The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Pennsylvania (Mr. CASEY) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 173 Ex.]

YEAS—95

Alexander	Grassley	Murray
Ayotte	Hagan	Nelson
Baldwin	Harkin	Paul
Barrasso	Hatch	Portman
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Heller	Reid
Blunt	Hirono	Risch
Boxer	Hoeven	Roberts
Brown	Inhofe	Rockefeller
Burr	Isakson	Rubio
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Johnson (WI)	Schumer
Chambliss	Kaine	Scott
Coats	King	Sessions
Coburn	Kirk	Shaheen
Collins	Klobuchar	Shelby
Coons	Landrieu	Stabenow
Corker	Leahy	Tester
Cornyn	Levin	Thune
Crapo	Manchin	Toomey
Cruz	Markey	Udall (CO)
Donnelly	McCain	Udall (NM)
Durbin	McCaskill	Vitter
Enzi	McConnell	Walsh
Feinstein	Menendez	Warner
Fischer	Merkley	Warren
Flake	Mikulski	Whitehouse
Franken	Moran	Wicker
Gillibrand	Murkowski	Wyden
Graham	Murphy	

NOT VOTING—5

Booker	Casey	Lee
Boozman	Cochran	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider will be considered made and laid upon the table. The President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the Burwell nomination.

The Senator from Oregon.

Mr. WYDEN. Madam President, Sylvia Mathews Burwell was introduced at the Finance Committee by the Senator from Oklahoma TOM COBURN and the senior Senator from West Virginia JAY ROCKEFELLER. She has extraordinary bipartisan support because she can bring people together. After years of divisive and polarizing discussion about the Affordable Care Act, Sylvia Mathews Burwell is somebody who will bring Democrats and Republicans together to improve the quality and affordability of our health care.

I strongly urge all Senators to vote for Sylvia Mathews Burwell.

I yield back time.

The PRESIDING OFFICER. All time is yielded back.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

Harry Reid, Ron Wyden, Tom Harkin, Richard J. Durbin, Barbara Boxer, Michael F. Bennet, Debbie Stabenow, Benjamin L. Cardin, Mary Landrieu, Mark Begich, Joe Donnelly, Tim Kaine, Robert P. Casey, Jr., Sherrod Brown, Patrick J. Leahy, Tom Harkin, Angus S. King, Jr.,

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 Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Pennsylvania (Mr. CASEY) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted ''nay'' and the Senator from Utah (Mr. LEE) would have voted ''nay.''

The PRESIDING OFFICER. (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 28, as follows:

[Rollcall Vote No. 174 Ex.]

YEAS—67

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

NAYS—28

Ayotte	Heller	Roberts
Barrasso	Hoeven	Rubio
Blunt	Inhofe	Scott
Coburn	Johanns	Sessions
Cornyn	Johnson (WI)	Shelby
Cruz	Kirk	Thune
Enzi	McConnell	Vitter
Fischer	Moran	Wicker
Graham	Paul	
Grassley	Risch	

NOT VOTING—5

Booker	Casey	Lee
Boozman	Cochran	

The PRESIDING OFFICER. On this vote the yeas are 67, the nays are 28. The motion is agreed to.

NOMINATION OF SYLVIA MATHEWS BURWELL TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The bill clerk read the nomination of Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

NOMINATION OF STEFAN M. SELIG TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination which the clerk will report.

The bill clerk read the nomination of Stefan M. Selig, of New York, to be Under Secretary of Commerce for International Trade.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Stefan M. Selig, of New York, to be Under Secretary of Commerce for International Trade?

The nomination was confirmed.

NOMINATION OF SYLVIA MATHEWS BURWELL TO BE SECRETARY OF HEALTH AND HUMAN SERVICES—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NO. 8

Mr. MENENDEZ. Madam President, 2 weeks ago I came to the Senate floor to ask unanimous consent to ratify the protocol amending our tax treaty with Switzerland. I argued that the new protocol would no longer permit Swiss banks to withhold information on U.S. individuals who have hidden behind Swiss bank secrecy laws to avoid paying U.S. taxes.

Today I come to the Senate floor to ask unanimous consent to ratify the bilateral income tax treaty with Chile.

If the protocol with Switzerland is the perfect example of how tax treaties enhance our efforts to prevent tax evasion, the treaty with Chile—the first between our two countries—is the perfect example of why the United States pursues tax treaties. We pursue them to promote greater trading investment.

We pursue them to protect American companies from double taxation. We pursue them to expand new markets and develop new business opportunities for companies and investors.

On April 1 the Foreign Relations Committee, with strong bipartisan support, reported favorably on a proposed new income tax treaty with Chile. If ratified, the treaty would be only the third U.S. tax treaty in all of Latin America, but it would be a significant step forward in a region critical to U.S. international economic interests and would be with one of our strongest allies in the hemisphere.

What does this treaty do? Simply put, it promotes trade and investment between the United States and Chile. It provides for reduced withholding rates on cross-border payments of dividends, interest, and royalties. It would prevent avoidance or evasion of the taxes, includes rigorous protections against treaty shopping, and ensures exchange of information between our nations' tax authorities.

Let me also add, the American private sector's support for this treaty is unequivocal. To quote from a 2013 letter to Senate leaders from the National Foreign Trade Council, the National Association of Manufacturers, the U.S. Chamber of Commerce, and other major U.S. business associations, '' . . . ratification would represent an important milestone in lowering tax barriers to U.S. companies operating in Latin America . . . and would protect the interests of U.S. taxpayers'' in Chile.

This protects and grows U.S. investment in Chile. It expands U.S. economic engagement in the region, and that is a win-win-win.

I know there are those in the Chamber who do not see it that way, but these are the facts of economic engagement and economic statecraft in the hemisphere.

In the last decade, Chile has taken a regional leadership role on trade issues. It is one of our most important bilateral economic partners in the region. Total bilateral trade has nearly tripled since 2003, and U.S. investment in Chile has more than tripled from $10 billion in 2004 to roughly $35 billion today. Ratifying this treaty will take the bilateral commercial relationship to the next level.

I understand newly inaugurated Chilean President Michelle Bachelet plans to travel to Washington later this month to continue the close partnership between our two countries. Ratifying this treaty would send President Bachelet a strong message that we value our partnership with Chile and we are serious about further expanding economic opportunities between our two countries.

Madam President, 1,421 days have passed since the last time this Senate ratified an income tax treaty. We can end that ignoble streak right now.

So I ask unanimous consent, at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 8, treaty document No. 112–8; that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee declarations be agreed to as applicable; that any statements be printed in the RECORD as if read; that if the resolution of ratification is agreed to, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, I think it is important to remember that the vast majority of Americans are law-abiding Americans who reside either here or overseas and that they do have an expectation of privacy and they do have a right to privacy. Those who break the law should be punished, but we can't forget about the innocent Americans who are not breaking the law who do have a right to privacy.

We have had treaties such as this for decades, and I am not opposed to the treaties. There are beneficial aspects to the treaties. Past treaties have had a standard which said that one had to be committing tax fraud or that one had to be engaged in fraudulent activity, the same way every American here expects that the government is not going to look at a person's bank account unless they have gone to a judge with evidence that a person is cheating on their taxes. The government can't just look at everybody's information in the bank without probable cause. The previous standard was that there had to be some evidence presented that a person was cheating on their taxes. I think there should be some evidence presented.

The new standard is they can look at any of a person's records that may be relevant. This is a much lower standard, and I think it will be injurious to the vast majority, if not the overwhelming majority, of Americans who are actually innocent but just happen to be living abroad.

I would be willing to work with whoever is willing to work with me on this to get the treaties passed if we can keep the same standard we have had previously, which is a standard of fraud, not a standard that these may be relevant.

So for this reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I would have more extensive remarks, but I know my colleague from Maryland has a different unanimous consent request. Let me make just three quick points.

Chile's and other tax treaties the Foreign Relations Committee has reported favorably do not represent the first time the Senate has considered treaties providing for information exchange based on a ''foreseeably relevant'' or ''may be relevant'' standard.

In fact, since 1999—so that is about 15 years now—the Senate has adopted resolutions of advice and consent for at least eight other tax treaties using the relevant standard. This standard has been part of the model of U.S. tax treaties since 2006. So it is not correct that the ''may be relevant'' or ''foreseeably relevant'' standard is vague or ambiguous. In fact, it has been extensively defined in agreed guidance to which no country has expressed a dissenting opinion to date.

I must say that not only are these objections ultimately not providing all the benefits that all of the private-sector interests have expressed—as I referred to before, the entire business community—but by the same token, I simply have a tough time accepting that those who cheat get away with cheating and that somehow we are going to make it easier for them to cheat when the average American does not have the opportunity nor the desire nor do they cheat in terms of their payment of whatever are the taxes they owe to the Federal Government in a way that helps sustain all of the things we seek as Americans: the best armed forces in the world, security here at home, educational opportunity for our kids.

So there is a fundamental difference here. I will push these tax treaties, and I will urge the majority leader to give us votes then in a process because it has overwhelming support and we cannot have one Member of the Senate object to a process that can provide such benefits and such equity across the board.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR NO. 9

Mr. CARDIN. Madam President, let me underscore the point Senator MENENDEZ, the chairman of the Foreign Relations Committee, has made in regard to these tax treaties.

I want to make two principal points, and then a few other comments, and then I am going to propound a unanimous consent request in regard to the Swiss protocols.

The two points I want to raise—first on the standard of fraud, the relevancy standard that has been included in tax treaties ratified by the Senate since the 1990s. There are at least eight treaties that have used this standard. This is the international standard on fraud. It is not the U.S. Standard. It is not the Swiss standard. It is not the Chilean standard. It is the international standard.

There may have been one time when the United States could dictate what tax treaties would include. But we are part of an international community. It is part of international negotiations.

This is the international standard for cooperation among taxing authorities in order to establish a level playing field.

Secondly, our Constitution provides for the ratification of treaties by the Senate and provides for a two-thirds vote. It is an extraordinary vote. It is a heavy vote. It is a heavy burden for ratification of the treaties. It is not 100 percent; it does not require every Senator to agree to it, but it takes two-thirds of the Senators.

I would urge my colleagues that we need to return to regular order. Everyone talks about returning to regular order in the Senate. Well, if we need to go through lengthy debates and votes on a treaty that is totally noncontroversial, I am not sure we are serving the best interests in the Senate. Let's have an open debate, but let's vote. If some Senators disagree, well, at least allow the vote to go forward so we can get the two-thirds of the Senate to agree.

I want to thank the chairman of the committee. He gave me the opportunity to chair the hearings. So I was at the hearings during consideration of these treaties. We had a full panel of witnesses. Not one testified in opposition and not one was concerned about the issue that my colleague from Kentucky has raised on the fraud standard. In fact, they all said this is the level playing field. This will allow our country to support our companies and provide a level playing field for international investment in the United States.

The absence of this treaty affects America's ability to attract investment. Make no mistake about it. It hurts our companies. It hurts American companies that want to do business in other countries. They need a level playing field, to be protected against multiple layers of taxation and compliance issues. So this allows for that level playing field, so we can have fair agreements.

Let me mention one company that has come to us and said this is very important: McCormick. McCormick is a company that has been headquartered in Maryland for 125 years. They have 2,000 employees in my State of Maryland and 10,000 employees globally. They are hurt by the failure to have these treaties ratified.

It presents a level playing field. It allows for investment. It protects the privacy. Our laws protect privacy. Swiss laws protect privacy. What this does is establish a level playing field so all are protected.

I appreciate the fact that we may want to negotiate this in a different way. Well, let's work with our negotiators and work with the international community. It is not going to be the United States dictating what that standard should be. Quite frankly, the relevancy standard has worked well. There have been no complaints whatsoever on privacy issues on the eight treaties we have ratified. To the contrary, what it does is it removes the veil from those who are tax cheats, to allow us to get that information. It provides for the transparency necessary between taxing jurisdictions so you cannot hide and commit fraud against one country where you have the treaty.

So I would urge my colleagues to allow us to proceed on these treaties. It is very important to economic growth in our own State.

With that, Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 9, treaty document 112–1; that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee declarations be agreed to as applicable; that any statements be printed in the Record; that if the resolution of ratification is agreed to, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, let me make one point very clear. One Senator cannot prevent a vote in this body. The vote can occur at any point in time. One Senator can prevent sort of expedited passage without extensive debate.

One of the things our Founding Fathers did with this body, by allowing filibuster and by allowing procedural ways to slow things down, was to allow Senators who are in the minority to try to influence legislation.

I am open to a discussion on the language of this treaty, and I am open to a discussion on how we would have the standard promulgated. But I am very aware that when people talk about the criminal aspect of people they want to punish—I am in favor of that as well—you have to be aware that the vast majority of Americans who reside overseas are not criminals, are not tax cheats, and are law-abiding citizens.

So I do not think we should agree to a standard that is less than our normal standard here in the country. I also do not think we should agree to a standard that might allow bulk collection of data on everyone who lives overseas. Realize that this can be putting us beholden to other countries as well, accessing records of their citizens who are here as well.

So I think we have to be very careful about lessening the standard, and it is very much worth a debate. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Madam President, let me point out that it has now been 4 years since we have ratified treaties—4 years—because of time restraints of doing business in the Senate. It is one Senator holding up an expedited way under the Senate rules so we could get a vote. He can cast his vote any way he wishes on this issue.

I will just say, we have so many of these tax treaties that are backed up now, not just the two we have spoken about today. There are other tax protocols and treaties that are waiting for Senate ratification. I would hope we could find a way that would satisfy colleagues to allow an up-or-down vote on these treaties. They are noncontroversial, but they are extremely important to the businesses of our country and moving our economy along.

The PRESIDING OFFICER. With regard to the Selig nomination, under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

Mr. CARDIN. Madam President, I ask unanimous consent that the majority control the time from 2 p.m. until 3 p.m. today and the Republicans control the time from 3 p.m. until 4 p.m. today.

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

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

Mr. MANCHIN. Madam President, I come today and I am honored to support my friend Sylvia Mathews Burwell. Sylvia is a native of West Virginia, and I have always said that we are all a part of our environment. If you know where Sylvia came from, the type of area where she was raised and the neighborhood, it will tell you everything about who she is today and why she has been so successful and why public service runs through her veins, truly giving something back.

The little town of Hinton, WV, is where Sylvia is from. It is in beautiful Summers County in the southern part of the State. It is right on the New River. It is a train town. Trains will come there and dispatch, and they will get them turned around to go in the right direction.

I will never forget when they introduced Sylvia. I think it was Senator ALEXANDER who was speaking. He was talking about his father, who worked in the rail yard and was always responsible for turning the trains and getting them moving. I said: Well, one thing about that, Sylvia comes from a train town. She knows how to get the train on the track and how to get it moving in the right direction, and she has proven that.

She is an unbelievable, blessed person. She is gifted, as smart as they come—a Rhodes scholar. In West Virginia we are so proud to have a person with those types of skills and the ambition to serve.

Now we will get into a little bit about her mom and dad because it is really who she is. Her father is an eye doctor there and is well respected in the town, and he is an immigrant who came from Britain. Her mother Cleo Mathews was the mayor. When I was Governor of West Virginia and I would come to town, Cleo would always call and tell me everything I did wrong. She was usually right, and we would get things worked out. We always had a great relationship. But she had skills and she had to give something back. You had to be involved. You just couldn't sit around. You couldn't be satisfied with your life just thinking, well, I work and I have a paycheck. There was always something.

I think that comes from—I am second generation also—coming to this country and hearing your grandparents talk about all the wonderful opportunities they have been provided and how privileged they believe they are and how honored and why we always have to give something back. You had to volunteer, be involved. You had to go out and contribute. You had to do something. That is the type of background Sylvia comes from.

When you look at every job she was asked to do, she was in the Clinton administration. If fame and fortune were her desire, she could have gotten it a long time ago. She did public service, and she did it in an exemplary fashion. Then after the Clinton administration she went to the Gates Foundation. She went to the Walmart Foundation. She is always with a foundation. She is somebody who is willing to help others and give back, trying to invest in the best of America. Then she came back and she became our Director of OMB. She got totally unanimous support.

