senate floor as we voted 91 to 6 for the conference report on the Americans With Disabilities Act. I predicted this landmark piece of legislation would literally unlock the resources of individuals with disabilities that had previously been wasted. I worked long and hard to get it enacted into law. It is one of the bills of which I feel most appreciative.

In 2008, I again stood here on the Senate floor as we passed the ADA Amendments Act by unanimous consent. I said it was part of our ongoing effort to expand opportunities for individuals with disabilities and to help them participate in the American dream. I remain committed to that effort.

Both of these legislative achievements were the result of negotiation and compromise, and they directly addressed and provided concrete solutions to problems faced by American citi-

zens. We should address such public policy issues through the legislative process so elected representatives make the decisions that affect Americans and are consequently accountable to them.

There is underway an effort to promote the rights and opportunities of persons with disabilities through a treaty rather than through legislation. Advocates of the U.N. Convention on the Rights of Persons With Disabilities—or CRPD—appear to believe that statutes and treaties are simply alternative means to accomplish the same end. Although I have labored with these advocates on disability legislation, I must respectfully but firmly disagree.

My record on disability legislation speaks for itself, but I cannot support the CRPD because the cost to American sovereignty and self-government clearly outweighs any concrete benefit to Americans.

When Alexander Hamilton explained the American system of representative self-government, he famously said that in America, "The people govern; here, they act by their immediate representatives." Those words today are inscribed above an entrance to the House of Representatives in the Capitol, a building that Thomas Jefferson described as "dedicated to the sovereignty of the people."

That sovereignty certainly includes the authority to elect representatives and the authority of those representatives to enact laws. But it is much more than that. The American people also have authority to define our culture, express our values, set our priorities, and balance the many competing interests that exist in a free society. To put it simply, the American people must have the last word. The CRPD would undermine that sovereignty, compromise self-government, and give the last word to the United Nations. Let me explain how.

The CRPD is not a treaty with other nations but a treaty with the United Nations itself. Ratifying it would create a wide range of obligations for the United States and authorize the United Nations to determine whether we are meeting those obligations.

The U.N. Web site says the CRPD legally binds any nation ratifying it to adhere to its principles. The treaty applies those principles in more than two dozen areas of national life including education, health, employment, accessibility, and independent living, as well as participation in political, public, and cultural life. Article 8 even requires ratifying nations to "raise awareness throughout society, including at the family level, regarding persons with disabilities."

The treaty also spells out what adherence to its principles in these many areas will require. Ratifying nations must enact, modify, or abolish not only laws and regulations at all levels of government—Federal, state, and local—but also social customs and cultural practices. Ratifying nations must

refrain from engaging in any acts or practices that are inconsistent with the treaty as well as ensure that all public authorities and institutions act in conformity with it.

The heart of the CRPD is a committee of 18 experts elected by the nations ratifying the treaty that has authority to determine if those nations are in compliance. Each nation must submit to this committee periodic comprehensive reports on measures taken to meet the obligations imposed by the treaty. The U.N. committee dictates the content of these reports, evaluates whether a nation is in compliance, and makes whatever recommendations it so chooses.

I commend to Senators an article co-authored by our former colleague from Arizona Jon Kyl and published in the current issue of the journal *Foreign Affairs*. He explains well how international law can undermine democratic sovereignty. Of this particular treaty, the CRPD, he writes,

If the treaty has a practical effect, it would be due in large part to interpretations made by foreign government officials and judges and by nongovernmental organizations, none answerable to American voters.

Under the U.S. Constitution, ratified treaties are the supreme law of the land. Since the United States has long had the most progressive disability laws and policies in the world, we likely are already doing much that the CRPD requires. But that is not the point, and instead highlights the real problem. Ratifying the CRPD would endorse an official ongoing role for the United Nations in evaluating virtually every aspect of American life. Ratifying the CRPD would say the United Nations, not the American people, has the final say about whether the United States is meeting its obligations in these many areas. It would impose this cost to American sovereignty and self-government with no real concrete benefit to Americans.

Ratifying the CRPD will not establish a single right for a single American. It will not provide for Americans with disabilities anything that American law has not or could not provide. It would not even help Americans with disabilities who travel overseas because their treatment depends on the laws and policies of other countries, not ours.

The CRPD's combination of obligations and U.N. oversight can help move nations that have not done so on their own toward protecting the rights and promoting the opportunities of persons with disabilities. That, I take it, is a strategic purpose of the treaty. But the United States is not only far down that road, we literally blazed the trail, and I was a significant part of blazing that trail.

Treaty advocates argue that the CRPD's impact on American sovereignty and self-government can be minimized by the many caveats that would accompany ratification. These are commonly referred to as reserva-

tions, understandings, and declarations. The legal status of these caveats, however, is unclear. The CRPD itself states that “[r]eservations incompatible with the object and purpose of the [CRPD] shall not be permitted,” a judgment reserved to the U.N. committee. No less an authority than Harold Koh, former State Department legal adviser and now Sterling Professor of International Law at Yale, has questioned whether such declarations have “either domestic or international legal effect.”

Treaty advocates also emphasize that the U.N. committee will have no formal authority to interfere domestically in the United States. But as I explained, American sovereignty and self-government are not so narrow that they could be undermined only if we literally let the United Nations run our country. The United Nations and its components hardly need a treaty to opine on aspects of American life and public policy; they already do so—and we have seen it many times. It is, however, something else entirely for the United States formally to endorse the right of the United Nations to do so and subject ourselves to their evaluation.

Treaty advocates say that ratifying the CRPD would give the United States a “seat at the table” to promote the rights and opportunities of persons with disabilities around the world. Ratifying the CRPD will neither create, nor is necessary to maintain, America's global leadership on behalf of persons with disabilities. We had the most progressive laws in the world decades before the CRPD existed. Individual nations, as well as the European Union, are today modeling their laws after ours even without ratifying the treaty.

The only table in this arena at which the United States doesn't already have a seat is the U.N. disability committee. But do the math. The committee has 18 members who are elected by the CRPD's state parties, currently 132 nations. The chances of the United States having a seat at that table at any particular time are remote and will get even smaller as even more nations ratify the treaty. Besides, as I noted, advocates acknowledge that the U.N. committee has no formal authority anyway.

Finally, treaty advocates say the ratification by the United States will encourage other nations to do so. But at least 19 nations on four continents—from Norway and the Russian Federation to Barbados, Israel, and Liberia—have ratified the CRPD since it was received here in the Senate a little more than a year ago.

I have not addressed substantive issues with the CRPD as currently drafted, but I will mention one. For more than four decades, American disability law and policy have used an objective, functional definition of disability. A disability is an impairment that substantially limits a major life

activity. The CRPD, however, states that “disability is an evolving concept” involving barriers that hinder “full and effective participation on an equal basis with others.” The threat to American sovereignty and self-government I have described would exist even if the CRPD utilized a similar concept of disability. But at least by the CRPD's terms, it appears the U.N. committee will use an evolving concept of disability to evaluate how the United States has implemented its objective concept of disability.

There exists virtually nothing that the United States could do after ratification that it could not or does not already do today. The truth is that every argument for ratifying the CRPD applies properly to other countries, not to the United States. The only real benefit of ratification that I can see would be to endorse the principles and policy statements in the treaty. The United States, however, either already does so by law or can do so in ways that do not undermine our sovereignty and self-government.

In the end, the most potent kind of leadership is the kind that America has exercised for decades—decades already, taking real action to protect the rights and promote the opportunities of persons with disabilities. I remain as committed as ever to that ongoing responsibility.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. CORNYN. Mr. President, what do you get when Congress passes a 2,700-page piece of legislation on a purely partisan basis that radically transforms one-fifth of our economy and impacts the lives of 319 million Americans? What do you get when you oppose the huge costs of this legislation, and this new bureaucracy that goes along with it, on an economy that is trying to recover from one of the biggest recessions our country ever experienced back in 2008? Well, two of the things you get for sure are higher unemployment and fewer jobs, and anemic economic growth. We have seen both of those in the daily news. I am afraid we now have a new normal when it comes to unemployment in America, which is at 7.6 percent, and that does not count the people who have quit looking for work.

The Bureau of Labor Statistics has a ranking of how they rate the number of people actually looking for work, and it is called the labor participation rate. It is on their Web site. We have the fewest number of Americans in the workforce than we have had in the last 30 years.

We didn't get many of the benefits that were promised when ObamaCare was passed at a time when we were essentially told: We are from the government. Trust us. It will all turn out OK.

One of the most important numbers in the recent job report is the number 8.2 million. That is the number of Americans who are now working part time instead of full time because the full-time jobs are simply not available. In other words, there are 8.2 million workers who are working part time even though they want a full-time job, but they cannot find one.

To give some perspective, the number was 7.6 million in March. So between May and June we have seen that number increase by 300,000. There are 300,000 Americans who were unable to find full-time work, so they had to accept part-time work. When we talk about numbers such as these, I know it is tempting to think of those numbers as just abstractions, but these are the American people. These are moms, dads, brothers, and sisters. These are young adults who are looking for work but simply can't find work on a full-time basis.

I would suggest—and I think the evidence is compelling—that one of the reasons for that is ObamaCare. The law requires all businesses with 50 or more full-time workers to provide their employees with government-approved health care coverage, and if they don't, then they have to pay a financial penalty. This requirement was originally scheduled to kick in next year, but last week the Obama administration announced that this so-called employer mandate would be delayed until 2015. In other words, the administration has implicitly acknowledged that the mandate is discouraging the creation of full-time jobs and is actually reducing working hours, which is relegating many American workers—300,000 more between May and June—to part-time work even though they want to work full time. The irony is that the ObamaCare bill passed in the Senate—and I still remember this—on Christmas Eve of 2009 at 7 a.m. in the morning. It was later reconciled with the House legislation in 2010. But we have had two elections occur before the full implementation of this bill. What we are going to see now is moving the implementation off again until after the 2014 election. In my view, that is dangerous because it means there is no electoral accountability for the true impact of this legislation even though we are beginning to see some of it.

Of course, the basic problem is that the mandate won't magically disappear in 2015, even after it has been delayed by unilateral action of the administration. But what strikes me as pretty simple is that when you penalize full-time work, what you are going to get is part-time work in order to avoid the penalty.

Of course, the employer mandate isn't the only part of ObamaCare that is hampering job creation. The law also

contains \$1 trillion in tax increases—including a new medical device tax that has already prompted several large manufacturers to close existing facilities or cancel plans for new ones. I remember a few months ago I had a medical device company located in Texas tell me that they were going to be expanding their operations in Costa Rica instead of Texas in order to avoid this tax.

The medical device tax has also discouraged health-care savings and life-saving innovations. One of the great things about our country and our free enterprise system is that if somebody has a better way to do something, they can design it, build it, and consumers can benefit from it. In this case, this medical device tax has been destructive of each of those.

Indeed, this tax has been so counterproductive that 79 Members of this Senate—a supermajority on a bipartisan basis—rejected it during the vote on the budget resolution recently and effectively said that it should be repealed. A number of colleagues from across the aisle who supported this legislation initially have now seen that the way this is being implemented can be damaging and destructive not only to job creation but access to quality health care. The same thing can be said of the 81 Members who voted to abolish ObamaCare's IRS 1099 reporting requirement back in 2011. The more we have learned about the implementation of ObamaCare, the less popular it has become.

For that matter, the administration itself has had second thoughts about key provisions of ObamaCare. In 2010, the Department of Health and Human Services began granting a series of waivers from ObamaCare's annual limit requirements. It eventually granted more than 1,000. In other words, the administration unilaterally said to some people: You don't have to comply with the law, while the rest of us were stuck with it.

In 2011, Health and Human Services Secretary Kathleen Sebelius suspended all work on the so-called CLASS Act, a portion of ObamaCare that was formally repealed earlier this year. And, a few months ago, Health and Human Services announced that ObamaCare's basic health program would be delayed until 2015—again, after the next midterm congressional election. Just last week, in addition to delaying the employer mandate, the administration also delayed another important provision in the ObamaCare oversight. In other words, it said, You don't even have to prove that you are financially eligible for taxpayer subsidies to get insurance in the health exchanges.

This is an invitation to fraud and abuse. We saw in 2008 when the bubble burst after the financial crisis came to a head, one of the root causes of that was companies writing loans to people who couldn't qualify for those loans, but they didn't require any financial disclosure or verification. Those came to be known as liar loans.

We are essentially now refusing to learn from that experience in the health care field, on the part of the administration, to see as many people as possible signed up for the health care exchanges, but based only on their unilateral declaration that they are eligible, not any real verification or proof. That is an invitation to fraud.

To add it all up, notwithstanding its aspirations and notwithstanding the hopes and perhaps dreams of those who thought we were going to somehow transform health care with this legislation, it has now become clear to me, and I daresay millions of Americans, that ObamaCare has simply not lived up to its promises. It is not working as advertised. I think there is a growing bipartisan consensus to that effect. I have mentioned some examples and some reasons why, including as well that for the past 3 years we have witnessed a nonstop parade of fix-ups, fumbles, delays, and broken promises.

For example, during the 2008 campaign, President Obama pledged his health care law would transform health care; it would make health care costs for a family of four go down by \$2,500. What has actually happened is the cost of family premiums has actually gone up by nearly \$2,400 between 2009 and 2012. According to the Wall Street Journal, healthy consumers could see insurance rates double or even triple when they look for individual coverage under ObamaCare, and that will happen this fall. Some of it is so-called age-banding where young people, such as my two daughters who are 30 and 31 years old, are going to be forced to pay higher premiums to subsidize health care coverage for older people.

There are also other provisions such as mandatory issue. For example, if a person finds out that unfortunately they have a disease and are not covered, under ObamaCare they can go out and buy insurance which is not actually insurance anymore. Someone said it is akin to waiting until your house is on fire to buy fire insurance. That drives up the cost and it distorts the insurance market. What we are going to see, and what consumers are going to see, is their health care premiums go up as a result of the implementation of ObamaCare.

What about the promise that ObamaCare wouldn't raise taxes on anyone making under \$200,000 a year? In fact, the law raised taxes on everyone, from young people with health savings accounts, to middle-class workers with families, to senior citizens living on a fixed wage.

President Obama also promised that anyone who liked their existing health coverage would be able to keep it. Do my colleagues remember that? He said: "If you like what you have, you can keep it." I know people like hearing that because most Americans—up to 80 percent and maybe higher—are satisfied with the health insurance they have now. So when the President said, "If you like what you have, you can

keep it," most Americans nodded and said that's good. The reality is, according to the Congressional Budget Office, at least 7 million Americans will lose their current health insurance because of ObamaCare.

