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Senate

(Legislative day of Monday, July 15, 2013)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Eternal God, You deserve the honor, the glory, and the praise from our mortal lips, for You alone are omnipotent. Shine Your light upon the challenging path which our lawmakers must walk, dispelling the shadows of doubt and division. Lord, use our Senators as instruments of Your glory, keeping their faith strong as they trust You to order their steps and choreograph their destinies. May their labors bring solace to the needy, the marginalized, the lost, the lonely, and the least. Help them to remember that they are Your servants, called to serve Your purposes in their generation.

Lord, we ask Your special blessings on our new lawmaker Senator MARKEY as he is sworn in today.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, the majority leader will be on the floor very briefly, but at this point I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the business before the Senate?

The VICE PRESIDENT. The swearing in of the Senator from Massachusetts.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a Certificate of Election to fill the vacancy created by the resignation of Senator John F. Kerry of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

Mr. REID. Mr. President, reserving the right to object, I know a lot of people want to say some real nice things about this good man, but we are going to have to do it later. We have a lot of things to do. As he will learn, the Senate is not always as punctual as the House. So all those who have these wonderful things to say about this good man, do it later.

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

THE COMMONWEALTH OF MASSACHUSETTS

To the President of the Senate of the United States:

This is to certify that on the twenty-fifth day of June, two-thousand and thirteen Edward J. Markey was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator for the unexpired term ending at noon on the third day of January, two thousand and fifteen, to fill the vacancy in the representation from said Commonwealth in the Senate of the United States caused by the resignation of Senator John F. Kerry.

Witness: His Excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this tenth day of July in the year of our Lord two thousand and thirteen.

By His Excellency, Governor

DEVAL PATRICK.

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Ms. WARREN and Mr. COWAN, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause.)

Mr. REID. Mr. President, what is the business before this body?

The PRESIDING OFFICER (Mr. MURPHY). The motion to proceed to S. 1238 is pending.

MEASURE PLACED ON THE CALENDAR—S. 1292

Mr. REID. Mr. President, I am told S. 1292 is due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1292) to prohibit the funding of the Patient Protection and Affordable Care Act.

Mr. REID. Mr. President, I object to this.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar under rule XIV.

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

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EXECUTIVE SESSION

NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to resume consideration of Calendar No. 51.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read as follows:

Nomination, Bureau of Consumer Financial Protection, Richard Cordray of Ohio to be Director.

Mr. REID. Mr. President, I ask unanimous consent that the time until 11 a.m. be equally divided and controlled.

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

Mr. REID. At 11 there will be a cloture vote on the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau. If cloture is invoked, there will be up to 8 hours of debate on the nomination.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Would the Senator withhold that request?

Mr. REID. Absolutely.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, we are going to move forward to the Cordray nomination, which has been held up for some period of time. I would like to thank everybody on both sides of the aisle who was engaged in this debate and discussion. I would particularly like to thank all of my colleagues who engaged in a long but productive discussion last night—which is our custom—of the many issues that separate us, particularly some pending, what many of us believe to be a crisis in the history of the Senate.

I wish to thank both our leaders, Senator MCCONNELL and Senator REID, and so many others who have been actively engaged in conversations that have been going on. I look forward to a vote as soon as possible on Mr. Cordray.

I thank all of my colleagues for believing what I thought was very important in our relations with the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we may have a way forward on this. I feel very confident, as you know. That is why we need the time. So what we are going to do is go into a quorum. I think everyone would be well advised, if they wish, to talk about substantive matters, if you wish to speak to Senator Markey. But we have a few i's to dot and t's to cross, I have to speak to the Vice President, and we are going to have a phone call to make with Senators SCHUMER and MURRAY. So everything is going well.

I will say I hope everyone learned a lesson last night, that it sure helps to sit down, stand, whatever it is, and talk to each other. It was a very good meeting that lasted 4 hours. People were still as highly engaged at the end of that 4 hours as they were in the beginning.

I think we see a way forward that will be good for everybody. There are a lot of accolades to go around to a lot of people. I certainly appreciate my wonderful caucus.

One of my Senators, who has a lot of humility, told me this morning: It doesn't matter what you ask me to do, I will do it.

I would hope this is not a time to flex muscles, but it is a time I am going to tell one person and no one else how much I appreciate their advocacy, their persuasiveness, persistence, and—a word that truly describes this man is hard to find.

I was told by another Senator: You know what this man did? I said: You know who he reminds me of? Bob Kerrey. I hope that doesn't disparage JOHN MCCAIN. But JOHN MCCAIN is the reason we are at the point we are. A lot of people have been extremely helpful. This is all directed toward JOHN MCCAIN from me. No one was able to break through but for him. He does it at his own peril.

Everyone, we are going to have a caucus today. We will explain in more detail the direction we are headed. I think everyone will be happy. Everyone will not think we got everything we wanted, but I think it is going to be something that is good for the Senate. It is a compromise. I think we get what we want; they get what they want—not a bad deal.

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. ENZI. 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. ENZI. Mr. President, I wish to speak today on the nomination of Richard Cordray to be the Director of the Consumer Financial Protection Bureau. I want to speak against this confirmation.

Why is this nomination important? Once the Director is approved by Congress, by the Senate—not all the Congress, just by the Senate—we will no longer have any control over a bureau that collects everyone's financial records in detail and can cancel a loan up to 180 days even if both parties to the loan are happy.

Mr. Cordray was recess-appointed. I think it was because the President thought he would not be approved by Congress.

What I am about to tell you already is under the direction of this nominee. That recess appointment put him in charge of the Consumer Financial Protection Bureau. It sounds like a good title, but the reason this is of utmost concern to me and has been for the past 3 years is the lack of congressional oversight and blatant privacy intrusions of the Consumer Financial Protection Bureau, the CFPB.

The Dodd-Frank Act, which created the CFPB, has been a hot topic of conversation since its passage in 2010. There are a lot of important discussions about different parts of the bill and some of the consequences we are seeing now, 3 years down the road. These are all important conversations to have, but today I am focusing on the Consumer Financial Protection Bureau.

The Bureau, as allowed by the Dodd-Frank Act, could direct up to $600 million every year, but it is not subject to the congressional appropriations process—the same congressional appropriations process that approves the budgets of the other agencies, such as the Securities and Exchange Commission and the Federal Trade Commission. Instead, the agency is funded from revenues from the Federal Reserve—the Federal Reserve—before the revenues come to the Treasury, funds that are supposed to be remitted to the Treasury for deficit reduction.

Some might ask: Isn't there a cap to the funding available to the CFPB? Yes, there is, but here is what it looks like. The cap was 10 percent of the Federal revenues for fiscal year 2010, 11 percent for fiscal year 2012, and it will be 12 percent for fiscal year 2013, with an inflation factor each and every year after that. This means 12 percent of the combined earnings of the Federal Reserve System, which was $4.98 billion in 2009. At that time, 10 percent would have been $500 million. These numbers are astonishing, and anyone saying that the Bureau is not funded by taxpayers is trying to pull a sleight-of-hand. The funds may not come directly from the Treasury, but taxpayers are going to have to take up the slack for funds they are no longer receiving from the Federal Reserve. I am not sure how we do that constitutionally, to move somebody outside and still take Federal money.

In addition, the Director of the Bureau has unlimited discretion over how the agency's money—these hundreds of millions of dollars I just talked about—is spent. Let me repeat that. The Director of the Bureau has unlimited discretion over how the agency's money is spent. He doesn't submit a budget. Nothing is approved.

Not only that, the Director is allowed to put fines and penalties collected by the Bureau into a slush fund that it does not have to return to the Treasury the way other agencies have to do. Do you think that might encourage a lot of fines and penalties by this Bureau? I think it would. I don't think it ought to be done that way.

The same Director who has so much unchecked authority doesn't even answer to the Office of Management and Budget and only has to submit routine financial information to the Office.

There is also no inspector general for this Bureau. Here is one example of why that is a problem. The Dodd-Frank Act expressly exempted auto dealers from the oversight purview of the Bureau. They listened to me when this bill was passing and found out that loans could be canceled within 180 days by the Bureau without the approval of the automobile dealer or the person who bought the automobile.

However, the Bureau doesn't think auto dealers should be exempt from oversight, so it found ways to exert itself through the banks. Banks are now looking at auto loans made, and the Bureau has issued its first significant penalty in connection with the vehicle financing.

The Bureau has also issued what it calls a fair lending guidance bulletin directed at institutions that make indirect automobile loans. In it the Bureau says indirect lenders will be viewed as participants in any discriminatory pricing by dealers due to their role in the auto loan credit decision process and suggests lenders impose controls on dealer markup and compensation policies. Is this revenge for them getting an exemption in the bill?

The Bureau's interpretation of Dodd-Frank and this guidance will have wide ramifications for indirect lenders and ultimately auto dealers. Because the bulletin issued is considered guidance and not a rule, there has been no opportunity for the public—including consumers, lenders, and dealers—to comment on this policy interpretation that will affect an industry that was exempted from the Bureau oversight.

The lack of accountability and congressional oversight over the Bureau's budget and Director are troubling, to say the least, but the picture becomes even more concerning when the lens is shifted to what kinds of oversight power are afforded to and being practiced by this Bureau—this Consumer Financial Protection Bureau. It sounds like it is for everybody.

Here is what I said when expressing my concern about this Bureau and the Dodd-Frank Act on May 20, 2010:

> This bill was supposed to be about regulating Wall Street; instead it's creating a Google Earth on every financial transaction. That's right—the government will be able to see every detail of your finances.

Your permission is not needed.

> They can look at your transactions from the 50,000 foot perspective or they can look right down to the tiny details of the time and place where you pulled cash out of an ATM or charged to your credit card.

Unfortunately, we are now finding this fear has become a reality. A recent Bloomberg article states that the Bureau is demanding records from banks and buying information from companies on at least 10 million American consumers for ''use in a wide range of policy research projects.'' This information gathering from banks includes credit card and checking account overdraft information as well as requirements to provide records on credit cards and on products such as credit monitoring.

In addition to the bank records it is collecting, the Bureau is collecting data on payday loans from debt collection agencies and building a mortgage database of loan and property records with information from agencies and other financial and property information holders.

The CFPD also says they are not including any personally identifiable information such as names and Social Security numbers while compiling all of this information. I made that statement at one of our listening sessions in Wyoming, and somebody from the audience yelled: No, they just check with the NSA.

What they are doing is taking all of that consumer data and layering it into consumer profiles to show a complete snapshot of each consumer's finances. For example, they can say: There is a consumer at a specified zip code who has $1,500 in the bank, $6,000 in credit card debt, $10,000 in student loan debt, and a $200,000 mortgage.

To the American people who are listening to me speak right now, what happens if you are one of the 10 million customers whose data is being collected? Does this make you angry and uncomfortable? What happens if you don't want all of your financial information compiled and used by the Bureau for policy research projects?

I am sure you would like to hear me tell you that you can call or write the Bureau and say you don't want the Bureau collecting your financial records from your bank, your student loan from a third party provider, your mortgage data, or your ATM data. I am sorry. You can't. You can't tell them to stay out of your records. It is not possible. If your data is being collected, you do not have the option to opt out nor does the CFPB need any kind of permission from you to gather your personal financial information.

This is another issue I tried to work on when the Dodd-Frank Act passed. I had an amendment that would simply require a privacy release, a signature from the consumer before the Bureau could collect the consumer's financial data. Unfortunately, my amendment was not accepted and we find ourselves in the situation we are in today: Americans cannot tell the government they don't want their personal financial information collected and stored.

What I would like to know is how this information is reining in Wall Street. The Dodd-Frank Act was sold to the public as a way to rein in Wall Street. As far as I can tell, it has turned out to be the perfect excuse for Big Brother to worm his way even further into our lives and our privacy.

Actually, Big Brother doesn't have to worm his way in. Dodd-Frank opened the door and invited him in, and that is what this lack of oversight is signaling. Go ahead and collect millions of consumers' information. Don't tell us what you are using it for, and don't feel the need to tell us much of anything else because this Director and this Bureau will not be accountable to Congress.

Meanwhile, the message we are getting from the Bureau, and some of my colleagues, is that Congress needs to sit back and butt out of the Bureau's business. We are hearing the message that asking for congressional oversight is akin to wanting consumers to be deceived and discriminated against.

Let's get one thing straight. None of my colleagues disagree that protecting consumers is important. We all want consumers to get a fair shake and be able to make informed financial decisions. I never envisioned the Federal Government making your financial decisions. I have championed financial literacy for much of my time in Washington and believe strongly in the value of individuals having the tools they need to make sound financial decisions for themselves and their families. I repeat: I never envisioned the Federal Government making your financial decisions, but that is not the issue. The issue is the need for checks and balances and for consumers to be able to make a choice as to whether their financial information is collected and used.

I cannot in good conscience, with these concerns weighing so heavily on my mind, support moving forward with the confirmation of a Director to the Consumer Financial Protection Bureau—the one already in charge of collecting your financial records—while doing a daily speech about his good work.

Wait until his confirmation. We will see more intrusion into our personal lives. Until it has changed so this man does not have this much power—power beyond anybody else in the Federal Government—there needs to be some changes that will balance consumers' protections with privacy protections and allow for a healthy and appropriate level of congressional oversight over an agency that wields this tremendous power and has its own source of revenue and no oversight. Not even an inspector general has this kind of power. Until that happens, I have to oppose this nomination. I hope my colleagues will join me.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from New Mexico

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, this is a historic day in the Senate. These are qualified nominees. They have been delayed long enough. But we are also considering a larger

question; What kind of Senate do we want? What kind of Senate best serves the American people?

This is not about breaking agreements. This is about a Senate that is already broken. We once were called the world's greatest deliberative body, and we have become a graveyard for good ideas. The traditions of the Senate have been buried—buried under the weight of filibusters, of chronic obstruction, and by a tyranny of the minority. The Senate has been driven by unprecedented partisanship.

The agreement of this past January was modest. Some of us felt it was too much so. The leaders agreed to schedule the President's nominees in a timely manner, but that did not happen. That is not what we have seen. Nominees have been continually blocked—one after another, month after month. That failure doesn't just violate an agreement, it violates the trust of the American people.

People in New Mexico—people in the rest of the country—want to know: Who is minding the store? The answer, too often, is no one. As a result, important work is left undone. That is not by accident. It is by design, which is why we are here now. Because the months go by, and we don't have a Secretary of Labor. We don't have a National Labor Relations Board. We don't have an administrator of the Environmental Protection Agency. These, and other, vital agencies are adrift.

Their work matters for the people in my State, for all Americans who care about the rights of workers, the environment, health care, consumer protection, and the integrity of our elections.

The American people spoke in November. They re-elected the President. They expect a government to do its job, and gave the President the right to select his team to do that job. The people give the President that right, but a minority in the Senate does not. Find 60 votes or find someone else or leave the position empty. That is not the tradition of the Senate.

That is not advise and consent, it is obstruct and delay. In the end, it is the people of this country who are kept waiting.

These are qualified nominees. They should not be blocked yet again simply because you don't like their policy or their program, or the law they are commanded to uphold.

We have a chance here today—a historic chance—to restore the confirmation process. We have a chance to restore the Senate to how it has worked for over 200 years. I hope we will take this opportunity.