Now the President has tasked her to come and take the reins of the DHHS. I say to my friends, whether or not you support the Affordable Care Act, Sylvia is not coming here to change your minds. She is not going to tell you: I am going to tell you why you should be for it, and you are wrong if you are not for it. She is not going to do that. She is going to make the system work. She is going to be following the law and listening to everybody—those who support it and those who do not support it—and making adjustments and recommendations. I trust that she will take good, solid recommendations to the President: If change is needed, this is where we need it. If this is not working, this is why it is not working. If the numbers don't add up and we cannot afford it, we will make adjustments to make sure it does work so all Americans can benefit.

I come to the floor because I know Sylvia Mathews Burwell. I know where she comes from. I know her family. I know her friends. I know her town. That speaks volumes. As I said in the opening, we are all products of our environment. Sylvia Mathews Burwell is a product of her environment, which is as nurturing and loving and caring as any one of us could ever hope for. To have that quality of a person who is going to be serving at the highest level is something I am very proud of—not just because she is a West Virginian but because she is such an accomplished person and she wants to give something back. She has lived the American dream. Her parents made that come true for her, and that is who she is.

I would ask all of my colleagues, when they are voting, who do you think would have better values, who would have the ability, and who has the knowledge and the experience to make sure there is fairness and bipartisanship? Every person is going to be listened to, and she will give a direct answer as to exactly how she has come to a decision. That is all you can ask for. When you have an opportunity to get somebody at that level in the private sector, you would jump all over it. You would do whatever it would take to get somebody with her qualities.

In public service, we have such a hard time today recruiting the young, recruiting this new crop of leaders. Some of them will be Senators, some of them will be Congresspeople. They are going to be leaders in their communities. They care at a young age. We have a hard time recruiting this younger crop of people, and when we have it, we better hold on to it.

We have a chance to hold on to Sylvia, to take us to a new level where health care could be affordable for the masses. We could have a healthier population. We don't have to rank 43rd in the world as far as wellness and longevity. It shouldn't be that we are spending more money than anybody else and not getting results. We need somebody like Sylvia Mathews Burwell, who could put all of this together and make sense out of it because she comes from a family and a community that is all-West Virginian and all-American.

I say to my colleagues, I hope you will vote in favor of Sylvia Mathews Burwell and show that we can come together, we can work in a bipartisan fashion and pick the best person for the job—not because they are Democratic or Republican or Independent or have any political affiliation but because they are the best qualified person for the job.

I would say thank you to all of my colleagues for allowing me to give a little bit of insight into a most amazing young lady, a mother, a daughter, and a loving friend to all who really gives all she can.

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURPHY. Madam President, I come to the floor to speak in support of Sylvia Burwell's nomination to lead our efforts at HHS and to follow up on the comments of her great friend Senator MANCHIN.

I would like to add two points to what I think was a great presentation by the Senator from West Virginia. We rarely get someone who has this kind of background in both the public and private sector and of course who is perfectly suited for a tour of duty at the helm of the Nation's largest public-private partnership.

HHS is obviously the payer for our Medicare Program and for much of our Medicaid Program, but they are doing business with literally hundreds of thousands of private entities and private companies all throughout the country—primarily health care practitioners from the east coast to the west coast—and the Affordable Care Act is an enormous private-public partnership. We expanded coverage through both the traditional Medicaid Program and also through millions of people—8 million and counting—who have signed up for private insurance with a little bit of help from their government through tax credits. It is this background that she has on both sides of the public-private divide that I think will put her in a perfect position to lead this agency.

When she came before the HELP Committee, I was particularly pleased that she was very willing to be flexible and aggressive in her work with Governors throughout the country who have not yet expanded Medicaid. I think there is growing willingness on behalf of many Republican Governors to look at some innovative ways to expand Medicaid, and Sylvia Burwell is the perfect Secretary to work with Governors to find a way—perhaps with subsidies—that will help people in the lower income brackets afford private insurance that could capture those 5 million individuals across the country who do not have access to Medicaid because their States have not expanded it.

I wish to spend a few minutes in the context of this debate answering what I imagine will be a growing chorus of concerns and criticism from our Republican friends regarding some of the new rate announcements from exchanges all across the country. It has been hard to follow a lot of the criticism of the Affordable Care Act because it seems as though it mutates on a pretty regular basis. It started out with claims that the Web site could never work given its initial rollout problems. Of course it is working very well today.

Another criticism was that nobody would sign up for this new benefit because it was not affordable. We hit 8 million in terms of those who signed up for private insurance.

They said young people would not sign up. Private insurers are telling us their mixes of enrollees are exactly as they hoped, especially with respect to the young people signing up.

Then they said people would not pay their premiums. In a House hearing about 1 month ago, the private insurers said that in fact 80 to 90 percent of people were paying their premiums, which is comparable with the non-ACA plans.

Of course, there was the general claim that it will bankrupt the Treasury, even though it is saving us trillions in terms of deficit savings as well as savings to the overall health care spending line items of the Federal Government.

Now the critique is that these rate increases are unjustifiable as insurers are getting ready to offer rates on the new exchanges coming out for open enrollment at the end of this year.

First of all, it is important to note that there are a lot more insurance companies offering health care on these new exchanges. Connecticut will get at least one new entrant. New Hampshire, for instance, went from one insurer to five insurers. There is very good news coming with the new exchanges. There will be a lot more options because the insurers have figured out it is a pretty good deal for them as well as their consumers.

It is important to have a little bit of context. I have a couple of examples of the kind of premium increases that have been asked for by private insurers all across the country in the last several years. In 2010, Anthem in California proposed a 25- to 39-percent increase in premiums. Again in 2010, Anthem asked for a 23-percent increase in Maine. The year before in Michigan, Blue Cross Blue Shield asked for increases up to 56 percent for some populations.

The reality is that on average we have seen a premium increase for the individual market of 15 percent or above over the last 10 years. That is not good news, but it does provide some context for the requests for premium increases we are going to see in the exchanges this year. Actually, the reality is that since the law passed, there has been a fairly precipitous decline in the number of premium increases above 10 percent that have been requested by private insurers. There are less requests for premium increases above 10 percent today than there were in the corresponding period before the Affordable Care Act was passed.

Just because the rate increases that are being requested—or may be requested—as we roll out the next year of open enrollment for the State-based exchanges may be below the historical averages of the last few years, that certainly is not any reason for people to jump for joy. Fifteen percent is unaffordable, fifty-six percent is unaffordable, and 10 percent is still unaffordable.

It is also important to note some of the protections that are in the bill. For instance, one of the most important provisions of the Affordable Care Act that very few people have noticed is the provision that says that an insurer has to spend 80 percent of all the money it takes in on care. If at the end of the year they have not spent 80 percent of the money they have taken in from ratepayers and premium payers on direct care, then they have to rebate money to consumers.

Thus, if these premium increases are above what is justified based on the actual experience, there is going to be a rebate paid to ratepayers. Those rebates thus far have saved patients and consumers all across the country $5 billion, and it is a significant, historic protection against unjustifiable premium increases that are not backed by actual experience in terms of claims paid.

The protections are even broader. While rate increases are not new, what is new is that consumers are back in charge of their health care again. Ten years ago insurers were charging 15 percent, 20 percent increases and they were also denying health care to millions of Americans who were sick. In some parts of the country they were charging women 50 percent more than what they were charging men. They were putting annual limits on health care coverage that ended medical insurance for many of the sickest individuals and families all across the country. All of those abuses, under the Affordable Care Act, are history.

While I will admit we still have work to do to bring down the cost of health insurance in this country, at the very least today consumers are back in charge of their health care, the worst excesses and abuses of the insurance industry are no longer permitted.

While I want to see a day when health insurance premium increases are 2, 3, and 4 percent, what we are seeing thus far in the wake of the passage of the Affordable Care Act is premium increases that are less than the historical average before the law was passed.

Those are the facts. I know that is not solace for individuals who are receiving these premium increases, but what we have seen are premium increases coming down and not going up since the Affordable Care Act was passed.

There is still an enormous amount of work to do. The news is generally very good. More people are being enrolled in the Affordable Care Act than what was expected. Over the last 6 months alone, the rate of uninsured individuals in this country has come down by 20 percent. Medical inflation is at a near-term historic low. Whether it be infection or readmission rates, outcomes are getting better.

Our next Secretary of Health and Human Services will have a lot of work to do to continue to perfect this law, but she is going to have a lot of good work and a lot of good outcomes upon which to build, based on her experience in both managing private sector entities and large public sector entities. Even with these challenges, Sylvia Burwell is the right choice for HHS, and I hope we will confirm her in a big vote tomorrow.

I yield back.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I come to the floor to discuss the nominee for Secretary of Health and Human Services because as a physician I am very concerned and want to make sure Americans can get health care. I think getting care is actually much more important than getting the insurance component of that, but that is nothing new, and I said that to the President. In so many ways, the President has actually offered empty coverage but is not actually providing an opportunity for care for people. We have seen situations where people are paying higher premiums, higher copays, and higher deductibles, all of which are the many side effects of the President's health care law.

When I hear my colleague from Connecticut make reference to rates going up, let's face it. What the President of the United States said is that premiums would drop $2,500 per family by the end of his first term. The President didn't say, well, it will not go up as fast or that it will go up some, but don't worry about it. The facts are that people are continuing to be hurt by the health care law, and much of it is as a result of the expense of the law.

Last week USA Today had a report that said: ''Many employees hit with higher health care premiums.'' They go on to say:

> More than half of companies increased employees' share of health care premiums or copayments for doctors' visits in 2013. . . .

Why? Because of the health care law. What other things have businesses that are trying to provide health insurance for their employees had to do? Thirty-two percent of the time the businesses delayed raises for the individuals because the cost of insurance under the President's health care law has gone up so much. People who are concerned about take-home pay are getting hurt by the health care law.

According to this USA Today report, 22 percent eliminated or cut back on benefits, and 21 percent of these folks were cut back from full-time work to part-time work. That is obviously a hit to somebody's take-home pay.

The report says health care premiums have increased 80 percent since 2003, nearly three times faster than wages and nearly three times faster than inflation. The health care law has actually failed to do what the President promised when it comes to actually providing care and affordable care.

As I look around the country, it is interesting to see what is happening. There was a report out very recently about hundreds of thousands of Iowans who don't have coverage. The report goes on to talk about a woman who said she drove a half hour from

Mitchellville recently to seek care for flu-like symptoms at a free clinic in Des Moines. She is an assistant manager of a convenience store. She has been offered insurance by her employer but would have to pay $111 every 2 weeks for her part of the premium, and she said: ''I can't afford that. . . . There's no way on Earth.''

Our colleague from Connecticut said it is working. It is not working, and it is because of the mandates of the law, such as the mandate that people have to get insurance that the government says they need as opposed to what may be good for them or their family.

The woman, Reinna, said she heard most Americans are required to have health insurance this year or pay a penalty. Democrats who voted for this said if someone doesn't buy the insurance, they have to pay a penalty. She heard that and learned it was equal to 1 percent of her income.

According to this article from the Des Moines Register where they had their primary elections yesterday, in Iowa, the Des Moines Register: The lady laughed ruefully at the prospect. ''I don't care. They can fight me for it.''

So this is a woman in Iowa, knows about the penalty, knows about the mandates, and she would say to my colleague from Connecticut who was just on the floor that it is not working for her.

She bristled at the new requirement to obtain insurance. She said, if we could afford it, do you think we would be standing out here? Of course, where she was standing was in a line for a free clinic, nodding at a half dozen others in line on the sidewalk waiting for the free clinic to hold one of its twice-a-week sessions.

I come to the floor today, as I have repeatedly, to talk about the issues of the health care law as a doctor trying to make sure patients get the care they need from a doctor they choose at lower costs, and seeing that the President's health care law has failed miserably because so many people have been hurt by this health care law. They have had their insurance canceled, even though the President said, Oh, no, it won't happen. He said, If you like what you have, you can keep it. National folks who assessed this called that the lie of the year.

We also see that many people cannot keep their doctors, and they are finding out that their copays are higher, their premiums are higher.

It is interesting, because it is affecting people in so many different ways. Minnesota is another State where there has been a lot of debate and discussion about the health care law. The headline in the Mankato Times: ''Minnesota Schools to lose more than $200 Million because of ObamaCare.'' My colleague from Connecticut just said it is working. Well, if it is working, why are the Minnesota schools losing $200 million because of the health care law? The article says: State Representative Paul Torkelson said the wasteful spending on ObamaCare that has left many taxpayers outraged will soon be making a significant impact on Minnesota's schools—a significant impact on Minnesota schools. According to documents released by Minnesota's management and budget office, over the next 3 years, the total unfunded costs associated with Affordable Care Act compliance will cost school districts statewide at least $207 million.

It is troubling news for our schools, the State representative said. This is $200 million that school districts won't be able to use to hire more teachers or improve their educational programs. This is an unneeded expense that does absolutely nothing for our students.

The senator concludes by saying: It is pretty sad when schools are forced to prioritize ObamaCare compliance over the education of our children.

So I come to the floor when I hear my colleague from Connecticut saying it is working to say it is not working all across the country. It is not working in so many ways that the President said it is. The President said Democrats should forcefully defend and be proud of the health care law. I don't know how a Senator can stand up who voted for this and be proud of what we are seeing happening to school districts all across the State of Minnesota.

The President continues to tout some number of people who signed up across the country, and I always ask, How many of them actually have insurance?

In Oregon, a story just out in the last week or two, in The Oregonian: Thousands have not paid premiums for Cover Oregonian health policies, placing coverage at risk. So in spite of what my colleague from Connecticut may have said, this article says a large number of people who have signed up for private health insurers through the Cover Oregon health insurance exchange have not paid their first month's premiums, meaning they are at risk of going without coverage through November.

More than 81,000 people went through Cover Oregon—either through paper or electronic applications—to select a private plan. We know about the failures of that exchange. We know that the FBI, I believe, is investigating it. Of those, 5,000 have already canceled policies or been terminated for lack of payment. Thousands more have not yet paid their first month's premiums, meaning they have not completed their enrollment, according to the carriers.

The President talks about the numbers of enrollees. I don't know how many people actually paid to continue—to consistently say they have insurance, and consistent insurance, all the way through. Insurers say anywhere between 66 to 80 percent of consumers have paid, meaning anywhere from 20 to 34 percent have not. So it is hard for me to say that things are working.

It is interesting. Unions, which have supported the law, have come out with concerns. UNITE HERE, a union in Las Vegas, representing many of the casino workers, 2,000 housekeepers, waiters, others at 9 of 10 downtown Las Vegas casinos, are concerned about the cost. One of the union leaders has said, when we first supported the calls for health care reform, we thought it was going to bring costs down.

That did not happen, and that is why I am here on the floor.

Mr. MERKLEY. Mr. President, would the Senator yield for a question?

Mr. BARRASSO. Certainly. Absolutely. Yes, Mr. President.

Mr. MERKLEY. I thank the Senator. I couldn't help but hear outside the Chamber the Senator from Wyoming talking about Oregon. So I just wanted to ask, in Oregon, 400,000-plus people have signed up for health care through the Affordable Care Act. Some of those may have had insurance before. We are not sure if it is 25,000, maybe it is 50,000; there are conflicting numbers on that. But is it a good thing or a bad thing that 350,000 or more individuals have gained access to health care through this plan?

Mr. BARRASSO. I would say that many people in Oregon have been helped and many have been hurt. That is the problem with this health care law. There are people who have been helped, absolutely. I just believe that the costly side effects, the harmful side effects, the dangerous side effects of this health care law have actually hurt people. So for people who may have been helped, there are as many, if not more, who have been hurt through higher premiums, higher copays, loss of their doctor, can't go to their hospital—all of those things—plus, at the expense of significant amounts of taxpayer money wasted. I think we are seeing that situation in Oregon right now with potential lawsuits being filed, FBI investigating, whether there was oversight, and hundreds of millions of dollars, as reported in today's Wall Street Journal, of wasted taxpayer dollars. Oregon, I believe Massachusetts as well; Maryland, Minnesota, States that I have been talking about here.