A few months ago one of my constituents in Texas sent me a letter she received from her health care provider. The letter informed her that because of the new health care law—the so-called Affordable Care Act which is turning out to be more unaffordable than affordable—her current health policy would be terminated by the end of the year. The letter also said: "Never have we experienced the uncertainty and immense challenges that confront the insurance industry during this time of health care reform."

I don't think it is sufficient for people such as myself or anyone else to criticize this flawed legislation and to say: I voted against it; it is too bad it didn't work out; tough luck. That is not sufficient, and that is not doing our duty. There has to be a better way to reform our health care system, and indeed there is a better way, if we commit ourselves to five overarching principles.

No. 1: We must make health care more affordable. That was the promise of ObamaCare, but that is not the reality. It has made health care less affordable, not more affordable. But we must commit ourselves to policies that will make health care more affordable by reining in costs, and I have some ideas on how to do that which I will mention momentarily.

No. 2, the second principle: Individuals must have more choices in the health care market and they must be allowed to make their own choices and select whatever options fit their individual needs. The idea of ObamaCare was one-size-fits-all, but we know that one size does not fit all. Different families, different individuals have different needs. We need to restore the choices to individuals and not to the government dictating what those choices should be.

No. 3: We must ensure that all individuals, including people with pre-existing conditions, have access to high-quality health insurance and to high-quality care. This was a problem in the preexisting system, where people with preexisting conditions found it hard to buy insurance, and this was one of the noble promises of ObamaCare. But we don't have to buy the whole package in order to fix this problem. Indeed, there are many high-risk pools at the State level that if the Federal Government would help support those high-risk pools, people would be able to find health care coverage even if they had preexisting conditions, which otherwise would make that difficult to find.

Principle No. 4: We have to protect the doctor-patient relationship. No one wants to have the bureaucracy telling them what health care they can have and whether they can have it. So we

have to protect the doctor-patient relationship. This is a bond of trust that most of us have with the individuals we entrust our health care to—our own doctor. We have to make sure people are able to make health care decisions in consultation with their doctor and their family that suit their needs.

No. 5: This is the fifth principle for reform that I think we now need to begin the discussion about undertaking. We need to save Medicare.

What kinds of policy reforms might these principles generate? Well, for starters, I would suggest we need to equalize the tax treatment of health insurance for employers and individuals. This is something we have discussed time and time again. But why do we favor, through subsidies under the Tax Code, certain types of health coverage and discriminate against people who buy insurance in the individual market?

Secondly, from a policy perspective consistent with the principles I mentioned, we need to expand access to tax-free health care savings. There is a company in Texas—actually, it has franchises here in the Northeast—Whole Foods. It is a great grocery store. I had an occasion a couple of years ago to meet with a number of the employees. They vote every year on what their health plan should look like. Year after year after year, they choose a high-deductible health insurance plan along with a health care savings plan so that if they get sick they are protected by the catastrophic coverage, but otherwise they can save and budget for their ordinary health care needs using a health savings account. One of the most amazing things about that is people then begin to take some ownership—have some skin in the game—in terms of their health care choices, and they tend to do what we do generally as consumers, which is they shop around. They say, OK, I have my money. I need procedure X, I need this or that. Where can I get that for the best price and the best quality service? These tax-free health savings accounts transform the health care relationship so people don't only just have some third party paying the bills—like getting a credit card and never getting the bill under much of our current health care system—so expanding tax-free health savings accounts like the employees have at Whole Foods in Austin, TX, is one great policy that would improve our health care delivery system.

Third, we need to let people and businesses form risk pools in the individual market.

Fourth, we need to improve price and quality transparency. There has actually been some good work done by Health and Human Services recently to release health care expenditures for some of the most common procedures and reasons people are hospitalized. I think it is kind of eye-opening, because some people have found out that for the same procedure—in one instance a

person might see \$1,000 being charged and in another, a person might see \$5,000 being charged for essentially the same practice or procedure. Providing transparency indeed helps to create an opportunity for a market, so market discipline can help normalize and bring down those costs. Improving price and cost and quality transparency are very important to creating a true health care marketplace.

Fifth, in Texas we have found ways to curb frivolous medical malpractice lawsuits which don't shut the front door to the courthouse for truly legitimate claims but which have made medical malpractice insurance more affordable because our civil justice system is more predictable.

Sixth, we need to eliminate all the unnecessary government mandates that drive up insurance costs. What happens in Austin, TX, and in State capitals across the country is legislators come together and say companies can't sell insurance in our State unless they cover X, Y, and Z. Well, the fact is not every consumer, not every patient needs X, Y, and Z coverage, but by those mandates they end up driving up the cost of that health insurance. What we need to do is eliminate the unnecessary mandates that many people don't use anyway, because those drive up costs. By eliminating those mandates, we can help bring down the costs and make health care more affordable.

Seventh, this is an old suggestion, but one that I think is still very important. Why is it that a person can only buy health insurance in their own State? If I want to buy car insurance I can buy it anywhere in the country and I can—if the company is in Oklahoma or New Mexico or Indiana, they can compete for my business. That gives the market an ability to hold down costs and that gives consumers access to lower costs and better quality by allowing that competition to occur across State lines.

We don't need another government takeover of our health care system. When the wheels fall off of ObamaCare or, in the language of the distinguished chairman of the Senate Committee on Finance, if that train wreck of implementation that he predicted occurs, we don't need another big 2,700-page government program to substitute. We need to implement the types of reforms I talked about to give us lower costs, more accessibility, and greater fairness throughout our entire health care system.

Speaking of fairness and accessibility, we know the current Medicaid Program is broken when our most vulnerable citizens have a hard time finding a physician who will actually take a new Medicaid patient. This is one of the problems many of us had with the ObamaCare expansion of pushing a lot of people onto Medicaid which, in my State, is a broken program, where more than 60 percent of primary care physicians won't take a new Medicaid patient because the reimbursement

levels are about 50 percent of what private insurance would pay a doctor to treat a patient. So many physicians say, I can't afford to work for 50 cents on the dollar, so I am not going to see a new Medicaid patient.

So what you have is this strange dichotomy where people actually have coverage under Medicaid, but they do not have access to health care because they cannot find a doctor to take it at that price, and that actually, I believe, is sort of the dirty little secret about Medicaid. All of us support a safety net program of health care for our most vulnerable citizens—all of us—but Medicaid, as currently constituted, is not the answer for the reasons I mentioned.

Each State must have the flexibility to design a program that will actually meet the needs of its residents. What works best in New York, I guarantee, does not work the same way in Texas and vice versa. States should be appropriated a certain amount of money, and I am not suggesting it be drastically cut—which would deny the States an opportunity to provide health care in their own way—but we need to block grant these Federal funds, not micromanage them. We certainly need to eliminate as many Federal strings as we possibly can and provide the States the flexibility to use the same amount of money to provide access to more health care for low-income people.

Speaking of access to physicians, this is a big problem in Medicare too. Of course, Medicaid is for the economically disadvantaged. Medicare is for people 65 and older. But in my State, only 58 percent of physicians will see a new Medicare patient. That means 42 percent will not. In other words, if you live in a rural area or you live somewhere where physicians will not take a new Medicare patient, you are pretty much out of luck. This is a problem again about the way the Federal Government tries to save money in health care, not by using the discipline of the market—transparency and competition and some of the other reforms I mentioned—but rather by whacking reimbursements to health care providers. The truth is, if you whack reimbursement rates to Medicaid providers and Medicare providers, as we currently do, then fewer and fewer people are actually going to be able to find a doctor who will see them, even though they have the promise of coverage under Medicaid or Medicare.

We know, of course, the financial problem Medicare is currently suffering. The fact is—and this is something I wish we would talk more about from the President to the Halls of Congress—for every \$1 that an average person puts into Medicare, they take out \$3. That is why Medicare, in the long run, is unsustainable. If we are going to keep the promise of Medicare—and we should—to future generations, we need to fix it.

But when it comes to treating patients, physicians, I believe, know bet-

ter than Washington bureaucrats. This is another reason why I support repeal of another provision of ObamaCare which is called the Independent Payment Advisory Board, so-called IPAB. There is actually bipartisan support for repealing this provision in the House because what it would do is appoint a group of 15 bureaucrats who would decide what sort of health care was going to be reimbursed under Medicare and what would not. There would be no real recourse to Congress or anybody else because these people would be the so-called Independent Payment Advisory Board.

It is not hard to predict what would happen if IPAB, as it is called, were implemented. When doctors are forced to accept lower rates, they will reduce the number of patients they see or else they will drop out of the Medicare Program altogether and the types of treatment people will be able to get from their doctor will be determined by the Federal Government's willingness to pay for it rather than their true medical needs.

I think we have learned the lesson in Medicaid and Medicare, as elsewhere, that price controls simply do not work, and they will not save Medicare either. It is time to try a new approach that will protect the doctor-patient relationship and expand individual choice.

Under the current model, seniors are forced into a one-size-fits-all plan developed in Washington. Under an alternative supported by Republicans and Democrats in different contexts—the so-called premium support model—the Federal Government would pay a designated amount, and then people could use that money to buy their own private coverage. They could supplement it if they wanted to, if they wanted more generous coverage, but that would have to come out of their pocket.

But under the premium support model alternative, private plans would be allowed to compete against traditional Medicare, much as Medicare Advantage does now, and seniors could simply pick the plan they want that suits their needs the most. If someone picks a private plan that is cheaper than traditional Medicare, they can keep the savings. Then again, if they want more generous coverage, they can pay the difference.

How do we know this sort of approach will work? You do not have to take my word for it. All we have to do is look at what is working now. One of the most successful government health care programs I have seen since I have been in the Senate, and that I know about, is the Medicare prescription drug coverage program. A national survey released in October 2012 found that 9 out of 10 seniors are satisfied with their Medicare prescription drug plan.

Similar reforms could be made to other parts of Medicare to help save the program. If these reforms are not made, Medicare will go bankrupt. The great thing about Medicare Part D, the

prescription drug program, is it has actually come in 40 percent under projected costs. It is not hard to figure out why. Because when different companies compete in the marketplace for the business of seniors who qualify for Medicare, they are going to compete—you guessed it—on price, so they are going to try to provide it at a less expensive cost, and they are going to compete based on quality of service. That is the great genius of our free enterprise system and of competition. But if we do not make these reforms, Medicare will go bankrupt. That is something none of us should look forward to.

So the reforms I have just outlined will give us a health care system with lower costs, a system with greater choice and greater access to high-quality care, a system that upholds fundamental values, such as fairness and consumer choice, and a system that will provide affordable health care for everyone. That is the kind of health care system we all want for our families, for our children, and grandchildren.

Three years ago, Congress took a swing at the health care issue but ended up striking out and missed an opportunity to enact necessary reforms. We are still learning that as the implementation of ObamaCare continues to unfold. But the health care debate is not over by any means. It is just beginning in a way. By replacing ObamaCare with patient-centered reforms that reduce costs, improve transparency, and expand access, we can make it easier for all Americans to get the affordable quality health care they deserve.

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

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

GOVERNMENT OVERREACH

Mr. HELLER. Mr. President, I rise today to address an issue that is troubling to me and to my constituents back in the State of Nevada and to a growing number of Americans across the country. I am referring to the tendency of those who lead government agencies to abuse their power and deprive Americans of their constitutional rights.

We have seen examples of this alarming trend over the last several weeks: The NSA is reportedly confiscating private e-mails and phone records. The IRS is specifically targeting conservative groups seeking tax exempt status.

Constituents have flooded my office with phone calls, e-mails, and letters demanding to know why their government continues to encroach on their liberty. They have had enough and so have I.

Recently, the Federal court of Nevada ruled that the Federal Government has abused its power in my home State. The court ruled in favor of private cattle owners in Nevada, ranchers who came to the court because they felt the Federal Government was intentionally interfering with their grazing permits and their private property rights.

The court found that for more than two decades, Federal officials entrusted with the responsibility of managing public lands actively conspired to deprive Wayne Hage and his father's estate of their grazing permits and their water rights. In its decision, the court ruled:

The government had abused its discretion through a series of actions designed to strip the Estate of its grazing permits and of the ability to use water rights.

The court described the actions of the government officials as an "abuse of executive power" and said it "shocked the conscience of the court, and provided a basis for finding of irreparable harm."

There seems to be a pattern emerging. The Federal Government is supposed to be entrusted with protecting fundamental rights, such as property rights and the right to privacy. Yet, sadly, the American people are left wondering if their own government is living up to that public trust.

The Framers of the Constitution believed that private property rights were sacred. The 5th and 14th Amendments specifically prohibit the government from depriving citizens of "life, liberty or property without due process of law." Those amendments are there for a reason.

As the Nevada District Court wrote:

Substantive due process protects individuals from arbitrary deprivation of their liberty by government.

No question. The Federal Government has an obligation to help manage the Nation's resources, just like it has the duty to keep Americans safe and to enforce fairly the Tax Code. But these responsibilities require integrity, accountability, and impartiality. These powers cannot be used to push political or partisan agendas.

In a State such as Nevada, which is made up of land that is 87 percent federally controlled, and where resources such as water and vegetation are scarce, the role of the government in protecting private property rights is especially important and cannot be abused by overly zealous government officials.

The rights of cattle owners and ranchers to have their grazing permits honored is no less important than any other form of property right secured by law through permits and licensing. The government cannot be allowed to arbi-

trarily target certain groups for punishment and selectively enforce the law. That kind of behavior is precisely what the Framers wanted to guard against.

Whether it is the IRS targeting groups for their political views, the NSA confiscating mass amounts of private data, or the Federal Government interfering with property rights, the American people are fed up with this laundry list of examples of the Federal Government blatantly disrespecting their constitutional liberties.

Fortunately, the Federal courts remain open for Americans to defend themselves against government abuse. But I think it is a tragedy for American citizens to be subjected to costly, drawn-out litigation in order to make sure their liberties are secured against the very government they have entrusted to protect them.

The American people will not stand for an all-powerful government that ignores their constitutional rights. It is long past time that we end this culture of government bullying and harassment. The government derives its power from the consent of the governed. The consent depends on a fair, transparent, and reasonable enforcement of the law.

If we are to remain the greatest country on Earth and live up to the powerful ideals that inspired our Founders, then we must restore the trust of the American people in their government, and we must begin that process right away.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

CLIMATE CHANGE

Mr. INHOFE. Mr. President, 2 weeks ago the President gave a beautiful speech on global warming. He said that the world is coming to an end if we don't act; that it is our moral obligation to make sure our planet is safe for future generations; that it is all up to us. And to be successful we must regulate carbon dioxide and other greenhouse gases.