New Mexicans want a government that works, the American people want a government that works, and today they will be watching to see if, finally, it actually does.

In conclusion, I want to talk about the rules and what we engaged in yesterday, which I thought was a very productive endeavor. We had 3 hours with most Senators in the room in the Old Senate Chamber. We were able to exchange our thoughts outside of the limelight. I believe it was very productive.

We had a lot of ideas come forward. Some of those ideas to resolve this situation may end up being adopted in a little bit. It looks as though Richard Cordray, the attorney general from Ohio, will get cloture at this point—at least that is the way it is looking—and then we will have some debate on that nomination.

I have a couple of other points. First of all, Leader REID has incredible patience when it comes to this whole issue of executive nominations. I have seen him over and over go beyond the pale when it comes to patience. At this point he realized we were getting things clogged up, there was too much obstruction, so he needed to force the issue.

I am very proud he has done this because I think it has pushed us in the right direction. As a result, we are going to get executive nominees in place on a timely basis, and we are going to get rid of all the delay we have had.

I looked back in history at executive nominees. I remember my father when he became Secretary of the Interior in 1961. When I was first sworn into the Senate and came home, I told him we were having a hard time getting executive nominees in place. He said: Tom, the amazing thing, if you highlight the 50 years ago and 50 years later, is I had my whole team in place within 2 weeks. My entire team was in place in 2 weeks.

This is President Obama's fifth year as President, and he doesn't have his team in place. That is the issue. I know we are focusing on trying to do everything we can to find a solution as to how we allow a President who has been reelected—and by a pretty good margin—to have his team in place.

I am very confident that Senator JOHN MCCAIN is working on a compromise. He is a good friend to the family and somebody who cares about moving forward with the issues rather than obstructing the issues.

As everybody knows, he was part of the Gang of 14. Senator MCCAIN with 13 other Senators came up with that compromise to move us forward in terms of the gridlock that we were facing with judicial nominations. So I hope the discussions that are taking place are going to produce something.

I think it is a big breakthrough to see we are at the point where Richard Cordray, who has been waiting for 2 years—he is a very competent individual. He has served as the attorney general of Ohio, one of our biggest States. He is a great consumer protection person—is going to get cloture, we will have debate, and my sense is we are going to get him into that consumer agency, and it will make a big difference.

I see my good friend Senator CORKER, so I want to make sure he gets to speak before we have this 11 a.m. vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thought last night's meeting was a healthy meeting. I am glad we did what we did. I appreciate the two leaders sponsoring that meeting, and I appreciate the time in which everyone spoke.

I think with a lot of phone calls having been made this morning we can and will move past the cloture vote for Mr. Cordray. I have had several conversations with him and others, this morning, but I do want to say this is a gesture of good faith. We will see what happens in a moment when the vote takes place and, obviously, in this body, nothing happens until it happens.

I hope Members on the other side will note this good-faith effort that is taking place in a few moments. I hope it is going to happen. I think it may.

I hope that over the course of the next 24 to 48 hours we can work in a little more comprehensive manner. I think this would be something to get behind us during this next year and a half so we can move on to solving our Nation's problems. I don't think it is healthy for this body to constantly have potential rules changes hanging over the issues of our Nation, and we do have big issues.

We have an opportunity, potentially, to get the immigration issue behind us. I know there are other pieces of legislation we could well deal with. In the event we do move into this postcloture period, I hope Members on the other side of the aisle will take note of that and will work with us constructively toward a solution that brings this place together instead of pulling it apart.

I thank the Senator for his efforts. Again, I empathize and sympathize with his family over the personal loss that just occurred. I look forward to working with the Senator from New Mexico as we move ahead.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection.

Harry Reid, Tim Johnson, Barbara Boxer, Elizabeth Warren, Debbie Stabenow, Jon Tester, Al Franken, Jack Reed, Tom Harkin, Ron Wyden, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey, Jr. Jeff Merkley, John D. Rockefeller IV, Max Baucus, Richard Blumenthal, Carl Levin.

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 nomination

of Richard Cordray, of Ohio, to be Director of the Bureau of Consumer Financial Protection, for a term of 5 years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The yeas and nays resulted—yeas 71, nays 29, as follows:

[Rollcall Vote No. 173 Ex.]

YEAS—71

Ayotte	Graham	Mikulski
Baldwin	Hagan	Murkowski
Baucus	Harkin	Murphy
Begich	Hatch	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Portman
Blunt	Hirono	Pryor
Boxer	Hoeven	Reed
Brown	Isakson	Reid
Cantwell	Johanns	Rockefeller
Cardin	Johnson (SD)	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Chambliss	Kirk	Shaheen
Coats	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Udall (CO)
Corker	Levin	Udall (NM)
Donnelly	Manchin	Warner
Durbin	Markey	Warren
Feinstein	McCain	Whitehouse
Flake	McCaskill	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

NAYS—29

Alexander	Enzi	Risch
Barrasso	Fischer	Roberts
Boozman	Grassley	Rubio
Burr	Heller	Scott
Chiesa	Inhofe	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Lee	Thune
Cornyn	McConnell	Toomey
Crapo	Moran	Vitter
Cruz	Paul	

The PRESIDING OFFICER. On this vote the yeas are 71 and the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 15 of the 113th Congress, there is now 8 hours of postcloture debate on this nomination, equally divided in the usual form.

The majority leader.

Mr. REID. I hope we don't have to use all of the 8 hours, but we will see.

Mr. REID. I ask unanimous consent the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings and that the time during the recess count postcloture on the Cordray nomination.

I express my appreciation for the strong vote this good man received.

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

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

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

Mr. REID. What I should have done and will do now is ask unanimous consent that the time during this quorum call be divided equally on both sides.

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

Mr. REID. 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. MERKLEY. 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. MERKLEY. Mr. President, I thought I would make a couple of comments regarding the activities of this Chamber a few minutes ago. We had 71 votes in favor of closing debate on the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau, the CFPB. The CFPB is vested with the responsibility of protecting consumers from predatory financial practices.

We all discovered in the runup to the great recession just how important this protection is. We had many crazy predatory practices.

On credit cards we had fees that came out of nowhere and shifting time periods from month to month in terms of when the payments were due, even shifting destinations of where the credit card payments got mailed to, and also fees that could be wracked up on unsuspecting consumers.

We certainly found out on mortgages how important financial protection is because we had, starting from 2003 forward, a booming industry in predatory teaser rate mortgages, where the mortgages might be 4 percent for 2 years but then were changed after 2 years to 9 percent. One would think most would-be homeowners would look at that deal and say: That is not a good deal. But here is what happened. They went to a mortgage broker, and the mortgage broker said: I am your financial adviser. Mortgages have gotten very complex, they are very thick, and there is a lot of fine print, so you are paying me to sort through and find the best deal for you.

So first-time home buyers trusted their mortgage brokers. Unbeknownst to the new homeowners, those brokers were being paid kickbacks called steering payments. They were being paid special bonuses outside the framework of the deal in order to steer the unsuspecting first-time home buyer—the customer—into a predatory loan when the first-time customer actually qualified for a prime fixed-rate mortgage. Well, those predatory mortgages proceeded to be put into securities, and those securities were bought up by financial institutions across America and beyond because the folks who were buying the securities understood that in a couple of years the interest rate would go way up and they would make a lot of money off those securities.

So this was a system rigged against the first-time home buyer, against the home buyer who wanted to start their journey to owning their piece of the American dream.

Those predatory practices should never have been allowed. Some here will remember the responsibility for consumer protection was vested in the Federal Reserve. But what happened in the Federal Reserve? The Federal Reserve carried on with its responsibility on monetary policy, but it put its responsibility for consumer protection down in the basement of its building. They locked the doors, they threw away the key, and they said let the market be the market. They abandoned our consumers across this country.

That is why we need a Consumer Financial Protection Bureau. It doesn't have a conflict in its mission. It is not obsessed with a different mission such as monetary policy. We need a bureau that says: New predatory techniques will crop up and we will try to end them, try to end practices in predatory payday loans that can charge 350 to 550-percent interest on unsuspecting citizens. We need a bureau that will look out and say we need to stop the practice on which online payday lenders get your bank account number and, without your permission, do a remotely generated check and reach in and grab the funds out of your account. The list of predatory practices is endless because the human mind is endlessly inventive. So we have an important bureau—but an important bureau that cannot do its job unless there is a director to run it.

Two years ago Richard Cordray was nominated to head the Bureau. He has been waiting to get cloture on his nomination and a subsequent vote for 2 years. He has been an interim appointee during that period of time and, by all accounts, from everything I have heard from folks in this Chamber, doing a very good job, working very hard with the great technical details of the financial world to find a fair and solid way forward.

The fact is his nomination, so long delayed, is not a reflection on him personally. In fact, many Senators who have opposed allowing the vote to take place have come forward and said it is not about him personally; it is about the Consumer Financial Protection Bureau. Forty-three Senators in this Chamber wrote a letter to say they would oppose any nominee for the Consumer Financial Protection Bureau. It was a bold attempt to change back to a situation where there was no one to fight for consumer protection for our citizens in this Nation.

Today we end that drama in favor of fairness for American citizens, in favor of taking strong action against predatory mortgages and the predatory practices of the future. In 8 hours we will be voting up or down on his nomination, as we should have long ago.

But let me shift gears here and say the vote we took today is symbolic of much more than the important function of establishing an effective Consumer Financial Protection Bureau. The vote we took a short while ago is central to ending the paralysis that has generally haunted this Chamber. That paralysis is something new. In

the time from Eisenhower's Presidency through Ford's Presidency, there was not one filibuster of an executive nominee. In President Obama's 4½ years, there have been 16 such filibusters. So if we talk about the norm and tradition of the Senate, the norm and tradition of the Senate is a reasonable and timely up-or-down vote. That is the tradition, and it is a tradition that fits with the Constitution. The Constitution calls for a supermajority for treaties to be confirmed, but it only embeds a simple majority requirement for nominations. There is reasoning behind that: because our Founders envisioned three coequal branches of government. They could never have envisioned it would be OK for the minority of one branch to be able to deeply disable another branch, be it the executive branch or be it the judiciary.

So the vote we took today is part of a larger conversation about ending the paralysis and focusing on the challenge of executive nominations getting timely up-or-down votes.

Mr. DURBIN. Would the Senator yield for a question?

Mr. MERKLEY. Absolutely.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Illinois.

Mr. DURBIN. Madam President, I first thank the Senator for his leadership. He has been the singular force in the Senate to have us reassess the rules of the Senate to make certain they are serving the needs of our Nation. I thank Senator MERKLEY for his leadership, and I know he felt a great sense of satisfaction with the vote that was just cast on the floor—a vote in which 71 Senators voted to invoke cloture and end the filibuster on the nominee to head the Consumer Financial Protection Bureau.

As the Senator from Oregon knows, this Bureau has been controversial since its inception when we passed the Dodd-Frank finance reform bill after the tragedies and scandals of Wall Street. There were many who did not want to see us create a consumer protection agency. Yet we did. It was the brainchild of one of our current colleagues, Senator ELIZABETH WARREN of Massachusetts, who, before she was elected, thought this was an important agency—literally the only consumer protection agency in the Federal Government. But it wasn't welcomed by some corners, particularly some financial institutions and others.

I think it is noteworthy at two levels, and I would like to ask the Senator from Oregon to respond. First, it is noteworthy that although it took 2 years, in that 2-year period of time this Consumer Financial Protection Bureau has proven its worth.

I am working now on the exploitation of our military by for-profit schools. Holly Petraeus, the wife of General Petraeus, works for this agency, and she has focused her efforts on military families and the exploitation of the GI bill by these schools.

I think every American would agree that those who are guilty of it should be held accountable, and this investigation is under way by this agency. Now Richard Cordray is there to head it. I think that is important, and that is why this vote which will be in a few hours on Richard Cordray's nomination is important.

But the second point is a larger global point about the Senate and perhaps Congress. We have in a very brief period of time—1 month—seen two very significant votes, in my estimation. The first was on the immigration bill, where 68 Senators voted for the immigration reform bill, 14 Republicans joining all the Democrats. It was a breakthrough, and most of us feel it was the first time in a long time that we have seen Senators of both political parties sit down and hammer out an agreement that was reflected in the vote on the floor: 14 Republicans, 54 Democrats.

Now we have the second evidence of bipartisanship with the vote that was just cast, 71 who came forward—some 17 Republicans and 54 Democrats, if I am not mistaken—voting in favor of ending cloture.

The point I would like to get to in this long question—and I would ask the Senator from Oregon for his reflection on this—it seems to me the key to getting things done on Capitol Hill these days, in a fractured political Nation, is bipartisanship—not just in the Senate Chamber but in the House as well, that they have to reach beyond the majority party—in our case Democrats and in their case Republicans—and start thinking about how we put things together on a bipartisan basis that have a chance of passing and ultimately becoming law and solving the problems facing our Nation.

When it comes to consumer protection, with a bipartisan vote, we move forward. A few weeks ago when it came to immigration reform, we had a bipartisan vote that moved forward. So I would ask the Senator to not only reflect on this institution and the earlier vote but on the current challenges we face politically and how these votes reflect on those.

Mr. MERKLEY. I would say to my colleague from Illinois that, indeed, these are key milestones where the journey is to restore the functionality of this Senate so it can take on the significant issues Americans expect us to take on.

The path forward is not yet one without obstruction. We have these two important milestones—one of going forward on immigration, a second of going forward in terms of putting a functioning Consumer Financial Protection Bureau fully together. We have had some other recent moments that fit this pattern, including passing the farm bill out of this Chamber for the second time, passing a Water Resources Development Act that would fund enormous amounts of infrastructure across this country to help provide both water supply infrastructure and wastewater treatment infrastructure. These are good moments. But we also are reminded that the path is not completely clear.

For example, at this moment we should be in the middle of a conference committee on the budget. The Senate passed a budget and the House has passed a budget, but the conference committee is being filibustered by this Chamber. That is evidence of the model we are trying to break that is unexplainable to the American people. Folks back home want to know why we can't get a bill on the floor of the Senate to address the sequester. Because fewer kids are getting into Head Start, fewer kids are getting their inoculations, title I schools are not getting their funding. And, of course, there is a lot of concern within the military world about our national security where programs are being compromised. But we couldn't get the bill to the floor of the Senate because it was filibustered.

So we have important milestones to grab hold of that are presenting a vision of the restoration of this Senate as a deliberative body, but we are going to have to work together in this bipartisan fashion we speak of to continue on this road.

Mr. DURBIN. I thank the Senator.

Mr. MERKLEY. Madam President, I appreciate my colleague from Illinois emphasizing the important role of bipartisanship in making this Chamber work. His question gave me an opportunity to talk about what has just transpired as an important victory—an important victory for this Chamber and its deliberation, an important victory for people across America, families working to have their financial foundation solid rather than torn asunder by predatory practices.

In this journey, this effort to achieve a Senate that can again function as a deliberative body, I want to take this moment to thank my colleague TOM UDALL. TOM UDALL and I came into the Senate together. TOM UDALL immediately recognized that the Senate needed to address its internal functioning because we were becoming more and more paralyzed. He proposed before this body that we have a conscious debate every 2 years about how to adjust the rules and to make this Senate Chamber work much better, because we are not only being paralyzed on executive nominations but we have this terrible paralysis on legislation, with a few important exceptions that my colleague from Illinois and I spoke about.