Mr. MERKLEY. Could the Senator explain how it is for those 350,000 or more—maybe 400,000—who have newly gained access to health care, how they have been hurt by gaining access to health care?

Mr. BARRASSO. I am referring to people who have been hurt by the health care law all across the country. I worry about the more than 5 million people who have lost their coverage as a result of the health care law.

The PRESIDING OFFICER (Mr. COONS). The time of the Senator from Wyoming has expired.

Mr. BARRASSO. Thank you. I am merely trying to respond to my colleague.

Thank you, Mr. President. I yield the floor.

Mr. MERKLEY. I thank very much the Senator for responding to my questions.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

STUDENT LOAN DEBT

Mr. BLUMENTHAL. Mr. President, I am very proud to begin a conversation on the floor with a number of my colleagues about one of the most urgent and pressing challenges that face us as a body here in Washington, making laws, but even more preeminently to families and students around the country who literally, right now, are sitting at their kitchen tables, in their living rooms, in family gatherings, trying to find a path forward in financing their education, their children's education, their grandchildren's education.

We must do better as a nation. We have to do better in giving a fair shot to them—to the innovators and entrepreneurs and investors of the future—the people who will power our economy with ideas and energy as a result of college education, which is part of the American dream—part of giving everybody in America a fair shot at that dream.

I have been doing a lot of listening over these past weeks, over these past 3½ years, and over three decades in public service. I think listening is one of the most important things we do as public officials. There is an old saying that God gave us two ears and one mouth so that maybe we do a little more listening than talking. When I talk to students—and I have been doing a lot of that at commencement addresses and classrooms and roundtables around the State of Connecticut—I tell them I want to listen. What I have been hearing at Ansonia High School and Windham High School and The Stanwich School—high schools around the State of Connecticut—is they are seeing dreams crushed by the cost of college education. The pages who are here today, our children, when we go home at night can tell us about how devastating these costs are, how their hopes and aspirations for the future are constrained and sometimes crippled financially by the cost of college education. We must bring it down. The costs of tuition and expenses must be reduced.

At the same time, we need to find better financing options for our students. That is the reason we are reintroducing today the Bank on Students Emergency Loan Refinancing Act, with some minor changes, because we have listened to people who have told us improvements that could be made in that measure. But, most importantly, we have listened to students, both the high school students and college students, who are telling us about dreams deferred and dreams devastated by the costs of college education. So we must make sure that the $1.2 trillion that overhangs them and our economy is addressed.

This measure would help the students of today and tomorrow. It would help the students of today because it offers promise for the future, and the students who already have debt would be able to reduce that debt. Those students who are paying 7 or 8 or 10 or 11 percent would be able to reduce it, refinance, not just—we all do refinancing of our home loans and our car loans right now. There is no possibility of doing it with student debt loan, and that is what this measure would enable them to do. For folks who have graduated and who cannot start families, begin businesses, buy homes, contribute to our economy, it would enable them to accomplish those dreams rather than deferring or abandoning them.

I am often heartbroken, as I talk to people who have these debts. They did the right thing; they played by the rules, went to college, and now find themselves crushed by that debt. Those who are laboring under these crushing debt loans often have pursued careers in medicine and other professions such as nursing that would enable them to do an enormous good for this country if they were helped, if that crushing burden were somehow reduced. Giving them a fair shot is good for our economy because it will increase consumer demand. It is also good for our social fabric—literally economically, socially, and physically good for our health by enabling some of those doctors and nurses to work in communities that are underserved right now. We ought to give them public service options, enable some of that debt to be paid down or paid off through community and public service. But the measure I think we can agree is urgent and pressing, where there ought to be consensus, is enabling the commonsense refinancing of current debt.

There are other measures that are vitally important, such as clarifying and requiring more accuracy and truth in the forms that are given to students at the time they take these loans so they know what their debt will be; enabling more of them to have grants rather than loans, bringing down the cost of tuition; enabling more public service options as a means to pay down or pay off debt. But let's focus right now on what is clearly an imperative—a moral imperative and a social imperative for our Nation—to enable more refinancing right now. For federal student loans that were originated in the years between 2007 and 2012, the government will make $66 billion. Mr. President, $66 billion. That money goes into the U.S. Treasury fund when, in fact, instead it should be invested in our students and our communities.

I urge my colleagues to join in this effort and to focus on those additional measures we can achieve.

I see my colleague from Illinois is here. He has championed and I have been pleased to join him in efforts to enable student debt to be discharged in bankruptcy. One of the great, gaping gaps in our present bankruptcy system is that students cannot find any relief from this student debt. Almost every other form of debt can be discharged from bankruptcy but not student debt.

So there are other measures we can and should achieve, but a fair shot for everyone ought to begin right now with this measure on the floor, enabling students and former students to refinance so they have the best shot at paying off those loans and a fair shot at the American dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Connecticut for referencing a measure in which we both share an interest. He is right; a student loan is not like another loan. It is not like the mortgage on your home. It is not like the money you borrowed to buy a car or a boat or a line of credit you might have needed at some point in your life. A student loan is a debt that cannot be discharged in bankruptcy. No matter how bad things get, you are going to carry that debt with you to the grave, and believe me, they will pursue you all the way.

We just had a report in the Wall Street Journal. There was a grandmother receiving Social Security benefits. They levied her benefits because grandma decided to befriend her granddaughter by cosigning her student loan, on which her granddaughter defaulted. So now grandma finds her Social Security check being levied to pay off her granddaughter's student loan. It never ever ends.

So I support my colleague from Connecticut. He and I both believe this ought to change. This is awful. For goodness' sake, we have to have some recognition of what is happening with student debt today. It is not the way it used to be. Those of us fortunate enough to get the early government loans—the National Defense Education Act, that is how I went to college and law school. Scared to death when the Soviets launched sputnik, this Senate and the House created a loan program for kids like me from East St. Louis, IL, to borrow money to go to college. I had to pay it back over 10 years with 3 percent interest. I did not think I ever would, but I did. Now look at what students are faced with.

Hannah Moore, of the suburbs of Chicago—I have gotten to know Hannah. I want to tell you Hannah Moore's story. This young lady went to community college first. A good idea, right—affordable, a local college. Then she decided to sign up at the Harrington College of Design. They were going to give her a special education. Well, they sure as heck did. The Harrington College of Design is a for-profit college. Hannah Moore signed up for the course. It is owned by Career Education Corporation. It is a for-profit school. You ought to know something. Career Education Corporation is under investigation in 17 different States for their activities in luring students into worthless college courses. Hannah Moore was one of those victims.

What happened to Hannah? Well, at the end of the day, when she finished

her so-called course at the Harrington College of Design, she ended up $124,000 in debt, and it is growing. She cannot keep up with it. She cannot earn enough money to keep up with it. Do you know what has happened? She has moved into her parents' basement. That is where she has to live now. Her dad has come out of retirement to help her pay off the loan. That is what she faces.

So we are going to do something about it with the help of a few Republicans. I hope a few of them will stand and join us. We are going to give students across America who are not in default an opportunity to refinance their college loans with lower interest rates. Those of us who have had a few mortgages in our life know what that means—a lower interest rate, a lower payment or more money reduced from the principal. It is the only way some of these people ever get out from this burden of student debt. Senator ELIZABETH WARREN put the bill together. I have cosponsored it with a number of others. We think this is the only way that students deep in debt have a fair shot at a future; otherwise, they are going to be swamped with debt and never get out of it.

The prospect of going back to school for Hannah? Impossible. She cannot borrow money for that. Buying a car? Out of the question. Her own apartment? No, sorry, you cannot do that either. I have met young couples who have said: We are putting off raising a family because of the debt.

Now we have a bill that is going to be introduced by Senator WARREN, brought to the floor, and we need Republican support. We cannot pass it without Republican support. So far not one Republican has joined us—not one—for refinancing college debt. But that can change. It will change if our Republican colleagues will simply go home to their States and have a town meeting and ask the people in attendance: What do you think; should we give college students a lower interest rate? Should the Federal Government make less money off these college students so they can get out from under this debt once and for all?

They will find what I found in Illinois—overwhelming support for this approach.

So if we are going to do something in the Senate Chamber that really affects the lives of working families—where young people and their parents can say, well, thank goodness somebody in Washington is finally listening to problems families face—this is it: refinancing college student loans. This is our opportunity to give a fair shot to kids from working families all across America, the kind of opportunity I had, the kind of opportunity millions of others have had.

There is a lot more we need to do to clean up this mess when it comes to college loans and when it comes to the schools that are ripping off students, but let's start at the right place. Let's help students in debt get out from under that debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank my colleague from Illinois.

ORDER OF PROCEDURE

I ask unanimous consent that Senators be permitted to speak for up to 5 minutes each during the majority's controlled time.

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

Mr. BLUMENTHAL. Mr. President, I would like to yield now to Senator MERKLEY and then to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Thank you very much, Mr. President.

I am honored to be here joining Senator BLUMENTHAL, Senator DURBIN—Senator BALDWIN is going to be here—Senator SCHUMER, and many others to come and address this important topic, and this topic is the college loan debt trap.

I have a letter here from Stephanie from Oregon, and she writes to me about the trap she and her husband feel they are in. She says:

> I am writing to you as a potential investor into Oregon's economy and the economy of the United States. Unfortunately, however, I will not be able to be this investor until mine and my husband's Private Student Loans . . . are paid off. We owe a little less than $100,000 in . . . Student loans and pay $1,100 per month. We will pay this amount for the next 12 years. Because of our student loans and the 7–7.2% interest [rate] they are set at, we cannot afford to purchase a house in the neighborhood we love . . . cannot buy a car, and cannot even fathom starting a family. We can't even afford to go on vacation, whether that is around Oregon, or outside of that to the many other wonderful states and countries. We pay rent, utilities, and try and buy good, healthy food, but in order to even afford these basics I have to work 2 jobs at 7 days a week.

She goes on later to say:

> It has been nothing but spinning in place. . . .

This is a growing reality for millions of Americans who have graduated with student loan debt the size of a home mortgage and higher interest that make these huge student loans the equivalent of a millstone around their necks. When our aspiring young adults in America—who have graduated, who have gone on to start their careers—when they cannot afford to buy a house, that enhances inequality in the United States of America because home ownership is the major vehicle by which middle-class families in America establish a nest egg, establish wealth, establish a slice of the American dream. What is more joyous in life than having children, being able to raise children? That is the most tremendous, tremendous experience. But she is saying she and her husband cannot even think about starting a family.

The picture was quite different when I was graduating from high school in 1974. My father—when I was in grade school, we lived in a working-class neighborhood—had taken me to the school doors and said: Son, if you go through those doors and you work hard, you can do just about anything here in America.

Well, that was a message about the fact that there is a pathway to thrive, a pathway to fulfill your potential, a pathway to pursue your dreams, and in the process of doing that you are strengthening our entire Nation because when you aspire to your potential, when you aspire to your dreams, then you also find yourself giving back in all kinds of other ways, including having enough income to pay a Federal income tax and contribute property taxes and revenue, as well as the talents or fruits of your profession.

Well, I still live in that blue-collar community. My kids still go to the same high school I went to. But the message to our students today is very different. They are familiar with many families such as Stephanie and her husband. They are familiar with the fact that student tuition has gone up faster than virtually anything else in our society. It is a much bigger share. I think a rough estimate is about 2½ times the amount in terms of a working income than it was when I was going to school, starting college. Let's make this comparison: In Germany, the cost of a year in college is around 4 percent of the median income. In the United States of America, the cost of a year in college is about 50 percent of the median income. Well, what a difference between less than $1 out of $20 and $1 out of every $2. What an incredible difference. So, at a minimum, shouldn't we be acting today to enable those who have these high-interest student loans to refinance them to a reasonable low rate? Shouldn't we be able to do that?

The PRESIDING OFFICER. The Senator's time is expired.

Mr. MERKLEY. I ask unanimous consent for 30 seconds.

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

Mr. MERKLEY. Thank you, Mr. President.

I will wrap up simply by saying that this is common sense. Let's lower this burden, and then let's go on and do much more: control the cost of tuition, raise the impact of Pell grants, and pursue low-interest student loans as a tool for our students from here going forward.

Mr. President, I am delighted to have had this chance to speak to a fundamental challenge to young Americans in every State of the United States of America.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first let me salute my colleague from Connecticut for bringing us all together to talk about this important issue, the good words of my colleague from Oregon—always on the money, always understanding what average folks need

and have to go through—and, as well, our sponsors of this legislation. I salute Senators WARREN and FRANKEN, who are our two lead sponsors.

The bottom line is very simple. It is amazing to think that there are 40 million Americans and their families—at a time when interest rates are at about a record low—who are paying 7 to 14 percent on their student loans. It is amazing to think that the average student graduates with over $30,000 of loans on his or her back. It is amazing to think that so many of our young people are living at home because they cannot afford not to because of student loans. Thirty-six percent of all individuals between 18 and 31 live with their parents—the highest percentage in 4 decades.

Why should people be paying more? And even more outrageous, guess who is making the profit much of the time? Sometimes it is the private banks. That is bad enough, but sometimes it is the Federal Government. For the Federal Government to charge people nearly double the going rate for their student loans is so unfair.

So we Democrats are hoping to give people a fair shot, a fair shot at being able to repay the cost of college at a reasonable interest rate. That is all we want. We are dedicated to helping the middle class, to helping working people, to helping people who do not have so much money get a fair shot at living decently well, the way they always have in America but in a way that is beginning to decline.

Our colleagues on the other side of the aisle, we would beg of them not to stand in the way but to join us. How do they defend charging those who have graduated from college 7, 10, even 14 percent for their student loans?

Now, we just got a CBO score. Our bill, which is paid for by simply the Buffett rule, which says that someone making over $1 million should pay the same rate as their secretary, as an average person.

Well, that is how we pay for it. Again, I cannot believe my colleagues on the other side of the aisle would disagree with that. Anyway, we have a $21 billion net positive on our bill. So for anyone who is worried that we do not pay for the bill, we actually pay for the bill and return some money to the Treasury. So a fair shot is what is needed here, a fair shot for everyone to afford college.

Last year we lowered the interest rate for people already in college. But what about the 40 million who are out of college and are saddled with high interest rates, people who got out of college before 2010? Let's not forget the effect this has on the rest of the economy and new homes. Young people are not buying homes at the rate they used to—first time home buyers. Why? Well, one of the reasons—we cannot quantify how much yet, but we will be doing that—is that they are saddled with so much student debt at high interest rates.

So it affects our entire economy because construction jobs are not up to what they should be. A large part of that is because people are not buying homes the way they used to. So the bottom line is, it is very hard to resist the logic of the proposal that Senators WARREN and FRANKEN have put together.

Here are some numbers from my State. Fifty-four percent of Long Islanders between the ages of 25 and 29 live at home with their parents or relatives—more than one in two. Amazing. That is the American dream, to be able to get out of college and go live on your own, find a job, maybe find the person you want to spend the rest of your life with. That is the American dream. It is a lot harder to do that when you are living at home, as much as we all love our parents. But because of student debt, because of high interest rates on student debt, people are forced to do that.

So, again, I thank all of my colleagues who have joined in our fair shot effort—our fair shot effort on minimum wage, our fair shot effort on pay equity, and our fair shot effort on college affordability. We will continue to fight as hard as we can to see that the average middle-class family is finally given a fair shot. We hope and we pray our colleagues on the other side of the aisle will not stand in the way.

I know my colleagues from Connecticut and from Minnesota, who has been a great leader on this—and very few in America, let alone in this Senate, have such an understanding of the needs of average families and the middle class than the Senator from Minnesota. So I am happy to yield the floor so she may say a few—what I am sure will be very prescient—words.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I appreciate the words of the Senator from New York, and also his keen focus on these issues for the middle class, giving everyone a fair shot.

I rise today to talk about the problems of student debt in this country and the effects that it has on millions of Americans. I think we all know that it is not just students, as much as that is the first group we think about—students—it is also their parents. Those are the ones I hear from a lot, and how hard it is, and how they have that next kid coming.