For more than a decade environmentalists have been pressuring Democrats to do this—pressuring all of us to do this—and we all know why.

I can remember years ago—and this would have been back when I was in the House—that my first observation when I looked at liberals in the House was that there were four flawed prem-

ises on which they based their decisions. One was—and I am going from memory now because this was many years ago—that the Cold War is over, we no longer need a defense; another one was that deficit spending is not bad public policy; the third one was that punishment is not a deterrent to crime; and the fourth one—and this is the big one—was that government can run our lives better than the people can. That is exactly what we are talking about here.

The reason they have been wanting to regulate carbon is better articulated by a guy I don't think anyone will argue could be the most knowledgeable scientist in America. His name is Richard Lindzen, and he is with MIT. His quote was that regulating carbon is a "bureaucrat's dream." He said, "If you control carbon, you control life." You control life. And that is what bureaucrats want to do. That is what the environmentalists want to do. In controlling our lives, they want to determine what cars we drive, what kinds of houses we live in, how our cities are built, and all of that, and they can do all of this by regulating carbon dioxide.

Democrats—particularly in the Senate—have been unsuccessful in passing legislation to accomplish this. And this is the key. Way back during the Clinton administration, when Al Gore came back from the Kyoto Convention, he said we need to pass and ratify the Kyoto Convention. The Kyoto Convention would do exactly that—it would allow us in this country and others around the world to regulate carbon emissions. In doing this, they would be able to control lives. It was way back 13 years ago that this took place.

Anyway, they tried to pass legislation. The first bill actually was not necessarily a Democratic bill; it was the McCain-Lieberman bill, and it was one that was a cap-and-trade bill, quite frankly. At that time the Republicans were in the majority, and I chaired the committee called the Environment and Public Works Committee, so I was on the floor managing the opposition to that particular cap-and-trade bill. That was a carbon control bill. We won the debate, and as the years went by we continued to win over and over.

I guess what I am saying is that the reason the President is doing this right now is because he can't get this done through legislation, by those who are held accountable to the people. He can't get it done through legislation so he is trying to do it through regulation. The most recent attempt, in 2009, was the Waxman-Markey cap-and-trade bill.

By the way, I congratulate Senator MARKEY for winning his election. It is going to be fun for us because we have debated each other on this issue now for years and years, but now we are in the same Chamber.

The bottom line is that in 2009 they did pass that bill in the then-Democratic-controlled House, but when it came over to the Senate, of course it

was not even considered here. But that particular piece of legislation would have regulated only the largest emitters, and this is the hardest thing to get across to people. Everyone understands, after 12 years of repetition and listening to me at this podium saying it over and over again, that if we were to pass any kind of a cap-and-trade bill, the cost to the American people would be somewhere between \$300 billion and \$400 billion a year. The reason I say that is the Wharton School came up with the figure of around \$350 billion, MIT came out with the figure of about the same, and so no one for 10 years has debated that the cost of regulating through cap and trade would have been somewhere around \$300 billion to \$400 billion.

Now, as onerous as I think all these bills were in trying to do this through legislation, it wouldn't have been nearly as bad as what is happening today, for this reason. This gets into the weeds here, but it is important that we in this body understand what this is all about. The bills we killed, which would have cost \$400 billion a year, would have regulated only the largest emitters—those emitters that emitted 25,000 tons of CO₂ a year. That would have cost the economy \$400 billion. We rejected that, and we all know that is what the cost was, but because the President owes this environmental base and he can't pass his legislation, he is now taking unilateral regulatory action to regulate greenhouse gases and carbon dioxide.

Keep in mind that this is not the same as one of the bills we defeated. That would have only caused the emission control on those entities that emitted 25,000 tons of CO₂ or more in a period of a year. If it is done through regulation, then it has to be done under the Clean Air Act, and the significance of that is this would not just go after the big emitters, it wouldn't go after just those big emitters of 25,000 tons a year, it would catch people and individuals and organizations that emit 250 tons as opposed to 25,000 tons. That means it would apply not just to large emitters, such as powerplants, but every refinery, oil and gas well, every manufacturing facility, every plastics plant, the iron smelters and steel mills, every apartment building, churches, and every school. So that is everybody. So one thing that has never been calculated is what the cost of that would be. If the cost of just those emitting 25,000 tons would be \$400 billion a year, then how much would it be if we applied this to everyone, all the way down to 250 tons?

I do something in Oklahoma each year. I get the total number of people who file Federal tax returns, and I kind of do the math. So I will take the amount of a tax increase—in this case, let's use \$400 billion a year—and I will say: How much will this cost the average family in my State of Oklahoma who files a tax return? It works out to \$3,000 a year. So we are talking about a

major—by far the largest tax increase this country has ever seen.

So don't let the President fool you into believing he will stop at the powerplants. He is in an all-out war against fossil fuels and affordable energy. And legally, if he goes down this path, he will not be able to stop just at the large ones. This will apply to everybody out there under the Clean Air Act, and that would be those emitting 250 tons.

He is also doing this unilaterally just for the United States. If you believe man is causing global warming—I don't, but if you do—then you should be concerned about worldwide emissions because who cares if it is just the United States of America? It is not just what is happening in the United States of America, it is all over the world. That is really where the problem—if there is a problem—would be. If all we do is lower our emissions without convincing China, India, Mexico, and other countries to do the same, then U.S. manufacturers, out seeking the energy to run their operations, would have to leave the United States and go to those other countries where they do not have regulations. So this would have the effect actually of increasing, not decreasing, emissions.

I remember when Lisa Jackson was the Director of the EPA. She was my favorite liberal. I used to say I had three favorite liberals, and she was one of the three of them. And I liked her because even though I disagreed with her philosophically, she was always honest with me. I would ask her a question and she would answer it.

I remember when I asked her live on TV, in a hearing, this question. I said: You know, if we were to pass this legislation that would regulate CO₂ levels, would this reduce emissions worldwide? She said: No. Because this only affects the United States and it would not affect the other countries.

So you won't hear the President talking about this. You won't hear him talking about the cost, even though they will shrink from our economy by more than \$400 billion a year. We know that, and no one refutes that. It requires the EPA to hire an additional 230,000 employees and spend an additional \$21 billion to implement the regulatory regime. And these are not my figures, these are the EPA's figures. You won't hear him talking about it because he knows it is a losing argument. In fact, the day before the President gave this speech, he had his campaign send out talking points to all of the activists he had working on his behalf. They told—"they" meaning the White House—these people exactly what to talk about, what to say and exactly what not to say.

We recovered this. We found these talking points the President sent out to people so this is what Americans would be listening to. I think it is worthwhile for us to go over this now.

On this first chart, we have his overarching three-point strategy. Point No.

1 is, we have an obligation to act. The memo continues: We have a moral obligation to future generations to leave them a planet that is not polluted and damaged by carbon pollution.

Notice that they are not talking about climate change anymore. They are not talking about global warming. The new words they are using now are "carbon pollution."

It is all the same thing. Global warming didn't work, so they discontinued that. They tried climate change. That didn't work. Now the new word is called carbon pollution.

These are the President's talking points. I think this kind of wordsmithing is actually smart, and I compliment them on going to professionals and seeing what kind of words they can use to make the public believe something that isn't true.

The second thing they have charged would be that communities all over America are already being harmed. The memo continues:

Climate change is already harming Americans all over the country. Cleaning up after climate-driven disasters last year cost the taxpayer over \$1,100. (Or cost taxpayers nearly \$100 billion, one of the largest non-defense discretionary budget items in 2012.)

These are the words coming from the White House for people to use in their talking points. These figures come from the total cost of all natural disasters. I am from Oklahoma. I think we all know we have tornadoes in Oklahoma. We have had tornadoes as long as I have been living in Oklahoma—all my life.

So he is talking about that figure on all natural disasters that has nothing to do with carbon whatsoever. He is attributing the cost of all natural disasters and its total costs to global warming or carbon pollution, as the President now says, even if you believe global warming is true.

The President's third talking point was to his climate plan. This is what he is telling his followers, in this body and elsewhere, to use:

That's why we applaud President Obama's climate plan, which is full of common-sense solutions, starting with his call for the EPA to limit the carbon pollution.

While we set limits for arsenic, mercury, and lead, we let power plants release as much carbon pollution as they want. It's time to set a limit on pollution that affects public health, and that's why it's so important that the President is rising to this challenge.

Those are his talking points that he wants people to say about his speech and about his program. What this demonstrates to me is that the President is no longer fighting greenhouse gases—which he says caused global warming—but is instead fighting against carbon pollution.

But if carbon pollution is simply carbon dioxide—or CO₂—and is dangerous to our health, what are we going to do about the air we breathe? Don't we emit CO₂ every time we exhale? Is this the pollution they are talking about?

Also in the memo the President's alarmists are given a concrete list of

things to talk about and things not to talk about.

This is something we received just a few hours ago, and we are very pleased to be able to get a copy of it. This was only supposed to go to alarmists. Alarmists, for the benefit of my colleagues, are people who believe the world is coming to an end and it is all man's fault. It says what to do and what not to do. Look at this. It is amazing, what you can say and what you can't say. We will highlight just a few items.

The first point is the instruction to not talk about the cost of regulations. The memo from the White House says, "Don't lead with straight economic arguments." Why? Because global warming legislation will cost between \$300 billion and \$400 billion a year, and the regulations will cost much more than that.

Charles River Associates is a credible group that to my knowledge no one has challenged. Their study of the Waxman-Markey bill reported that the policies would cost the economy \$350 billion a year in 2030 and \$730 billion a year in 2050. Again, go back to the figures consistent with what the Wharton School, 10 years before, and MIT came out with.

The Heritage Foundation said the average family would see its direct energy costs rise by over \$24,000 in the first 20 years following the bill's enactment. This is the Heritage Foundation said it is going to affect every family in America. The costs will be far higher under the President's unilateral regulatory action, thereby bypassing Congress, because they are talking about regulating down to much lower levels.

This memo also instructs the President's alarmists to talk about his actions being "the latest in a series of steady and responsible steps the administration has taken" to combat global warming. In that vein, however, the memo instructs them to not overstate the magnitude of the action being taken.

In other words, the President does not want his people talking about this as being the first of many steps in regulating every refinery, manufacturer, oil and gas wells, steel mills, plastics, and all the rest.

The next memo instructs alarmists to "discuss the impacts—carbon pollution is bad for the health of our kids and our planet" but to not "debate the validity or consensus of the science that is already settled."

In other words, don't debate the science. Just say it has been settled. Because we have more and more people now questioning the science, and it is far from being settled. They don't want to bring that up. They don't want people talking about it. The science is far from settled, and since when does carbon dioxide—which we all breathe out every day—hurt our kids?

The memo also instructs the alarmists to "inform audiences about the nature of the problem, who is at fault,

and what can be done," but to not "debate the increase in electricity prices. Instead pivot to health and clean air messages."

In other words, don't admit the truth; that is, overactive, unilateral regulation will do nothing more than increase electricity prices and unilaterally shut down our economy by imposing EPA regulations on every single industry and dramatically expand the Federal Government's role in our lives without doing anything to reduce global emissions. This is all instruction coming from the White House.

I have to repeat this. If it were done by legislation or by regulation, we have already shown clearly it would not reduce CO₂ emissions, even if that were your goal, because that is what Obama's Administrator of the EPA said. In answering the question, "Is this going to reduce CO₂ emission," the answer, "No, it won't."

Richard Lindzen and other scientists have talked about:

Controlling carbon is kind of a bureaucrat's dream. If you control carbon, you control life.

So keep that in mind. All this effort is being made, and we have made it very clear that it is not going to accomplish anything they want to accomplish in terms of reducing CO₂ emissions worldwide.

The last thing I will mention from the memo is that it says to "discuss modernizing and retooling power plants and innovation that will create green jobs" but to not "try to suggest net job increases."

In other words, don't mention this is going to shut down every coal, oil, and eventually natural gas powerplant we have in this country and kill thousands of jobs at manufacturers around the Nation. We don't want to talk about the job loss. The President only wants to talk about the benefits of his regulatory actions and not about the costs.

But what we have to remember is that even the benefits are overstated because they do not rely on the true costs of the regulations. But we should not be surprised, this coming from an administration that thinks more regulations means more jobs. These are talking points, but the mechanics of these new and future EPA greenhouse gas rules will be done by the EPA.

The reason I am here today is to first demonstrate in the speech he made how that relates now to the current EPA and perhaps the confirmation hearing vote that will be coming up.

Gina McCarthy is currently being considered to take the top job at the agency. Remember, I said Lisa Jackson had that job before and how much I thought of her. I like Gina. I like her very much. I have worked with her. She has had a different job for several years. She was the Assistant Administrator of the EPA for air issues.

It is very important people understand what we are looking at. We have a good personal relationship, but she is the one who is responsible for all of the

worst regulations that have come from the EPA in the last 4 years under Lisa Jackson's leadership. Lisa Jackson was the director, but Gina McCarthy was the air director. It is from the air office, the Assistant Administrator for Air and Radiation, where she has the most expertise and where all of the worst regulations will come from in the future.

After President Obama's speech on global warming, it became clear that Gina McCarthy would be used as the tool of the administration for all these regulations that will destroy the American economy. I have listed these up here, and it is worth looking at.

In the last 4 years, we have had Utility MACT. MACT means the maximum achievable control technology. That means what technology is out there to control emissions. She was able to get that through, and \$100 billion and 1.5 million jobs were lost. The next is Boiler MACT, \$63.3 billion and 800,000 jobs lost. Regional haze—another regulation regulating the air—will increase the cost of Oklahoma's electricity bills by over \$1.8 billion. These are all figures that are incontrovertible, so people don't disagree with.

In the next few years, even worse regulations are likely to come out. Greenhouse gas regulations may be the worst, but there are also the others listed. Greenhouse gas is the one we have been talking about, but you also have the ozone NAAQS regulations. Adjustments to that rule will put 2,800 counties out of attainment, including all of them in Oklahoma.

We have 77 counties in the State of Oklahoma. I can remember when I was the mayor of Tulsa, they came out with new regulations that put Tulsa County out of attainment. When you are out of attainment, that means you can kiss any energy development, new manufacturing opportunity, any other business expansion goodbye. They will not be able to get a permit from the EPA.

Gina McCarthy is the face of President Obama's overregulatory agenda that is threatening our energy independence and putting our economic future in peril. We can't allow these regulations to move forward. I think the key to that is the person who is responsible for all the regulations, all the costs, all the jobs I just enumerated, both during her tenure as the air boss of EPA and then these that would come in the future, that would be in her goal. She would be the tool that is being used by the administration.

