

write in the back room and sends out that says: Here, say this, so we can repeat it on the floor of the House of Representatives or the Senate floor. These are concerned citizens sending by the thousands emails, phone calls, tweets, and any other means of communication. They are speaking to us directly when we go back home, whether I am in the grocery store buying a quart of milk, picking up a newspaper at the gas station, just speaking to people on the street, or when I sit down with business people. We have invited them to various small towns in Indiana. As I said, these stories that are coming from real people I represent—and they sent me here to represent them—is the impact of the health care plan that has been proposed by the President and now is being implemented. So all of the promises that were made early on—but it wasn't in force—have now been proven to be untrue.

Don't just take my word for it. Look at the headlines. Reuters, which I don't think is an arm of the Republican Senatorial Committee or the Republican National Committee, and is an independent newspaper says: "U.S. says 2.2 million ObamaCare enrollees have data problems."

CNBC—the last time I heard they weren't making contributions to the Republican Party either: "Seven in 10 people say ObamaCare had bad or zero impact on U.S." Either nothing—no impact or bad impact—that is 70 percent.

Indianapolis Business Journal, to which I pay attention, and an independent organization: "Indiana's ObamaCare rates for 2015 all over the map."

People can't figure out how much they are going to have to pay next year, but they have figured out one thing. It is going to be more than they paid last year.

Remember the statement "premiums won't go up?" It won't go up a penny?

I think many of us think it is time to start over and replace ObamaCare with real health care solutions. Republicans have offered a multitude of possibilities of suggestions and proposals, every one of which has been turned down by the President or not allowed to be brought to the floor by the Senate majority leader.

There are those who say: What would you do? Why don't you suggest something? We have tried our very best to bring forward packages of reforms, to reach across the aisle and say, if you will work with us, we will try to fix some of these problems. We think we should repeal it and start over because we don't think it is the right model for health care, to address the solution of providing people in this country with adequate health care at a reasonable cost.

So changing the face of ObamaCare by just putting in a new Secretary of Health and Human Services will not change this law's negative impact on

Hoosiers such as Jeremy. I wish it would, but, obviously, it won't. It will not change this disaster of a law into what it should be: Better health care for all Americans. We are all committed to that goal, but we are simply saddled with a piece of legislation that was very poorly drafted, that was rushed through without any support or comments from those of us on the other side of the aisle.

I wasn't here at the time. One of the reasons I ran and came back was to try to address what I thought was legislation taking us down a road to a dysfunctional health care system, with less quality, less access, less choice, less competition.

Is there a need to reform this current health care system? Yes. Are there solutions that are better than what has been put before us? Yes. I wish we could summon the support and the will of those in this body to begin addressing that very problem.

Mr. President, I see other colleagues on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### GUANTANAMO BAY DETAINEES

Mr. CRUZ. Mr. President, I rise today to raise an issue that has been of growing concern to the American people: the exchange of the so-called Taliban five—five terrorist detainees from Guantanamo—in exchange for Sergeant Bowe Bergdahl.

Let me say from the outset, this is not about Sergeant Bergdahl. The circumstances under which he became a prisoner of the Taliban is an issue for the Army. There was an investigation into this matter in 2010, and hopefully the Army will be able to bring clarity to that situation soon. What I wish to speak about today is keeping the American people safe from the terrorists who attacked us on September 11, 2001, resulting in the deaths of 2,977 innocent people.

The Taliban five are among the worst of the worst. They were all high-level officials in the Taliban regime who gave aid and support to Al Qaeda in Afghanistan in the period leading up to the 9/11 attacks. These five were designated "high" risk by the Guantanamo Review Task Force convened in 2009 on the orders of President Obama, whose report was published on January 22, 2010. Two of the five are wanted by the United Nations for war crimes against Afghan civilians.

Khairullah Khairkwa, for example, was described in his GTMO case file as "a hard-liner in Taliban philosophy" with "close ties to Osama bin Laden." Mohammad Fazl was second in command of the Taliban army in 2001. These were not junior-level players.

Capturing these five men was a priority when our troops participated in the liberation of Afghanistan from the Taliban in 2001, where our sons and daughters bled and died to free Afghanistan and to exact punishment on those

who carried out a horrific terrorist attack on the United States of America. We cannot know for sure how many American soldiers paid the ultimate price to capture these five senior terrorists.

Even as many other detainees at GTMO have been released, up until now, these five have been considered too dangerous to let go. Given the level of threat they represent, any proposal to release them should be of the utmost seriousness. Unfortunately, by all indications the administration's release treated their threat as anything but serious.

Americans need to know how the Obama administration thinks it has made our Nation safer by negotiating with terrorists to release these five dangerous terrorist leaders. Until President Obama can make his case and convince the American public that this swap was in our national interests, prudence dictates that all further transfers and releases from Guantanamo Bay should be off the table.

Unfortunately, there have been no answers from this administration on how this deal furthers the national security interests of the American people or why the deal was so urgent that the administration refused to comply with its legal obligation to inform Congress 30 days before the transfer. Instead, the administration has vilified those who would raise questions about it as somehow not being concerned about securing the return of our troops. That attack—that slur—shouldn't even be dignified by a response, particularly given what has been publicly admitted.

President Obama has publicly admitted that there is "absolutely" a chance of the Taliban five returning to the battlefield and attacking Americans.

Indeed, the current Taliban leadership has announced that from their perspective this deal is so good for them that they should now prioritize kidnapping other Americans. For example, last Thursday one top Taliban commander told Time magazine—and this is a quote—"It's better to kidnap one person like Bergdahl than kidnapping hundreds of useless people. It has encouraged our people. Now everybody will work hard to capture such an important bird."