While maybe they were able to patch together loans and some income to help one kid go through college, the second one comes along and it is incredibly difficult. They literally have this Sophie's choice about which kid they are going to send to college or what are they going to do with the third kid. It just should not be happening in America today.

I thank Senators FRANKEN, BLUMENTHAL, and BALDWIN for bringing us together on the floor, as well as Senators HARKIN, WARREN, and DURBIN for their leadership on this issue. In the United States we appreciate the value of education. We know it leads to higher-paying jobs, better health, and even longer lives. I know the value of education. My grandpa worked 1,500 feet underground in a mine in Ely, MN. He was not able to graduate from high school because when his parents died, the two oldest boys had to go to work in the mines. They were only 15 years old. That is what they did. They went to work in the mines. They were able to keep the entire family together.

The youngest girl had to go to an orphanage in Duluth for a while, and then they were able to bring her back. Those two oldest boys never got to graduate from high school, never went to college, and worked in the mines their entire life, worked underground at a very dangerous time in our country. When the sirens would go off, they would not know whose family member had been killed.

That is what my grandpa did. He wanted a better life for my dad. He literally saved money in a coffee can in the basement of their house so that he could send my dad to college. Then my dad went to college and became a newspaper reporter. My mom, during the same time period, growing up in Milwaukee during the Depression, ended up going to Milwaukee Teachers College and then came to Minnesota and was a teacher.

Here I am standing today on the Senate floor, the daughter of a teacher and a newspaper man and the granddaughter of an iron ore miner. It would not have happened without education. It would not have happened without my mom's parents struggling to make sure she went to college, and without my grandpa saving that money in a coffee can after working underground in the mines and never being able to go to school himself.

That is what I know about education. That is a story we hear again and again from people in this country. Higher education provides students with the skills they need to be competitive in today's global economy. At a time when more and more jobs require some form of postsecondary school, we cannot allow cost to be a barrier to that opportunity. We cannot allow only the wealthy to be able to send their kids to college. It is really that simple.

This country was built on the middle class. This country was built on this idea that no matter where you come from, if you are in a little iron ore mining town in northern Minnesota, that there is a chance that your kid can go to college. My dad did not start at some fancy college. My dad went to a community college which is now Vermilion Community College, which was then Ely Junior College, and got his 2-year degree. Then he went to the University of Minnesota. Back then it was so incredibly affordable. He would still send his laundry back to my grandma in Ely, and she would do his laundry and she would send it back. He got by on barely nothing.

But he went on from that degree at the University of Minnesota to become a journalist and interview everyone from Ginger Rogers to Mike Ditka to Ronald Reagan. It all started in that hardscrabble mining town. That is what education is about in this country. Outstanding student loans now, they are not like something you can fit in a coffee can. Outstanding student loans now total more than $1.2 trillion, surpassing total credit card debt and affecting 40 million Americans.

One in seven borrowers defaults on Federal student loans within 3 years of beginning repayment. Other borrowers are struggling too. Thirty percent of Federal Direct student loan dollars are in default, forbearance or deferment. It costs a lot of money. When there are not high-paying jobs right out of school or when kids have really high costs from school, and when they are in a job that maybe eventually they will get enough money, they have trouble paying off their loans.

But make no mistake, student loan debt impacts everyone, not just students. Student loan debt hangs like an anchor around not just individual students but around our entire economy. It is dragging us down. Graduates with high debt may delay making key investments like saving for retirement or getting married or buying a home. Student debt may even impact a person's career choices, by deterring some graduates from taking jobs in crucial fields like education.

According to a report I released as chair of the Joint Economy Committee on the Senate side, Minnesota actually has one of the highest rates of student debt in the country. Seventy percent of the recent graduates in Minnesota have loan debt, compared to 68 percent nationally. So it means a lot in our State.

The good news is that there are actions we can take——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. KLOBUCHAR. I ask unanimous consent for another 30 seconds.

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

Ms. KLOBUCHAR. Last summer we acted to prevent the interest rate from doubling. We have also introduced the Bank on Students Emergency Loan Refinancing Act. I urge the Senate to consider this very important bill so more students can manage their debt and build a better future for themselves and their family. I am proud to support this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

Mr. REED. Mr. President, we need to rethink financial aid in this country. We need urgent action if we are to reform our system, to return to the roots, the ideals that made college affordable for generations past, and hopefully for this generation and generations to come. Back in the 1970s and 1980s when several Members of today's Senate were college students, the Pell grant, which is the cornerstone of our Federal student aid programs, covered as much as 72 percent of the cost of attendance at a 4-year public college.

For the 2014–2015 academic year, the maximum grant is expected to cover less than one-third of the cost. Investing in things like Pell grants is critical to ensuring the doors to higher education remain open to all students with the talent and desire to pursue a college degree.

Young people today deserve the same fair shake that Members of this body got when we were undergraduate students, when grants and not loans covered most of the cost of college.

Now, I was fortunate enough at 17 to join the Army and attend West Point. So I did not have to face the rigors of financing college education. But everyone I know in my generation will tell you it was easier then because there was a strong Federal commitment to supporting men and women of talent and desire to go on to college. Ever-rising costs today are just pricing out a whole generation from college education.

We see more and more hard-working young people and their families falling behind as they try to pay for their degrees that were supposed to help them get ahead. In fact, an analysis of student loan debt by Demos predicts that today over $1 trillion in outstanding student loan debt will lead to a total lifetime wealth loss of $4 trillion for indebted households. Not only do people start off after college with great debt, but their ability to build assets in the future is also reduced. So it is a much deeper hole than even the initial debt.

Student loan debt is jeopardizing this generation's ability to buy a home, to start a business, to start a family, to do things that my generation took for granted after getting out of college. For the last 30 years, tuition increases have outpaced inflation. Outstanding student loan debt has quadrupled since 2003. It is time for action.

First, we must provide relief for borrowers who are currently repaying their loans. We must ensure that student loan servicers are held accountable for providing borrowers with accurate and clear information and the full range of borrower benefits they are due. That is why I was pleased to join Senator DURBIN in introducing the Student Loan Borrower Bill of Rights Act.

Even more important to families' bottom line is reducing their payments and overall debt burden. We should allow borrowers with high fixed-rate loans to refinance at the lower rates approved on a bipartisan basis under the Bipartisan Student Loan Certainty Act that became law last year. That is the premise of Senator WARREN's Bank on Students Emergency Loan Refinancing Act which I am also very proud to cosponsor.

I hope my colleagues will let us vote on this proposal so we can provide relief to millions of Americans who are struggling under the weight of student loan debt.

We also have to demand more responsibility from colleges and universities. While student loan debt skyrockets, we are also seeing college executive salaries climb ever higher. Clearly institutions need to have more skin in the game when it comes to student loans. That is why I introduced, along with many colleagues, the Protect Student Borrowers Act, specifically with Senators DURBIN and WARREN. The Protect Student Borrowers Act will hold colleges and universities accountable for student loan default by requiring them to repay a percentage of defaulted loans. As the percentage of students who default rises, the institution's risk-share payment will rise. Essentially, they will now have an interest, and a real interest, in ensuring that their students take out appropriate loans and they have coursework that leads to remunerative employment after they graduate. Colleges can play a key role in all of these things. Today it is a spotty record. Some are very good, some are indifferent, and some are very bad.

The Protect Student Borrowers Act also provides incentives for institutions to take proactive steps to ease student loan debt and reduce default rates. Institutions can reduce or eliminate their payments if they implement a comprehensive student loan management plan—again, if they talk to their students, if they advise them what to do, if they help them manage this debt.

The risk-sharing payments will be invested to help struggling borrowers, preventing future default and delinquency, and reducing shortfalls in the Pell Grant Program. This money will stay in the system to help other students.

With the stakes so high for students and taxpayers, it is only fair that institutions bear some of the risk in the student loan program. I would argue a basic premise, that they will do a lot better as custodians and managers and advisers for the students when they have money at risk.

Right now, it is the students and their families who bear it all—and the government, if there is default. As a result, you don't have the active participation at the institutional level that could make a real difference.

In many respects, this is a lesson we learned, at a very expensive cost, during the financial crisis in the mortgage markets, where mortgage makers had no interest in who was borrowing money. They didn't care if they could pay it back, because the minute the paper was signed, they sold it off to the secondary market and they walked away to the next closing. We can't have that attitude pervasive in higher education.

We know there are many forces that are driving increases in costs in higher education, and one of the cost drivers is, frankly, the falloff on State contributions to public higher education. According to the State Higher Education Finance report, state spending per full-time equivalent student reached its lowest point in 25 years in 2011.

I have introduced the Partnerships for Affordability and Student Success Act to reinvigorate the Federal-State partnership for higher education with an emphasis on need-based grant aid. Remember back in the sixties and seventies, nearly 80 percent of the financing was grant aid. You didn't have to pay it back. You had a chance to get an education and start off without a lot of debt.

Simply put, I believe the States have to begin to renew their investment in education at the college level.

I urge the Senate to come together with a sense of real urgency on finding solutions to all of these issues, to move forward, and to give this generation and the next generation the same opportunity that many of us here took for granted in the sixties, seventies, and eighties.

I yield back the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank my colleague from Rhode Island, who has been such a champion and a leader in these efforts over so many years. Well before I came to the Senate, he was there working and fighting for more affordable loans for our students.

The comments that have been heard on the Senate floor over the past hour reflect a growing awareness and worry in the country, a worry about what happens to America in the future, whether we will leave a lesser America, and whether the American dream will be not only deferred but denied to so many students who are wondering and worrying right now about their personal futures as well as the future of the country.

These comments and this conversation will be extended over this day and the days to come as we prepare for a crucial vote next week on this bill. One of the chief authors of this bill, Senator WARREN, is to be thanked and commended. She will be on floor later today or tomorrow to speak for herself, but she has shown, through her career, how often people who most need this kind of help, whose finances most cry out for this assistance, are impacted, and in fact constrained in their futures by the big banks and lending institutions that take advantage of them—and, in this case, even the U.S. Government itself that is profiting off their backs—billions of dollars in profit at the expense of our students when we should be investing in them.

We have an obligation and a historic opportunity to make things right for young people and older people, whose present lives are impacted and whose futures are constrained by the daunting and financially crippling overhanging debt. It is an overhanging debt that impacts our economy because it prevents the entrepreneurs from taking risks. It prevents young people from buying homes and starting families. It financially cripples our economy as well as those individual lives.

So in the light of self-interest, we ought to argue for all of us to support this legislation. For myself, I am going to be listening to those students who discussed their futures with me at Ansonia High School, Stanwich, at roundtables across Connecticut, at the commencements where I spoke, and the college students who spoke to me at Quinnipiac, or the law school students there who talked to me about how their present lives and their spirit, their hope for public service, as well as for gaining for themselves the promise of their futures, will be impacted and maybe put out of reach by the debt they have, not just hundreds of dollars or thousands of dollars, but tens of thousands of dollars and, for some, hundreds of thousands of dollars.

We can do better for them and for ourselves if we enable them to refinance. Right now, student debt is not only one of the few debts that is nondischargeable in bankruptcy, but it is one of the few debts that is nonrefinanceable.

Let's treat these students as we would other debtors. In fact, let's give them a fair shot. Let's give our country a fair shot.

I am proud to support this legislation. I thank all of my colleagues who are here today, and all who will support—I hope on both sides of the aisle—this vote we will have next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise for a moment to talk about the Sylvia Burwell nomination, pending confirmation to be Secretary of Labor at HHS, and also to talk about the Affordable Care Act, because you can't separate the two.

I have the good fortune of being on the Health, Education, Labor and Pensions Committee and the Finance Committee. The good fortune of that is it allowed me to twice be able to interrogate—and I use the word interrogate understanding its many definitions—Ms. Burwell over issues that were important to me both in the Health, Education, Labor and Pensions Committee, as well as in the Finance Committee.

I found her to be articulate, forthright, straightforward, and candid—something we haven't had in the Secretary of Labor-HHS for the last year or so. I am looking forward to having somebody in there who will be able to answer the hard questions. I might not like the answer, I might not agree with the solutions, but I like having somebody who has the intellect, the capability, and the willingness to communicate with Members of Congress, regardless of their party. So I will vote for Sylvia Burwell to be confirmed as Secretary of Labor and HHS, and I wish her the best.

No one should confuse that vote, however, for being a vote in support of the Affordable Care Act and what it is doing to health care in the United States today. I want to talk about that for a second. Some of these things I want to talk about are questions I asked Ms. Burwell in the confirmation hearing.

When I was on the Health, Education, Labor and Pensions Committee, and we did the markup in terms of the health care bill, we met for 69½ hours. I heard every debate on every amendment; I heard every debate on every philosophy; I heard every proposal that was made, and it became quite clear to me that the premise of that legislation, based on the President's recommendation, was diametrically opposed to my personal philosophy in terms of where government's role should be.

I think the President—and it has been said by the leader HARRY REID recently—thought a single-payer health care system was the right way to go. I think the Affordable Care Act is designed to drive America toward a single-payer health care system.

I would rather have a competitive private sector system that is on a playing field that the government makes sure is fair and level but that the winners and losers in health care become those who compete the best in terms of quality and service.

In fact, the intent of the ObamaCare act and Affordable Care Act has directed a lot of things to happen. Three of them were not good.

Premiums have gone up. The costs to the consumer have gone up, principally because taxes have been levied on the insurance industry. That is No. 1.

Access has been more limited and more restricted based on the Bronze Plan, the Silver Plan, the Gold Plan, and differences between the exchanges.

Third and foremost, there is a great uncertainty in America about what happens next and where health care is going, because the President has selectively given waivers and put off the impact of certain provisions of the law, while lifting up and actually repealing with his own signature and his own pen provisions that were in the law. So there is a lot of uncertainty.

Two things I want to focus on from the cost standpoint. One of them is what is called the HIT, the health insurance tax, which went into effect this year. This year $8 billion in taxes were levied against small- and medium-size group insurance providers in the exchanges for health care. It is an arbitrary number that was used to help determine and pay for the Affordable Care Act, and it is assessed based on the market share of the companies.

Think about this for a second. The U.S. Government is taxing health insurance providers based on their market share of health insurance, and adding that cost to where? To the premium that is paid by the consumer.

It has been estimated that the premium cost is going to go up about $512 a year for the average consumer, just in order for the moderately small- and medium-sized group provider to pay the fine or pay their share of the tax of $8 billion. That $8 billion in 2014, in 2019 goes to $14.3 billion and will go up ad infinitum as it will continue to climb—which means costs will continue to climb.

Access has been restricted because a lot of people aren't playing in the system. A lot of specialty hospitals have chosen not to join the plans. That has meant that specialty care to a lot of children and adults is not available.

Another problem we have had is with navigators, and I want to focus on the navigator point for a second, because it fundamentally underscores my belief in the private sector.

For years I ran a business. It was a business where we had some employees but mostly had independent contractors. We provided group medical benefits for our employees, but only access to salesmen who would sell group plan health plans for independent contractors.

They got a commission when they sold a plan, when they provided the services, and the employee or the independent contractor in my company decided to buy. What we did in the Affordable Care Act—or what the Affordable Care Act and those who voted for it did—it basically did away with all the salesmen in the country who were selling group medical plans to individuals and small businesses. Why? Because it had a medical-loss ratio maximum of 80 percent or 85 percent, meaning your medical costs had to be 80 percent to 85 percent of the premiums. Administrative costs could only be 15 to 20, and it counted the commission for selling the product as an administrative cost, which meant commissions weren't available to be paid.

So what happened? All the people in sales in terms of group medical insurance got out of the business and went to selling something else. What happened because of that? Navigators came about.

So we ended up hiring a bunch of unqualified, unknowledgeable, limited-talent people as navigators to offer to try and sell insurance under the new exchanges created by the ObamaCare act. What happened is sales of those policies were not very robust. In fact, it was very difficult for the President to get his minimum goal of 7 million people being covered. Why? Because the navigators weren't salesmen, No. 1; No. 2, they weren't as well educated as they should have been; and, No. 3, the States did not embrace it.