Yesterday was kind of interesting because Heather Zichal is President Obama's climate czar and she was on the Hill huddling in a secret meeting with some of the chief alarmists such as BARBARA BOXER and the rest. In the meeting, they talked about the President's plan and presumably this memo—with wordsmithing talking points from the memo we talked about before. So the one we had up before is

the same thing they talked about yesterday: This is how you are going to have to word all this stuff.

Their goal is not to protect the American people; it is to control them. They want top-down control, and carbon dioxide regulations will give them this tool. Their talking points memo proves they are doing all they can to craft their message in a way that convinces Americans they are not trying to crush our economy but instead trying to help. But the truth is, their regulatory agenda will only cause more unemployment, lower economic growth, and lower take-home pay for the American people.

President Obama delivered a beautiful speech on global warming. That is how I started this. It was well thought out, and he is very gifted. He had a beautiful speech, and he is embarking on the most devastating surge in regulation that will cost hard-working Americans millions of jobs and tax increases to accomplish this.

Keep in mind, if you do all these things it is not going to lower CO₂ emissions. That is proven. No one has denied it. That even came from the Administrator of the EPA. It is going to be devastating to the American people.

This is big. It has a lot to do with the confirmation hearing of the very fine lady who has been a good friend of mine for a long time, but the one who is responsible for these air regulations that are killing jobs in America, and we cannot let that happen.

I yield the floor and 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. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the controlled time be extended until 7 p.m., and that all the provisions of the previous order remain in effect.

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

Mr. BLUMENTHAL. Mr. President, I yield the floor and suggest 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 come to the Senate floor from time to time to share thoughts from people in my State. All of us are hearing comments from college students, people who have finished college, and often from the parents of those who face a massive debt from going to 2-year and 4-year

private-public schools. This situation can sometimes be even more tragic at for-profit schools where they haven't gotten much help in their job search. It can be even more tragic if they have not finished school and still face this debt.

My wife Connie Schultz graduated from Kent State University some number of years ago. Her father was a utility worker and carried a union card for more than 30 years. Her mother was a home care worker. She was the oldest of four and the first in her family to go to college. Her two younger brothers and sister also went to college.

Connie graduated from Kent State University 30-some years ago with a debt of only \$1,200. That so starkly illustrates the difference from today and then. She had little privilege, little money, and parents who couldn't really put much money out, but with lower tuition, Pell grants, a few scholarships, Stafford loans, and working, she was able to get through school with little debt.

The stories we hear today are so different from that. I plead with my colleagues that we freeze interest rates at 3.4 percent. I know that will not solve anything close to all the problems of college tuition and costs of room and board, but it will help. We need to do much more than that.

Every year I convene 50 or 60 college presidents from Ohio's 2- and 4-year private and public schools, community colleges, and 4-year State universities. I invite all of them to come and discuss these issues. We have done it for 6 years in a row. It is helpful to try to find ways to keep higher education costs in check, but, again, it is not nearly enough.

I am hopeful that in the next 24 hours or so we can freeze interest rates at 3.4 percent and then get serious about what we are going to do about the \$1 trillion aggregate debt that students, or former students, have in this country. We need to focus in part on the \$150 billion of the \$1 trillion which 2.9 million students are burdened with. That is debt from the private market for the \$150 billion of the \$1 trillion. Fifteen percent is in the private market where interest rates sometimes are as high as 12 or 15 or 16 percent. Few private banks are willing to renegotiate and refinance those loans.

My legislation with Senator HEITKAMP will help with a carrot-and-stick approach to encourage the private institutions—banks and private lenders—to refinance these loans.

Let me share a couple of letters from students and families because I think that speaks volumes better than I can.

This is a letter from Daniel from Centerville, OH. Daniel has been at the University of Dayton.

He said:

I currently have \$100,000 in outstanding loans. Last summer (2012) I graduated with a Masters Degree in Middle Child Education and the previous summer I graduated with a Bachelors in Middle Child Education as well

from Wright State University in Dayton, Ohio.

Starting in July of 2013, because of the high interest rates, my average monthly payment for all my student loans will be \$600 a month.

I recently got one of my payments lowered; otherwise that total would be over \$800 a month.

I have consolidated all I can, and even deferred (and still made payments while in deferment) other loans which will be due in February 2014; adding to the \$600 a month payment.

I teach in a school in Cincinnati and LOVE THE WORK THAT I DO.

It was impossible to find a job in Dayton, so now I spend \$200 a month in gas traveling over 40 miles (one way) to work.

Even though I have a part time job in the summer, while school is out, I still find myself struggling to pay bills.

Further down in the letter he says:

Afterall, I will be well over 65 years old before I am able to pay all of my college loans off.

This country needs to rethink its priorities.

That was Daniel from Centerville, OH.

Melinda, from Canton, OH, in north-east Ohio, writes:

After graduating from college, I had roughly \$23,000 in student loan debt. My payments are \$276 a month until I'm in my 30s, and I am very tightly budgeted.

While I am able to make this payment, which is my largest and most important bill each month (aside from rent), it puts me in a vulnerable situation when it comes to emergencies.

I recently had to have surgery for a chronic medical problem. I was in an auto accident and had to visit the ER.

Making that loan payment every month leaves very little extra to be saved for unexpected expenses.

I understand it's my responsibility to pay it, and I loved every minute of my education so it was well worth it, but at the end of the day a hike in my interest rates may be the difference between me saving a little money each month or saving no money each month.

Also, I fall asleep each night knowing that I am 24 years old and have yet to begin saving for retirement which will be a very important issue for my generation.

We are not getting into the issues of retirement, Social Security, and the effort by some of our colleagues to privatize that system—I will not even go into more detail there.

Christie from Ashtabula, the community where my wife grew up, writes:

As a low-income individual, I was forced to decide on going to college by a measure of a few things—who could give the best education, and the most financial aid.

But there was a catch—I couldn't leave Ohio, and I couldn't live far away from home because I didn't have access to a car and my single parent mother (who works two jobs), would have no way to get me if there were any emergencies.

I chose Case Western Reserve University, a renowned university [ranked] at 37th in the country.

My financial aid package was hefty.

If I paid full tuition (\$52,000) each year, I would be at an insane \$200,000 by graduation.

Luckily, by the end I will only owe a quarter of that. Yes, that's still around \$60,000—\$60,000 in student loan debt. That's pretty much a house and a car.

The last letter I will read is from Linda, who is from my hometown of Mansfield, OH.

I have two children who are currently attending state colleges (Cleveland and Akron). We are a middle-class family working hard to make ends meet, and help our children to the best of our ability. Even after saving for them, and thinking we had plenty for them to get through without much debt, the market crashed in '08, and more than HALF of our hard-earned college savings for them disappeared. They have had to take out loans in order to be able to attend.

We do not have the money for them to "borrow" from us, or to pay the thousands that their college savings doesn't cover. Both of them are on the Dean's list every semester.

My son is an environmental science major, and my daughter minored in Spanish, and her major is exercise physiology and physical therapy. They are bright and intelligent and have worked extremely hard to get where they are. I implore you not to leave them with ridiculous amounts of debt by doubling the interest rate.

These stories are pretty consistent. These students are struggling. They already are thinking about buying a house, starting a business, and saving for retirement even though they are in their twenties. They know the challenges are greater in this generation than in previous generations.

Also, what is obvious from these letters is the impact this has on families and not just the student who is 25 or 22 or 19 or 28, facing years of paying off student loans. It has an impact on the family who maybe takes a second mortgage on their house to help their son or daughter, the family who faces foreclosure because of financial problems, the family who simply can't help their student—as broken-hearted as that makes a parent, they can't help their son or daughter because of their financial situation, to help them with their college education.

Again, I am hopeful we can freeze interest rates at 3.4 percent for 1 year and get serious about what we need to do about access to college and affordable higher education for our young people.

Mr. President, 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. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that the Senator from Tennessee and I be allowed to engage in a colloquy and speak as in morning business.

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

HOUSING FINANCE REFORM

Mr. WARNER. Mr. President, it is a pleasure to be here today with my friend the Senator from Tennessee to talk about legislation that we and eight—actually now nine of our colleagues—bipartisan legislation that has been recently introduced to reform our housing finance system.

I came into office a couple of years later than the Senator from Tennessee, but I got here in January of 2009 when the entire future of our financial system was uncertain. We members of the Banking Committee rolled up our sleeves and tried to work together to prevent future crises. Well, history will determine whether we accomplished that goal.

The Senator from Tennessee and I worked strongly together on a couple of titles of what has subsequently become known as the Dodd-Frank legislation. While there are problems in that legislation, while there are problems still within our financial system, I think no independent observer would not say that our financial system today, in 2013, is stronger than it was after the crisis.

But one area that did not receive very much attention was the question of housing finance. We also know that in many ways our housing finance system, both from lack of underwriting, the process that then ended up allowing a lot of mortgages to get packaged off, securitized, with the assumption that there would never be a decline in housing prices or a significant decline in housing prices and that these securities would never be in jeopardy, in many ways led to part of that financial crisis. At the end of the day, those institutions—Fannie and Freddie—that had been the core of our housing finance system ended up acquiring \$188 billion of taxpayer support to shore up those institutions so that the whole housing system would not collapse.

Well, it is now 5 years later, and we believe it is time to transform the failed model of Fannie and Freddie into a smarter, sustainable system with more private capital. We believe we can better protect the taxpayer and maintain broad access to affordable mortgage credit. But we need to act soon to prevent this issue from falling victim to election-year politics. And everyone—from the administration, to many of us here on the floor of this Senate, to many housing experts—knows the status quo is not sustainable.

So we have two important questions before we get into some of these principles about which I will engage my colleague the Senator from Tennessee: 1. Why do we need to take action now, and the second question is, why does Congress need to act?

I will take the first question. Why is the time now? Well, over the last 5 years since the housing and the overall financial crisis, we have seen—slowly, albeit—the housing market come back to life. Obviously this has been supported by a low interest rate environment that has permitted more refinancing and loan modifications. Rising home values have brought many home owners out from underwater mortgages. Housing prices have been a significant factor in Fannie's and Freddie's recent record profits. But now those very profits have somehow

been wrapped into at least some of our colleagues' discussions about our debt ceiling debate.

I speak for this Senator and I think the Senator from Tennessee and, candidly, I think many Senators are not even engaged with us on this debate right now. The last thing we want is for Fannie and Freddie to virtually serve as a piggy bank for the pet projects of either side of the aisle. If we are not careful, that could happen.

Fannie and Freddie have been in conservatorship for 5 years. Before we become even more dependent upon this broken system, it is time for us to move forward. So I would like to ask my colleague the Senator from Tennessee, if now is the time, if he might share with us some of the ideas he feels and we feel about why it is important that Congress be involved in this process and not simply allow this conservatorship to go on ad infinitum into the future.

Mr. CORKER. Mr. President, I wish to thank the Senator from Virginia. I have thoroughly enjoyed working with him on this issue. We have been working on it since last fall. We spent a lot of time talking to various groups to try to get this right. We know that every bill can be improved, but we have done our best to present something to the Senate that we hope will be marked up in the Banking Committee, something that, as the great Senator from Virginia mentioned, has attracted numbers of people on both sides of the aisle. I again thank Senators TESTER, JOHANNIS, HEITKAMP, HELLER, MORAN, HAGAN, and now KIRK for joining us in this effort. This is a diverse group of folks from diverse places around the country who have come together to solve this major problem.

All during the Dodd-Frank debate—and we were certainly in the middle of that—all people talked about it seemed was the fact that Fannie and Freddie were not included. Yet Fannie and Freddie were two of the biggest failures that occurred during that time. As the Senator from Virginia rightly mentioned, \$188 billion of taxpayer money had to go into these entities.

We have dealt with most of the issues around the crisis. I know there are still some rules that are being promulgated. We had some that came out yesterday. But this is the last piece.

As the Senator mentioned, the housing sector has been growing and coming back. We understand the importance of the housing sector; therefore, we have designed a bill that transitions over time and moves us to a model that we hope and believe strongly is far more sustainable.

First of all, let me mention the five things we have worked on together. I know each of us is going to stress a lot of different things as we move through. I know we plan to come down here at multiple intervals as we move ahead. But No. 1, what does this bill do? First and importantly, it breaks up the GSEs and liquidates them. It does it over time, but our bill does that.

Secondly and very importantly—this is something we have talked about a great deal with industry and certainly people from all sides of the aisle—this bill puts 10 percent private capital in advance of any kind of government reinsurance. I want to say to the Senator that one of the reasons we looked at it this way is that if Fannie and Freddie just had 5 percent capital, there would have been no taxpayer losses. But putting this much capital in advance really is a buffer against the taxpayer needing to be involved in it. It fully privatizes a number of functions that are currently performed by Fannie and Freddie. It gets the U.S. Government out of the business of pricing credit, which is something we both have thought needed to occur.

It modernizes our system of mortgage-backed securities. But I think the thing we began with—and I so appreciate the Senator's involvement. We realized that one of the major flaws in our housing finance system in the past and even—well, it is not today because the government owns these two entities, but in the past has been private sector gains, public losses. I mean, when you have a situation where you have shareholders, you have the private sector doing well when times are good; they had an implicit guarantee; people figured that the government would come in and backstop these entities if they failed. Obviously their underwriting standards got really terrible. The organizations failed. What happened? The taxpayers came to the rescue, unfortunately, with \$188 billion, which has not been paid back. We still have these entities in conservatorship. One of the flaws both of us, coming from the private sector, saw was that this is not right; there is no way we should have entities where there is private sector gains when things are going well and public sector losses.

I wish to thank the Senator for joining in, for all of the hours he and his staff have put into this to try to make this bill as good as we can possibly make it to bring it to the floor.

I look forward to the input of the entire Senate. I hope we have an opportunity for a markup and a presentation later this fall. But I could not be more grateful to the Senator for his efforts and his willingness to do this and obviously his willingness to work hard to see this go across the finish line.

Mr. WARNER. Mr. President, I wish to return the same compliments to the Senator from Tennessee. He brought a greater breadth of background in housing finance and the public finance sector than I did. But together, working with our other colleagues, I think we have all built a series of critical points.

Again, echoing what the Senator from Tennessee said, there are always ways to improve on legislation, but the first and foremost point was that we need to make sure there is taxpayer protection. We need to make sure the taxpayers are fully repaid that \$188 billion. We need to make sure as well—

and we spend a great deal of time working with industry and others—that there continues to be broad access to market credit.