I want to thank Tom for his work to help motivate this body to take on these issues and to restore the functionality. I have been pleased to be a partner with him on this journey. I know it is a journey that is not yet done, but I do thank my colleagues—across the aisle and on this side of the aisle—for the very frank discussions last night in which for 3 hours we bared our hearts, if you will, about what is working and not working in this Chamber. That too is an important moment

in this journey to make the Senate work. So I applaud the spirit that came into the Chamber today that resolved the 2-year standoff in regard to having a functioning chair of the Consumer Financial Protection Bureau, and to set the tone, hopefully, for changing dramatically the partnership to restore the functioning of the Senate going forward.

I yield the floor.

Mr. SANDERS. Madam President, I am glad an agreement has been reached in which President Obama will finally get Senate confirmation votes on his appointees to the Consumer Financial Protection Bureau, the Department of Labor, and the head of the Environmental Protection Agency. This agreement, as I understand it, will also provide that the President's new nominees for the National Labor Relations Board will be rapidly confirmed. That is a step forward.

While this agreement addresses the immediate need for the President of the United States to have his Cabinet and his senior staff confirmed, this agreement today only addresses one symptom of a seriously dysfunctional Senate. The issue that must now be addressed is how we create a process and a set of rules in the Senate that allows us to respond to the needs of the American people in a timely and effective way—something virtually everyone agrees is not happening now. The Senate cannot function with any degree of effectiveness if a supermajority of 60 votes is needed to pass virtually any piece of legislation and if we waste huge amounts of time not debating the real issues facing working people but waiting for motions to proceed hour after hour where nobody is even on the floor of the Senate.

The good news is that I think the Nation is now focused on the dysfunctionality of the Senate and the need for us to have rules or a process that allows us to address the enormous problems facing our country. When people ask why is it that Congress now has a favorability rating of less than 10 percent, the answer is fairly obvious: The middle class of this country is disappearing. Real unemployment is somewhere around 14 percent. The minimum wage has not kept up with inflation. Millions of people are working in jobs that pay them poverty wages. Tens of millions of people today lack health care, while we have the most expensive and wasteful health care system in the world. The greatest planetary crisis facing our Nation and the entire world is global warming, and we are not even debating that issue.

The Senate is a very peculiar institution. It is peculiar in the sense that any one Member—one of 100—can come down here on the floor and utter two magical words that bring the Senate to a complete halt; that is, ''I object.'' I will not allow the Senate to go forward, which means the whole government shuts down. I object. I object.

What we have seen in recent years—especially since Barack Obama was elected—is an unprecedented level of ''I object,'' of holds, of a variety of mechanisms that bring the functioning of the Senate to a halt. All of this takes place at a time when millions of people cannot find jobs and at a time when kids are graduating college deeply in debt and millions of others are now choosing not to go to college because we are not addressing the issue of higher education. It takes place at a time when our infrastructure—our roads and bridges and airports and rail systems—is crumbling, when our educational system is in need of major reform, and the gap between the people on top and everybody else is growing wider.

The American people perceive this country has major problems that must be addressed. What does the Senate do? We are sitting here waiting 30 hours for a motion to proceed, to see if, in fact, we can vote on a piece of legislation that requires 60 votes. Time and time again we do not get those votes.

When votes come up, I would like to win, to be on the winning side. That is natural. Everybody would. But what happens here—and the American people by and large do not fully understand it—we do not vote on issues. What happens is the debate ceases because we do not get motions to proceed. So we do not vote on a jobs program, we vote on whether we can proceed to a jobs program to create millions of jobs. We do not vote on whether we can keep interest rates low for college students who are borrowing money, we vote on whether we can proceed to have the vote.

What we have seen in the last several years is an unprecedented level of obstructionism and filibustering. Between 1917 and 1967 there was more or less an agreement in the Senate that a filibuster would only be used under exceptional circumstances. There were only some 40 or 45 filibusters in a 50-year period. When Lyndon Johnson was majority leader in the late 1950s, in his 6-year tenure as majority leader he had to overcome a filibuster on one occasion. Since HARRY REID has been majority leader in the last 6½ years, he has had to overcome 400 filibusters or at least requirements for 60 votes. The amount of time we are wasting is unconscionable.

Furthermore, what the American people do not know is that time after time we are winning. We have the votes to win and have shown that on very important issues. In terms of one major issue, just as an example, right now, rather tragically, we have a situation as a result of the disastrous Citizens United Supreme Court decision that corporations and billionaires can spend hundreds of millions of dollars on elections.

As bad as that is, what is even worse, they can hide their contributions—not make them public. Guess what. The Senate by a majority vote said: That is wrong. If you are going to contribute huge amounts of money into the political process, the people have a right to know who you are.

We have a majority vote on this issue. We could not get it passed because we needed 60 votes.

The American people know our tax system is enormously flawed. We have major corporations—General Electric and other corporations—that in a given year, after making billions of dollars in profits, pay zero in Federal taxes. Legislation was passed on the floor of the Senate by a majority—legislation that begins to address that issue—but we did not have 60 votes.

We provided emergency relief to senior citizens who several years ago were getting no COLAs for Social Security. We had a majority vote but could not get 60 votes.

We had a majority vote to say that women should be paid equal pay for equal work. A majority of Senators said that. We couldn't get it passed.

What we have seen in recent years is reasonably good legislation getting a majority vote, but we cannot get it passed because time after time we need 60 votes. What we are operating under now is a tyranny of the minority.

The American people go to vote. They elect Obama President, and they elect a Democratic Senate. People who campaigned on certain issues—as people go forward trying to implement their campaign promises, they cannot do it because we cannot get 60 votes.

Once again, at one point in Senate history, from 1917 to 1967, the filibuster was used very sparingly—only in exceptional circumstances. Since that point, have Democrats—and I speak as an Independent—have Democrats abused the system? Have they been obstructionist? There are times when they have been. But since 2008 what has happened is the Republicans have taken obstructionism to an entirely new level. Virtually every piece of legislation now requires 60 votes, and virtually every piece of legislation requires an enormous amount of time.

What do we do? My colleagues on both sides of the aisle have made the point that the Senate is not the House. And they are right. In the House there are 435 Members and majority rules. The majority has a whole lot of power. The minority doesn't have that much power. People have said: We do not want the Senate to be like the House, and I agree with that. The Senate should not be the House.

Senate Members should be guaranteed the right to offer amendments, not be shut out of the process. Whether you are the minority or the majority, you should have the right to offer amendments. There should be thorough and lengthy debate. If a Member of the Senate wants to stand here on the floor and speak hour after hour to call attention to some issue he or she believes is important, that Senator has the right, in my view, to do that. If that debate goes on for a week, it goes on for a week. Senators, whether in the minority or the majority, have the right to call attention and to debate and focus on issues they consider to be

important. But at the end of that debate there must be finality. There must be a majority vote—51 votes should win. The concept I support is what is called the talking filibuster. Minority rights must be protected. They must have all the time they need to make their point. But majority rights must also be protected. If democracy means anything, what I learned in the third grade was that the majority rules, not the minority.

What is happening in our country is not only enormous frustration about the very serious economic and environmental problems we face, there is huge outrage at the inability of Congress to even debate those issues.

For example, I am a very strong believer that the minimum wage in this country must be significantly raised. It is now about $7.25. I would like it to go up to $10 an hour, and even at $10 an hour people working 40 hours a week will still be living in poverty, but we have to raise the minimum wage. My strong guess is that if we do not change the rules, despite overwhelming support in this country for raising the minimum wage, we will never get an up-or-down vote here on that issue because Republicans will obstruct, demand 60 votes, and filibuster the issue.

If my Republican friends are so confident in the points of view they are advocating, bring them to the floor and let's have an up-or-down vote. Let the American people know how I feel on the issue, how you feel on the issue, but let's not have issues decided because we could not get 60 votes for a motion to proceed. Nobody in America understands what that is about. Do you want to vote against the minimum wage? Have the guts to come and vote against the minimum wage. Do you want to vote against women's rights? Come on up, have your say, and vote against women's rights. Do you want to vote against global warming? Vote against global warming. At least let us have the debate the American people are demanding.

I will conclude by saying I am glad the President will finally be able to get some key appointees seated. I was a mayor so I know how terribly important it is for a chief executive to have their team around them. I am glad he will get some key appointees.

Everyone should understand that what we are doing today is dealing with one very small part of an overall problem, which is the dysfunctionality of the Senate. I hope—having addressed the immediate crisis—we can now go on and address the broader issue, which is making the Senate responsive to the needs of the American people. Let's have serious debates on serious issues and let's see where the chips fall.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

EXECUTIVE SESSION

NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

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

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

ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that all future time in quorum calls be divided equally between the two sides.

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

Mr. SCHUMER. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Madam President, during the debate over the budget, Dr. COBURN and I offered an amendment to create a separate and independent inspector general within the Consumer Financial Protection Bureau.

We introduced this amendment because, thanks to a quirk in Dodd-Frank, the Consumer Financial Protection Bureau is the only major Federal agency without its own inspector general. I think people know I tend to rely a great deal on inspectors general within the bureaucracy to be an independent check to make sure the laws are followed and that money is spent according to the law.

Dodd-Frank created the Consumer Financial Protection Bureau, but it did not create a protection bureau-specific inspector general. Instead, because Dodd-Frank funded the Consumer Financial Protection Bureau through the Federal Reserve, this Consumer Financial Protection Bureau ended up sharing an inspector general with the Federal Reserve.

This has created a problem. Right now, the Consumer Financial Protection Bureau's inspector general has a split role. He serves as both inspector general for the Federal Reserve and for the Consumer Financial Protection Bureau. I believe this creates a great deal of confusion and, obviously, a bureaucratic battle for resources. In fact, the inspector general has already had to create two separate audit plans. He also has had to hire employees who can oversee both the Federal Reserve and the Consumer Financial Protection Bureau.

The end result is an office split by two very important but very different priorities. Dodd-Frank created the Consumer Financial Protection Bureau within the Federal Reserve in order to fund the Bureau without having to come to us on Capitol Hill to get congressional appropriations. This is a problem but not a problem I am going to deal with right now. We had a marriage of convenience, the Consumer Financial Protection Bureau within the Federal Reserve.

The Bureau's function is very different from the Federal Reserve. Despite this, years after Dodd-Frank was passed, this unique situation remains. My concern is if you have one inspector general trying to cover two different entities, the end result is neither gets fully overseen. In other words, we don't have adequate checks within the bureaucracy to make sure that laws are abided by and that money is spent according to law.

Since the passage of the Inspector General Act of 1978, Congress has believed that each Department and each agency needs its own independent inspector general. This has been a longstanding bipartisan position.

Currently, there are 73 inspectors general, in every single Cabinet-level Department and almost all independent agencies. Even small independent agencies such as the Federal Maritime Commission and the National Science Foundation have their own inspector general.

In each of these agencies, if each of these agencies has their own independent inspector general, shouldn't the Consumer Financial Protection Bureau—particularly since this Bureau doesn't have to come to Congress for appropriations. We don't get appropriations oversight since some of their decisions can't even be challenged in the courts.

Now we are in this situation. The majority has opposed commonsense changes such as this to the Consumer Financial Protection Bureau.

During the budget debate when Dr. COBURN and I introduced the amendment to create a Consumer Financial Protection Bureau-specific inspector general, the majority would not allow it to be brought up for a vote. The position I heard over and over was the majority did not wish to relitigate Dodd-Frank in any way. I did not hear any concerns related to the merits of this proposal. Our amendment wasn't about relitigating anything, it was about creating accountability and oversight at the Consumer Financial Protection Bureau and doing that through an independent inspector general, such as 73

other independent agencies have these sorts of checks and balances.

Because the Consumer Financial Protection Bureau is funded directly by the Federal Reserve, there are few, if any, congressional oversight checks on the Bureau. This makes an independent inspector general even more important.

Right now, it seems to me, since we don't discuss Dodd-Frank very often, we don't have legislation related to it. We don't have opportunities to amend. This nomination of Mr. Cordray, now before the Senate, is the only tool the Senate has to create transparency and accountability within the Consumer Financial Protection Bureau. As we consider this nomination, I hope we will remember that and consider the Senate's role in overseeing the Consumer Financial Protection Bureau, what steps we can take to make the Consumer Financial Protection Bureau more transparent and, hence, more accountable to Congress, and in turn to the American people.

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

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, now that the so-called nuclear option has been averted and the Senate can now turn its attention to other matters of substance, rather than internal matters of how the Senate operates, I think it is important we evaluate how legislation that has passed this body is working. I wish to focus specifically on the Affordable Care Act, which is better known as ObamaCare.

Amazingly, Senator REID on Sunday, in one of the talk shows, was quoted as saying: ''ObamaCare has been wonderful for America.'' The House minority leader, former Speaker PELOSI, has said that implementation of the health care law has been fabulous.

This stands in stark contrast to what Senator MAX BAUCUS, chairman of the Senate Finance Committee and one of the principal Senate architects of ObamaCare, has said—what he told Secretary Sebelius, the Secretary of Health and Human Services—that the implementation of ObamaCare is a train wreck in the making. And then you contrast that with what President Obama himself said about the Affordable Care Act, about ObamaCare, and he said it is ''working the way it is supposed to.'' Well, not all of those things can be true at the same time, and they are not. Indeed, in the real world, unfortunately, it looks as though ObamaCare is a slow-motion disaster in the making.

Notwithstanding the President's comments that it is working the way it is supposed to, the administration seems to be acknowledging by its own actions that it is not working the way it is supposed to. Indeed, the administration has chosen to delay the so-called employers mandate, and they have begun to admit what Americans have been saying since at least 2010 when ObamaCare passed—that it has simply proven to be unworkable.

Rather than accept the reality and support full congressional repeal of the law, the administration is instead refusing to enforce the law and is choosing to apply it selectively. The law clearly states that as of January 2014 all businesses with 50 or more full-time employees have to provide their workers with health insurance or else pay a penalty. To be clear, I didn't support the Affordable Care Act—ObamaCare—but that is what the law says. Our Democratic colleagues, 60 of them in the Senate, and the majority in the then-Democratically controlled House passed the law and President Obama signed it, and that is what it says. But the President has chosen to take unilateral action and to refuse to enforce the law that he himself signed and that congressional Democrats passed without a single Republican vote.

Whether you supported it or you didn't support it, many of us now are forced to acknowledge and I would think the administration itself would be forced to acknowledge, that the law simply is not working as advertised. It is now obvious that the employer mandate has prompted many businesses to reduce the number of hours and transform full-time jobs into part-time jobs in order to avoid the employer mandate. This has contributed to a surge in the number of people working part-time jobs for economic reasons. Last month alone that number was 8.2 million people—8.2 million Americans who would like to have full-time work but simply can't find it, in large part because of the implementation of ObamaCare.

As I said, I voted against ObamaCare 3 years ago. I remember being in this Chamber on Christmas Eve at 7 a.m. in 2009 when our Democratic colleagues passed ObamaCare without a single vote from this side of the aisle. Many of us were voicing concerns about the provisions of ObamaCare, including the employer mandate, long before it became law. The problems with the mandate will, of course, still be there in 2015 notwithstanding the 1-year unilateral delay by the administration, and they reflect broader problems in the Affordable Care Act as a whole.