So that is the private sector solution that had been used for years and years in our country; that is, independent agents making sales of independent insurance products through independent contractors. That has now gone away. They have to now go find an employee who is a navigator, who has no incentive, because they are on a salary and not a commission, to provide a plan or to sell a plan. They merely are there to collect their paycheck and offer information, if in fact somebody can find them.

My point is this: Ms. Burwell is taking on a serious challenge in terms of Labor HHS. The Affordable Care Act presents a lot of problems in terms of access, cost, and quality of health care for the American people that will only get greater as the years go by. We are going to take somebody of her competence and her candid nature to help us join together to see to it that what has become a major problem that looms for our country, the Affordable Care Act, is revisited to look at a new way to go back to the private sector, go back to competition, go back to a level playing field and out of the business of selective taxation, less access, more cost, and more bureaucracy. That is what we have with the Affordable Care Act right now. That is what is untenable.

I wish Ms. Burwell the best. I intend to be very aggressive and active in my work on the Health, Education, Labor, & Pensions Committee and the Finance Committee in trying to get to the bottom of some of the questions that have gone unanswered from the Department. I wish her the best, and I hope I get the answers to those questions when she is confirmed as the new Secretary of HHS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2430 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ROBERTS. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

ENERGY REGULATION

Mr. COATS. Mr. President, this last fall Environmental Protection Agency Administrator Gina McCarthy embarked upon a national listening tour to gather feedback on possible new energy regulations that could be ordered by the Environmental Protection Agency's regulatory power. Notably absent from her tour across the Nation were the major coal-producing or user States.

Now, my State of Indiana was notably absent from that despite our request that she listen to what Hoosiers had to say about their source of energy, what it does for the state's economy, how it helps attract jobs to our State, and how it helps our residents to keep utility bills in line. So we were very disappointed that we were not included in that listening tour. Other States, surprisingly—or maybe not surprisingly—which are also coal-producing energy States were also bypassed. Apparently, they didn't want to hear from us.

I think on Monday we found out exactly why it was done that way, because in the latest installment of the administration's ongoing ''war on coal'' as it is described, Administrator McCarthy announced that the EPA is putting forward new rules on existing fossil fuel powerplants. These new proposed regulations are essentially an energy tax that will damage our national economy as well as the economy of Indiana and hike electric bills for every Hoosier.

As the seventh highest coal-producing State in the Nation, Indiana relies on coal-fired electricity to meet well over 80 percent of its energy needs. Our industry provides thousands of jobs and contributes three-quarters of a billion dollars to the Indiana economy. Because of this, the EPA proposed rule will place a choke hold on Indiana's primary and most affordable energy source, driving up utility costs, and putting our State at a disadvantage in competing with other States to lure companies and to attract residents.

It is worth noting that the EPA's announcement ignores the progress the utility industry has made in recent years, and, in fact, in recent decades. Energy providers in Indiana and across the country have spent billions of dollars to control air pollution that has resulted in significant declines in emissions. In fact, we have significantly cleaned our air and water through environmental regulation and through capital investment to produce an environment that is the envy of many nations. This has been done at a competitive disadvantage to our companies, because we are competing in a global economy and we know that nations such as China and India and others have not made the same commitment that Americans have in controlling their emissions.

We have also been a leader in Indiana in reclamation and restoration on the mining front. So those who say it is a desecration of the land to extract coal need to come and see what we have done in terms of reclamation. Instead of barren hillsidesbarren of grass and trees, you will find lush pastures and scenic views where you would never have known mining had taken place.

Penalizing Hoosier energy producers with unattainable environmental restrictions, I believe, is the wrong approach. In effect it is a backdoor way

for unelected bureaucrats to impose regulations similar to the cap-and-trade scheme previously pushed by the White House. Not only did a totally Democratic-controlled Congress fail to pass this similar proposal in 2010, I think it is clear that there will not even be 50 votes for the EPA's proposed regulations in the Senate today, much less the 60 votes required for passage. I think the President realizes this.

So what does he do? He bypasses Congress, which I think is an unconstitutional means of enforcing what ought to be done through legislation—debated and passed by those who are elected and are responsible to the people who elected them—and bypasses that by essentially moving it to an agency and saying: You do it by rulemaking. Then unelected bureaucrats make the decisions that we ought to be making in this Congress.

This is not the first time that one country has had to limit one type of energy to the detriment of economic growth and the pocketbooks of hardworking families. These new sweeping rules on coal-fired powerplants brought to mind my friends in Western Europe. As U.S. Ambassador to Germany from 2001 to 2005, I had a front row seat for the similar transition away from fossil fuels that most Germans now regret.

When the German legislature passed a renewable energy law in 2000, Germany gave solar and wind producers 20 years of fixed high prices and preferable access to the country's electricity grid. Following a fashionable green wave of the moment, the main political parties in Germany reached a hasty decision to phase out all 17 of that country's nuclear power plants. German leaders vowed to eliminate clean nuclear power while simultaneously aiming to reduce carbon emissions from 80 to 95 percent by 2050. These overly ambitious and seemingly contradictory targets they said would be achieved by an extravagant government plan to encourage the development of renewable energy production methods.

Under the plan the so-called ''energiewende'' or ''energy transition'' renewables, mostly solar and wind, would supply—they said—80 percent of Germany's electricity and 60 percent of the country's total energy requirements. If those goals look impossible, it is because it has been impossible for them to reach and they realize that. Germany's ongoing subsidization of alternative energy means Germans pay significantly higher prices for energy than the global average, putting their industries at a competitive disadvantage. Their consumers pay some of the highest electric rates in the world.

Earlier this year the German government revealed that nearly 7 million families—and they only have 80 million in the country—are in ''energy poverty,'' meaning they have to receive major subsidies from the government in order to pay their electric bills. Today German citizens and their businesses and manufacturing entities complain loudly about these extra costs that Americans and most other European nations do not face. It has triggered a potential crisis from an economic standpoint. Companies are threatening to move offshore, elsewhere in Europe or to the United States or to other places. Users and residents are complaining loudly about the fact that they are subsidizing an unworkable plan.

While the government subsidies finance inefficient technologies and the government obsesses about emissions goals, Germany has ramped up its coal use, ironically, to 45 percent of total electricity generation.

Think about this for a minute.

A government plan to mandate and subsidize alternative energy sources, to close their nuclear plants, to cease using coal-fired plants to provide power has now put Germany in a situation where 45 percent of its energy is provided by the import of coal—high sulfur coal with high emissions, because that is what burns the hottest.

Now the question here is: Can we learn some lessons from this? What we are embarking on here essentially is a plan very similar to what has already been tried and failed. This is a cost too high for our economy in the United States. Without a course correction, I think President Obama's war on coal will receive the same results as Germany's or perhaps even worse, higher prices and real potential for electricity supply disruptions.

I talked to a number of the electric companies that derive from coal a source of energy that provides a very reliable base load. Base load is what you absolutely have to have to keep the lights on and to run the factories and to keep energy flowing. Their concern is that the current plan will disrupt that base load to the point where we cannot guarantee energy will reach homes at a time when a polar vortex has put people at subzero freezing temperatures or when the temperatures climbs to triple digits during the summer. These baseloads cannot be reached by turning windmills, and many days—particularly in my State and others—the Sun is not shining. That is not a dependable source for providing the baseload that is necessary, particularly at times of stress on the system.

President Obama has often seen elements of European socialism as something he would like to impose on Americans. Well, this is one time when I think the President should learn from European socialism and European mistakes and avoid duplicating the situation in Germany by simply letting proven energy providers do their jobs and produce the energy that is needed.

Once again, I have to say the United States has a pretty commendable record of addressing the issues of emissions. We all want clean air, we all want clean water, and we all want to have a safe environment for ourselves, our children, and the future.

Hundreds of billions, if not trillions, of dollars have been spent over the years trying to control those emissions, and we have a pretty good record. Can we go farther? Absolutely. Can we do more? Absolutely. Can we put ourselves on a much more sustainable path to a cleaner environment with less emissions? Absolutely. But setting a mandatory number in terms of percentage and a mandatory deadline in terms of reaching something that has proven to be unreachable and threatens our ability to provide sustained energy to our businesses and residents is something we need to take careful assessment of before we rush into arbitrarily setting a rule that bypasses the debate that would take place in Congress, bypasses the positions of our elected Members of this Congress, and done through a process the Constitution has established in terms of how we make decisions.

I urge my colleagues and the President to take a second look at what the possible consequences could be. It is nothing but pie in the sky, ideologically driven rules and regulations that are driving this. We have a model of a major industrial nation that has taken similar steps and has seen those steps fail.

Again, I urge my colleagues to look very carefully at what is happening through this proposed rule, and I trust we will be able to effectively address this situation in a responsible and reasonable way.

I see my colleague from Tennessee is prepared to remark on perhaps this or something else, but there is probably no one better suited to talk about alternative energy and its consequences than my colleague Senator ALEXANDER.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am delighted to be on the floor to hear the distinguished Senator from Indiana, and former Ambassador to Germany, tell the story of Germany, which has gotten itself into what can only be described as an energy mess.

He summed it up pretty well. They basically adopted the policies the President seems to be suggesting. Where did they end up? They closed their nuclear plants and they are buying their nuclear power from France. They subsidized wind and solar, and now they are buying natural gas from Russia—of all unreliable people. As a result of all this, they ended up having to build coal plants.

I think I was with the Ambassador in Germany, and I said to the Economic Minister: This has produced a situation where you have nearly the highest electricity prices in the European Union. What do you tell a manufacturer when they say they want to come to Germany? The minister said: I tell them to go somewhere else.

Well, somewhere else is the United States today, and we want those jobs.

I thank the Senator for his experience.

I come to the floor on another subject. Tomorrow we will vote on the nomination of Sylvia Matthews Burwell to be the Secretary of Health and Human Services. I intend to vote yes on the nomination. Ms. Burwell has a reputation for competence, and she is going to need it. She is being asked to oversee a big mess this administration has created in health care and so far has lacked the leadership to clean up. Republicans know how to clean it up. We want to take our health care system in a different direction, and we need to be able to work with Ms. Burwell to do it.

In a few minutes, I am going to spell out two things: first, what Ms. Burwell can do to avoid the mistakes of her predecessor in working with Congress and serving the American people, and second, what Republicans would like to do with our health care system. I have five items to suggest for her to work on with us.

No. 1, end the secrecy. Last year I said the NSA could have learned something from Secretary Sebelius because getting information about the ObamaCare exchanges was next to impossible for Members of Congress.

The administration owes the American taxpayers and their elected representatives under the Constitution information about how the administration is spending our money. We should not have to rely on anonymous news sources.

No. 2, work with Congress. This administration has made at least 22 unilateral changes in the new health care law, many of which should have been made by Congress. At this rate, the President may be invited to speak at the next Republican convention for having done the most to change his own health care law.

Our Founders did not want a king. Some Presidents have stepped over the line the Founders intended, but I don't think any President has gone as far as this one. He has appointed more czars than the Romanovs. He made recess appointments when the Senate was in session. He turned his Education Secretary into the chairman of the national school board. This President has swung the furthest from the kind of elected leaders our Founders envisioned, George Washington modeled, and our Constitution prescribed.

Will Ms. Burwell follow the President's steps or will she seek to work within the framework of the Constitution? I hope she chooses the latter.

No. 3, please don't solicit from companies you regulate. This is pretty simple, but the former Secretary solicited from companies she regulated, and she should not have. This kind of behavior should leave with her.

No. 4, be a good steward of taxpayer dollars. Apparently the government is set to spend more than 1 billion Federal tax dollars in technology costs on the ObamaCare Web site. We know that nearly $½ billion was wasted on four failed State exchanges. This kind of waste makes American taxpayers furious. They earned those dollars, paid those taxes, and don't deserve to see that money flushed down the drain by Washington bureaucrats who didn't care enough to see that things were done right.

No. 5, show Americans some respect. That means don't announce major policy changes in blog posts. When Congress asks if you are in trouble, don't pretend everything is fine. If Secretary Sebelius had been upfront about the Web site problems before the rollout, we might have saved Americans precious time and money.

Most importantly, recognize that the majority of Americans disapprove of the new health care law and start taking a look at Republican health care proposals as a way to repair the damage done by ObamaCare.

At Ms. Burwell's hearing before the Senate HELP Committee, where I am the ranking Republican, I laid out again what Republicans would do if we could—what we would like to do with our health care system. We have been saying this since 2009 when the legislation was first introduced.

When I was a boy, my grandfather was a railroad engineer in Newton, KS. He drove a big steam locomotive. He would drive a switch engine into a roundhouse and onto a turntable. It might have been headed to Santa Fe, and then he would turn it around and head it off to another direction, maybe to Denver or Houston. It is hard to turn a big train, so that is what they had the turntables for.

Ms. Burwell understands this. She is from a railroad town in West Virginia, as it turns out, and that is what Republicans would like to do with our health care system, we would like to turn it around and head it off in a different direction—not back but in a different direction. We want to repair the damage ObamaCare has done, and we want to prevent future damage as responsibly and rapidly as we can. We would like to move in a different direction to put in place health care proposals that would increase freedom, increase choices, and lower costs. We trust Americans to make those decisions themselves, and we believe that is the American way.

Four years ago Congress and the President made what we believe was an historic mistake. Congress passed a 2,700-page bill. Republicans said we don't believe in trying to rewrite the whole health care system. Let's instead go step by step to create more freedom, more choices, and lower costs.

Let me take you back for a moment to the health care summit at the Blair House 4 years ago. The President invited three dozen Members of Congress. He spent 6 hours with us, all on national television. I was asked to speak first for the Republicans. I said what I thought was wrong with the President's plan. I said it would increase health care costs, and it has.

USA Today reported that health care spending in the first quarter of this year rose at the fastest pace in 35 years. The Hill newspaper reported that insurance executives say premiums in the new exchanges will double or triple in parts of the country the next year. Even with subsidies, many Americans are finding that deductibles, copayments, and out-of-pocket expenses are so high they can't afford health insurance.

We said people would lose their choice of doctors, and many have. We said ObamaCare would cancel policies, and it has. At least 2.6 million Americans have had their individual plans outlawed by ObamaCare. I remember that Emilie from Lawrenceburg, TN, had a $52-a-month policy. She has lupus, and her policy fit her needs and her budget. It was canceled. Now she is in the exchange, and it costs about $400 a month. She says it is more coverage than she needs and she can't afford it.

Millions more Americans who get their health care through small businesses will find the same thing will happen to them later this year.

We said jobs would be lost, and they have. The President of Costa Rica is hosting jobs fairs and welcoming medical device companies that have been driven out of the United States by the onerous 2.3-percent tax on revenues.

We said Medicare beneficiaries would be hurt, and they have. The average cut for a Medicare Advantage beneficiary will be $317 between this year and next.

We said the only bipartisan thing about the bill would be opposition to it, and it is. A recent Gallup poll says that 54 percent of Americans are opposed to the law.

During the debate, I said every Senator who voted for the new health care law ought to be sentenced to go home and serve as Governor in their home State and try to implement it. There are 16 Governors struggling with that today who won't implement the Medicaid expansion because they are worried about costs down the road, and they should.

When I was Governor of Tennessee, Medicaid costs were 8 percent of the State budget, and that was in the 1980s. Today it is about 30 percent. These Governors are wondering what costs will be in 10 years.

The most important thing we said was what we would do if we could. We said: Let's go step by step in a different direction. Our Democratic friends said: Wait a minute, that is not a comprehensive plan. We said: You are right; we don't believe in comprehensive. If you are expecting MITCH MCCONNELL to wheel in a wheelbarrow with a 2,700-page Republican health care bill on it, you will wait until the Moon turns blue because we are policy skeptics. We don't believe we are wise enough to write a 2,700-page bill that will change the whole system, but we believe we can go step by step in the right direction, and we outlined our steps.

Senator JOHNSON has a proposal that would allow more Americans to keep

their insurance plans, as the President promised.