I think one of the challenges we both felt with Fannie and Freddie was there was not only a combination of a private sector gain, public sector loss with this kind of hybrid model, but layered on top of that was a social purpose. I, for one, believe very strongly that we have to make sure there is affordable housing, that there is good access to market credit. But when you layer that on a quasi-private entity, as we did for years with Fannie and Freddie, you end up where you are not sure whether those entities are performing that necessary securitization and financing purpose to maintain the overall housing financing sector or whether they are allowing certain loans that maybe shouldn't have gone into this process because of the social purpose.

So we have said: Well, we have to make sure there is the appropriate private sector taxpayer protection: 10 percent capital—very important. We also said: Let's go ahead and split off that public sector role, clearly identify it, make sure that for those loans that get securitized, a small transaction fee—not a tax, a small transaction fee—is charged. Those funds are then set aside to promote rental housing, access to credit, low-income housing. Have that audited, stand alone, perform that important function.

As we said as well, doing this, as the Senator from Tennessee has mentioned—he has been quite strong on this—we are going to make sure the government role is clearly defined but much more limited. There are some who say we can do this totally on the private sector side. Well, we hope there can still continue to be the 30-year fixed-mortgage product that I think the American public has come to expect. We can privatize more, but not having the ability to have the government backstop would remove that very essential component of our current housing financing system. So a more limited government role but still the ability for our American consumer to have the kind of access to the financial products they have come to expect. Again, it has been mentioned—making sure that we expand private sector capital and make sure that they take care of that underwriting and credit assessment that, quite honestly, the old model did not really provide.

I would like to ask the Senator from Tennessee this because this is one on which we went around and around. I again thank him and his staff and my staff and the staff of our now nine co-sponsors of this legislation. One thing that was quite important to us was that if you are going to create this new model, how do we make sure that—while we want more competition, private sector competition, while we want institutions to be able to go ahead and provide this important issuance and

securitization function, how do we make sure that those small banks—that community-based bank or that credit union, that small bank in Knoxville or that small bank in Martinsville, VA—still gets access to the same kind of ability to issue mortgages, have those mortgages securitized, and not be at a disadvantage of some of the mega-institutions?

So I would ask my colleague, the Senator from Tennessee Mr. CORKER, why doesn't the Senator speak to that issue because it did take us a lot of work to try to get this right, and there may be even further refinement. But I think this is an area—again, with the reaction we have seen from the credit unions, the community-based banks—where I think we have made a great first step.

Mr. CORKER. One of the things, no question, that many banks and credit unions around our country have been concerned about, even though Freddie and Fannie are 90 percent of all home mortgages today—and very dominant, obviously, because of what has happened but also because of the tremendous market share they have had—is if we are going to wind these down, are they going to be assured access into this market. So we have created mechanisms for them to be able to come in through issuers to do this.

One of the things so many of the community banks and credit unions have complained about as a tremendous disadvantage with our system was that there was volume pricing. In other words, if you were a big user of Fannie and Freddie, they gave you a big volume discount—Wells Fargo, Bank of America, JPMorgan. As they tried to process loans through Fannie and Freddie and this whole system, they got big volume discounts, so they were more competitive.

These organizations I mentioned are, obviously, important, but the community bankers who mean so much are the ones who drive things back home. The community bankers are members of the Rotary Club, the Lions Club, and are involved in our communities, and they were constantly at a disadvantage as it relates to housing finance. So one of the components of this bill is not only to ensure they get equal access to the system—and we do that very eloquently in this bill—but in addition to that we ensure there is no mechanism that allows for volume pricing.

Everybody is treated the same, as it should be, because in this particular case we end up with an explicit government guarantee that is very different. We don't have a situation where we have private shareholders doing well when things are doing good and the public doing bad. But one of the reasons we felt confident in moving in this direction was the tremendous amount of upfront capital.

So we dealt with the smaller institutions. As a matter of fact, we sat down and worked through the many issues they have brought up. We know how

important they are to everyone here and everyone in the country. We dealt with that, but we also created enough upfront capital, as the Senator has mentioned, to protect the public.

I know, again, that every bill can be improved. We saw that most recently with the immigration debate. As a matter of fact, I think that is a good model. We have introduced something that I hope the Banking Committee will take up soon. It is almost unprecedented to have nine members of the Banking Committee cosponsoring a piece of legislation. Hopefully it will have the opportunity for a markup, for improvements, and we know the chairman and ranking member, obviously, are going to want to put their stamp, as will many members on the committee, on anything that occurs. But I think we have done some of the work that is important to establish a very good beginning place.

We tried to address, as the Senator mentioned, the many community banks around our country that are in here constantly and that are so important to the States we represent. We have done that. Again, I know to the Senator and his staff, and many of the cosponsors, that was something that was an ultimate threshold for them, was to ensure the community bankers and credit unions around our country had the appropriate access, and I think we have hit that good place in this bill.

Mr. WARNER. Mr. President, I know our time is about up, but I want to close and then I will turn it back over to the final comments of my colleague, the Senator from Tennessee.

I want to say to my colleagues and their staff and those interested in this issue that this was the one piece of unfinished business in our financial system reform. While there are some today who say: Well, things have gotten better, we should allow the status quo to continue—well, I don't think, from the administration on down, there is anyone who thinks the status quo simply continuing—with private sector gain and public sector losses—is the right model.

We ought to take the lessons we have learned over the last 5 years—some of the very good work in terms of the standardization that is being done at the FHA right now—and set up a new model. As the Senator from Tennessee said, make sure we get that taxpayer protection.

I would simply add that housing is a critically important part of our overall economy, and on any piece of legislation—and let me not say all these groups have endorsed this legislation but they have all been generally supportive, they all have had areas they wanted to see improvement in—when you have realtors and homebuilders and mortgage bankers and large and small banks and community organizations and groups who are concerned about low-income housing and rental housing all saying we are in the ballpark in an area that is so important to

our economy and so complex, I think we have taken a great first step. So I would urge colleagues to join with us.

The Senator and I will be happy to come and make presentations. We have found, as we have sat down with many Members and walked them through all the processes and all of the kinds of protections we have built into this legislation, that the presentations have been one of the reasons we have had such success with nine members of the Banking Committee—almost half of the Banking Committee, without all of them even having had a full presentation—pledging their support.

I again thank my colleague, the Senator from Tennessee, for his great work and leadership. He has been the lead sponsor. I am proud to be his wing man on this as we continue to work through it.

My sense, though, is this is the time. It is my hope the Banking Committee will take up this piece of legislation and make their improvements on it. It would be a huge mistake, with interest rates at this kind of record low, with this housing market coming back, and with us putting in place a 5-year appropriate transition time, not to act now. If not now, then when would be the right time to do the kind of meaningful housing finance reform that I think so many experts across the ideological spectrum have all called for?

I look forward to working with my colleague, the Senator from Tennessee, and I thank him for his good work, and I am happy for him to close out our comments today.

Mr. CORKER. I thank the Senator again for all the hours that have been spent. I think we have both realized this is a beginning point, meaning this is a piece of legislation that has a lot of bipartisan support among talented and wise Members—excluding the two of us—and I thank him for joining in and helping make this bill better. Obviously, this is something we think may be taken up sometime this fall, and I do hope we will have the opportunity to make presentations to people throughout the Senate very soon.

I want to make two points. The Senator from Virginia, because of his background, was probably more involved in the banking issues than most people here because he brought a lot of background and expertise. I felt fortunate to be involved in some way during that time, and he and I both remember—and I hope Members of this body will remember—back to the big issue that people felt during that time was not addressed were the two GSEs, Fannie and Freddie. Candidly, it was a pretty complex undertaking. There were a lot of other things happening. It was a fair criticism, but at the same time, there was a lot being dealt with. Time has gone by now, the housing market has improved, but we still haven't finished our work.

I think most people here understand that this last crisis brought such hardship to so many people across this

country, with trillions and trillions of dollars of household wealth going down the tube because we had a system that wasn't stable, a system that was making bets on things it shouldn't have been making. It was excessive. As the Senator has mentioned, between the regulators and some of the rules that have been passed, the system is stronger now, but we still have not dealt with this.

I would ask my colleagues to consider later this year looking at something to finish that work so we can shore up the housing market and do everything we can to keep that from happening again. Because again, we know how important the housing industry is to us.

Secondly, I think the window is closing. For what it is worth, there are a lot of people throughout our country who have a personal stake in trying to keep the status quo in place, to keep the situation where we have, again, private shareholders the public believes have the government standing behind it and no matter what they do they are going to be bailed out or whatever, placed in conservatorship. People are beginning to see that maybe even though these entities haven't paid back a single dime yet, they haven't reduced the \$188 billion—not one penny of capital for the indebtedness has been returned. Certainly, there have been dividend payments. But people are coming out of the woodwork now to try to reinforce the old system.

Next year we are going to be moving into an election cycle again. It happens every 2 years around here. We have had a pretty productive year this year so far. I am proud of a lot of work the Senate has done. This is a big and important piece of work, as we have mentioned, that is undone. The timing is right because of a lot of forces out there that, again, would like to keep the status quo. So I want to again thank the Senator from Virginia for his thoughtfulness, the other Members who have cosponsored this and gone through a complex issue and come up with a very elegant solution to this problem, and I hope we will have the opportunity to work together to actually do something that makes our country stronger and causes our housing finance system, which is so important to our economy, to be more sustainable.

I thank the Senator. I look forward to coming to the floor with him again and continuing the many meetings we are having with Senators on both sides of the aisle and, hopefully, with a lot of input from others, coming up with a solution the entire body addresses.

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. REID. 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. REID. Mr. President, I now ask that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

REMEMBERING WILLIAM H. GRAY III

Mr. REID. Mr. President, I rise to pay tribute to a colleague, a leader, a statesman, and a humanitarian, but most of all I rise to pay tribute to my friend, Bill Gray, who passed away last week.

Bill Gray and I served together in the House of Representatives during a time that was much different than the world we see today. From his early days in Congress, Bill Gray sought to aid and unify an extremely diverse caucus. This collaborative work ethic, along with a comprehensive understanding of the congressional budget process, helped him earn the respect of his colleagues. Bill Gray rose through the ranks to become the first African American to chair the House Budget Committee. Later, he would serve as chair of the House Democratic Caucus and go on to become the House majority whip, the first African American to do so in each position, and at that time, the highest ranking African American in congressional history.

From his first day in Congress, through his rise to leadership, Bill Gray fought for the people of Philadelphia as a tremendous advocate for fairness, equity, and democracy. Bill was willing to compromise to get to a balanced budget because he knew it was good for the entire country, both the rich and the poor. He once said, "A balanced budget is good for the country, the affluent and poor alike. I seek a budget that doesn't sacrifice programs for the poor and minorities, one that is fair and equitable." Gray's advocacy for fairness was also evident at the international level, as he was an early leader in the drive to end U.S. investment in the apartheid government of South Africa.

Bill Gray's commitment to humanity and public service did not begin or end with his time in Congress. Prior to serving in the House of Representatives, Bill was pastor of Bright Hope Baptist Church in North Philadelphia and still ministered to his congregation while serving in Washington. After retiring from Congress, he served as president of the United Negro College Fund, and was later appointed by President Bill Clinton to serve as Special Envoy to Haiti.

Despite all of Bill Gray's historic achievements, he still managed to remember his friends. A few years ago, Bill and his son, Justin, visited my

home State of Nevada. The people he met in Las Vegas knew all too well of his service to this Nation and, even more, they just appreciated him for coming to visit our town. I appreciated him, too.

I will always remember Bill Gray, not only as a trailblazer or public servant, but as my friend. My thoughts are with his family and I hope fond memories offer comfort during this time of grief.

HONORING OUR ARMED FORCES

CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, today I wish to pay tribute to 21 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since I last entered names into the RECORD on September 11, 2012. This brings to 402 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 18 percent of all U.S. deaths in Afghanistan:

CS2 Milton W. Brown, 28, of Dallas, TX, died August 4, 2012, from a non-combat related incident in Rota, Spain. Culinary Specialist Second Class Brown was assigned to Strike Fighter Squadron (VFA) 137, Lemoore, CA;

Sgt Camella M. Steedley, 31, of San Diego, CA, died October 3, 2012, while supporting combat operations in Helmand Province, Afghanistan. Sergeant Steedley was assigned to Combat Logistics Regiment 17, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA;

SGT Thomas R. Macpherson, 26, of Long Beach, CA, died October 12, 2012, in Andar District, Afghanistan, from small arms fire while on patrol during combat operations. Sergeant Macpherson was assigned to the 2nd Battalion, 75th Ranger Regiment, U.S. Army Special Operations Command, Joint Base Lewis-McChord, WA;

SGT Clinton K. Ruiz, 22, of Murrieta, CA, died October 25, 2012, of wounds suffered when his unit was attacked by small arms fire in Khas Uruzgan, Uruzgan Province, Afghanistan. Sergeant Ruiz was assigned to the 9th Military Information Support Battalion (Airborne), 8th Military Information Support Group (Airborne), Fort Bragg, NC;

SPC Daniel L. Carlson, 21, of Running Springs, CA, died November 9, 2012, in Kandahar Province, Afghanistan. Specialist Carlson was assigned to 3rd Battalion, 25th Aviation Regiment, 25th Combat Aviation Brigade, 25th Infantry Division, Wheeler Army Airfield, HI;

SSG Kenneth W. Bennett, 26, of Glendora, CA, died November 10, 2012, in Sperwan Gar, Afghanistan, from injuries sustained when he encountered an improvised explosive device during combat operations. Staff Sergeant Bennett was assigned to the 53rd Ordnance Company (EOD), 3rd Ordnance Bat-

talion (EOD), Joint Base Lewis-McChord, WA;

PO1 Class Kevin R. Ebbert, 32, of Arcata, CA, died November 24, 2012, while supporting stability operations in Uruzgan Province, Afghanistan. Petty Officer First Class Ebbert was assigned to an east coast-based Naval Special Warfare unit in Virginia Beach, VA;

Sgt Michael J. Guillory, 28, of Pearl River, LA, died December 14, 2012, while conducting combat operations in Helmand Province, Afghanistan. Sergeant Guillory was assigned to 1st Marine Special Operations Battalion, Camp Pendleton, CA;

SSgt Jonathan D. Davis, 34, of Kayenta, AZ, died February 22 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Davis was assigned to Headquarters Battalion, 32nd Georgian Liaison Team, Regimental Combat Team 7, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA;