I believe the most commonsense thing we can do is simply to repeal it and to start over and replace it with patient-centered reforms that actually address the biggest challenges that face most families in America.

The President said: If you like what you have in terms of your health coverage, you can keep it. Millions of Americans are now finding that not to be the case. The President said a family of four will find their premiums reduced, on average, $2,500. Actually, rather than a reduction in cost, they are finding their premiums are going up and will go up even more when ObamaCare is implemented.

My point is that whether or not you voted for ObamaCare, it is important that we now acknowledge the sad reality that it is not working the way even its most vigorous proponents wished it would. Indeed, it seems to be working out in a way most of its critics thought it would.

But what is important now is that we work together to give permanent relief to this public policy train wreck for individual Americans and for small businesses. That is actually how we are supposed to function under our Constitution. Even under uniformly Democratic control, as the Congress and the White House were the first 2 years of this President's term, if things don't work out the way even the most ardent proponents of a piece of legislation wish and hope it will, then our job under the Constitution is to work together to try to provide some relief and solutions for the American people. That is true whether you objected to the law in its first instance or you simply supported it. If it turns out not to work as advertised, it is our job to fix it, and we can do so by replacing it with high-quality care that is more affordable and is much simpler to use. Rather than have the Federal Government dictate to you and your doctor what kind of care you are going to get and under what terms, you can, in consultation with your private doctor, make those decisions in the best interest of yourself and your family.

The bigger problem is that President Obama is simply deciding which aspects of the law to enforce and which not to enforce, and that is becoming somewhat of a trend, based on political convenience and expediency. Time and time again he has made clear that if a law passed by Congress and signed by the President—whether it is him or another President—is unpopular among his political supporters, he will simply ignore it and refuse to enforce it.

Shortly after ObamaCare became law, the administration began issuing waivers from the annual limit requirements, which made it seem as if certain organizations—oftentimes labor unions—would simply be exempted from and would receive preferential treatment based on their political connections. Meanwhile, to help implement ObamaCare, the IRS has announced it will violate the letter of the law and issue health insurance subsidies through Federal exchanges, especially in those places where the States have declined to issue State-based exchanges, even though the law makes clear these subsidies can only be used for State exchanges.

Let me restate that. The law says you can only use taxpayer subsidies for State-based exchanges, but because many States have simply said that this makes no sense for them and are refusing to create State-based insurance exchanges, these individuals will now be

in the Federal insurance exchange. And even though the law says taxpayer subsidies are not available for those, the IRS is papering over that provision of the law and simply disregarding it.

Again, we have seen this time and time again. We saw a similar disregard for the rule of law during the government-run Chrysler bankruptcy when the company-secured bondholders received much less for their loans than the United Auto Workers' pension funds. Even though, under the law, these bondholders were entitled to the highest priority in terms of repayment, they were subjugated to the United Auto Workers' pension fund basically in an exercise of political strong-arming.

We saw this again in the Solyndra bankruptcy. Remember that? The Obama administration violated the law by making taxpayers subordinate to private lenders. In other words, they put the taxpayers on the hook rather than the private lenders who helped finance Solyndra.

More recently, the administration—and this is something that is in the news as recently as today—made unconstitutional recess appointments to the National Labor Relations Board and to the Consumer Financial Protection Bureau. The District of Columbia Court of Appeals held that the administration's argument in defense of its so-called ''recess appointment power'' would ''eviscerate the Constitution's separation of powers.'' It now appears, as part of the so-called nuclear option negotiations, that even the White House is now being forced to withdraw these nominees who were unconstitutionally appointed and offer substitute appointees.

We also know that the Obama administration unilaterally chose to waive key requirements of the 1996 welfare reform law and the 2002 law known as No Child Left Behind.

A government run by waiver or by the Federal Government picking winners and losers is the antithesis of equal justice under the law. Look across the street at the Supreme Court of the United States, and above the entry it says: ''Equal justice under law.'' That is the very definition of our form of government, which is designed for a congress comprised of duly-elected representatives of the American people and the President of the United States to write legislation that applies to everybody and not to issue waivers or exemptions or to simply refuse to enforce the law because it has proven to be inconvenient or not politically expedient.

The U.S. Constitution obligates the President to make sure all of our laws are faithfully executed. Yet, with President Obama, the pattern is unmistakable: inconvenient or unpopular legal requirements are repeatedly swept aside by Executive fiat.

If the law is not working the way it is supposed to, the President should come back to Congress and say: We need to amend the law. We need to replace this unworkable law with one that will actually serve the interests of the American people.

But we are not seeing that happen. We are seeing the White House decide on its own that it simply won't enforce a law. Last year, for example, the administration unilaterally announced a moratorium on the enforcement of certain immigration laws. In effect, when Congress failed to pass legislation the President wanted, the President himself simply decided not to enforce the immigration laws. As that example shows, this administration has frequently relied on unelected bureaucrats to override the people's elected representatives.

It is simply improper and unconstitutional under our system for the President to decide unilaterally that he is not going to enforce the law. For example, when Congress refused to enact the so-called card check for labor unions, the administration simply turned to unelected bureaucrats at the National Labor Relations Board. And when Congress refused to extend cap-and-trade energy taxes, the administration turned to unelected bureaucrats at the Environmental Protection Agency to attempt to accomplish the same objectives indirectly that had been prohibited by Congress because it couldn't get a political consensus for doing it directly. Indeed, the President has now authorized the Environmental Protection Agency to regulate virtually every aspect of the American economy without congressional approval and without recourse to the American people.

When Congress makes a mistake, when we do something the American people don't approve of, they get to vote us out of office if they see fit. That is not true with this faceless, nameless bureaucracy, which is rarely held accountable, and particularly when the President delegates to that bureaucracy the authority to regulate in so many areas and avoid congressional accountability and accountability at the White House.

Taken together, all these measures represent a basic contempt for the rule of law and the normal constitutional checks and balances under separated powers. After witnessing the President's record over the past 4½ years, is it any wonder why the American people and, indeed, Members of Congress were skeptical about his promises to enforce our immigration laws under the immigration bill that passed the Senate recently?

Remember all of the extravagant promises that were made for border security, for interior enforcement, for the implementation of a worksite verification system, for a biometric entry-exit system to deter 40 percent of the illegal immigration that comes when people enter the country illegally and simply overstay their visas? If after 17 years the Federal Government still isn't enforcing those laws already on the books, how in the world can the American people have any confidence whatsoever that the President and Congress can be trusted to enforce the laws that it passes?

After witnessing the President's performance, I think the American people are deeply skeptical of his promises of future performance, and his selective enforcement of our existing laws undermines public confidence in the Federal Government.

I believe the executive overreach I have described is corrosive to democratic government.

If a Republican President had ignored these kinds of constitutional checks, had refused to enforce laws he didn't like, refused to defend in court laws he didn't like, and used Federal agencies to flout the will of Congress, you can be sure our friends on the other side of the aisle would be complaining nonstop about the imperial President. Yet they have largely given President Obama a pass.

But whether you agree with the President on health care, immigration, energy policy, card check or other hot-button issues, we can all agree—we should all agree—that government should not be picking winners and losers and that we urgently need to restore the rule of law and faithful execution of those laws to their rightful place in the highest reaches of the Federal Government.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MARYLAND'S BUSINESSES

Mr. CARDIN. Mr. President, my good friend Congressman STENY HOYER promotes America by using the phrase ''make it in America.'' The statement expresses the pride of our country, the ingenuity, the spirit of American workers, and the fact that we can compete against any country in the world on a level playing field. We can make it in America.

I rise today to share with my fellow Senators news of my recent visit to Maryland businesses that are contributing to our local and national economy through manufacturing innovation. As part of what I call my ''made in Maryland'' tour, I visited Volvo Group North America's manufacturing facility in Hagerstown, MD, and the Flying Dog Brewery in Frederick, MD.

A few weeks ago I toured the Paul Reed Smith guitar factory on the Eastern Shore. My ''made in Maryland'' tour has highlighted many of the leading job creators and key small businesses that have helped revive Maryland's manufacturing sector. The goal

was to meet employees and business owners, take stock of their challenges and successes, and identify ways the Federal Government can help them grow and innovate.

We have highlighted the diverse products being produced in our great State, and we celebrate the hard-working Marylanders who have made these products and the companies that are providing jobs in our local communities.

For example, the Paul Reed Smith guitar factory in Stevensonville, MD, makes high-end guitars used by some of the most prominent musicians in the world—including Carlos Santana. Paul Reed Smith has operated for nearly 30 years and now employs nearly 230 workers with revenues of $24 million. They are the largest private employer in Queen Anne's County, MD, and one of the top five employers on the upper shore.

As a region and country, we must stay focused on creating good jobs at home and strengthen and continue to build our economy. Manufacturing is good for Maryland, and it is good for America.

Let me tell you about my visit to Volvo Group, which employs 1,500 people in Hagerstown, MD—accounting for 1 out of every 10 jobs in the region's manufacturing sector. Employees at this facility are paid approximately 62 percent above the average wage in the region. These are good jobs that people are proud to hold.

Volvo has set the standard for environmentally aware manufacturing. Through its partnership with the U.S. Department of Energy, Volvo has developed the next generation of fuel-efficient engines and trucks. Since 2001, Volvo has invested $330 million to upgrade and renovate their facilities, allowing Volvo to build a state-of-the-art engine development laboratory to produce increasingly fuel-efficient engines.

This Volvo facility has shown outstanding success. Sixty of Volvo's trucks a day have the same emission as one truck in 1990. That is an amazing reduction of pollutants going into the air. In addition, the facility recycles 84 percent of the site's waste, and it has achieved an 83-percent decrease in the use of diesel fuels.

Furthermore, Volvo remains invested in western Maryland by making generous contributions to local health and welfare organizations, civic and community organizations, art and cultural organizations, and education initiatives across the region. This commitment to the well-being of Volvo employees is demonstrated by the August 2013 opening of an onsite Family First Pharmacy which will provide employees and their families innovative state-of-the-art health care to be provided by doctors, nurses, and pharmacists in cooperation with Walgreens.

As the Volvo facility is highly invested in the local community and its numerous employees, we must remain invested in assuring this socially responsible company's future success.

Later in the day I traveled to Frederick, MD, and visited the Flying Dog Brewery. They make a very different product than the most energy-efficient transmissions in the world that are assembled at Volvo, but I recognize the same qualities in both of these unique companies and their employees: hard work, attention to detail, and a real pride and passion for the product being made. These are qualities that can never be outsourced.

Small breweries such as Flying Dog have been anchors of local and American economies since the start of our history.

This is a state-of-the-art facility that constantly works to perfect its product through innovative techniques. In addition to making a product whose high quality I can attest to, they are supporting 80 jobs and reinvesting profits back into the western Maryland community.

When I grew up, brewing in Maryland was a huge industry. We lost most of it, but it is coming back. Today, the brewing industry in Maryland is supporting more than $13 million in wages paid and contributing nearly $100 million to our State's economy.

My ''Made in Maryland'' tour was conceived to highlight manufacturing and innovation that is boosting our economy across our State. But I can tell my colleagues that agriculture, which is still our No. 1 industry, is being revived along the way too. During my tour of the Flying Dog Brewery, I met a farmer and his son who are fifth- and sixth-generation Frederick County family farmers celebrating the 175th year of their family farm. They told me their decision to begin growing barley, small grains, and hops for local breweries is what kept their farm going. They supply small grains and hops to Flying Dog and numerous Maryland brewing companies for many of their seasonal, locally sourced brews. Their farm, Amber Fields Malting and Brewing Company, in conjunction with Brewer's Alley Restaurant and Brewery in Frederick, MD, introduced Amber Fields Best Bitter, which they describe as an English-style best bitter. This was the first commercially brewed beer in over 100 years to rely exclusively on barley grown and malted in Maryland. Amber Fields Best Bitter and additional releases also featuring locally grown ingredients are available through Brewer's Alley and their sister brewery, Monocacy Brewing Company, both in Frederick, MD.

America's manufacturing sector—from autos and truck manufacturing to beer makers and guitars—have played a major role in growing our economy and our Nation to be the world's leader. It has also helped create the strongest middle class in history. To continue in our recovery, we need to make sure companies such as Volvo Group, Flying Dog Brewery, and Paul Reed Smith Guitars, which are creating jobs and investing in our economy here at home, have what they need to be successful. Our job in Washington should be to make their job easier, because when they do better, we all do better.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, there has been some confusion about the President's health care law recently, so I come to the floor to try to clear up one point.

Just before the Fourth of July holiday, the Obama administration admitted to the world that its health care law is not working out according to plan. It did it in an unusual way—in a blog post—right before the Fourth of July holiday, but yet it is known to the world. By choosing to delay the law's employer mandate, the President conceded it would place a tremendous burden on America's job creators.

Then, just this past Sunday, the Senate majority leader went on ''Meet the Press,'' on television, and said: ''ObamaCare has been wonderful for America.'' Wonderful for America? Senator REID's comments demonstrate once again that Democrats in Washington—the people who voted for this law—are not listening to the American people.

I hear it when I return home to Wyoming every weekend. I did this past weekend. I hear it as Members of the Senate do when they talk to friends from home. I heard it today from people from Gillette and Evanston and Cody that this health care law is unraveling. So I just want to make a couple of things clear to everyone.

After 3½ years, we know the Obama health care law is not working. It is a train wreck. If the law was wonderful, it wouldn't increase premiums. It wouldn't shrink paychecks. It wouldn't discourage job creation. If the law was wonderful, we wouldn't put the feared IRS as the enforcer of the health care law. If the law was wonderful, the administration wouldn't have delayed one of its most critical parts. It is clear to me that even President Obama does not share Senator REID's opinion that the health care law is wonderful.

This law is not wonderful for America. It is obviously terrible for America's job creators. It is also terrible for many people trying to make a living in this country.

There was an article on the front page of the New York Times recently—Wednesday, July 10—with the headline: ''At Restaurant, Delay Is Help on Health Law.'' The delay is a help.

This article—front page, above the fold of the New York Times—looked at

a small Maryland restaurant called the Shanty Grille. What is going on at that restaurant makes the case better than any actuarial study, any sort of charts or any economic model ever could because it is a story about real people and their lives. The article talked about how the law was hurting everyone from the owner of the restaurant to the uninsured waiter, to the chef who has insurance. All of them were hurt by this health care law. Because for each of these people and for millions of others similar to them across the country, the reality of health care reform is that it has fallen far short of the President's many promises.

According to this article in the New York Times, the restaurant's owner is on a pace to finally this year turn a profit. It will be the first profit since the economic downturn a number of years ago. Four years after the recession ended, he is finally set to recover and get back into the black. If he has to provide expensive Washington-approved, Washington-mandated health insurance for every employee, though, that profit will quickly evaporate. So that would certainly harm this employer.

What about the employees? Let's talk about the people this is designed to help. It turns out the younger workers at the restaurant actually aren't too interested in having this health insurance coverage. They say they would rather have more money in their paychecks so they could decide how they want to spend it, not how the President thinks they should spend it. So they stand to lose out once the law's individual mandate starts in January because they are going to have to go out and buy insurance which may be much more than they want or need or can afford.