Senator MCCAIN has a proposal that allows you to buy insurance in another State if it fits your budget and your needs.

Senator ENZI has a proposal for a small business employer so that he or she can combine purchasing power with other employers and offer employees lower cost insurance.

Senators BURR, COBURN, and HATCH have a proposal to allow to you buy a major medical plan to ensure you against a catastrophe and a health savings account to pay for everyday expenses.

I have a proposal to make it easier, not harder, for employers to reward employees who live a healthy lifestyle. That is what we mean by doing what my grandfather did with that train and turning it around and heading it off in a different and correct direction.

As rapidly and responsibly as we can, we would like to repair the damage ObamaCare has done. We would like to prevent future damage. We want to move in a different direction that provides more freedom, more choices, and lower costs. We trust Americans to make decisions for themselves. That is the American way.

Since President Obama will still be in office for the next 2 years, if Ms. Burwell is confirmed, as I fully expect she will be by a good vote, we will need her help to accomplish that.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

VA CHALLENGES

Mr. VITTER. Mr. President, I rise to discuss important veteran and VA issues—issues we are all properly focused on like a laser beam right now—and I will be joined over the next several minutes by Senators RUBIO, INHOFE, and HELLER, who share all of my concerns.

I have been coming to the floor pretty relentlessly—because apparently that is what is necessary—to talk about one specific priority with regard to veterans in Louisiana; that is, moving—there is no good reason we can't move—on expanding outpatient clinics that are overdue in 27 locations and in 18 States, including 2 new expanded outpatient clinics in Louisiana, specifically in Lafayette and Lake Charles. These clinics have been planned for, on the books, and paid for for several years now. They are not being built, they are not being moved into purely because of an administrative glitch at the VA that delayed the whole process by a year. Then, in that intervening year, a so-called new scoring issue came up on Capitol Hill at the CBO. We have blown through all of that. We have solved those problems, finally, after a lot of delay. We have solved those problems, and now there is absolutely no reason to not take up a bill that has been passed by the House, put a simple amendment on the bill and pass it through the Senate, and get on with building these new and necessary expanded VA clinics at 27 locations around the country, in 18 States, obviously including the State of Louisiana. There are two locations there, as I mentioned—in Lafayette and Lake Charles.

I again take the floor in the context of this much broader VA scandal to urge us to come together and act in this simple but important way. I have been coming to the floor to urge this action for months now—well before this current VA scandal erupted. But I think that new context of this national VA scandal makes bipartisan action on this and anything else we can agree on more necessary than ever. So I again urge all of my colleagues to come together to get this simple but important work done and to continue to work on all of the other very necessary changes we need at the VA.

In terms of these 27 outpatient clinics, there is no disagreement about this. A bill has been passed through the House—with one dissenting vote—to get this done. It sits in the well of the Senate. There is no objection to the merits of the bill as long as we add one perfecting amendment that has been worked out with every Member of the Senate. There is no substantive objection to that. However, it has been held up and objected to by Senator SANDERS, the head of the veterans committee, purely because he wants to use it as leverage to pass his much broader veterans bill on a host of other topics.

As I have said many times before, those other topics are very important. Those broader topics have only been underscored in the last few weeks with this developing VA scandal. We need to address many areas, but we shouldn't hold veterans hostage and we shouldn't hold up progress in any area we can agree on simply to create a hostage to try to forge movement in these other areas.

In fact, in terms of that general proposition, I think Senator SANDERS agreed with me. Back on November 19 of 2013, Senator SANDERS adopted and endorsed this approach with regard to other matters. There was another set of work on other veterans issues, and issues were worked out so that a specific proposal could move forward by unanimous consent. Senator SANDERS came to the floor and basically said: Yes, let's agree on what we can agree on. Let's move forward with what we can move forward on.

I am happy to tell you that I think that was a concern of his.

He was speaking about another Senator on this other veterans issue.

> We got that UC'd last night. So we moved that pretty quickly, and I want to try to do those things. Where we have agreement, let's move it.

Senator SANDERS was urging us, particularly in the context of the overall VA scandal and VA mess: Let's start acting. And where we have agreement, let's move it.

We are not going to solve every veterans problem in one bill overnight, but we can start. A bite at a time, a step at a time, we can start to do positive work, and these 27 clinics in 18 States are very positive, very concrete.

So where we have agreement—and we have complete agreement in this area—''let's move it''—a direct quote from Senator SANDERS from late last year. I am sorry to say that Senator SANDERS is not allowing us to move it. We have absolute agreement on the substance of these clinics. We can call that bill off the calendar right now. We can put the perfecting amendment on it. There is absolutely universal agreement on the substance of that bill with that amendment. But we are not moving it, apparently because he wants to use that as some sort of leverage for other VA proposals. I want to work on those proposals, but where we have agreement, let's move it.

Veterans want us to come together in a bipartisan way. They want us to act not in a month or a year, not after more and more studies, they want us to start to act now where we can, where we have agreement.

I think it is very important that we act. It is very important that we do so in a bipartisan way. This is one focused area where that is possible immediately, today, so I urge us all to do that.

There are other areas where we need to act. Senator SANDERS is in discussions with many of us, being led on the Republican side by Senators BURR and MCCAIN. I hope that broader agreement comes together. I hope it comes together very soon. I have been assured by both sides—by Senator SANDERS on the Democratic side and Senators BURR and MCCAIN on the Republican side—that certainly this clinic issue will be included in any such agreement. But let's come together here and now where we have agreement—and we do on these clinics. Let's act for veterans as soon as we can, and we can right now with regard to these clinics.

I urge us to adopt that positive, commonsense approach: Act where we have agreement, immediately. Build consensus and continue to work on those areas where there is continuing discussion, and act and build agreement and build consensus as quickly as we can in those other areas. I urge us to do that as soon as we can, wherever we can, whenever we can, and that can start today—if Senator SANDERS will let us—with regard to these 27 expanded outpatient clinics in 18 States.

I see Senator HELLER has joined us on the floor, and I will defer to him. I look forward to the comments of Senators RUBIO and INHOFE as well about the broader veteran and VA challenges as well as this specific clinics issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I first wish to thank my good friend from Louisiana for putting together a proposal that would ultimately increase

veterans access to care. As does he, I believe our veterans are entitled to a VA system that provides them with the services they were promised—not only promised but to receive them in a timely manner. As my colleague from Louisiana mentioned, I support his efforts to authorize 27 VA clinics, and I cannot understand why the Senate is not acting on this commonsense proposal.

I would also like to thank my other friends; for example, Senator RUBIO from Florida, who is fighting to bring some sort of accountability to the VA. His bipartisan, bicameral proposal is a much needed step in the right direction to give the VA the tools to fire VA executives who are not doing their jobs.

Unfortunately, after talking extensively with veterans in Nevada, I believe these problems of management, of accountability, and of efficiency extend well beyond the Veterans Health Administration. The Veterans Benefits Administration continues to struggle to eliminate the veterans disability claims backlog as it operates in what I consider to be a 1940s system here in the 21st century. There are more than 3,600 veterans in Nevada and nearly 300,000 nationwide who are stuck in a VA disability claims backlog. My home State of Nevada has the longest wait in the Nation at 348 days for a claim to be processed.

What veterans need is for Congress to take action to reform a broken, outdated claims-processing system. That is why Senator CASEY and I came together a year ago to address this issue with a targeted approach to fix the claims process. So here is what we introduced. It is the ''VA Backlog Working Group March 2014 Report.'' These solutions we are speaking about are included in our 21st-century Veterans Benefit Delivery Act, which Senator CASEY and I introduced in March.

Our legislation addresses three main areas of the claims process: submission, VA regional office practices, and the agency's response to VA requests. I recognize that the claims process is complex, and there is no silver bullet that will solve this problem, but the VA's current efforts will not eliminate this backlog.

I think my colleagues here today would agree this is a bipartisan issue. There isn't a Member of the Senate whose State is not impacted by the VA claims backlog. Yet this bipartisan legislation remains in the backlog of bills yet to be considered by the Senate.

It is past time for Congress to give this issue the attention it deserves. Congress needs to reform the VA and when doing so cannot ignore the problems that plague its benefits administration.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I wish to applaud the work of the Senator from Nevada and echo his sentiments. I am a member of this bipartisan working group on the claims backlog. I am a coauthor of the bipartisan legislation he helped spearhead, along with Senator CASEY. It is another very good example of a bipartisan consensus where we can act. We can move it. So let's come together and let's act in a responsible, bipartisan way, and let's move it. That is what veterans want. That is what veterans tell me all across Louisiana. That is what the veterans service organizations are saying.

This crisis demands action. It demands bipartisan action. This is an area where we can act now and act effectively. We should. The clinics I spoke about are an area where we can act now and act effectively in a bipartisan way. We should.

I also applaud Senator INHOFE, who may be coming to the floor, for his leadership on this clinics issue. We need to authorize those and move on with them and get that done.

I also thank Senator RUBIO, who will be speaking later about the legislation he has that has already passed the House to give the leadership—the new leadership, thank goodness—of the VA the authority they need to take dramatic action when necessary, to clean house when necessary, and get people in place who are going to make a difference in that broken bureaucracy.

So let's act now, in a bipartisan way, where we can. Again, that is absolutely possible in these areas, including these 27 outpatient clinics in 18 States, the 2 in Louisiana that I discussed.

We have complete agreement in the Senate on the substance of these clinics. We have legislation that has already passed the House. So please, Senator SANDERS, release your obstacle, release your blockade. Let's move forward. Let's agree where we can agree. Let's act where we can act, here and now, and continue to work on those other vital areas where we also need agreement.

There is a common saying: Time is money. Well, in terms of what we are talking about, time can be lost lives. We have seen cases of that, documented cases of that with regard to veterans who were waiting for so long they died. Time in health care can be lost lives.

This past week, as I traveled in Louisiana, I had a townhall meeting in New Orleans, among other places, and a New Orleans police officer—a female police officer—came and told me about the case of her father who, because of a lack of attention and time lapsed in the VA system, died, literally died directly related to that. Her name is Gwen Moity Nolan, and although she has lost her father, she wants to make sure that does not happen to any other veteran's family, that what happened to Richard Moity does not happen to others. Her case was looked at by the VA, and they admitted fault, they admitted negligence, and they actually reached a substantial settlement with her over their lack of attention to her father. But she really wants to make sure that does not happen to any other veteran's family. She came to me pleading: Can you make sure they have taken the necessary steps to fix those problems in the New Orleans VA?

So I have written to the VA and said: I want to see the results of that investigation with regard to Richard Moity. You say you have taken corrective action? I want to understand exactly what that corrective action is.

Time is money? No. In this case, time can be lost lives—the life of Richard Moity, the lives of veterans in Arizona, the lives of veterans around the country for whom inattention, delay, and lack of responsiveness in the VA system meant lost lives.

So let's not delay here in the Senate. Where we have agreement, let's move, let's act. We have agreement on these clinics. We have agreement on action to address the VA backlog Senator HELLER talked about. Let's act. Let's move because delay can lead to serious consequences in health care, even the loss of life.

I thank Senators INHOFE and RUBIO, who may be coming to the floor later to talk about these issues, for their determined work. I look forward to moving on this issue. I look forward to Senator SANDERS hopefully reaching agreement on a broader set of proposals, including this clinics issue, in the very near future, and if not, I will be back to the floor demanding action on these clinics within a few days.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY relating to the introduction of S. 2428 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEAHY. Mr. President, I do not see anybody seeking recognition, so 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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the 69th straight consecutive week that the Senate has been in session to try to wake us up to the harm that carbon pollution causes to our oceans, to our communities, to our ecosystem, and to our health.

The effects of climate change are all around us, from melting glaciers in our national parks, to drought-stricken land across the American Southwest, to rising seas along my eastern seaboard. In Washington, DC, the iconic cherry blossoms are blooming earlier. Snook, native to South Florida, are being caught off the coast of Charleston; tarpon and grouper off the coast of Rhode Island.

This is all happening now—not tomorrow, not sometime in the distant future but now—right now. Projections show that it will get much worse in the coming years unless we wake up and take real action. Happily, this week, the Environmental Protection Agency used its Clean Air Act authority as established by Congress and affirmed by the Supreme Court to propose carbon pollution standards for the country's existing powerplants.

Before this, there were no carbon pollution limits—believe it or not—none. As you can see on this chart, the 50 dirtiest U.S. powerplants—this is the whole U.S. powerplant fleet. These are the 50 dirtiest powerplants. They put out more carbon than Korea, which is a pretty industrialized country. They put out more carbon than Canada, our neighbor to the north.

I congratulate the administration on developing these smart, sensible limits that will put our Nation on a better path economically and on a better path environmentally. Thank you to the scientists, the engineers, the staffers, the attorneys, and the experts who invested so much time and energy in developing this historic standard. Through an unprecedented public engagement, EPA held more than 300 public meetings, working with stakeholders of all kinds and all across the political spectrum.

The result: EPA has put the States in the driver's seat to come up with their own plans to meet State-specific targets. States and power companies will have a wide variety of options to achieve carbon reductions, like boosting renewable energy, establishing energy savings targets, investing in efficiency or joining one of the existing cap-and-trade programs. States can develop plans that create jobs, plans that cut electricity cost by boosting efficiency, plans that achieve major pollution reduction.

What is not to like? Already, a diverse array of groups support the new EPA pollution standard. The U.S. Conference of Catholic Bishops in a letter to Administrator McCarthy wrote: ''These standards should protect the health and welfare of all people, especially children, the elderly, as well as poor and vulnerable communities, from harmful pollution emitted from power plants and from the impacts of climate change.''

The Catholic bishops went on to point out that ''the best evidence indicates that power plants are the largest stationary source of carbon emissions in the United States, and a major contributor to climate change.''

We are also hearing from 600 State and local elected officials who recently sent a letter to the President in support of the EPA plan. These are the mayors, council members, and State legislators for whom climate change is a day-to-day reality at home right there in their communities.

The letter is signed by officials from both red States and blue, including Texas, Iowa, Arizona, and the ground zero of climate change in this country, the State of Florida. The business community has weighed in. Over 125 companies including American giants like Nike, Levi's, and Starbucks sent a letter of support for the new rule.

> Our support is firmly grounded in economic reality. The new standards will reinforce what leading companies already know: climate change poses real financial risks and substantial economic opportunities and we must act now.

VF Corporation is an American apparel manufacturer in North Carolina whose brands include North Face, Timberland, Wrangler, and many others. ''As a company that makes innovative apparel and footwear for people who love the outdoors, we know how important addressing climate change is to our consumers, and therefore, our business,'' said Letitia Webster, VF's director of global sustainability. ''Today's rules provide the long-term certainty that VF needs to continue to invest in clean energy solutions so that we can do our part to reduce the impacts of climate change.''

Major utilities are behind the new rule. Tom King, the President of National Grid, which serves my home State of Rhode Island, said:

> The Obama administration, through the good work of EPA Administrator Gina McCarthy and her staff has worked in a transparent manner to craft regulation that promotes environmental and human health through a host of clean energy options. Rather than picking winners, this proposed rule supports market-based solutions.

Major public health groups agree. Here is what Harold Wimmer, national president and CEO of the American Lung Association had to say: ''For the 147 million—nearly half of all Americans—already living in areas with unhealthy levels of ozone or particle pollution, curbing carbon pollution emissions is a critical step forward for protecting public health from the impacts of climate change happening today.''

As widespread and broad as the support is for this rule, not everyone is applauding. Big polluters have enjoyed a long and happy holiday from responsibility for the carbon pollution they have dumped into our atmosphere and oceans. This free pollution they have enjoyed emitting is a market failure, a market failure recognized even by groups as conservative as the American Enterprise Institute—a market failure which allowed these polluters to dump billions of dollars in costs and harm on their fellow Americans.

They did this to their fellow Americans without apparent shame or regret, and they are fighting desperately to preserve this loophole. They do not want you to know that we can achieve these reductions responsibly. They do not want you to know that we can do this and help our economy. Indeed, before the proposed rule was even available to examine, the climate deniers at the so-called U.S. Chamber of Commerce said it would cost electricity customers hundreds of billions of dollars and zap the U.S. economy of tens of billions in GDP and hundreds of thousands of jobs.