CPO Christian Michael Pike, 31, of Peoria, AZ, died March 13 in Landstuhl, Germany, as a result of combat-related injuries sustained on March 10 while conducting stability operations in Maiwand District, Afghanistan. Chief Petty Officer Pike was assigned to a west coast-based Naval Special Warfare unit;

SFC James F. Grissom, 31, of Hayward, CA, died March 21 at Landstuhl Regional Medical Center, Germany, of wounds suffered from small arms fire March 18 in Paktika Province, Afghanistan. Sergeant First Class Grissom was assigned to the 4th Battalion, 1st Special Forces Group (Airborne), Joint Base Lewis-McChord, WA;

SGT Deffin M. Santos Jr., 24, of San Jose, CA, died April 6 in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his unit in Zabul, Afghanistan with a vehicle-borne improvised explosive device. Sergeant Santos was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Armor Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA;

Capt Reid K. Nishizuka, 30, of Kailua, HI, died April 27 near Kandahar Airfield, Afghanistan, in the crash of an MC-12 aircraft. Captain Nishizuka was assigned to the 427th Reconnaissance Squadron, Beale Air Force Base, CA;

SSgt Richard A. Dickson, 24, of Rancho Cordova, CA, died April 27 near Kandahar Airfield, Afghanistan, in the crash of an MC-12 aircraft. Staff Sergeant Dickson was assigned to the 306th Intelligence Squadron, Beale Air Force Base, CA;

SPC Trinidad Santiago Jr., 25, of San Diego, CA, died May 2 in Camp Buehring, Kuwait, of injuries sustained in a vehicle accident. Specialist Santiago was assigned to 4th Battalion, 42nd Field Artillery Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Carson, CO;

Capt Victoria A. Pinckney, 27, of Palmdale, CA, died May 3 near Chon-Aryk, Kyrgyzstan, in the crash of a

KC-135 aircraft. Captain Pinckney was assigned to the 93rd Air Refueling Squadron, Fairchild Air Force Base, WA;

TSgt Herman Mackey III, 30, of Bakersfield, CA, died May 3 near Chon-Aryk, Kyrgyzstan, in the crash of a KC-135 aircraft. Technical Sergeant Mackey was assigned to the 93rd Air Refueling Squadron, Fairchild Air Force Base, WA;

SFC Jeffrey C. Baker, 29, of Hesperia, CA, died May 14 in Sanjaray, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Sergeant First Class Baker was assigned to 766th Ordnance Company, 63rd Ordnance Battalion, 52nd Ordnance Group, Fort Stewart, GA;

SPC William J. Gilbert, 24, of Hacienda Heights, CA, died May 14 in Sanjaray, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Specialist Gilbert was assigned to 3rd Battalion, 41st Infantry Regiment, 1st Brigade Combat Team, 1st Armored Division, Fort Bliss, TX;

SPC Ray A. Ramirez, 20, of Sacramento, CA, died June 1 in Wardak Province, Afghanistan, from injuries sustained when his unit was attacked by an improvised explosive device. Specialist Ramirez was assigned to the 3rd Battalion, 15th Infantry Regiment, 4th Infantry Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA;

SGT Javier Sanchez Jr., 28, of Greenfield, CA, died June 23 in Sar Rowzah, Afghanistan, of wounds suffered when his unit was attacked with an improvised explosive device while on mounted patrol. Sergeant Sanchez was assigned to the Special Troops Battalion, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

TRIBUTE TO DAVID J. HAYES

Mr. HEINRICH. Mr. President, today I wish to recognize David J. Hayes, who stepped down on June 28, 2013, from his position as Deputy Secretary of the Department of the Interior, and I ask consent that the following remarks about him and his service be printed in the RECORD.

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

SELECTED REMARKS ON THE WORK OF DEPUTY SECRETARY DAVID J. HAYES

ELECTED OFFICIALS AND CABINET SECRETARIES

President of the United States Barack Obama: "David's leadership at the Department of the Interior has played an important role in my Administration's efforts to expand domestic energy production, including renewable energy as well as America's oil and natural gas resources. His expertise has helped shape our approach to conservation and our efforts to combat climate change, and as the Chair of the interagency working group on energy development in Alaska he has ensured that decisions we make regarding the Arctic are based on the best science. I am also grateful for David's work to help usher in important water rights and legal

settlements that will help restore trust and strengthen our relationship with Indian Country."

Sally Jewell, Secretary of Interior: "David has been a key architect for nearly every significant initiative undertaken at Interior over the last four years," said Secretary of the Interior Sally Jewell. "From his work on expanding renewable energy production on public lands and waters, to coordinating federal family energy activities in Alaska, to developing a landscape-scale approach to conservation and climate change, David has left an indelible mark."

Ken Salazar, Former Secretary of Interior: "Over the last 4 years, you have distinguished yourself as a key leader in implementing the President's agenda at the Department of the Interior. Your historic work on energy and climate change, conservation, Native Americans and water challenges have been at the heart of an Obama legacy and will last forever."

"On the energy front, you have been one of the key players in the Administration, implementing the President's all-of-the-above energy strategy . . . You have played a key role in helping create a conservation legacy for the President. Your work has included helping define the future for the Atlantic and Arctic Circle, new urban parks, Gulf Coast Restoration, and the creation of a National Blueway System for America's rivers. The conservation community holds you in the highest regard."

"As the Chief Operating Officer of the Department, you have led historic reforms in the organization of Interior including overhauling the agencies that oversee oil and gas production on public lands and implementing the numerous efficiency measures necessary for these tough fiscal times . . ."

"Your results oriented approach to solving problems makes me very proud of you. In contributing to a lasting Presidential legacy, you have helped create a better world for humanity through your dedication, loyalty, and indefatigable energy."

Congressman Tom Cole (R-OK): "I note with deep regret the decision of Deputy Secretary of the Interior David Hayes to retire from public life," said Cole. "David Hayes has been one of the most gifted and accomplished public servants of his generation. He served the Administration and, more importantly, the country with skill, integrity, vision and leadership."

"Among his many accomplishments, the most noteworthy is surely his settlement of the so-called Cobell lawsuit on terms that were not only beneficial to the government but fair to hundreds of thousands of Native Americans and to tribal governments. It was David who recognized a problem and turned it into a solution, not only in terms of just compensation to Indians for years of mismanagement of their trust accounts but for tribal governments as well. His proposal to use part of the settlement to purchase fractionated lands and return them to productive use will benefit individual Indians and tribal governments in perpetuity. Moreover, the addition of a scholarship fund for needy American Indian students, as a component of the settlement, will benefit generations to come."

"On countless issues, including the complex Oklahoma water issue, efforts to partner with Indian tribes for the management of federal properties and initiatives to foster and speed up the development of resources in Indian Country, David led with skill, finesse and innovation. Moreover, he did so in ways that were inclusive, bipartisan and transparent."

"I wish David every success in private life. However, I certainly hope at some time in the future, he returns to public service. He is

simply too gifted and capable to remain on the sidelines as the great public issues of the day are discussed, debated and solved."

U.S. Sen. Mark Begich (D-Alaska): "David Hayes has been a good partner to Alaska. Together, we made significant progress on streamlining OCS permitting, and Alaska saw the first offshore wells drilled in decades. I know that without his commitment to the Alaska Interagency Working Group, we would not have seen that progress."

Senator Dianne Feinstein (D-Calif.): "I have long known David to be an ingenious problem solver who has demonstrated time and again that he can close the deal on solutions for the West's great battles over natural resources."

"I will never forget David Hayes and Secretary Ken Salazar coming to my home in Washington on a Sunday morning to work on a solution that would dramatically improve the [water] allocation. David rolled up his sleeves and worked diligently until we had a workable solution."

U.S. Sen. Lisa Murkowski (R-Alaska): "I appreciate David's willingness to engage on difficult issues important to Alaskans, including contentious land management policies and offshore oil and gas development. The Alaska Interagency Working Group, which he headed, was central to improving the permitting process for offshore exploration. We did not always see eye to eye on what was best for Alaska, but David was effective and fair, and always brought honesty and integrity to what were sometimes tough discussions. I am sorry to see him leave."

President Ben Shelly, Navajo Nation: "Mr. Hayes has . . . tackled difficult topics with aplomb, including water rights settlements, energy development negotiations, and the non-renewable energy dependence of the Navajo Nation. He's demonstrated so with the utmost professionalism and understanding of the difficulty of the Navajo Nation . . ."

STAKEHOLDERS AND COLLEAGUES

Laura Crane, The Nature Conservancy: "The Nature Conservancy commends David Hayes for his commitment to find workable solutions that support renewable energy goals and protect the needs of people and nature. The approach developed for solar development on federal land under Mr. Hayes' leadership represents an important step forward in how energy can be smartly developed on our public lands and should serve as a model for how the Bureau of Land Management addresses all forms of energy development."

Helen O'Shea, NRDC: "David Hayes has been a major leader of the Interior Department during the Obama Administration just as he was during the Clinton Administration. He has left a tremendous legacy, particularly in connection with the development of the Department's new program for managing solar resources of the public lands."

Chris Wood, Trout Unlimited: "David Hayes defines all that is good about public service . . . He understands the imperative of protecting special places such as Bristol Bay, Alaska—the world's most important salmon fishery—from industrial mining. Yet, in a demonstration of his balance, he also led Interior's push to expand renewable energy development on public lands while protecting fish, wildlife and water resources."

"David is smart, hard-working and very responsive to constituents, regardless of what side of the aisle they sit. He is a strong advocate of using collaboration to resolve vexing natural resource problems such as on the Klamath and Penobscot rivers where dam removal will open hundreds of miles for migrating salmon and other ocean-going fish. He will be missed."

John Podesta, Center for American Progress: "Serving two presidents with honor and distinction, David Hayes has helped solve some of the nation's most complicated natural-resources challenges over the past two decades. He has brokered everything from water deals in California to the settlements of longstanding injustices in Indian country. He has been a leader in helping us prepare for the impacts of climate change on America's lands while ushering in a new era of smartly planned renewable-energy development in the Southwest and off our coasts. He has rightly earned a reputation as an honest broker, a tireless worker, a dedicated public servant, and an MVP when it comes to preserving America's great spaces."

Greg Pensabene, America's Natural Gas Alliance: "During a time when technological advances associated with natural gas production have created new opportunities for our country, David has emphasized the need for safe and responsible development, while recognizing the important role that this abundant, American fuel plays in improving national security, cleaning the air, and jumpstarting our economy."

Jim Lanard, Offshore Wind Development Coalition: "Since May 2009, when he was confirmed Deputy Secretary by a unanimous vote of the U.S. Senate, David Hayes has been a leader for offshore wind in the United States. While the industry is more than 20 years old in Europe, it is brand new here. Deputy Secretary Hayes understood this and impressively led his team to bring U.S. regulations into the 21st century. Under 'Smart from the Start,' he prepared federal and state governments to build a future for offshore wind energy."

National Congress of American Indians: "Deputy Secretary David Hayes will depart the Department of Interior having left an indelible mark on the federal trust relationship between the federal government and tribal nations. He has been a consistent presence in Indian Country working tirelessly to uphold our nation-to-nation relationship. As a key member of Secretary Salazar's team during the first term of the Obama Administration, David will be part of a legacy that has launched a new era in federal-tribal relations and set a new baseline for the Department of the Interior's engagement with tribal nations."

Jamie Williams, The Wilderness Society: "David leaves behind a tremendous conservation legacy at the Department of Interior, and we are deeply grateful for his work over the last four years."

McKie Campbell, Senate Energy and Natural Resources Committee: "I think whether you're agreeing with him or disagreeing with him on issues, David has established a good reputation as a square shooter . . . He listens, he communicates with people well, he's fair."

Randall Luthi, National Ocean Industries Association: "David Hayes was an experienced and often calm head through some very trying times both at the Department of the Interior and for the offshore oil and gas industry. He also made the effort to meet with industry officials, from large to small companies, to understand their concerns. Certainly decisions were made that may not have been industry's first choice, but he listened."

Dean Elizabeth Magill, Stanford Law School: "David has proven himself to be a visionary, effective, and wise policy maker."

Paul Bledsoe, former Clinton Administration official: "(A)mong the top three or four most important Democrats on natural resources issues in the last 20 years . . . Hayes has ridden point with Secretary Salazar on many critical issues, including offshore Alaska leases, siting of renewable energy on pub-

lic lands and fracking regulations that allow for responsible shale development . . . It's hard to imagine anyone more expert in balancing the demands of resource protection, energy development and public uses of our national lands."

Marilyn Heiman, Pew Center for the Environment: "Few policymakers have the knowledge and the strategic capacity to navigate complex and challenging natural resource issues and reach successful outcomes as David."

"I don't agree with all the decisions that have been made by the Department of Interior on offshore drilling, but I think they have been really well vetted and really thoroughly reviewed, and I have to say that I hadn't seen that kind of work in the past."

"This is a complicated area with a lot of different constituencies. He has immersed himself in the nuts and bolts."

Phil Taylor, E&E reporter: "Hayes' work as a diplomat on Capitol Hill has been seen as an asset for the Obama administration as it tackles controversial land management challenges ranging from hydraulic fracturing to the management of sage grouse, wolves, wind power and national monuments on public lands."

"Hayes, who also served as counselor and deputy secretary during the Clinton administration, had a hand in nearly every significant Interior policy over the past four . . . years. He is credited with leading efforts to respond to and prepare for climate change at a landscape scale."

"Under President Clinton, Hayes is credited with conserving old-growth redwoods in Northern California, pushing for the restoration of California's bay-delta ecosystem, and settling long-standing American Indian water rights disputes."

"Hayes drew praise among conservation leaders and sportsmen's groups, which credited him with expanding renewable energy production on public lands while protecting valued habitats."

"Described by some as a policy wonk, Hayes is known for his attention to detail and has been seen poring over stacks of binders in the Interior library. Sources say he reads many of the department's environmental impact statements, fat books that weigh the potential environmental outcomes of agency decisions."

EXCERPTS FROM EMAILS TO DEPUTY SECRETARY HAYES

FROM CURRENT AND FORMER DOI EMPLOYEES

"Please know that your work never went unnoticed in the field, and we are very grateful to you for your support throughout the years."

"I am simply writing to say thank you. Thank you from the bottom of my heart, and with the utmost sincerity, for placing the arctic on the national agenda. We are an arctic nation, and thank you so much for all of the tireless hours you have dedicated to the north, its people, and associated issues and concerns . . . I have developed a deep respect for you from a considerable lateral and vertical distance, and I want you to know that all of your hard work has meant a lot to at least one person in this wonderful state of Alaska."