The employees at the restaurant who already have health insurance are worried too. They are concerned they will not be able to keep their current coverage. When the President stopped his disastrous employer mandate, I believe he actually made the right decision, but I have some doubts about his reasoning. I think this was purely for political reasons.

Regardless of how and why the President made the decision, a 1-year delay in this one policy doesn't solve the problem; it only extends the problem.

First, this restaurant and other small businesses can't afford and can't expand or hire more staff because they still face the mandate in 2015. Actually, the final line in this article on the front page of the New York Times, when we carry over and read the end of it, says: We are not going to expand. ''No more expansion.''

Second, many businesses are cutting back workers to part-time status because of the health care law. President Obama has had nothing to say to those Americans looking for full-time work but trapped in a part-time job, and part-time is defined by the health care law, which is different than most Americans think of or define part-time work.

Third, the law still requires all of the employees, as with nearly everyone else in America, that they have to buy pricey health insurance starting January 1. That is a problem for the President and he knows it.

Here is how an article in Politico put it this past weekend. This article is entitled ''ObamaCare's Missing Mandate.'' It says:

> The massive coast-to-coast campaign to get people to sign up for ObamaCare is light on mentions of one central element: The widely disliked individual mandate.

The Politico article goes on to say:

> Poll after poll has found that Americans don't like being told they have to get insurance or face a penalty. So the groups doing outreach don't plan to draw much attention to it.

The employer mandate has collapsed. The individual mandate is unpopular, so they just don't want to talk about it.

A lot of the people who do have to buy this new Washington-mandated, Washington-approved insurance will have to buy it through the government exchanges. Of course, these may not be ready on time. There are 77 days left for these to be ready. Even if they are up and running by the deadline, we have seen ample evidence that premiums will be much higher than they were before the mandate. That is especially true for young healthy adults who the President expects to pay more in order to help older sicker people pay less. But a lot of younger healthier people are going to have to pay more for that one older sicker person.

These weren't the kinds of reforms Democrats promised when they were forcing this plan through Congress on strictly party-line votes. During the debate, Republicans made suggestions to improve the health care law, but we were shut out of the backrooms where the Democrats struck their deals.

In the end Democrats drafted their law so badly that the negative side effects and unintended consequences were inevitable. The New York Times article shows how some of these side effects are hurting millions of Americans—not just those working at the restaurant, including the restaurant owner, in Maryland.

We all know President Obama likes to hold photo ops with people who he says are helped by the law. It is time for him to meet with people such as the ones featured on the front page of the New York Times—people who are being hurt by his health care law. It is time for the President to sit down with both Democrats and Republicans to truly talk about how we can reform health care in this country. Delaying the employer mandate for 1 year is not enough. It doesn't eliminate the burdens of this costly law.

The House is scheduled to vote this week to delay the individual mandate. The Senate should do the same. It is time for the President and for Senator REID to listen to the victims of ObamaCare.

President Obama was right to recognize his health care law is not working out. Senator REID was totally wrong because ObamaCare is not wonderful for America. It is turning into a costly failure. The only appropriate course at this point is to permanently delay implementing the rest of the law and to replace it with reform that works.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAPO. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CRAPO. Mr. President, earlier today the Senate held a first of a series of cloture votes on controversial nominations by voting to invoke cloture on the nominee to be the Director of the Consumer Financial Protection Bureau. This agency is unlike any other Federal agency. Under its current structure, the CFPB has very broad discretion but very little in terms of executive or congressional oversight.

It is not a debate about whether Republicans in the Senate support consumer protection, as some would portray it. Both sides agree everyone benefits from a mortgage industry and marketplace free of fraud and other deceptive, exploitive practices.

Republicans did not object to consumer protection when it was placed in each of the prudential banking regulators. In fact, bills aimed specifically at consumer protection passed with an overwhelming majority in the Senate. The Fair and Accurate Credit Transactions Act of 2003 passed 95 to 2, and the Credit CARD Act of 2009 passed 90 to 5.

During the Dodd-Frank debate, the key point of contention was not the value of consumer protection but, rather, the Bureau's design.

One of the lessons of the financial crisis is that we need a supervisory program that looks and considers how safety, soundness, and consumer protection work together to create a better functioning financial system. What Republicans have been asking for is that the Bureau be restructured in the same way as other similarly situated financial regulators, with accountability and transparency to Congress and to the taxpayers.

As outlined in two letters to the President sent by Republican Senators in May 2011 and this past February, the changes highlighted are not new. In fact, they exist in the current Federal regulatory landscape. One of the key changes we seek is the establishment of a board of directors to oversee the Consumer Financial Protection Bureau with staggered terms.

This is the structure of the Securities and Exchange Commission, the

Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Trade Commission, the Federal Deposit Insurance Corporation, and the Federal Reserve.

A board of directors would allow for the consideration of multiple viewpoints in decisionmaking and would reduce the potential for politicization of regulations.

Indeed, the administration originally supported a board of directors for the Bureau. In 2009, the Obama administration proposed a stand-alone Consumer Financial Protection Agency with a board of directors funded through the congressional appropriations process. The Bureau also should be subject to the congressional appropriations process, rather than, as the Dodd-Frank legislation did, to fund it through the Federal Reserve with no review by Congress.

While Mr. Cordray stated that he would come and testify before the Appropriations Committee, this is quite different than Congress being able to oversee how the monies that the agency utilizes are spent. For example, the CFPB intends to spend close to $100 million to renovate its current headquarters. This amount is double the amount that the Government Services Administration has for property acquisition and renovation in any 1 year.

Finally, consumer protection cannot and must not be detached from prudential regulation. Although the Bureau must consult with other prudential regulators before finalizing its rulemaking, the Bureau can simply disregard their advice.

By establishing a solid safety and soundness check for prudential regulation, the link and coordination between prudential supervision and protection would be strengthened by allowing potential regulators to provide meaningful input into the CFPB's actions and proposals. Such collaboration will only strengthen our financial system, not weaken consumer protection.

Without it, the CFPB and prudential regulators may issue rules that result in confusion for the regulated entities, as has already been the case with conflicting guidance for private student loans, and the many questions raised by the qualified mortgage final rule.

The Dodd-Frank solution was to have the Financial Stability Oversight Council review certain CFPB actions, but it set the threshold at two-thirds of the FSOC members. This very high threshold before the FSOC can act renders its veto virtually meaningless.

Since the beginning of this year, I have encountered a number of items with the CFPB that are a cause of concern and warrant greater scrutiny, but it is the Federal agency's data collection initiative that is the most disturbing to me. Recently, we learned from press accounts—not from the agency but from press accounts—that the CFPB was spending tens of millions of dollars to collect Americans' credit data. We have learned from the recent IRS, Associated Press, and NSA scandals what happens when government agencies cross the line and watch our citizens instead of watching out for them. There is a trust deficit in government today.

During the last several months, I have raised significant concerns with the CFPB's data collection efforts. I have been told that the Bureau needs big data to level the playing field. However, the Bureau's efforts go far beyond simply leveling the playing field. Unfortunately, for an agency that prides itself on transparency, I have encountered very little concrete answers to very basic questions.

For example, I have asked the Bureau on three occasions to give me information on the number of Americans' credit accounts that the CFPB is currently monitoring. In response, the CFPB said the information was confidential and could not be supplied.

Information coming from last week's hearing in the House Financial Services Committee indicates that the CFPB is undertaking unprecedented data collection on possibly hundreds of millions of Americans' accounts, possibly as many as 900 million credit card accounts in the United States. The size of this data collection and the amount of money being spent by the agency are a cause of concern and should be for those Americans whose financial and credit data is being sent to the Bureau each and every single month.

The CFPB is collecting credit card account data, bank account data, mortgage data, and student loan data. In addition, the Bureau has hired third parties to act as its agent to collect, aggregate, and produce consumer credit data on behalf of the agency. Some contracts even contain instructions to follow specific consumer accounts over time.

This ultimately allows the CFPB to monitor, on a monthly basis, an individual consumer's financial activity. Some of the data collected and provided to the CFPB monthly includes account balances, ZIP Code+4 location data, the year of birth, and other demographic information. Thus, the CFPB can know how much you owe, how much money you have, how much you pay each month, and where you live within a few blocks.

The Bureau has stated publicly on several occasions that it does not collect personally identifiable information other than the voluntary personally identifiable information consumers submit to the Consumer Complaint Database and in supervisory exams. However, two documents drafted by the CFPB seem to raise doubts about this Federal agency's actions.

Pursuant to the Privacy Act of 1974, the CFPB's System of Records Notice of November 2012 for the consumer and market research database states that some of the collected data ''will be personally identifiable information.'' In addition, a CFPB contract with a third party data aggregator states:

> Most, if not all, of the data will be confidential supervisory information, and some of the data will contain sensitive Personal Identifiable Information (PII).

Questions still remain about what type of personal information is collected by the CFPB and what is collected by the agency's contractors. But without the structural changes to the agency that we are asking for, it is hard to get answers to the question.

At the hearing in the House last week, a CFPB official was unable to state how many agency employees have access to this enormous amount of credit data. He was also unaware of any law which is used when employees access the data.

I also question whether the Bureau has put in proper policies and procedures to prevent the data from being reengineered and reverse engineered. I consider these to be very serious privacy concerns by the very agency that was created to watch out for consumers, not to watch consumers.

Banks constantly worry about cyber attacks. Recent news reports have run stories about the Federal Reserve and the IRS being susceptible to cyber attacks.

What assurances do we have from the CFPB that these massive troves of consumer credit information are safe? Data safety is particularly of concern, given that both the GAO and the CFPB's inspector general have found weaknesses in the CFPB data security programs and policies.

Because I was unable to get sufficient answers out of the CFPB, I turned to the Government Accountability Office and requested that it look into the agency's data collection and security efforts. That review is now underway.

With regard to the regulatory role of the agency, in the past 2 years the Bureau has issued numerous new rulemakings, resulting in significant cumulative burdens for affected institutions, especially small and community banks that often only have a handful of employees. Remember, there is no board directing this agency. There is no board to whom the Director of the agency responds. One single individual has been given the authority in this statute, without oversight by Congress of his or her budget, to single-handedly issue rules and regulations.

In the span of 10 days this past January, the CFPB issued more than 3,500 pages of final rules affecting mortgage markets and other industries. This represents more than 1 million total words of regulatory text. When I asked at an April hearing about the overwhelming number of regulations the Bureau issued in 1 single month, I was told that there were ''less than 100 pages of rules'' when translated into the Federal Register.

Well, 100 pages of rules is a lot, but this ignores the more than 2,500 pages of guidance, analysis, and interpretations—which are all admissible in court—and all of which are required reading for anyone who has to comply with this complex web of rules.

In order to understand and comply with these regulations, institutions are forced to hire lawyers and compliance officers, tying up resources that could be better spent on growing business, creating jobs, and boosting the economy. Again, recall that the connection between safety and soundness regulations was severed with the creation of this agency.

Instead, these additional compliance costs are inevitably passed on to the consumers, which is especially harmful during a time of high unemployment and sluggish economic growth. If we were convinced that the agency was at least protecting consumers rather than collecting data on all individual Americans who have credit cards, student loans, mortgages, or bank accounts, then perhaps we could at least engage in a discussion or a debate about whether the agency's actions are appropriate and effective.

I am concerned that without the strong cost-benefit analysis and input from the small business panels in crafting rules, even well-intentioned rules could make consumer credit more expensive and less affordable.

Another concern I have with the CFPB is the enactment of policy changes outside of the established notice-and-comment rulemaking process.

In March, the CFPB posted a legal bulletin on its blog instructing auto lenders to adjust compensation practices to avoid violating fair lending laws. The bulletin includes significant legal interpretations and suggests that the Bureau may utilize its enforcement powers to ensure that lenders adhere to its guidance.

The only example the CFPB uses in this bulletin on how auto lenders can effectively comply with fair lending laws is flat pricing, as is interpreted by many, that any other type of pricing will be a clear violation in the CFPB's eyes. If the CFPB intends to make major policy changes, then it needs to go through a regular notice-and-comment rulemaking, not a blog post.

This bulletin also, frankly, represents a backdoor attempt by the CFPB to regulate auto dealers, a group that is explicitly exempted from the CFPB's regulatory purview by the Dodd-Frank legislation that created the agency, in what appears to be yet another example of CFPB's overreach.

In conclusion, I will continue to work toward oversight of the agency to ensure accountability and transparency for the American people. Those who are trying to paint our demands as being extraordinary need to look at the extraordinary data collection and actions of this agency and look at our regulatory landscape with similarly situated financial regulators.

Those who are trying to portray these demands as another attempt to water down consumer protection need to realize that consumer protection divested from safety and soundness does not make for a better financial system or for greater benefit to consumers.

We found in our review of the CFPB that the agency does have serious problems in a number of different areas. The lack of prompt and complete responses from the agency regarding its big data collection of Americans' credit accounts is very troubling but is indicative of the lack of transparency established when this agency was created.

The expenditure of nearly $100 million for building renovations is extremely troubling in these tight economic times.

While the confirmation of the nominee is now all but certain, there remains significant work and oversight to ensure the CFPB is an accountable agency and that it is transparent in its actions for all Americans to see.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, did my friend from Idaho suggest the absence of a quorum?

The PRESIDING OFFICER. No, he did not.

Mr. REID. Mr. President, I will talk for a minute about the National Labor Relations Board nominees.

The NLRB has helped to protect the rights and safety of workers for about 80 years. It is a vitally important watchdog for working Americans. It is also important for employers. It also protects employers. But unless we act before the Senate recess in August, the NLRB will lose its ability to operate. It will fail to have a quorum so it can't work or be effective. So the confirmation of full membership at the NLRB is a priority.

I understand Republican Senators were frustrated by President Obama's recess appointment of two members to the NLRB. I accept that. No one has raised any questions, however, about these two good people—Griffin and Block. They are fine public servants and the record should be spread with that fact. Republicans have insisted on the President's nominating new people, and he has done that. It is a right they have, and this is a compromise that was reached.

Republican Senators have also committed that the Senate will confirm these new nominees quickly, certainly before the end of this month—the month of July. To that end, I met earlier with Senators HARKIN and LAMAR ALEXANDER, the chairman and ranking member of that big HELP Committee, and they have given me their word they are going to file a notice tonight that the committee will hold a hearing on these nominees on Tuesday, they will then have a markup on Wednesday, and we intend to turn to these nominees next Thursday.

I have talked with the people at the White House, and I am confident these nominees will be staunch advocates for the NLRB—for the rights and safety of workers, and for employers that are also protected with this legislation. So when the Senate confirms them, the NLRB will once again have a full team to protect the rights of workers—the workers in West Virginia, workers in Nevada, and all over the country—the same thing they have done for 80 years.

Mr. President, I ask unanimous consent that the cloture motions with respect to Calendar Nos. 100, 101, and 104 be withdrawn; that the vote on the confirmation of the Cordray nomination occur at 5 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and President Obama be immediately notified of the Senate's action; finally, that the vote on the motion to invoke cloture on the Hochberg nomination occur at 10 a.m. tomorrow, Wednesday, July 17.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

The question is, Will the Senate advise and consent to the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 174 Ex.]