Do not believe it. These claims are exaggerated at best and flat out false at worst. Do not just take my word for it. Republicans, citing the chamber's report—of course some of our colleagues jumped to cite that report. When they did, they earned a PolitiFact ''false'' and four Pinocchios from the Washington Post fact checker.

The problem with the big polluters is that they only look at one side of the ledger. They ignore the costs of carbon pollution on the rest of us. These costs are real. People see them in their lives, in real lives at home in our communities—damage to coastal homes, roads, and businesses from rising seas and erosion; asthma attacks in children triggered by smog, sending them to the emergency room; forests dying from beetle infestations and swept by unprecedented wildfire seasons; farms ravaged by worsened drought and flooding. Our side of the ledger counts too.

If the big polluters were accountants and they filed financial statements that only looked at one side of the ledger, they would go to prison. But this is politics, so without consequence or shame or regret, they ignore the harm they cause the rest of us.

If the Chamber of Commerce and the big polluters want to talk about jobs, let's not forget about the jobs they hurt by their carbon pollution. Fishermen in Rhode Island have seen their winter flounder catch nearly disappear in recent decades as the water temperature in our Narragansett Bay has risen 3 to 4 degrees. That is an ecosystem shift for these species.

Actually, there are now more jobs in clean, green energy than in oil and gas, more jobs in solar than in coal mining.

This rule is a job creator in innovation and clean energy. The polluters just won't count that side of the ledger.

It is an old story: tobacco, seatbelts in cars, acid rain, lead paint, ozone depletion, and more. Same old strategy: Muddle the science, manufacture doubt, manufacture cost, exaggerate the costs, and ignore the economic benefits.

The Clean Air Act, according to a 2011 EPA assessment, will benefit Americans more than it costs by a ratio of 30 to 1, $30 of value in preventing hospital visits and premature deaths, avoiding missed work and school days, improving environmental quality, helping people live healthier, more productive lives—$30 of value to Americans for every $1 they had to pay in cleanup costs.

Opponents of clean air standards have been proven wrong time and again. Here is the bottom line: Excessive carbon pollution is bad for our health, bad for our environment, and bad for our economy, even bad for our

national security, if you read the Department of Defense's own Quadrennial Defense Reviews.

The largest source of carbon pollution in the United States is powerplants. Until now there were no limits on the carbon pollution these plants could spew into our atmosphere and oceans. This week changes that. If the big polluters don't like the change, many of us will work with them on a legislative alternative. Perhaps as many Republicans support an economywide price on carbon pollution, which could generate a financial benefit for taxpayers and even provide transition assistance to affected industries. But they can't just keep dumping their pollution on the rest of us. Doing so might be free for them, but the costs are too high for us. Their long holiday from responsibility has to come to an end. It is time for them to wake up.

A number of my Republican colleagues have come to the Senate floor to respond to the administration's proposal. Those of us seeking to stave off the worst effects of climate change welcome this opportunity to engage in a bipartisan discussion on the challenges of climate change.

In the past, Republican colleagues have coauthored and voted for bipartisan climate change legislation. They have spoken out in favor of a carbon fee and, of course, our Republican colleagues represent States such as Florida that are every bit at risk from the effects of climate change as States represented by Democrats. So we think our Republican colleagues could have a lot to offer if they wish to join us in exploring solutions.

A number of us have requested that time after votes on Monday, June 9, next Monday, be reserved for us to engage in a robust, bipartisan exchange of views about carbon pollution. We invite all our colleagues, Republican and Democrats, to join us then on the floor. We hope to find the Republican Party in the Senate is not a uniform monolith of climate denial.

We earnestly believe the costs of failing to exercise American leadership and solve this carbon pollution problem are very high, terribly high, with ramifications for our health, safety, economic well-being, our food and water supplies, and our national security and standing.

I look forward to a vigorous discussion on Monday. I hope my colleagues show up.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Today I would like to discuss the nomination of Sylvia Burwell to be Secretary of Health and Human Services. I am going to make some criticisms of her performance and the background she lacks in taking on this huge agency.

I have met with her, worked with her some as OMB Director. I like her, and she is courteous and capable, so I am not talking personally in any bad way about her, but this is an important agency, one of the most important agencies in our Nation. The Secretary of Health and Human Services oversees several of the largest programs in the entire Federal Government. Crucially, the Secretary is also the person tasked with implementing the President's health care law. It is essential that anyone who fills this position possess great skill, relevant experience, proven managerial experience, and who will act with independence and in the best interests of the American public—one who, at this critical time, puts country over politics. They cannot be a political loyalist, but they must be someone of stature, integrity, and sound judgment who is willing to tell the President no if asked to circumvent the law, provide false information, or otherwise act against the public interest.

From the President's own perspective, he needs desperately someone who is able to evaluate these major programs such as ObamaCare with wisdom and tell him and help him—and particularly tell the American people the truth.

Ms. Burwell does not have the background one associates with a position of this magnitude. She just does not. Nor does she possess the specific skills critically needed today. The OMB office she now holds has 500 employees. HHS has 72,000.

Aside from her short tenure at the Office of Management and Budget, which has just been 13 months, she is just now beginning to find her way around, presumably, that office. She has never run any major department, any major health care department, a department or an agency, a major business, a significant city, or a State. There are many very capable people in this country who would be much more ready to assume the august responsibilities of this job.

It appears her most significant health care role prior to this was serving as a board member—part-time board member—of a local university medical center.

In fact, 2 months ago in a Budget Committee hearing, Ms. Burwell declined to answer a basic health care question until she said she would seek Secretary Sebelius's expertise on the matter, but she never provided that answer anyway.

Her time as Director of the Office of Management and Budget was controversial. The budget plan she submitted to Congress plainly violated the spending caps Congress and the President agreed to and passed into law. She produced a budget plan that would increase spending by nearly $791 billion over 10 years. That is above the Ryan-Murray agreement that passed in Congress that set these spending limits just a few weeks before, including, in that budget, a proposal to increase spending by $56 billion over the budget next year.

As the ranking Republican on the Budget Committee, I have been involved in this and observing it. To my dismay, she went to enormous lengths during her testimony before the committee to try to conceal this increase in spending. It was very amazing to me.

On the day the President's budget was submitted, the Associated Press reported that the plan Ms. Burwell authored ''lays waste to the spending caps that the White House and Congress agreed to late last year.''

Also at the same time The Hill reported the budget this way—Obama's ''$3.9T budget busts spending limits.''

Remember, Ms. Burwell was the Director of Office of Management and Budget. Her staff produces the budget and defended the budget.

It goes on to say in the first paragraph the truth of the situation in The Hill. The article is by Erik Wasson.

> President Obama on Tuesday released a $3.9 trillion election-year budget blueprint that would bust the bipartisan budget ceiling agreed to in December with $56 billion in new stimulus spending.

This was 10 weeks after they had agreed to one level of spending. She walks in and produces a budget that is $700-, $800 billion almost more in spending over the budget of 10 years, and $56 billion more the next year.

When I asked her about that, apparently it was politically sensitive. Apparently they had decided they didn't want to admit they were spending more money. The Associated Press says they did. Politico said they did. The budget they submitted that was in law—laid before the Budget Committee—plainly demonstrated it spent more than they agreed to spend.

I asked her about it. It went something like this. It was a very long exchange. It was frustrating for me. I will quote from some of them, because I think we need to understand these issues. I asked her about the spending excess:

> Mr. SESSIONS. So you're proposing that we alter Ryan-Murray [that is the law that set new spending limits, allowed more spending than we previously agreed to, but it continued to set some limits] so you can spend $56 billion more next year alone. Yes or no; is that correct?
>
> Ms. BURWELL. We propose a paid-for [initiative] . . .
>
> Mr. SESSIONS. Can't you answer that question simply? Yes or no? Do you propose to spend $56 billion more than Ryan-Murray allows?
>
> Ms. BURWELL. Senator, we do propose a change in the law that would be fully paid for that would invest in things that we believe are necessary for the economic health of the nation.
>
> Mr. SESSIONS. Do you want to spend more than the President agreed to when he signed the Ryan-Murray 10 weeks ago?
>
> Ms. BURWELL. Senator, we signed Ryan-Murray . . .

Mr. SESSIONS. Now, I'm just asking, yes or no; are you [spending] more or less?

Ms. BURWELL. Senator, I think there are some questions that are not simply yes or no questions . . .

Mr. SESSIONS. This one is a yes or no question. You're refusing to answer it . . .

I simply asked a public servant who is paid by the taxpayers: Are you spending more money than the Ryan-Murray budget had agreed to and the President signed? And she refused to answer. It was really frustrating. But I think it is indicative of the fact that they were allowing politics to interject itself here—because the White House didn't want to admit, and she stood up for the White House and wouldn't admit it. But, as Politico says, it plainly was true that they were spending more.

So rather than acting as an independent steward of taxpayer dollars and simply telling the plain truth to a simple question, she acted as an extension of the President's campaign arm—advancing their spin without honestly acknowledging the clear and plain facts to the American public asked by a representative of the people of the United States. There was no doubt that they spent more money than Ryan-Murray would allow, but they never acknowledged it because she politically did not want to admit it.

The Director of the Office of Management and Budget is more than a political position. The Director serves the President, yes, but it is at bottom an important public servant, and the person who holds that job must act as a disciplined manager of taxpayers' dollars and do so with clarity and openness. The Director is managing the world's largest budget.

However, Ms. Burwell submitted a financial plan—a budget—that would have increased spending more than $700 billion above the current, agreed-upon, in-law budget levels while, amazingly, suggesting her plan reduced spending. It was a tax-and-spend budget that would have added $8 trillion to our debt while doing virtually nothing to reform the entitlement programs heading for impending insolvency. It completely busted the budget law the President signed. It was a grossly irresponsible plan.

According to Ms. Burwell's own budget submission, the plan would have caused interest payments on the debt to nearly quadruple, from $221 billion in interest paid last year alone to more than $800 billion 10 years from now. So this is really a serious matter. There is no attempt to balance the budget in her plan even over 10 years. Indeed, it flatly rejected the very idea of a balanced budget.

Additionally, despite her public commitment during her confirmation that she would deliver the budget in accordance with the legal deadlines, the President's budget was again delivered more than a month late.

Importantly, Ms. Burwell failed to comply with Federal law requiring her to submit Medicare improvement legislation after the Medicare trustees issued their funding warning. Medicare is heading to financial ruin. The law says that if Medicare reaches a point where its future is financially in doubt, it must notify the President, and the President, through his Office of Management and Budget Director, is supposed to submit to Congress a plan to get Medicare off the path to disaster. It was submitted to President Bush. He submitted a plan to Congress to fix Medicare. But this President has steadfastly refused to do so, and so did Mrs. Burwell as his Office of Management and Budget Director.

It states that within 2 weeks of the budget submission, legislation must be sent to Congress to comply with this so-called Medicare trigger. It requires a plan to fix the program. During her confirmation as OMB Director, she was asked about this duty she was going to have, and she made a commitment to respond and produce the Medicare trigger. Specifically, she said she would ''do everything in her power'' to comply with the Federal law, bringing an end, in effect, to the administration's several-years-long defiance of plain law.

As the President's Budget Director, under 31 USC, 1105, Sylvia Burwell was the person responsible for complying with the Federal law. Having willfully violated this requirement, it is ironic now that, if confirmed as Health and Human Services Secretary, she will serve on the board of trustees of the Medicare trust fund, she will be responsible for overseeing their finances, and she will be issuing to her former office—OMB—the same funding warnings that the administration received and ignored while she served as budget director.

Ms. Burwell has also violated law and denied Congress needed transparency with respect to the President's troubled health care law. Specifically, the Omnibus appropriations bill signed into law in January required HHS to include in its fiscal year 2015 budget a detailed accounting of spending to implement the health law. Fair enough. But neither the budget Ms. Burwell delivered nor the agency justification that later joined it satisfied the requirements set in law. They should do that. They are public servants. They should tell us how to handle the problems of financing in health care law.

As OMB Director—the budget submitted to the Congress by Ms. Burwell reclassified the budgetary treatment of the ObamaCare risk corridor program without statutory authority to do so. Under this approach, it appears HHS attempts to escape congressional accountability for its use of certain funds. So this is a clear violation of the congressional power to appropriate money, and it is pretty clear that to fund this program they are going to have to ask Congress to fund it. But by moving this around, they are attempting to spend money without asking Congress to appropriate it—against the Constitution.

Regrettably, it seems Ms. Burwell followed a consistent pattern. Rather than using OMB as the central agency to reform this massive, out-of-control spending government, to stop wasteful spending and tame the debt—as former OMB Directors such as Mitch Daniels and ROB PORTMAN did; now-Senator PORTMAN submitted a balanced budget when he was OMB Director under President Bush—she has not submitted any reforms to bring our government under control in OMB.

One of the concerns I had about her appointment was that it is such a critical part of our government, we have to have a strong OMB Director to control this massive government and control wasteful spending. That is the President's right arm. That is the person who brings the Cabinet Secretaries in to say: You are spending money. I hear complaints about waste. I hear about duplication. The President wants you to fix this.

We saw none of that under her leadership. Her tenure at OMB evidenced no drive to even tackle the magnitude of our financial challenges. She proposed to bust the spending caps that Congress and the President agreed while trying to suggest otherwise. She ignored the Medicare trigger. She tried to put a positive spin on a dangerous financial plan instead of trying to actually solve the serious financial challenges facing our country today.

With ObamaCare in chaos and disarray, threatening the very economy and the health care of Americans by the millions, what we desperately need in this key position is someone who will be independent, forthright, and honest, someone who will resist political pressure from the White House, and someone who knows what they are doing. This position demands that we find one of the best and most respected health care experts in the world. That is what we should be looking for. Ms. Burwell, as nice as she is, sadly, is just not that person. She does not have those skills.

ObamaCare was passed into law on a series of egregious falsehoods. The American people intuitively recognized that this was an overreach and would not work, and the American people are now paying the steepest of prices for this complex, failed piece of legislation. One of the falsehoods was that it would not add to the debt—not a dime, the President said. Well, we now know it would add more than $6 trillion to the long-term debt of the United States. That is a huge amount of money.

A Secretary of Health and Human Services must tell the American people the truth about the law's finances. If they fail to do so, if the Secretary will not acknowledge the truth and the challenges that our finances face, then the entire future, financially, of America will be at risk.

So I believe Ms. Burwell is a good and well-meaning person. Senators MANCHIN and ROCKEFELLER from West

Virginia like her, and Senator WYDEN of the Finance Committee and I like her. But I cannot support her bid to control the health care future of millions of hard-working Americans by placing her in charge of this massive agency that so desperately needs mature, aggressive, strong leadership—somebody who understands these issues before they take the job. I will vote no on her nomination as Secretary of Health and Human Services.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

(The remarks of Ms. WARREN pertaining to the introduction of S. 2432 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. WARREN. I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Ohio.

CONCERN FOR VETERANS

Mr. BROWN. Mr. President, during Memorial Day and last week, I spent much of the time traveling Ohio with Michael Fairman, a retired Navy corpsman and a Columbus resident, who served with the Marines in Afghanistan from 2007 to 2011. His son Zack is a third-generation Navy corpsman serving with the Marine Corps First Tank Battalion deployed in the Middle East.

Based on his own combat experiences and his concern for other veterans and the suicide of a friend, a fellow veteran, Mr. Fairman came to my office with an idea of how we can help both servicemembers and veterans—veterans like Alexander Powell, a student at the University of Toledo who joined us in Northwest Ohio. Mr. Powell was deployed in Iraq in 2006 when his gun truck was struck by an IED. He had no physical or visible injuries. He went back to duty the next day, but he began experiencing blackouts and dizzy spells. It wasn't until 2009 that he was diagnosed with a traumatic brain injury and hospitalized to begin treatment.

