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

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

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

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

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

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

I yield the floor.

RECESS

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

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

EXECUTIVE SESSION

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

The PRESIDING OFFICER. The Senator from California.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

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

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

ORDER OF PROCEDURE

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

other independent agencies have these sorts of checks and balances.

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

MARYLAND'S BUSINESSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Politico article goes on to say:

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. No, he did not.

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

[Rollcall Vote No. 174 Ex.]

YEAS—66

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

NAYS—34

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

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

The nomination was confirmed.

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

The majority leader is recognized.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate resume legislative session and proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

The Senator from Ohio.

ORDER OF PROCEDURE

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

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

THE FARM BILL

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

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

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

The PRESIDING OFFICER. The Senator from Ohio.

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

CORDRAY CONFIRMATION

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

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

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

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

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

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

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

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

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

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

I thank the Presiding Officer.

TRIBUTE TO EDWARD EARL GIDCUMB

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

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

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

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

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

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