YEAS—66

Baldwin	Graham	Murkowski
Baucus	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Hatch	Nelson
Blumenthal	Heinrich	Portman
Boxer	Heitkamp	Pryor
Brown	Hirono	Reed
Cantwell	Isakson	Reid
Cardin	Johnson (SD)	Rockefeller
Carper	Kaine	Sanders
Casey	King	Schatz
Chambliss	Klobuchar	Schumer
Coburn	Landrieu	Shaheen
Collins	Leahy	Stabenow
Coons	Levin	Tester
Corker	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCain	Warner
Feinstein	McCaskill	Warren
Flake	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NAYS—34

Alexander	Boozman	Cochran
Ayotte	Burr	Cornyn
Barrasso	Chiesa	Crapo
Blunt	Coats	Cruz

Enzi	Kirk	Scott
Fischer	Lee	Sessions
Grassley	McConnell	Shelby
Heller	Moran	Thune
Hoeven	Paul	Toomey
Inhofe	Risch	Vitter
Johanns	Roberts	
Johnson (WI)	Rubio	

The nomination was confirmed.

The PRESIDING OFFICER (Ms. WARREN). Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority leader is recognized.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate resume legislative session and 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.

The Senator from Ohio.

ORDER OF PROCEDURE

Mr. BROWN. Madam President, I ask unanimous consent that Senator STABENOW be recognized for up to 3 minutes and that I be recognized for up to 5 minutes.

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

THE FARM BILL

Ms. STABENOW. Madam President, I appreciate my friend from Ohio yielding for a moment. I wanted to make a short statement as it relates to moving forward on the farm bill and congratulate the House for sending their version of the farm bill to us this morning.

Tomorrow it will be our intent—Senator COCHRAN and I—to go through the motions that it takes to be able to send our farm bill back and ask for a conference committee. I wanted to let all the Members know that. If there is a concern, I would appreciate that Members approach me or Senator COCHRAN directly because this is an opportunity for us to move forward and actually put together this bill. The farm bill affects 16 million people in this country who work in agriculture, as well as everyone who counts on the great work of our farmers in order to have the healthiest, most affordable food system in the world.

Tomorrow it is our intent to move forward on the farm bill, so if there are any questions or concerns from Members, we are happy to work with them.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the chairwoman of the agriculture committee for her work. This is legislation that saves taxpayers literally tens of billions of dollars while strengthening the safety net. The bill provides adequate revenue and nutrition for literally millions of people—children, seniors, people on disability, and people who work in low-income jobs—and that is also important in this agriculture bill.

CORDRAY CONFIRMATION

Mr. BROWN. Madam President, in the years leading up to the financial crisis, the biggest banks and lenders created new ways to make record profits off of consumers. They made predatory loans to working-class families, created prepaid cards with exploitative fees, and gave out student loans to first-generation college students with interest rates sometimes as high as 20 percent.

Today millions of consumers are still trying to recover from these unscrupulous practices while companies keep looking for new ways to increase their profits at the expense of these consumers. Congress created the Consumer Financial Protection Bureau to protect Americans from consumer fraud and abusive fees and products.

I thank the Presiding Officer for her role in this before she came to the Senate.

More than 700 days since its creation, American citizens are now just getting to vote for a consumer watchdog to head the organization. Because of the CFPB, consumers can now decipher credit card applications and have help correcting erroneous credit reports.

Because of these successes, confirming Richard Cordray as the Director was right. We know where he stands. We know for whom he stands—as a strong advocate for consumers, families, and small businesses.

No one doubted Richard Cordray's qualifications or temperament for the job. This is the first time in American history when one party refused to confirm a nominee because they didn't like the agency. A terrible precedent was being set. Thankfully a number of our colleagues understood—as we discussed last night—it was important to move past that.

Richard Cordray served as Ohio's first State solicitor. He represented the U.S. Government before the Supreme Court. He has been elected the attorney general and State treasurer of Ohio. He has received bipartisan accolades and support from Ohio's business and consumer groups.

Let me share a bit of a letter written by a Republican Member of Congress from my home State, Representative STEVE STIVERS.

> Rich has always proven himself hard-working, collaborative, and pragmatic.
>
> If you take the time [. . .] to evaluate Rich's character and disposition, you will find him to be an individual who listens to your opinion and seeks mutually acceptable solutions.

Representative STIVERS is right. Under Cordray's leadership, the Bureau has earned praise from industry and consumer groups alike for the rules it has come up with. It has already recovered millions of dollars for consumers from credit card companies, credit repair companies, and others. That is why consumers won a victory today and should be happy that the 2-year-long process that has prevented Richard Cordray from being considered has finally come to an end and we can now move forward.

I thank the Presiding Officer.

TRIBUTE TO EDWARD EARL GIDCUMB

Mr. MCCONNELL. Madam President, I rise to pay tribute to a distinguished Kentuckian who is looked up to and admired by many in the Commonwealth for his character and his service to our country: Mr. Edward Earl Gidcumb. Mr. Gidcumb, or ''Earl'' to his friends, celebrates his 88th birthday this July 31. He served America during World War II as a storekeeper, second class, in the U.S. Navy, and survived some harrowing experiences.

Earl's story is commemorated in a book titled ''WWII DC: The Long Overdue Journey,'' which details the experiences of World War II veterans from Kentucky and describes a trip made by these Kentucky veterans to the Nation's capital in 2004 to visit the National World War II Memorial. Earl still is an active participant in the Kentucky veterans community as one of the few buglers left in western Kentucky; he plays taps at military funerals and civic events. Earl also contributed to the establishment of the Kentucky Veterans and Patriots Museum in Wickliffe, Kentucky.

Earl was a high-school student when the Japanese bombed Pearl Harbor on December 7, 1941. He graduated from high school on May 23 of 1943; on May 25, he was sworn into Naval service in Marion, IL.

Earl underwent training in Chicago and then served aboard several vessels, the first of which, the U.S. Navy ship LST 218, was bound for Pearl Harbor. Earl recalls, ''water supply was very short and we took salt-water baths using a special soap for bathing in salt water. We slept in bunks stacked six high and down below the main deck . . . I started out in the Atlantic Ocean and ended up on the Pacific Ocean.''

Earl spent time in Pearl Harbor before being posted to the USS *Indianapolis* CA 35, a heavy cruiser. He received five battle stars while serving on the *Indianapolis* for 10 months. A few months after being transferred off that ship, the *Indianapolis* was sunk by a Japanese submarine.

''I would not be here today if I had remained aboard the *Indy*,'' Earl says. ''The second torpedo of the two that sunk it hit the part of the ship where I slept each night. There [were] 1,196 aboard, 800 went down with the ship, [and] 317 survived after several days in the water. Some died from their wounds, some were eaten by sharks,

and the balance drowned. It was the Navy's worst naval disaster.''

Earl was transferred to Oregon, where he was joined by his wife, Jean Moore. Earl and Jean were high-school sweethearts and got married when Earl went home on 30 days' leave. After 45 years of marriage, sadly, Jean passed away in 1989.

Earl was reassigned again, this time to the USS *Bottineau* APA 235, a troop carrier. The ship went to Japan not long after the dropping of atomic bombs on Hiroshima and Nagasaki. They received occupation troops from Honshu, Japan. Earl earned another battle star for an encounter with a Japanese suicide plane in Okinawa Bay. After 2 years, 8 months, and 9 days of faithful service, Earl was discharged in 1946.

Looking back nearly 70 years later, Earl recalls the lessons he's learned. ''I was only 17 when I entered service,'' he says. ''I had no idea what I was facing . . . I had no reason to be scared.''

''I saw men put in LCVP vessels and sent to do battle on the beach to take the island back from the Japanese. I saw some of the same men brought back in body bags. I saw 450 Japanese planes shot down in the Battle of the Philippine Sea, all in one day. I saw a Japanese Zero so close I could see the orange Japanese flag on the side of the plane. I saw body parts of Japanese soldiers scattered everywhere when I went over the Island of Tarawa. We lost 8,000 Marines of our own. This was my first battle.''

Madam President, I am grateful heroes like Mr. Edward Earl Gidcumb are still able to transmit their wisdom and share their stories with the rest of us. The life story of Mr. Gidcumb is certainly inspiring. I know my colleagues in the U.S. Senate join me in thanking him for his valiant service to our country. It is thanks to him and his fellow soldiers that America was able to triumph in World War II and advance freedom and democracy.

COMBATING PRESCRIPTION DRUG ABUSE ACT

Mrs. BOXER. Madam President, last week I introduced The Combating Prescription Drug Abuse Act, a bill to create a commission to recommend best practices for preventing and reducing prescription drug abuse. I believe this bill is a necessary step in addressing our Nation's fastest-growing drug problem, which has been classified as an epidemic by the Centers for Disease Control and Prevention.

An estimated 52 million people—20 percent of those aged 12 and older—have used prescription drugs for nonmedical reasons at least once in their lifetimes. Nearly one-third of people aged 12 and over who used illicit drugs for the first time in 2009 began by abusing a prescription drug. In 2008, the number of opioid pain reliever deaths throughout our population was four times higher than cocaine and heroin deaths combined.

This epidemic ruins the lives of all segments of our population, and the problem is only getting worse, especially for women. Men are still more likely to die of prescription painkiller overdoses—over 10,000 deaths in 2010—but women are tragically catching up. A Centers for Disease Control and Prevention survey earlier this month found a 400 percent increase in women dying from prescription painkiller overdoses between 1999 and 2010, compared to 265 percent among men. During that time, nearly 48,000 women died of prescription painkiller overdoses. In 2010, prescription drugs were involved in 85 percent of the drug-specified deaths among women. And for every woman who dies of a prescription painkiller overdose, 30 go to the emergency room with related complications.

I applaud the unyielding work of the law enforcement and health provider communities in working to address this epidemic, but it is clear that we need to do more. My bill would create a 2-year, 30-member commission led by the Federal Drug Enforcement Agency and Food and Drug Administration tasked with issuing recommendations on how best to reduce prescription drug abuse.

Other members of the commission include representatives from law enforcement, patient groups, pharmacies, dispensers, and community-based organizations, just to name a few. Importantly, both local and Federal stakeholders must be included, from both law enforcement and health care. The commission would be required to hold at least two public hearings to receive input on best practices. The end product would be a report requiring specific recommendations, and again, local input is mandatory.

The time has come to revive the conversation on this critical issue within and among our law enforcement and health care communities and across the Federal/local divide. I am proud that support for this bill is broad, ranging from the National Association of Drug Diversion Investigators and the Peace Officers Research Association of California, to the American Academy of Pain Management and the National Association of Chain Drug Stores. I urge my colleagues to support the Combating Prescription Drug Abuse Act.

NATIONAL LAKE APPRECIATION MONTH

Mr. CARDIN. Madam President, July is National Lake Appreciation Month. This nationwide initiative is sponsored by the North American Lake Management Society, a non-profit organization focused on making partnerships between citizens, scientists, and professionals to protect our Nation's lakes and reservoirs. National Lake Appreciation Month began in 2012 as a way to encourage us to explore and enjoy America's many beautiful lakes, as well as increase efforts to clean and protect them.

In addition to recreational uses such as boating, fishing, and swimming, lakes provide a variety of environmental and health benefits. They absorb rainfall and runoff from land, help prevent floods, provide drinking water, regulate the climate, and provide homes for precious wildlife. The Environmental Protection Agency's National Lake Assessment, conducted in 2007 and again in 2012, revealed that many of our lakes are imperiled due to poor nearshore habitat, too many nutrients, invasive plants and animals, and other threats. By protecting the health of our lakes, we defend the vitality of the animals and plants that depend on them and ensure that we can enjoy them for years to come.

This year, Maryland has joined 23 other States in celebrating National Lake Appreciation Month and in affirming the importance of lakes for our drinking water, energy production, food production, and recreational value. Maryland boasts 60 large lakes over 5 acres in size, and over 100 lakes in total. We use these lakes for fishing, boating, and other outdoor recreation, as well as for energy. For example, Deep Creek Lake, our largest inland lake in Maryland, consists of 65 miles of shoreline, 18 species of fish, and a wide variety of other animal and plant species, some of which are endangered. The lake also powers the Deep Creek Hydroelectric Power Plant, which provides energy not only to Maryland, but also to communities in Pennsylvania and New Jersey. So far we have been able to keep this and other Maryland lakes healthy. In a recent test, it was found that Deep Creek Lake's water clarity was still at a level similar to that of 1957. As factors such as pollutants and runoff increasingly threaten the health of our lakes, it is important that we continue to work to fight against them.

I am pleased to celebrate National Lake Appreciation Month, to encourage people both to enjoy America's beautiful lakes, and to do their part to keep them clean and healthy. Lakes are a very important part of our ecosystem in Maryland. We must continue to increase our efforts to care for our lakes and show our appreciation for all that they provide us.

ADDITIONAL STATEMENTS

TRIBUTE TO STEVE SCHORR

• Mr. HELLER. Madam President, today I wish to recognize Steve Schorr, vice president of public and government affairs for Cox Communications in my home State of Nevada. After more than two-and-a-half decades of dedicated service to his company as well as to the community, Steve is retiring this year. Steve not only leaves a lasting legacy as a leader in broadcasting and in business, but he also enters retirement having made a profound impact as a civic volunteer and

philanthropist. His many contributions to Southern Nevada's development and quality of life are truly remarkable and will be felt by Nevadans all across the State for years to come.

Prior to his tenure at Cox Communications, Steve established a strong reputation as a journalist, earning multiple Emmy Awards, two National Freedom Foundation Awards and an Armstrong Award for Broadcasting. He was also inducted into the inaugural class of the Nevada Broadcasters Association's Hall of Fame. During his time as vice president of public and government affairs for Cox Communications, Steve has been a tireless advocate for community development and economic growth. As a business executive, he has contributed to the expansion of his company, working closely with local, State and Federal Governments on issues that were critical to Nevada's private sector.

In addition to his commitment to excellence in broadcasting and in business, Steve has consistently exemplified the very highest standards of community service. He has devoted his time to improving education in Nevada, as an adjunct professor at the University of Nevada, Las Vegas Greenspun School of Communications. Steve Schorr Elementary School in Las Vegas is named in his honor. In addition, he has been honored with the U.S. Department of Justice J. Pat Finley Lifetime Achievement Award for his work on behalf of missing children in Southern Nevada. He also devotes his time as a member of numerous civic boards and organizations, and has received the Governor's ''Point of Light'' Award for his exceptional volunteerism.

I want to acknowledge and thank Steve for his many years of dedicated service to Nevada as an educator, journalist, business executive and philanthropist. I ask my colleagues to join me in congratulating Steve on his retirement, and in wishing him many successful and fulfilling years to come.●

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 and two withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2609. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

H.R. 2642. An act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes.

ENROLLED BILL SIGNED

At 5:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2289. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1292. A bill to prohibit the funding of the Patient Protection and Affordable Care Act.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2609. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

H.R. 2642. An act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes.