Mr. Powell is not alone. The VA reports that some 300,000 veterans struggle with post-traumatic stress. The Defense Department reports that out of 300,000 TBI injuries, there are 25,000 cases of what they call mild traumatic brain injuries because mild TBI is an invisible injury. Think of an NFL player getting a concussion or a series of concussions over a period of a career. Think of a soldier getting what a number of soldiers said to me—marines and air men and women and soldiers and sailors talk about getting their ''bell rung'' when they get a head injury. It is an injury that is not serious enough for an NFL player to sit down, not serious enough for a soldier to be sent home, perhaps not serious enough for a soldier to get any medical treatment at all, but one of a series of concussive events of invisible or minor head injuries can lead to problems a number of years later.

So when veterans or servicemembers seek service-connected disabilities for related injuries, they often don't have the necessary documents needed to establish the connection between their military service and their claim with the VA. That was the case for Mr. Powell. He told me last week:

> It was my job [after returning home] to gather up any proof that I had to show that my truck was hit by an IED and gather statements from people who were there to corroborate my story. That is a task, if not done immediately after the incident, that is almost impossible to accomplish.

So 5 years, 6 years, 7 years later, Mr. Powell is back in Ohio trying to piece together the series of head injuries he sustained, what exactly happened, finding witnesses, his unit commander, and comrades to be able to prove to the VA that his disability is earned and warranted and trying to explain to his doctor what his head injuries might have entailed. The burden is on the veteran to provide the VA with information establishing the connection between their claim and their service. This can lead to denied claims. It can lead to improper medical care. It increases the disability claims backlog.

We are all concerned—even though the VA has shrunk that backlog by 50 percent in the last year or so, we also know that one of the reasons for the backlog at the VA is it takes so much more time for the VA employee and the soldier to try to piece together the record of injuries that might have taken place 5 years ago, a decade ago, a decade and a half ago. That is why I introduced the Significant Event Tracker Act, which Mr. Fairman helped to create. This bill will improve the claims process for veterans and servicemembers. Mr. Fairman visited a number of House and Senate offices. The only one who responded was actually Senator CORNYN's office, from Texas. He and I have talked about this bill, and we both understand how important this can be to veterans. Let me explain the bill.

First, it would allow unit commanders to document events, such as a roadside bombing, that each servicemember in their command is exposed to and which might later be connected to these ''invisible injuries.''

Second, recording this information on an individual basis will help military medical officers better diagnose and treat military members who have mental health concerns.

Finally, for veterans and military retirees, this act will help them file better initial claims—claims with supporting documentation from DOD. In other words, veterans should be able to focus on their recovery, not on having to prove the cause of their injury.

Let me say that again. A soldier going to the VA in Dayton, OH, or Cincinnati or to a veterans clinic in Mansfield should be able to focus on her recovery and not having to prove the cause of her injury. This bill puts the responsibility on the Army, on the Marines, on the Defense Department, not on the veteran, to track and connect significant events to individual servicemembers that would later potentially lead to post-traumatic stress or to traumatic brain injury. Commanders already report major injuries. We want commanders to report about individual servicemembers who were involved in any kind of a minor or ''invisible'' head injury.

This was a big idea that came to me from Michael Fairman. He visited a number of Senate offices and House offices. Senator CORNYN showed interest in it. My office has written the legislation with Michael Fairman. This Nation is rightfully proud of our veterans. This idea came from a veteran. This idea deserves to be seriously entertained by this Senate and, frankly, by the Defense Department, if we can work with them, on finding ways to implement some of these ideas.

25TH ANNIVERSARY OF TIANANMEN SQUARE

Mr. President, I rise to commemorate an event that happened 25 years ago today not just in Beijing, China, but in other places in China when millions of people across that country, in Tiananmen Square and other places, rallied in support of democracy, human rights, and an end to official corruption.

Like many Americans, I was inspired. At the time, I wasn't a Member of Congress. Living in Ohio, I was inspired by the courage and pursuit of individual fundamental freedoms—freedoms that we hold dear in this country and sometimes take for granted, that are not always granted in other countries around the world. I recall the optimism of that moment and how it was crushed when the tanks rolled in.

Today we assess what the last 25 years meant to the Chinese but also, more importantly, to U.S.-China relations and what our policy should be. China has made tremendous leaps forward in the past 40 years since normalization, but following Tiananmen Square we have missed opportunity after opportunity to integrate China into the global rule-based community of nations to protect our economic interests and to move China in the right direction on political reform.

It is not an easy task, but 25 years later China is still fundamentally undemocratic. It too often refuses to play by the rules—rules that would benefit China short term and long term. The question now is whether China will address the challenge facing it or will it continue to take a more doctrinaire and hardline stance, one that undermines the progress China has made and, because of China's influence, could undermine the global system and regional stability.

In many respects China has reaped the benefits of open trade with the rest of the world while avoiding many of its obligations. Our trade deficit with China at the time of Tiananmen Square 25 years ago stood at $6 billion; that is, we bought from China $6 billion in goods more than we sold to China. Last year it grew to 50 times that

amount—$318 billion—the highest ever. That means almost every single day of the year on the average, every single day of the year, we buy from China $900 million more in goods than we sell to China. That trade deficit and China's currency manipulation has cost Americans millions of jobs and significantly reduced our Federal budget.

I know what unbalanced, unfair, and not playing on a level playing field trade with China has done to places such as Springfield, OH, Marion, OH, and Chillicothe and Lima, and my hometown of Mansfield, and Ravenna, OH, all over my State, all over the Midwest, all over the country. In the end, we compromised as a nation too much. We bought into the myth that China's economic integration after Tiananmen Square would bring about human rights and respect for the United States and international rules. That is not what has happened.

Through the commission I chair, the Congressional Executive Commission on China, we have tried to honor the memory of Tiananmen Square by making sure that China's obligations toward human rights and the rule of law are not forgotten.

The commission highlighted many concerns: cyber theft threats to democracy in Hong Kong, illegal, unfair trade practices, denial of visas, or threats of denial of visas to foreign journalists, food safety, environmental, and public health concerns, a crackdown on human rights activists, including Ilham Tohti, a peaceful activist for the Uyghur minority group in Tibet.

It is my hope we have an open and transparent debate about our China policy. Whether it be on trade agreements, where we continue to be on the short end every single year, or whether it is about growing Chinese foreign investment in this country, this debate must be given proper weight rather than ignoring our concerns over human rights, the rule of law, labor, public health, and the environment.

Above all, the debate about U.S. policy toward China must include all segments of our society and not the way we typically do trade agreements in this country, supported by newspaper publishers, economists at Harvard, but not fundamentally supported by the American people and the public.

Our workers and small businesses need to be included, NGOs and human rights groups, instead of being led by powerful interest groups such as large corporations. Debate needs to be inclusive and it needs to draw on the interests and aspirations of all parts of American society.

More must be done as we honor 25 years in the memory of Tiananmen Square. The world must continue to seek improvements on China's record of human rights and the rule of law. More must be done. Only by recognizing the legitimate aspirations of its people and the obligations of the international system can China assume the role to fit its history and its size.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

FREEDOM OF SPEECH

Mr. CORNYN. Mr. President, in the wake of some recent Supreme Court decisions touching on our system of campaign finance, there has arisen in the Senate, frankly, this bizarre notion that we are going to amend the Constitution to undo the Bill of Rights, and particularly the First Amendment and its protection of the freedom of speech.

Of course, the proponents don't describe it that way. To hear the majority leader, who testified before the Senate Judiciary Committee yesterday, he said: They are merely trying to keep what he called dark money out of American politics.

By giving Congress the ability to regulate political speech and the means by which that is paid for and disseminated, this amendment would invite all manner of partisan mischief and abuses and effectively dismantle one of the most fundamental liberties secured by our Constitution which makes America the envy of the world, and in many ways unique in that we protect freedom of speech without regard to the content of the speech and without regard to the identity of the speaker, whether they be rich, poor, or a member of the middle class. Whether that opinion is informed or not necessarily well-informed, we believe in the marketplace of ideas where the American people are the only judge as to what they believe the truth is. We don't try to stifle or squelch speakers, particularly in the political process.

As our good friend the Republican leader said yesterday:

> If incumbent politicians were in charge of political speech, a majority could design the rules to benefit itself and diminish its opponents. And when roles reversed, you could expect a new majority to try to disadvantage the other half of the country. And on it would go.

So this power the majority leader has proposed in amending the Constitution so Congress could regulate political speech could be an instrument of incumbent protection where the party in power could use that as a weapon against the minority trying to persuade the country that they should be restored to the majority rather than linger as a minority.

Is this really the kind of system our colleagues who are proposing this constitutional amendment want? Well, you have to ask whether they have any realistic belief that this will actually become law. And of course it would have to pass both Houses of the Congress by a two-thirds vote, and it would have to be ratified by three-quarters of the States. I don't think it is an overstatement to say they have no chance of this becoming law.

Why in the world is such an outlandish proposal being made by somebody such as the distinguished majority leader of the Senate and other folks in his party? Well, it is no exaggeration to say this proposed amendment would undermine American democracy as we know it, so there has to be some other reason other than the substance of the amendment they are trying to get at.

Lest we forget the whole purpose of the First Amendment is to ensure that all political speech—as a matter of fact all speech, period—is protected from government interference, and that is why it is in the Bill of Rights, at the time our country was founded there was a serious debate about whether we needed an explicit Bill of Rights or whether the very structure of our government with its checks and balances and our shared power between the judicial, executive, and legislative branches would itself provide that protection. But the Federalists said, no, we are not going to settle for that. We want an explicit protection of those rights that are not derived from government but which precede government—which don't come from government but come from our Creator.

Under the logic used by the proponents, the government should change this provision in the Bill of Rights that has been the law of the land for more than 200 years and now start regulating how much money newspapers, magazines, and Web sites are allowed to spend on articles concerning politics and public policy. After all, when media outlets publish this information, they are using their financial advantage over ordinary citizens to be able to get their views out to the public. And, of course, they are trying to persuade citizens and voters and trying to affect political outcomes, both in terms of public policy choices and elections.

The majority leader, if he were on the floor, might say: Well, we have a provision in here that we will not grant Congress the power to abridge freedom of the press. If you could turn off and on the money by which the press disseminates its point of view, if you can regulate perhaps even to the point of zero on the part of political actors and their ability to disseminate their views in the public or influence voters before the election, this carveout is effectively meaningless.

It would most certainly grant Congress the power to abridge the free speech of individuals and groups as disparate as the American Civil Liberties Union, the National Rifle Association, and the Sierra Club, which obviously have different views but enjoy and are entitled to the same freedom to speak their views and persuade people to their point of view as much as anybody else. It would also grant Congress the power to abridge other freedoms in the First Amendment, such as freedom of assembly and freedom to petition government for the redress of grievances, and it would allow State governments to ride roughshod even over freedom of the press.

You have to wonder why in the world would intelligent, highly educated, experienced Senators—people who are

knowledgeable about all of the matters I have talked about—propose such a wrongheaded idea and one they know will never become the law of the land?

Well, unfortunately, this is part of an effort to intimidate and stigmatize people from participating in the political process. We know the majority leader comes out to the floor and talks daily about the Koch brothers, whom he happens to disagree with, and he disagrees with their right and ability to participate in the political process and to affect elections. He doesn't talk about other political actors, such as organized labor, which has essentially been carved out of the limitations on political contributions and political spending. He doesn't talk about people such as Tom Steyer, a former hedge fund manager who says he will spend $100 million against anyone who supports the Keystone Pipeline or anyone who opposes his views on climate change.

This cherry-picking in terms of trying to intimidate people and to squelch political speech is pretty apparent. It becomes apparent because obviously the majority leader is very worried about the upcoming midterm election and what might happen when we see the pushback from voters in the Senate races all across the country over the last 5 years, and this great, huge growth in government and its intrusiveness in their lives.

Here is the bottom line: Free speech is free speech, period. To quote a recent Supreme Court decision:

> There is no right more basic in our democracy than the right to participate in electing our political leaders.

As they said, there is nothing more basic.

As I mentioned a moment ago, thankfully the Founders were wise enough not only to give us the Bill of Rights and our Constitution but to make it very difficult to amend it in the first place, so we know the majority leader's amendment has no chance of actually passing. Yet its mere introduction, the fact that a major political party and a majority in the Senate apparently believes in shrinking the First Amendment in order to weaken their political opponents, should be a cause of broadspread concern in the country. People ought to ask the question: Why in the world would you propose to do something as draconian and as damaging as that?

Well, it is the kind of amendment we would expect to see not in the greatest deliberative body in the world, and certainly not in the Senate, but maybe some banana republic or some country that does not have our experience or our foundation in constitutional self-government. Therefore, it is not merely enough to reject this amendment and then quickly move on to something else. We need to send a clear, unambiguous message that the Bill of Rights is not up for debate. We need to send a clear, unambiguous message that our First Amendment freedoms represent the bedrock of American democracy, and we will not agree to undermine that, damage it, or otherwise impair it on our watch.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if my friend from Wyoming wishes to speak, we will go through the process for 3 or 4 minutes, and we will put the Senator on what we call automatic pilot if he cares to speak.

Mr. BARRASSO. I will be less than 2 minutes.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, on Thursday at 1:45 p.m., all postcloture time be expired and the Senate proceed to vote on the confirmation of Calendar No. 798; further, that following the vote on that nomination, which is Burwell, the Senate proceed to the consideration of Calendar No. 519, and the Senate proceed to vote on the confirmation of the nomination; further, that if confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nomination be printed in the RECORD, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. With this agreement, there will be two rollcall votes beginning at 1:45.

Mr. President, we are moving this up because we have 10 or so Senators who are going to the 70th anniversary of Normandy.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to morning business with Senators being allowed to speak up to 10 minutes each.

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

STUDENT LOAN

Mr. LEVIN. Mr. President, in the fall of last year, Adrian College in Adrian, MI, made an announcement that received national attention. Adrian, one of the finest private liberal arts colleges in America, made a promise to prospective students: Beginning this fall, incoming students who graduate from Adrian carrying student loan debt and are unable to find a job that pays above a set income will be eligible for support from the college to pay part or all of that student's loan payments. The program, known as AdrianPlus, will ensure that students who are not able to find good-paying jobs after graduation will still be able to begin their work careers without facing crushing debt payments all alone.

This announcement was notable for two reasons. The first is that it represents a visionary choice on the part of President Jeffrey Docking and the rest of Adrian's leadership. I am grateful to them for showing the kind of leadership that makes Adrian a proud example of my State's outstanding higher education institutions. Adrian has long been recognized not just for the quality of its instruction, but for its efforts to make that education accessible and affordable, and this is just the latest example of the school's forward thinking.

The second reason this announcement was so notable is that it was so necessary.

As President Docking said in announcing the program, ''Student debt load continues to be a national concern.'' That is surely the case. According to the Project on Student Debt, nearly two-thirds of graduates from Michigan colleges and universities leave school with student debt. They owe an average of more than $28,000. The rising tide of student loan debt threatens to overwhelm the financial futures of these graduates before they can even get their working lives started. And the looming prospect of heavy loan debt threatens to keep many young people from even reaching a college campus.

Adrian College's program will not completely erase this problem, but it is a good start. Likewise, no single piece of legislation will make college more affordable, increase access to education for middle-class families, or eliminate the mountain of debt many students carry. But it is time for us to start taking some steps in the right direction. A number of Senators have introduced or are working on student loan legislation, including legislation allowing students to refinance their debt at lower interest rates. I believe the Senate should take up, debate and pass legislation to lighten the all-too-formidable load. We should explore other ways to ensure that college education is indeed affordable to all.

Study after study shows that a college education makes an enormous difference in allowing Americans to pursue rewarding careers. But if we can not ensure that all Americans have access to higher education, we shut off access to the American dream. We cannot let the disturbing trends in student debt and college costs continue unabated, and I hope that, inspired by the Adrian College example, we will act to halt and reverse those trends.

VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, due to unavoidable family commitments, I was unable to cast votes relative to rollcall vote Nos. 164 through 170 on Monday, June 2, and Tuesday, June 3, 2014. Had I been present, I would have voted yea in each instance.