This deal puts every soldier, sailor, airman, and marine—every man and woman standing up to defend this Nation—in jeopardy.

The chair of the Senate Intelligence Committee, Senator DIANNE FEINSTEIN, has publicly said that she has seen "no evidence" that Sergeant Bergdahl was under urgent threat in recent weeks or months.

All of these admissions together raise serious and legitimate concerns about the circumstances of the release of the Taliban Five, and they also make clear that the administration should stop

vilifying any who raise these national concerns. Instead, the President should stand up and honor his commitment to the American people, defend this decision in terms of the national security interests of the United States—what should be the highest priority for the Commander in Chief.

Instead, we have recently learned from news reports that there are at least four other Gitmo detainees who are being considered for release. So not only has there not been accountability as to why this happened, but it appears the administration wants to go down the same road and I can only assume is willing again to violate the law and not notify Congress the next time, just the way it violated the law by not notifying Congress this time.

Before any further such action is considered, we need to take a pause and assess what happened with the Taliban five. We need to answer:

Who did the vetting that resulted in the assessment that the Taliban five no longer posed a high level of threat to the United States?

Who participated in the decision to release them?

Was this the same deal the administration says they offered to brief Congress on previously or is it something different?

Was the President fully briefed on the background of the Taliban Five and the likelihood of recidivism?

How did the administration reach its apparently high level of confidence that the Taliban five will be secure in Qatar?

How did they arrive upon the notion that that security should last only 1 year, after which the American people will be safe if these terrorists are released altogether? On what basis did the administration judge that only 1 year was sufficient?

How was the decision made to ignore the law and bypass Congress, including bypassing the chairs of the Senate and House Intelligence Committees, Foreign Relations Committees, and Armed Services Committees?

In what circumstances does the administration intend once again to openly defy the law and refuse to provide notification to Congress?

These are questions, I might note, that should be bipartisan concerns. This should not be a partisan affair—asking questions that affect the national security of every single American citizen and every single man and woman serving in the military.

In order to give the Obama administration the opportunity to satisfy the many outstanding questions the American people have about their safety—and I would note, having just returned from Texas, I found over and over again Texans, men and women, asking these very questions—I will propose this week that before we consider any additional releases from Guantanamo, we answer these questions first.

The legislation I will be filing, No. 1, will immediately call for a 6-month

freeze on any Federal Government funding to transfer detainees from Guantanamo. No. 2, to enforce this requirement, the legislation will provide that, should the President choose to disregard this law—as, sadly, has been his pattern so many other times—all funds expended in the transfer would be deducted directly from the budget of the Executive Office of the President. No. 3, because we understand that conditions might possibly arise that would necessitate the release of an individual prisoner and out of respect for the President's special role in international matters, this legislation explicitly provides a means for the President to ask Congress for a waiver of the 6-month bar in an individual case. But, finally, because we believe the release of detainees from Guantanamo—which holds some of the most dangerous people on the planet—is a matter of the gravest import, this legislation would require that for every order for release of a Guantanamo detainee, it must be personally approved by the President. This would ensure that the fullest consideration and deliberation goes into the process.

This latest deal—which was announced to the American people as a *fait accompli*, with no opportunity for Congress to scrutinize it, no opportunity for the American people to assess it—this latest deal constituted negotiating with terrorists to release five senior terrorist leaders, and it raises obvious questions.

First of all, how many Americans did these five terrorist leaders directly or indirectly murder? How many lives—American lives—are they responsible for taking?

Second, how many American soldiers gave their lives to capture these five senior terrorist leaders? How many graves do we have of sons and daughters of Americans because they were sent in to capture these five who have just been released?

Third, given their release—and the President's admission that there is “absolutely” a chance that they will return to actively waging war against the United States—how many Americans are at risk of being killed directly or indirectly by these terrorist leaders we have just let go?

Finally, if the Taliban five do return to actively trying to kill Americans, how many American soldiers will once again have to risk their lives or, indeed, will give their lives trying to kill or capture these terrorists once again?

These are questions of the utmost seriousness, and to date the administration has not even attempted to answer them. Instead, it has suggested that anyone raising these questions is simply failing to stand by the men and women of our military. I can tell you, the men and women of our military understand the value of protecting the national security of the United States of America, and the men and women of our military are not comforted by negotiations with terrorists to release

senior terrorist leaders who can once again begin actively waging war on the United States.

Every American is naturally eager to end the long war in Afghanistan, but that does not mean we disregard the threat that violent terrorist groups such as the Taliban pose to our Nation. We know from the hard experience of the last decade that at least one in three Guantanamo detainees has returned to the battlefield. That has been what history has taught us.

Until we have full confidence that this threat to American lives is being fully and properly assessed, that we are taking steps to protect the lives of American civilians and American soldiers and sailors and airmen and marines, it is only prudent to take the steps in the legislation I am introducing this week, and I hope the Senate will do so.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### BANK ON STUDENTS EMERGENCY LOAN REFINANCING ACT—MOTION TO PROCEED—Continued

##### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion that is at the desk. I ask that it be reported.

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

The assistant 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 motion to proceed to calendar No. 409, S. 2432, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans.

Harry Reid, Ron Wyden, Elizabeth Warren, Richard Blumenthal, Benjamin L. Cardin, Jack Reed, Tom Harkin, Barbara Boxer, Jeanne Shaheen, Patty Murray, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Christopher Murphy, Bill Nelson, Robert Menendez, Tammy Baldwin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. Mr. President, we have filed, I am sorry to say, another cloture motion to get on a bill. We have more student loan debt in America today than we have credit card debt. I just had a conference call with some students from the State of Nevada.