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–2255. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2013 Commercial Accountability Measure and Closure for the South Atlantic Lesser Amberjack, Almaco Jack, and Banded Rudderfish Complex'' (RIN0648–XC714) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2256. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions Nos. 4 and 5'' (RIN0648–XC705) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2257. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for Gulf of Mexico Greater Amberjack'' (RIN0648–XC702) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2258. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC722) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2259. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC724) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2260. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; 2013 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish'' (RIN0648–XC671) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2261. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 4 to the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands; Seagrass Management'' (RIN0648–BC38) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2262. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 94 to the Gulf of Alaska Fishery Management Plan and Regulatory Amendments for Community Quota Entities'' (RIN0648–BB94) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2263. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Adjusted Closure of the 2013 Gulf of Mexico Recreational Sector for Red Snapper'' (RIN0648–XC715) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2264. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 9'' (RIN0648–BC58) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2265. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2013'' (RIN0648–BC97) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2266. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions, Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 48; Final Rule; Correction'' (RIN0648–BC27) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2267. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program'' (RIN0648–BC25) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2268. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–XC392) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2269. 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 ''Inadmissibility of Consumer Products and Industrial Equipment Noncompliant with Applicable Energy Conservation or Labeling Standards'' (RIN1515–AD82) 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–2270. 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 ''Transition Relief for Employees and Related Individuals Eligible to Enroll in Eligible Employer-Sponsored Health Plans for Non-Calendar Plan Years that Begin in 2013 and End in 2014'' (Notice 2013–42) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC–2271. 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 ''Application of Wash Sale Rules to Money Market Fund Shares'' (Notice 2013–48) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC–2272. 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 ''Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions'' ((RIN1545–BI96) (TD 9622)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC–2273. 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 ''Application of Section 108(i) to Partnerships and S Corporations'' ((RIN1545–BI99) (TD 9623)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC–2274. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC–2275. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Lacey Act Implementation Plan; Definitions for Exempt and Regulated Articles'' ((RIN0579–AD11) (Docket No. APHIS–2009–0018)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

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. KIRK:

S. 1297. A bill to establish the Government Transformation Commission to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BEGICH:

S. 1298. A bill to amend the Internal Revenue Code of 1986 to adjust the limits on expensing of certain depreciable business assets; to the Committee on Finance.

By Ms. BALDWIN (for herself and Mr. JOHNSON of Wisconsin):

S. 1299. A bill to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FLAKE (for himself, Mr. MCCAIN, Mr. CRAPO, Mr. RISCH, and Mr. HELLER):

S. 1300. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1301. A bill to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. ROBERTS, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. FRANKEN):

S. 1302. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. SCHUMER, and Mr. MURPHY):

S. 1303. A bill to amend certain appropriations Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BEGICH:

S. 1304. A bill to promote strategic sourcing principles within the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1305. A bill to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. KIRK, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 1306. A bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1307. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on the Judiciary.

By Mr. COONS:

S. 1308. A bill to amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (by request):

S. 1309. A bill to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself, Ms. COLLINS, Mr. CRAPO, Mr. JOHANNS, Mr. HELLER, Mr. VITTER, Ms. AYOTTE, Mr. BLUNT, Mrs. FISCHER, Mr. ENZI, and Mr. CORKER):

S. 1310. A bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 196. A resolution to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. VITTER, the name of the Senator from Arizona (Mr.

FLAKE) was added as a cosponsor of S. 109, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 234

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 240

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 240, a bill to amend title 10, United States Code, to modify the perfiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 326

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 326, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 346

At the request of Mr. TESTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 569

At the request of Mr. BROWN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors 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. 629

At the request of Mr. PRYOR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 669

At the request of Mr. PRYOR, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 734

At the request of Mr. NELSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 825

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 967

At the request of Mrs. GILLIBRAND, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1039

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1039, a bill to amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, and for other purposes.

S. 1068

At the request of Mr. BEGICH, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1073

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1073, a bill to amend the Energy Independence and Security Act of 2007 to improve the coordination of refinery outages, and for other purposes.

S. 1078

At the request of Ms. KLOBUCHAR, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1078, a bill to direct the Secretary of Defense to provide certain TRICARE beneficiaries with the opportunity to retain access to TRICARE Prime.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1114, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1130

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1130, a bill to require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court that includes significant legal interpretation of section 501 or 702 of the Foreign Intelligence Surveillance Act of 1978 unless such disclosure is not in the national security interest of the United States and for other purposes.

S. 1171

At the request of Mr. MORAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1171, a bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location.

S. 1182

At the request of Mr. UDALL of Colorado, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1182, a bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1204

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. ROBERTS) 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. 1241

At the request of Mr. MANCHIN, the names of the Senator from Nevada (Mr.

HELLER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1241, a bill to establish the interest rate for certain Federal student loans, and for other purposes.

S. 1242

At the request of Mr. BROWN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1242, a bill to amend the Fair Housing Act, and for other purposes.

S. 1292

At the request of Mr. CRUZ, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from South Carolina (Mr. SCOTT), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1292, a bill to prohibit the funding of the Patient Protection and Affordable Care Act.

S. CON. RES. 13

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution commending the Boys & Girls Clubs of America for its role in improving outcomes for millions of young people and thousands of communities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself, Mr. MCCAIN, Mr. CRAPO, Mr. RISCH, and Mr. HELLER):

S. 1300. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects; to the Committee on Energy and Natural Resources.

Mr. FLAKE. Mr. President, on behalf of Senators MCCAIN, CRAPO, RISCH, HELLER, and myself I am pleased to introduce the Stewardship Contracting Reauthorization and Improvement Act.

As we continue to search for ways to prevent future wildland fire tragedies, it is worth noting that the U.S. Forest Service and the Bureau of Land Management, BLM, are about to lose one of their most valuable tools in that ongoing fight.

The tool, known as stewardship contracting, allows the Forest Service and BLM—in collaboration with State and local governments, tribal agencies, and non-governmental organizations—to enter into contracts with public or private entities to carry out a variety of land-management projects, including those that can reduce the risk of wildland fire.

Stewardship contracts have been particularly useful in Arizona. The Forest Service awarded the first such 10-year contract to the White Mountain Stewardship Project in 2004, and the largest contract, the Four Forest Restoration Initiative, began in 2012. Unless Congress acts, the authority to enter into these agreements will expire at the end of September. Our legislation would not only extend the authority for Federal agencies to enter into these agreements, but it builds on past experiences to make commonsense improvements.

For example, it would give the Forest Service and BLM flexibility when establishing cancellation ceilings. A cancellation ceiling represents the amount of money the government would have to pay its contracting partner if the contract were cancelled. Typically, the government has to obligate the full amount at the inception of the contract. As noted in a 2008 GAO report, cancellation ceilings that require agencies to obligate large sums can serve as an impediment to long-term landscape-scale contracts, precisely the types of agreements that most significantly reduce wildfire risks.

Using Defense Department acquisition regulations as a model, our bill solves this problem by allowing Federal agencies to obligate funds in stages that are economically or programmatically viable. It would also require those agencies to notify the House and Senate natural resource committees, as well as the Office of Management and Budget, if the agencies propose contracts that do not fully cover the cancellation ceiling amount. Any extra value from a contract would be dedicated to first satisfying outstanding cancellation-related liabilities before being used to fund other stewardship projects. Finally, our bill incorporates key fire-liability provisions from timber sale contracts into the stewardship model, establishing parity between the two instruments.

Stewardship contracting and the resulting partnerships have helped restore forests, reduce the risk of out-of-control wildfires, and protect rural communities. I thank Senators MCCAIN, CRAPO, RISCH, and HELLER for their support and leadership. It is my hope that our colleagues will act quickly to extend and improve this important land-management tool.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stewardship Contracting Reauthorization and Improvement Act''.

SEC. 2. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591) is amended by adding at the end the following:

''SEC. 602. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

''(a) DEFINITIONS.—In this section:

''(1) CHIEF.—The term 'Chief' means the Chief of the Forest Service.

''(2) DIRECTOR.—The term 'Director' means the Director of the Bureau of Land Management.

''(b) PROJECTS.—Until September 30, 2023, the Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

''(c) LAND MANAGEMENT GOALS.—The land management goals of a project under subsection (b) may include—

''(1) road and trail maintenance or obliteration to restore or maintain water quality;

''(2) soil productivity, habitat for wildlife and fisheries, or other resource values;

''(3) setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat;

''(4) removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives;

''(5) watershed restoration and maintenance;

''(6) restoration and maintenance of wildlife and fish; or

''(7) control of noxious and exotic weeds and reestablishing native plant species.

''(d) AGREEMENTS OR CONTRACTS.—

''(1) PROCUREMENT PROCEDURE.—A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

''(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

''(3) TERM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41, United States Code.

''(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

''(4) OFFSETS.—

''(A) IN GENERAL.—The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

''(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as an offset under subparagraph (A)—

''(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

''(ii) may—

''(I) be determined using a unit of measure appropriate to the contracts; and

''(II) may include valuing products on a per-acre basis.

''(5) CANCELLATION CEILINGS.—

''(A) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

''(B) NOTICE.—

''(i) SUBMISSION TO CONGRESS.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief and the Director shall submit to

the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

''(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

''(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

''(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

''(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

''(ii) TRANSMITTAL TO OMB.—At least 14 days before the date on which the Chief and Director enter into an agreement or contract under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).

''(6) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b).

''(7) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

''(8) FIRE LIABILITY PROVISIONS.—Not later than 90 days after the date of enactment of this section, the Chief and the Director shall issue for use in all contracts and agreements under subsection (b) fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

''(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400–13, part H, section H.4; and

''(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

''(e) RECEIPTS.—

''(1) IN GENERAL.—The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

''(2) USE.—Monies from an agreement or contract under subsection (b)—

''(A) may be retained by the Chief and the Director; and

''(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

''(3) RELATION TO OTHER LAWS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

''(B) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the 'Knutson-Vanderberg Act') (16 U.S.C. 576 et seq.) shall not apply to any agreement or contract under subsection (b).

''(f) COSTS OF REMOVAL.—Notwithstanding the fact that a contractor did not harvest the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

''(1) the Act of August 11, 1916 (16 U.S.C. 490); and

''(2) the Act of June 30, 1914 (16 U.S.C. 498).

''(g) PERFORMANCE AND PAYMENT GUARANTEES.—

''(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103–2 and 28.103–3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

''(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director shall—

''(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

''(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.

''(h) MONITORING AND EVALUATION.—

''(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

''(2) PARTICIPANTS.—Other than the Chief and Director, participants in the process described in paragraph (1) may include—

''(A) any cooperating governmental agencies, including tribal governments; and

''(B) any other interested groups or individuals.

''(i) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives on—

''(1) the status of development, execution, and administration of agreements or contracts under subsection (b);

''(2) the specific accomplishments that have resulted; and

''(3) the role of local communities in the development of agreements or contract plans.''.

(b) OFFSET.—To the extent necessary, the Chief and the Director shall offset any direct spending authorized under section 602 of the Healthy Forests Restoration Act of 2003 (as added by subsection (a)) using any additional amounts that may be made available to the Chief or the Director for the applicable fiscal year.

(c) CONFORMING AMENDMENT.—Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) is repealed.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1301. A bill to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I would like to reintroduce an important piece of forest legislation for my home State of Oregon.

This is legislation that I introduced in the last two Congresses. The legislation gained the support of the administration through a number of improvements, but unfortunately it failed to get passed. I have since made a few more updates and improvements as I continue talking to stakeholders who worked with me on this legislation. I am introducing the bill today to reinvigorate the discussion and get stakeholders to finalize any outstanding issues so we can finally get this bill done this Congress. I am sending the message that restoring these forests in Oregon is an urgent priority that needs to get done an I am going to keep at it until this issue gets addressed

I am pleased that my colleague from Oregon, Senator MERKLEY has again joined me today in introducing this bill. He also recognizes the urgent needs to restore Oregon's forests and help forest dependent communities and I am glad he is part of this fight.

Oregon's historic war over its forests restyled in gridlock that led to millions of acres of Oregon's Federal forest landscape containing choked, overstocked stands that are at great risk of uncharacteristic catastrophic fires, insect infestations and disease. The outcome of the decades of conflict is very evident in Eastern Oregon's forests.

That is why I introduced legislation in the last two Congresses to tackle the challenges facing Oregon's Eastside forests and why I reintroduce this legislation again today.

The legislation I first introduced in 2009 reflected an agreement reached by leaders on both sides of these difficult issues Intense negotiations resulted in that legislation with the goal of bringing jobs and a healthier tomorrow to the 8.3 million acres on the 6 Federal forests in eastern and central Oregon. That agreement has already resulted in progress being made on forestry issues in Eastern Oregon. Already there is more collaboration, less gridlock, more timber harvests and forests gradually beginning to get restored.

But we can't stop there. Since the last Congress, discussions and negotiations with interested stakeholders have continued. Today's bill reflects some of those discussions as well as some of the real progress seen on the ground in Eastern Oregon, but it also preserves the core elements of the agreement that I crafted with the stakeholders to this agreement—a push to increase the timber produced from our national forests, landscape scale restoration efforts and protections for watersheds and old growth.

Eastern Oregon today is down to only a small handful of surviving timber mills. Yet those mills are urgently needed to process saw logs and other merchantable material from forest restoration projects. Without them, there will be no restoration of Oregon's Eastside forests. But without far greater certainty of merchantable timber supply, more mills will close.

That's why we not only need to introduce legislation today, we need to pass it this Congress. Because time is not on our side and at risk forests and mills won't wait forever for the perfect consensus.

Fortunately leaders on both sides of this issue recognize that Oregon's forests will pay the price if more mills close. That recognition is what brought us to the landmark agreement in the first place.

I expect continued discussions as the Senate process advances over the best way to craft the bill to reflect current reality on the ground but I want to build on the progress that has been made to this point.

I also want to point out that none of our efforts will succeed unless Oregon Federal forests are also adequately funded to properly manage and restore these valuable Federal assets. I will fight, along with Senator MERKLEY and other stakeholders, for the funding to put our people back to work and restore the health of our forests.

I thank the stakeholders that have continued to spend time and energy engaged in discussions with me on the details of this legislation. I know there is further work ahead, and I look forward to working with them to get the legislation ready for passage.

I want to also express my gratitude to Governor Kitzhaber, who also understands the importance of advancing efforts to treat and restore Oregon's forests. He went to bat to putting state funding behind these efforts so I want to ensure that the Federal Government is also honoring its commitment to manage these Federal treasures and be a good neighbor to state and private lands. I appreciate his efforts and look forward to continuing to work with him.

I am pleased to reintroduce this legislation today, and I intend to keep working with all the folks in my State who are willing to talk in good faith about restoring our Eastside forests. I want to continue to get input from stakeholders on any further revisions to the bill and get a final product that will pass this Congress.

By Mr. REED (for himself, Mr. KIRK, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 1306. A bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am reintroducing bipartisan legislation to provide support for environmental education in our Nation's classrooms. I thank Senators KIRK, MURRAY, TOM UDALL, DURBIN, and WHITEHOUSE for agreeing to be original cosponsors of the No Child Left Inside Act of 2013.