"I have appreciated your intelligence, your wit, and your thoughtful approach to managing the myriad of complicated issues here at the Department, and your work ethic has been nothing short of inspiring."

"Your keen interest in Alaska and our multi-faceted (i.e. gnarly) issues has been particularly helpful to our work here. Your knowledge of all things big and small never ceased to amaze me. I hope that the many things that you started and shepherded will continue to their good end that you envisioned."

"David, you've been such a mentor to me, and I credit a lot of my personal successes to your guidance and support. As for your time at the Interior Department, you always were the smartest person in the room, and an inspiring leader. And of course, and you've helped make history in overseeing DOI's incredible conservation and renewable energy work."

"I know I speak for everyone who's had the chance to work closely with you over the past four years when I say that you will be very dearly missed here. I find it hard to imagine the Deputy Secretary's office, the Department and countless individual initiatives without your leadership and vision."

"I learned much in my time at DOI and from you. One particular lesson was the importance of having a Deputy Secretary that understands DC and is willing to take the hits for the Secretary again and again. I know this was invaluable for the Secretary's agenda and for Interior."

I want you to know that from my perspective as a career employee of almost 25 years, I can say honestly, and without any ulterior motives, that your legacy in Indian Country is one to be proud of and I think pretty darned unsurpassed. There are few thank yous in this business and I know that is not what motivates you. But I for one think you have done a great job and everyone is going to see how good it was once you are gone. I know that there are many others, tribal leaders included, who share my opinion.

FROM STAKEHOLDERS

"Selfishly, we are sad you are leaving the Department. It has been great working with you. As all the press reports say—you brought a very high standard to the Department and this will not be easy for the Secretary to replace . . . It has been a full term of work and so many challenges. We have appreciated your strong interest in Alaska and the Arctic, your dedication and hard work, your trust very much."

"As you know, I'd feared this decision was coming for some time . . . Wanted you to know that I feel indebted to you for the continuing time, attention, expertise and consistent commitment that you've always made to elevate and address California-related conservation issues. You have made a real difference in your work at the Department—and beyond—over now two different Administrations."

"I can't begin to fathom all the pressures and demands that have been placed upon you. Nevertheless, you were always willing to engage on issues of conservation concern, you were unfailingly gracious, you led the effort to bring appropriate attention to Arctic issues, and I am confident that you had a central role in securing the gains that have been made, in particular the balanced approach to management of the NPR-A, for which I am especially grateful."

"I can't always agree with where we end up but the fact is you've been the highest ranking US official in 30 years to constantly give this Arctic part of the world attention, and that's worthy of recognition and gratitude."

"No one has contributed more to the spirit of conservation and the wise use of our nation's resources than you have over the past 20 years."

"I had the pleasure of working for over 30 years as a Federal employee and worked with many outstanding leaders. In my estimation your contributions elevate you to the top tier of leadership. I have always been impressed with your outstanding ability to listen, to remain positive, to be accessible and maybe most of all in these challenging times to be honest in your assessment and discussions about your views."

COLLEAGUES

"We could not have made it without your support, your intervention at all the right

times, and your full participation . . . We owe you a debt of gratitude; and for me, personally, it has helped remind me yet again of what true public service looks like."

"You are going to be sorely missed in the Department. Your record over the years is incredibly impressive. I hope that you will be able to look back in the years ahead and see how your work lives on in so many ways and for so many millions of people. I am proud to know you and to call you a friend and colleague."

"This is a huge loss for our community . . . From the fiery speech you delivered at the Great Outdoors America reception in 2011 to your focus on regional energy issues in Alaska, it was refreshing to have such a strong friend of conservation at DOI."

"I am sad for the public lands and great places in America that you are leaving the Department of the Interior . . . You have been the best possible advocate for everything that is most important to me."

"It is a big loss for us today in the Obama Administration. We are all so sad to see you go . . . You have a big fan club and will be so sorely missed!"

"You have been a steady, smart, and fun ally and friend throughout. I appreciate you and will miss you during the rest of my time in the Obama Administration."

ADDITIONAL STATEMENTS

REMEMBERING DR. CLINTON PATTEA

• Mr. McCAIN. Mr. President, I would like to acknowledge the passing of longtime tribal leader Dr. Clinton Pattea, the president of the Fort McDowell Yavapai Nation in Arizona.

Dr. Pattea was one of the longest serving Native American public officials in the Nation. Last year—coinciding with the State of Arizona's centennial celebration—we marked Dr. Pattea entering his 50th year of service to the Fort McDowell Yavapai Nation's tribal council. While he held a variety of elected posts, including tribal councilman and vice president, most of his time in office was spent serving as the tribe's president.

President Pattea was a true visionary in his community and throughout Indian Country. He was a strong advocate for the principles of tribal self-governance and Indian self-determination, which over the years helped bring about positive change in the relationship between the Federal Government and all Native Americans.

He was among the first tribal leaders in Arizona to acknowledge the tremendous economic potential that Indian gaming offered his people. Dr. Pattea was a fierce advocate for developing a government-to-government relationship with the State of Arizona and worked tirelessly to spearhead a voter-approved tribal gaming compact that has made Arizona the pinnacle of regulated Indian gaming that we know today.

Over the past 30 years, I have personally witnessed the Fort McDowell Yavapai make tremendous strides as a community, and I attribute much of that success to Dr. Pattea's leadership.

He directed his tribal government to develop business ventures to help take his community out of poverty; he successfully fought for the Nation's Federal water rights settlement; and he assembled a tribal government that is among the best examples of a sovereign governing body in the country. Today, the Fort McDowell Yavapai Nation stands as a leader in the Valley of the Sun as well as the United States.

We were fortunate to have been enriched by Dr. Pattea's passion for public service. His work with the tribal council brought him immense satisfaction. It is fitting that his legacy will continue on through the recently established Dr. Clinton M. and Rosiebelle Pattea Foundation, which will fund tribal scholarships for education, culture, health and wellness programs in his name.

I offer my deepest condolences to the Fort McDowell Yavapai Nation on Dr. Clinton Pattea's passing. My thoughts and prayers are with his tribal members and his loved ones. ●

TRIBUTE TO COLONEL KEVIN J. WILSON

• Mr. BEGICH. Mr. President, today I wish to recognize and pay tribute to COL Kevin J. Wilson for his exceptional contributions to the Nation as he concludes 30 years of service in the U.S. Army, culminating as commander of the U.S. Army Engineer Research and Development Center. Throughout his Army career, Colonel Wilson has displayed superior leadership, outstanding professional competence and initiative, dedication, and commitment to the welfare of soldiers, civilians, and their families. He has made significant and lasting contributions to the development, training, and leadership of the Army.

Colonel Wilson has performed with distinction in all of his assignments including as the group operations officer for the 555th Combat Engineer Group, the military assistant to the Assistant Secretary of the Army for Civil Works while stationed at the Pentagon, the battalion commander of the 249th Engineer Battalion (Prime Power) at Fort Belvoir, VA, the U.S. Northern Command/J-4 Army engineer officer at Peterson Air Force Base, CO, the Commander of the Alaska District, U.S. Army Corps of Engineers, and, most recently, as the commander of the Engineer Research and Development Center.

As commander of the Engineer Research and Development Center, the Department of Defense's largest multidisciplinary engineering and research center, Colonel Wilson has taken the organization to the highest performance levels with a focus on human capital and positioning the center for dramatic increases in performance and effectiveness. His support of research and development is second to none, and he provides innovative pathways for technology transfer that speeds the inte-

gration of new ideas. Colonel Wilson has also supported the warfighter by equipping both deploying tactical units and the U.S. Army Engineer School with new combat systems and training on the Engineer Research and Development Center's capabilities.

Colonel Wilson was an extremely effective brigade-level commander in Afghanistan, responsible for all corps operations for Regional Command-South and Regional Command-West. His efforts focused on military construction in support of the buildup of U.S. forces, facilities for the Afghanistan National Security Forces, and water resources and infrastructure projects. While deployed, he coordinated with regional and battlespace commanders, North Atlantic Treaty Organization and coalition partners, Provincial Reconstruction Teams, U.S. Forces-Afghanistan, the U.S. Department of State, the U.S. Agency for International Development, and U.S. and Afghan government agencies and organizations at all levels. During this deployment, he focused on big picture projects such as electricity for Kandahar and critical road infrastructure for Regional Command-S, proving he could successfully integrate the operations of U.S. and coalition partners.

Colonel Wilson was commander of the Alaska District, U.S. Army Corps of Engineers, where he led 500 personnel, executing military construction, civil works, and environmental programs throughout the State. Due to his drive and foresight, Colonel Wilson's command was able to execute end-of-year funding to protect Alaska Native villages from coastal erosion. This tremendous feat was recognized by the Alaska Congressional delegation and the Alaska Native community. As commander of the largest geographic and perhaps most complex U.S. Army Corps of Engineers district, Colonel Wilson deftly weaved disparate units into a cohesive team driven to deliver excellent products to its customers, winning four Pacific Air Force Engineer awards and being named the U.S. Army Corps of Engineers Project Delivery Team of the Year. Under his leadership, the Alaska District consistently improved its delivery of military construction, civil works, and environmental projects, ensuring they were on time and under budget, routinely winning accolades from customers.

As the U.S. Northern Command/J-4 engineer officer stationed at Peterson Air Force Base, Colonel Wilson was the subject matter expert on Army military construction capabilities, prime power, electrical power systems, and emergency support functions. He served as a trusted member of the Federal Emergency Management Agency disaster response team during several hurricanes, later leading a hurricane conference, from which a pre-scripted request for assistance was developed, to help local officials better understand the assets available during a disaster. As a part of the Joint Planning

Group, he was an integral part of long range homeland defense planning. He was also a member of the Current Operations Group and played a key role as the J-4 representative during crisis operations and exercises.

Colonel Wilson had the distinct honor of leading the 249th Engineer Battalion, the only Prime Power Engineer Battalion in the Army. He was responsible for contingency deployment of power production personnel, as well as power generation and distribution of equipment in support of Combat Commanders, Joint Task Forces, and Installation Commanders worldwide. His soldiers kept up an unbelievable operations tempo during Operation Iraqi Freedom and deployments to Afghanistan, Kuwait, Philippines, Kyrgyzstan, Guam, and Turkey. Support operations included major deployments in disaster relief. Colonel Wilson was also responsible for the Prime Power School, for its training program and for recruitment and retention. As a battalion commander, he was a proven professional who always accomplished the mission, took care of his soldiers, and planned, thought, and communicated as a leader.

I would like to extend my deepest thanks to Colonel Wilson for his many years of service to our Nation. I wish the absolute best to him and his family as they begin this next stage in their lives.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 43. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony honoring the life and legacy of Nelson Mandela on the occasion of the 95th anniversary of his birth.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-2199. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 98389-7) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2200. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Pesticide Tolerances" (FRL No. 9390-5) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2201. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to balances carried forward at the end of fiscal year 2012; to the Committee on Armed Services.

EC-2202. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (2) two reports relative to vacancies in the Internal Revenue Service, Department of the Treasury, received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2203. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2013-0002)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2204. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prohibitions and Conditions on the Importation and Exportation of Rough Diamonds" (RIN1515-AD85) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2205. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Streamlining Requirements Governing the Use of Funding for Supportive Housing for the Elderly and Persons With Disabilities Programs" (RIN2502-A167) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2206. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Production of FHFA Records, Information, and Employee Testimony in Third-Party Legal Proceedings" (RIN2590-AA51) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2207. A communication from the General Counsel of the Federal Housing Finance

Agency, transmitting, pursuant to law, the report of a rule entitled "Availability of Non-Public Information" (RIN2590-AA06) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2208. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran"; to the Committee on Energy and Natural Resources.

EC-2209. A communication from the Management Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Definition of a Ski Area" (RIN0596-AD12) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Energy and Natural Resources.

EC-2210. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "U.S. Department of Energy Naval Petroleum Reserve No. 3 Disposition Decision Analysis and Timeline Report to Congress"; to the Committee on Energy and Natural Resources.

EC-2211. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "2013 Annual Plan: Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program"; to the Committee on Energy and Natural Resources.

EC-2212. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Format and Content for Post-Shutdown Decommissioning Activities Report" (Regulatory Guide 1.185, Revision 1) received in the Office of the President of the Senate on June 27, 2013; to the Committee on Environment and Public Works.

EC-2213. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Special Nuclear Material Control and Accounting Systems for Nuclear Power Plants" (Regulatory Guide 5.29, Revision 2) received in the Office of the President of the Senate on June 27, 2013; to the Committee on Environment and Public Works.

EC-2214. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: MAGNASTOR System" (RIN3150-AJ22) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Environment and Public Works.

EC-2215. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the Southern Ute Indian Tribe to Implement and Enforce National Emissions Standards for Hazardous Air Pollutants and New Source Performance Standards" (FRL No. 9828-6) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Environment and Public Works.

EC-2216. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities

and Pollutants; District of Columbia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units" (FRL No. 9829-6) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Environment and Public Works.

EC-2217. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Method for the Determination of Lead in Total Suspended Particulate Matter" (FRL No. 9828-6) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Environment and Public Works.

EC-2218. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Final Integrated Section 203 Navigation Study Report and Environmental Assessment for the Canaveral Harbor, Brevard County, Florida project; to the Committee on Environment and Public Works.

EC-2219. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, notification that the Administration has contracted with the National Academy of Public Administration to develop and submit a report proposing a long-range strategic plan for the Social Security Administration's consideration; to the Committee on Finance.

EC-2220. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Croatian Per Se Corporation" (Notice 2013-44) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2221. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit" (Notice 2013-41) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2222. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2013" (Rev. Rul. 2013-15) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2223. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guideline—New Qualified Plug-In Electric Drive Motor Vehicle Credit" (U.L. 30D.00-00) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2224. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Significant Issue Revenue Procedure" (Rev. Proc. 2013-32) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2225. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2008-2011: Report to Congress"; to the Committee on Finance.

EC-2226. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to revoking the designation of a group designated as a Foreign Terrorist Organization (OSS 2013-0968); to the Committee on Foreign Relations.

EC-2227. A communication from the Acting Inspector General, U.S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Foreign Relations.

EC-2228. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-033); to the Committee on Foreign Relations.

EC-2229. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-065); to the Committee on Foreign Relations.

EC-2230. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-099); to the Committee on Foreign Relations.

EC-2231. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 13-086); to the Committee on Foreign Relations.

EC-2232. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to parts 120, 121, 123, 124, and 125 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2019.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO (for himself and Mr. CARDIN):

S. 1271. A bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes; to the Committee on Foreign Relations.

By Mr. ROBERTS (for himself, Mr. BARRASSO, Mr. COATS, Mr. COCHRAN, Mr. INHOFE, Mr. SESSIONS, and Mr. ENZI):

S. 1272. A bill to provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mr. BEGICH, and Ms. HEITKAMP):

S. 1273. A bill to establish a partnership between States that produce energy onshore and offshore for our country with the Federal Government; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself and Mr. BLUNT):

S. 1274. A bill to extend assistance to certain private nonprofit facilities following a disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL (for herself, Mrs. BOXER, Mrs. MURRAY, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. BEGICH):

S. 1275. A bill to direct the Secretary of Commerce to issue a fishing capacity reduction loan to refinance the existing loan funding the Pacific Coast groundfish fishing capacity reduction program; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself, Mrs. MCCASKILL, Mr. PORTMAN, Mr. JOHNSON of Wisconsin, and Mr. COBURN):

S. 1276. A bill to increase oversight of the Revolving Fund of the Office of Personnel Management, strengthen the authority to terminate or debar employees and contractors involved in misconduct affecting the integrity of security clearance background investigations, enhance transparency regarding the criteria utilized by Federal departments and agencies to determine when a security clearance is required, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 1277. A bill to establish a commission for the purpose of coordinating efforts to reduce prescription drug abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself and Mr. FLAKE):

S. Res. 193. A resolution honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew; considered and agreed to.

By Mr. KIRK (for himself, Mr. DURBIN, Mr. COCHRAN, and Mr. WICKER):

S. Res. 194. A resolution congratulating the 1963 men's basketball team of Loyola University Chicago on its induction into the National Collegiate Basketball Hall of Fame, the 50th anniversary of the team's Division I National Collegiate Athletic Association men's basketball championship, and the team's historic NCAA tournament game against Mississippi State University; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 116

At the request of Mr. REED, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 116, a bill to revise and extend provisions

under the Garrett Lee Smith Memorial Act.

S. 273

At the request of Ms. AYOTTE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 273, a bill to modify the definition of fiduciary under the Employee Retirement Income Security Act of 1974 to exclude appraisers of employee stock ownership plans.

S. 325

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 325, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 399

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 399, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 429

At the request of Mr. NELSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 484

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 484, a bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 569

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 742

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr.

RISCH) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 759

At the request of Mr. CASEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 825

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 825, a bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes.

S. 855

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 855, a bill to increase the portion of community development block grants that may be used to provide public services, and for other purposes.

S. 871

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 871, a bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes.

S. 1009

At the request of Mr. VITTER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1009, a bill to reauthorize and modernize the Toxic Substances Control Act, and for other purposes.

S. 1068

At the request of Mr. BEGICH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1068, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

S. 1123

At the request of Mr. CARPER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1143

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to

physician supervision of therapeutic hospital outpatient services.

S. 1159

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1159, a bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit.

S. 1204

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1217

At the request of Mr. CORKER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1217, a bill to provide secondary mortgage market reform, and for other purposes.

S. 1241

At the request of Mr. MANCHIN, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1241, a bill to establish the interest rate for certain Federal student loans, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 193—HONORING THE FALLEN HEROES OF THE GRANITE MOUNTAIN INTER-AGENCY HOTSHOT CREW

Mr. MCCAIN (for himself and Mr. FLAKE) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas, on June 30, 2013, 19 firefighters of the Prescott Fire Department's Granite Mountain Interagency Hotshot Crew (referred to in this preamble as the "Crew") gave their lives battling the Yarnell Hill Fire in Yavapai County, Arizona;

Whereas the loss of these 19 brave men makes the Yarnell Hill Fire the deadliest wildfire in the history of the State of Arizona and the worst wildland firefighter fatality incident in the United States in 80 years;

Whereas Eric Marsh, who was 43 years old and a native of Ashe County, North Carolina, served as the Crew's superintendent;

Whereas Jesse Steed, who was 36 years old and a native of Cottonwood, Arizona, served as the Crew's captain;

Whereas Clayton Whitted, who was 28 years old, was a native of Prescott, Arizona;

Whereas Robert Caldwell, who was 23 years old, was a native of Prescott, Arizona, and was the cousin of Grant McKee, who also perished battling the Yarnell Hill Fire;

Whereas Travis Carter, who was 31 years old, was a native of Prescott, Arizona;

Whereas Christopher MacKenzie, who was 30 years old, was a native of Hemet, California;

Whereas Travis Turbyfill, who was 27 years old, was a native of Prescott, Arizona;

Whereas Andrew Ashcraft, who was 29 years old, was a native of Prescott, Arizona;

Whereas Joe Thurston, who was 32 years old, was a native of Cedar City, Utah;

Whereas Wade Parker, who was 22 years old, was a native of Chino Valley, Arizona;

Whereas Anthony Rose, who was 23 years old, was a native of Zion, Illinois;

Whereas Garret Zuppiger, who was 27 years old, was a native of Phoenix, Arizona;

Whereas Scott Norris, who was 28 years old, was a native of Prescott, Arizona;

Whereas Dustin DeFord, who was 24 years old, was born in Baltimore, Maryland and raised in Ekalaka, Montana;

Whereas William "Billy" Warneke, who was 25 years old, was a native of Hemet, California;

Whereas Kevin Woyjeck, who was 21 years old, was a native of Seal Beach, California;

Whereas John Percin, Jr., who was 24 years old, was a native of West Linn, Oregon;

Whereas Grant McKee, who was 21 years old, was a native of Newport Beach, California, and was the cousin of Robert Caldwell, who also perished battling the Yarnell Hill Fire;

Whereas Sean Misner, who was 26 years old, was a native of Goleta, California;

Whereas the Granite Mountain Interagency Hotshot Crew was founded as a fuel mitigation crew in 2002, and, around 2008, became the first municipal hotshot crew in the United States;

Whereas the Granite Mountain Interagency Hotshot Crew was an elite ground firefighting crew, hailed from diverse backgrounds, and worked long hours in extreme environmental conditions while performing physically demanding fireline tasks; and

Whereas, on July 1, 2013, the Governor of Arizona declared a state of emergency because of the Yarnell Hill Fire, by which date the fire had already burned approximately 8,300 acres, threatened or destroyed hundreds of homes and other structures, and forced the evacuation of approximately 1,250 people: Now, therefore, be it

Resolved, That the Senate—

(1) honors the memory of the fallen heroes of the Prescott Fire Department's Granite Mountain Interagency Hotshot Crew;

(2) extends its deepest condolences and sympathy to the surviving families of the 19 firefighters lost in the line of duty; and

(3) commends the bravery and sacrifice made by these fallen wildland firefighters in the service of their communities.

SENATE RESOLUTION 194—CONGRATULATING THE 1963 MEN'S BASKETBALL TEAM OF LOYOLA UNIVERSITY CHICAGO ON ITS INDUCTION INTO THE NATIONAL COLLEGIATE BASKETBALL HALL OF FAME, THE 50TH ANNIVERSARY OF THE TEAM'S DIVISION I NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP, AND THE TEAM'S HISTORIC NCAA TOURNAMENT GAME AGAINST MISSISSIPPI STATE UNIVERSITY

Mr. KIRK (for himself, Mr. DURBIN, Mr. COCHRAN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 194

Whereas, in 1963, Coach George Ireland led the men's basketball team of Loyola University Chicago (referred to in this preamble as the "Ramblers") to the Division I National Collegiate Athletic Association (referred to in this preamble as the "NCAA") men's basketball championship;

Whereas the Ramblers lost only 2 games during the 1962–1963 season and led the Nation in scoring with an average of 91.8 points per game;

Whereas Coach Ireland and the Loyola University men's basketball teams of the early 1960s are considered by many to be responsible for ushering in a new era of racial equality in the sport by shattering major racial barriers in NCAA men's basketball;

Whereas, in 1963, the Ramblers shocked the Nation and changed college basketball forever by starting 4 African-American players in the NCAA tournament, as well as the championship game;

Whereas it is difficult to appreciate what Coach Ireland and his team went through, starting in 1961, in breaking what had been a longstanding "gentleman's agreement" to play not more than 3 African-American players;

Whereas, during the 1962–1963 season, Coach Ireland started 4 African-American players in every game, and, in December 1962, the Ramblers became the first team in NCAA Division I history to have an all-African-American lineup in a game against the University of Wyoming;

Whereas, despite their success during the 1962–1963 season, the players and Coach Ireland endured terrible bigotry, including racial taunts and abuse, and received countless pieces of hate mail from the Ku Klux Klan and other racist individuals, and all the while Coach Ireland tried to shield his team in every way possible;

Whereas the men's basketball team of Mississippi State University (referred to in this preamble as the "Maroons" and now called the "Bulldogs") won its second consecutive southeastern conference championship in 1963, but had been forced by the Governor of Mississippi not to accept NCAA tournament bids in the 3 previous seasons because of the inclusion of African-American players in the tournament;

Whereas, before advancing to the championship round, the Ramblers participated in the NCAA Midwest regional semifinal against the Maroons, a landmark game often referred to half a century later as the "Game of Change";

Whereas Mississippi State University president Dean Colvard and athletic director and men's basketball coach James Harrison "Babe" McCarthy bravely accepted the Maroons' 1963 NCAA tournament invitation against the wishes of the Governor of Mississippi;

Whereas, determined to play in the regional semifinal, the Maroons snuck out of Mississippi in the middle of the night to avoid an injunction, and the integrated Ramblers and the all-white Maroons met on the basketball court at Michigan State University on March 15, 1963;

Whereas, with police surrounding the sports complex in East Lansing, Michigan, the Ramblers went on to defeat the Maroons in a competitive game by a score of 61 to 51 in the regional semifinal, a game that changed race relations on the basketball court forever and was selected by the NCAA in 2006 as one of the 25 defining moments in the first 100 years of the organization;

Whereas the Ramblers went on to win games against the University of Illinois and Duke University before defeating the 2-time defending NCAA champion University of Cin-

cinnati in overtime by a score of 60 to 58, the crowning achievement in Loyola University Chicago's nearly decade-long struggle with racial inequality in men's college basketball, highlighted by the tumultuous events of the 1963 NCAA tournament;

Whereas the Ramblers' 1963 NCAA title was historic not only for the racial makeup of the Ramblers, but also because the University of Cincinnati had started 3 African-American players, making 7 of the 10 starters in the 1963 NCAA championship game African American;

Whereas the city of Chicago has many storied sports teams, but the Ramblers basketball team of 1963 and Coach Ireland hold an exalted place because they are the only NCAA Division I Illinois basketball team to win a national championship and because they paved the way for the long overdue integration of races in college basketball before the enactment of the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

Whereas all 5 starting players from the national championship game graduated from Loyola University with a degree, and several went on to earn advanced degrees in law and business;

Whereas the journey of the Ramblers is not just the story of an underdog team overcoming great odds to beat the favored team from the University of Cincinnati, a much larger basketball program that held the number 1 ranking and had won the previous 2 national championships;

Whereas the real significance of Coach Ireland and the Ramblers is the lasting impact of their bravery in breaking the racial barrier in college basketball that had been allowed to prevail for decades; and

Whereas the 2013 Hall of Fame induction season will mark the 50th anniversary of the 1963 Ramblers' basketball championship, making the 1963 Ramblers the first whole team ever to be honored in the Hall of Fame: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Coach George Ireland and the 1963 Loyola University Chicago men's basketball championship team on their induction into the National Collegiate Basketball Hall of Fame;

(2) honors the 50th anniversary of the historic Division I National Collegiate Athletic Association championship of the Loyola University Chicago men's basketball team and the profound athletic and civil rights achievements of the 1963 team; and

(3) honors the 1963 Mississippi State University men's basketball team for their bravery and sportsmanship in rejecting racism and aiding in the civil rights movement in the State of Mississippi and the southeastern United States.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Ms. LANDRIEU. Mr. President, I would like to announce that the Committee on Small Business and Entrepreneurship will meet on July 17, 2013, at 3 p.m. in room 428A Russell Senate Office building to hold a roundtable entitled "Small Business Tax Reform: Making the Tax Code Work for Entrepreneurs and Startups."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on

Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 10, 2013, at 2:30 p.m. in room SH-562 of the Hart Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Repealing the SGR and the Path Forward: A View from CMS."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. to conduct a hearing entitled "Lessons Learned from the Boston Marathon Bombings: Preparing for and Responding to the Attack."

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

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

SPECIAL COMMITTEE ON AGING

Mr. REED. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 10, 2013, to conduct a hearing entitled "Diabetes Research: Reducing the Burden of Diabetes at All Ages and Stages."

The Committee will meet in room G-50 of the Dirksen Senate Office Building beginning at 2 p.m.

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 10,

2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will conduct a hearing entitled, "Stopping Fraudulent Robocall Scams: Can More Be Done?"

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

VIETNAM VETERANS MEMORIAL VISITOR CENTER DONOR CONTRIBUTION ACKNOWLEDGMENTS

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message received from the House of Representatives with respect to H.R. 588.

The PRESIDING OFFICER laid before the Senate a bill H.R. 588 to provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes, with an amendment.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

SOUTH UTAH VALLEY ELECTRIC CONVEYANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 85, H.R. 251.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 251) to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 251) was ordered to a third reading, was read the third time, and passed.

BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 254.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 254) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and

passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 254) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JULY 11, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, July 11, 2013; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; and that the majority leader be recognized.

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

Mr. REID. Mr. President, just so that is clear, I want the unanimous consent request to indicate that after we have done the morning hour, after the Journal of proceedings has been approved and the time for the two leaders has been used or reserved for their use later in the day, that I be recognized.

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

Mr. REID. I ask unanimous consent that after I am recognized and after Senator McCONNELL and I have finished our remarks, that the time until 12:30 be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half hour and the majority controlling the second half hour; further, that the Senate recess from 12:30 to 2:15 to allow for caucus meetings.

I ask the Chair if it is clear now, what I muddled through.

The PRESIDING OFFICER. It is clear.

Without objection, it is so ordered.

Mr. REID. Further, I ask unanimous consent to be recognized at 2:15.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Thursday, July 11, 2013, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

MARGARET LOUISE CUMMISKY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE APRIL S. BOYD, RESIGNED.

DEPARTMENT OF STATE

MATTHEW WINTHROP BARZUN, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

JOHN HOOVER, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

CRYSTAL NIX-HINES, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

JOHN R. PHILLIPS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF

THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

DEPARTMENT OF EDUCATION

MICHAEL KEITH YUDIN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE ALEXA E. POSNY.