According to the National Association for Environmental Education, 47 states and the District of Columbia have taken steps towards developing plans to integrate environmental literacy into their statewide educational initiatives. In Rhode Island, organizations such as the Rhode Island Environmental Education Association, Roger Williams Park Zoo, Save the Bay, the Nature Conservancy, and the Audubon Society, as well as countless schools and teachers, are offering educational and outdoor experiences that many children may never otherwise have, helping inspire them to learn. In partnership with the Rhode Island Department of Education, these organizations have developed a statewide environmental literacy plan that is now being put into action.

Given the major environmental challenges we face today, our bill seeks to prioritize teaching our young people about their natural world. For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education.

Yet, environmental education is facing a significant challenge, and remains out of reach for too many children. With many schools being forced to scale back or eliminate environmental programs, fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or in demand these programs are.

The No Child Left Inside Act would increase environmental literacy among elementary and secondary students by encouraging and providing assistance to states for the development and implementation of environmental literacy plans and promoting professional development for teachers on how to integrate environmental literacy and field experiences into their instruction.

The legislation would also support partnerships with high-need school districts to initiate, expand, or improve their environmental education curriculum, and for replication and dissemination of effective practices. Finally, the legislation would support interagency coordination and reporting on environmental education opportunities across the Federal Government. This legislation has broad support among national and State environmental and educational groups.

The American public recognizes that the environment is a central issue to our future health and well-being. In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Environmental education helps prepare the next generation with the skills and knowledge necessary to be competitive in the global economy. Studies have shown that it enhances student achievement in science and other core subjects and increases student engagement and critical thinking skills. And it promotes healthy lifestyles by encouraging kids to get outside.

That is why I encourage my colleagues to cosponsor the bipartisan No Child Left Inside Act and to join with Senator KIRK and me to include its provisions into the reauthorization of the Elementary and Secondary Education Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED THIRTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 196

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Thirteenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Ms. Stabenow (Chairman), Mr. Leahy, Mr. Harkin, Mr. Baucus, Mr. Brown, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand, Mr. Donnelly, Ms. Heitkamp, and Mr. Casey.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mrs. Boxer, Mr. Nelson, Ms. Cantwell, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Warner, Mr. Begich, Mr. Blumenthal, Mr. Schatz, Mr. Heinrich, and Mr. Markey.

COMMITTEE ON FOREIGN RELATIONS: Mr. Menendez (Chairman), Mrs. Boxer, Mr. Cardin, Mrs. Shaheen, Mr. Coons, Mr. Durbin, Mr. Udall of New Mexico, Mr. Murphy, Mr. Kaine, and Mr. Markey.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Mr. Harkin, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, Ms. Hagan, Ms. Heitkamp, and Mr. Markey.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 16, 2013, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m., to hold a hearing entitled, ''A Hearing on S. 980, The Embassy Security and Personnel Protection Act of 2013.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. 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, in order to conduct a hearing entitled ''Pooled Retirement Plans: Closing the Retirement Plan Coverage Gap for Small Businesses'' on July 16, 2013, at 2:30 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. REID. 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 16, 2013, at 3:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 16, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Government Affairs' Subcommittee on Financial and Contracting Oversight be authorized to meet during the session of the Senate on July 16, 2013, at 9:30 a.m. to conduct a hearing entitled, ''Implementation of Wartime Contracting Reforms.''

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

SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 16, 2013, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

MAJORITY PARTY APPOINTMENTS FOR THE 113TH CONGRESS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 196, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen.

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

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to 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.

The resolution (S. Res. 196) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, JULY 17, 2013

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 17, 2013; that following the prayer and 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; that the majority leader be recognized; and that following the remarks of the two leaders, the Senate proceed to executive session to consider Calendar No. 178, the Hochberg nomination, and the time until 10 a.m. be equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. BROWN. Tomorrow at 10 a.m. there will be a rollcall vote on the motion to invoke cloture on the Hochberg nomination.

ORDER FOR ADJOURNMENT

Mr. BROWN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator THUNE.

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

The Senator from South Dakota.

HEALTH CARE REFORM

Mr. THUNE. Madam President, last week a letter was sent to majority leader HARRY REID and minority leader NANCY PELOSI of the House of Representatives, and I wish to read a few quotes from that letter. It says:

When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you—

Directed at the majority leader and the minority leader in the House—

and the Obama Administration enact an equitable fix, the ACA—

Or the Affordable Care Act, which some people refer to as ''ObamaCare''—

will shatter not only our hard-earned health benefits, but destroy the foundation of the 40 hour work week that is the backbone of the American middle class.

The letter goes on to say:

Since the Affordable Care Act was enacted, we have been bringing our deep concerns to the Administration, seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of nonprofit health plans. As you both know firsthand, our persuasive arguments have been disregarded and met with a stone wall by the White House and by the pertinent agencies.

This is a letter that was, as I said, sent last week to the leaders in the House and in the Senate. I wish to quote a few more passages from that letter.

We have a problem; you need to fix it. The unintended consequences of the Affordable Care Act are severe. Perverse incentives are already creating nightmare scenarios.

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is twofold: fewer hours means less pay while also losing our current health benefits.

The summary of the letter at the end says:

On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and wellbeing of our members along with millions of other hardworking Americans.

So when we look at this letter and the tone of the letter and some of the statements made in the letter, we see that it talks about destroying the health benefits of employees. It talks about nightmare scenarios being created by perverse incentives in the Affordable Care Act. As I said before, it says the Affordable Care Act will shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

If my colleagues are wondering who sent the letter—one might think it came from the National Federation of Independent Business or perhaps the National Association of Manufacturers, the chamber of commerce, or some business group that obviously has major concerns and issues with the implementation of ObamaCare. But that letter came from Mr. James Hoffa, who is the general president of the International Brotherhood of Teamsters; it was cosigned by Joseph Hansen, the international president of the UFCW, and by D. Taylor, the president of UNITE–HERE—three major union organizations that are very concerned

about ObamaCare and its implementation and what it is going to mean to the health care benefits many of their members already enjoy, as well as what it will do to wreck the 40-hour workweek that is, as they describe, the backbone of the American middle class.

So the list goes on of those who have deep and abiding concerns about the adverse and harmful impacts of ObamaCare as we approach the implementation stage the first of next year.

As we know, last week the administration announced they were going to delay the implementation of the employer mandate. I think many of us received that news as welcome news because we have argued that many of the penalties associated with the legislation and its implementation are going to be very harmful to job creation and to economic growth and that we are going to see more and more employers starting not only to not hire people but actually to reduce the size of the workforce. In fact, a survey of employers around the country suggested that 40 percent of them were, in fact, doing that. They were not hiring new people. Also, 20 percent of the employers in this country were actually reducing—laying people off—because of the concerns about the mandates included in ObamaCare.

So the administration reacted to that by saying: OK, we have been listening to you. We hear you. We are going to delay the employer mandate.

That is the penalty attached if employers don't offer a government-approved health plan with lots of bells and whistles and things in it—things that they didn't believe they could afford. So we get the 1-year temporary relief from that.

But I think the question that has to then be asked of the administration is this: If you are going to provide relief from the employer mandate, what about everybody else? What about all of the other Americans who are going to be impacted and harmed? What about the individual mandate where we have 6 million Americans who are, when it is fully implemented, going to be faced with a tax of about $1,200?

We have all kinds of families across this country who are seeing, because of the higher taxes and many of the mandates associated with the legislation already, higher premiums. In fact, when the President took office, he promised he was going to reduce premiums for families in this country by $2,500. Well, according to the Kaiser study—and they track premiums—since the President has taken office, health insurance premiums for families in this country have actually increased by $2,500. So when the President made the argument that he would lower insurance premiums for families in this country by $2,500, just the opposite has happened. We have seen premiums actually go up. I think premiums are going to continue to go up as this becomes implemented and becomes, ultimately, the law of the land.

A lot of my colleagues on the other side have said: Why do you guys keep complaining about this? It is the law of the land. In fact, it is the law of the land, which I think begs the question of, why is the administration not enforcing it? Why has the administration been delaying implementation of ObamaCare, at least as it pertains to the employer mandate?

I think there are a lot of obvious reasons for that. They got tired of hearing about the adverse impacts it was having on the economy and having on jobs. We saw the jobs numbers from the month of June, and the number of people who have been pushed into part-time jobs was actually, in the month of June, up by 322,000 individuals.

In other words, what we are seeing is that a lot of people who were previously full-time workers and who want to work full-time in our economy are being pushed into part-time jobs. Why is that happening? Well, at least one of the reasons, I would argue, is that under ObamaCare the requirements that apply to employers apply to full-time workers. So if an employer doesn't have full-time workers—and the law defines that as 30 hours a week—if an employer doesn't have people working more than 30 hours a week, they are not covered by the mandates in the legislation. So what are many employers doing? Many employers were then cutting the hours of their employees to get under that 30-hour threshold so they wouldn't be hit with these costly new mandates.

What does that mean for the average family in this country? It means that fewer and fewer people have full-time jobs, higher take-home pay, and more and more Americans are having to do part-time work—probably finding two part-time jobs to help pay the bills. That is a crushing effect on an economy that is already struggling to recover. A lot of people who I would argue want to get back into the workforce are trying to find full-time work and are being met with resistance from employers because employers are having to deal with these costly mandates included in the Affordable Care Act.

So if we look at the effect, the net result so far of ObamaCare, which, again—we have mentioned this many times here—is 2,700 pages in terms of legislation and 20,000 pages of regulations—in fact, the size of the stack of regulations is now 7½ feet tall, so it is about a foot taller than I am. Just last week another 606 pages of regulations were issued in terms of the implementation of this law. Can we imagine average Americans trying to comply with 20,000 pages of regulations or, for that matter, businesses trying to comply with them?

There is so much uncertainty associated with this law and the impact it is going to have and fears about the impact it is going to have, and nothing is being done to make that any easier for most Americans. It was made easier for employers last week when the penalty for the employer mandate was delayed by 1 year.

We believe that if they are going to delay the employer mandate for a year, we ought to delay the implementation of this law for everybody and not just do it for a year. Let's do it permanently. Let's start over. Let's do this the right way. It didn't take a 2,700-page bill, it didn't take 20,000 pages of regulations, it didn't take a government takeover of one-sixth of our economy to try to solve the problems and the challenges we have in our health care system today. Yet that was the solution the President and our Democratic colleagues in Congress came up with. As a consequence, we have higher taxes, we have higher premiums, we have fewer jobs, and we have lower take-home pay for many Americans.

I wish to point out in terms of the issue of premiums even the administration has acknowledged that some people are going to see their premiums rise under the health care reform law. There are estimates from the Society of Actuaries study that was released in 2013 that showed the State of Ohio's current average cost to cover medical expenses for an individual health insurance plan to be $223.

Based on the proposals submitted to the Department, the average to cover those costs in 2014 under ObamaCare is going to be $420, representing an increase of 88 percent when compared to—this is a study of actuaries—their study. So an 88-percent increase in the State of Ohio. That, of course, again was in the individual health care market.

There have been studies done that suggest that the Federal health care law, the Affordable Care Act or, as I said, ObamaCare could nearly triple premiums for some young and healthy men. The premium for a relatively bare bones policy for a 27-year-old male nonsmoker in the individual market would be nearly 190 percent higher.

So I do not think many of the people who are going to be impacted have seen the full impact yet. But when it is fully implemented, there are going to be lots of other impacts on premiums, adverse impacts on people in this country, especially in the individual market. As I mentioned earlier, we have already seen significant increases in premiums with regard to families.

So if we look at this thing and sort of assess where we are today, not too far, just a few months away from what is alleged to be the full implementation of this—of course, now with the exception of the employer mandate—I think we can come to one very simple conclusion; that is, that the result has led to fewer jobs, it has led to more people being pushed into part-time work as opposed to full-time jobs, and therefore lower take-home pay for middle-class Americans. It has led to higher premiums. We are already seeing the effect of that with regard to premiums that are being paid by families and those who have to buy their insurance in the individual marketplace.

We know there are lots of higher taxes in the legislation. If we look at the impact on many people who provide health care services, the medical device manufacturers have a big tax they are dealing with, pharmaceutical companies, health insurance plans—we can go right down the list. All of those new taxes are going to get passed on, in many cases passed on to people who are not high-income earners but middle-class Americans who are trying to keep their heads above water and keep health care coverage for their family.

These are the real-world impacts of ObamaCare as we know it today. That is why I think we see, even organizations that are very sympathetic to the President, very sympathetic to his agenda, fans of his agenda, people who worked very hard to get him elected in office—the labor unions in their letter make that argument, that they worked very hard. They walked the neighborhoods. They did all of the grassroots organizing that was necessary to get the President elected. Here they are reacting to the Affordable Care Act, to ObamaCare, in the same way I think most Americans are.

That is why we consistently see public opinion polls that are very negative toward the law. In fact, there was a Rasmussen survey recently that said 55 percent of Americans disapprove of the law, 39 percent are in favor of it. But a significant and decisive majority of Americans believe this is going to be bad for them, bad for their own personal situation, finances, when it comes to covering their families but also bad for the economy and bad for jobs.

Higher premiums, higher taxes, fewer jobs, more part-time jobs, fewer full-time jobs, lower take-home pay, that is what we today know as ObamaCare. There is a better way. We could go back and start over, do this the right way; step-by-step, incrementally, deal with the challenges that we have in our health care system, and there are many of them. But it did not take a massive takeover of one-sixth of the American economy, a massive new government program, 2,700 pages of legislation, over 20,000 pages of new regulations in terms of implementation to solve the challenges we have in our health care system today.

There is a better way. I hope the feedback, if you will, the response that the President and his team are getting, not only now from those people who were opposed to it—many of us were arguing when this was being debated in the Senate that this, in fact, would be the impact. We talked about the impact on premiums because of the mandates and the new taxes. We talked about the taxes. We talked about the impact on the economy and jobs and pointed out that this was going to have an adverse, harmful impact on the ability of our economy to create jobs and to get that unemployment rate down and get people back to work in this country.

Many of us were working those arguments. Many of the organizations that were opposed to the legislation were saying the same things. Now we have those who were actually endorsing and in favor of the legislation coming out and saying it would shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour work week that is the backbone of the American middle class. Perverse incentives are already creating nightmare scenarios.

That is what is included in the letter that was submitted last week to the leaders in the Congress, written by major labor organizations in this country. Those are not rightwing conservatives, rightwing Republicans who are reacting this way to ObamaCare; these are allies of the President who have realized and come to the conclusion that this is incredibly problematic, not only for them and their members and the employees of a lot of companies out there with regard to the current health care benefits that they already have but also what it means for the 40-hour work week and what it means for the take-home pay for middle-class Americans across this country.

We can do better. We should do better. It is not too late. It is never too late to do the right thing. I hope that as more and more of this anecdotal and empirical evidence comes forward about the implementation of this legislation, we will do that.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Wednesday, July 17, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL LABOR RELATIONS BOARD

KENT YOSHIHO HIROZAWA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPRIED.

NANCY JEAN SCHIFFER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ROGER L. NYE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KENNETH E. TOVO

CONFIRMATION

Executive nomination confirmed by the Senate July 16, 2013:

BUREAU OF CONSUMER FINANCIAL PROTECTION

RICHARD CORDRAY, OF OHIO, TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION FOR A TERM OF FIVE YEARS.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on July 16, 2013 withdrawing from further Senate consideration the following nominations:

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2013.

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2013.