

poorer, the rich richer, and squeezes the middle class every day. Extending the Bush tax cuts for the wealthiest Americans—people making more than \$1 million a year—would add another \$1 trillion to the deficit over the next decade. We can no longer afford to bankrupt our Nation to give more tax breaks to people who do not need them. People are putting up accounts in the Cayman Islands, stashing money in Switzerland.

Republicans are right about one thing: We do have a deficit problem in this country. And there are two ways to ease this crisis. We could cut more jobs for teachers, firefighters, police, and Federal employees. We could cut Social Security and Medicare benefits for seniors after a lifetime of hard work. We could put off repairing our crumbling roads, bridges, and schools. We could continue to let our schools fall into disrepair and our students fall further behind. We could continue talking about what really does not matter.

The House keeps talking about bills they have passed that create jobs. Everyone, every pundit who has looked at those knows it is just a subterfuge. They want to cut regulations, and that would make people sicker, that would make our air dirtier and our water less pure and our food less safe. That is what they are doing to create jobs.

The other way to cut spending would be to take care of those unnecessary tax breaks for millionaires and billionaires.

So this is the choice we face: cutting the heart out of America or having the richest of the rich contribute just a little bit to the problems we have in America today as it relates to spending. The choice we face should not be a very difficult choice.

This country has limited resources, and we must use those resources wisely. Investing in the middle class is a wise use of those resources. When you put money back in the pockets of the middle class, they spend it. They spend it on groceries and gas and buying new cars, paying their mortgages, paying their rent, maybe repairing their family car, or spending it to fix the roof on their house that has become dilapidated. That spending boosts business, spurs hiring, and helps the economy. Rigging the tax system to favor the richest of the rich does not do that. Rigging the system does not create jobs. It does not spur growth. It is not a wise use of our resources.

RECOGNITION OF THE REPUBLICAN LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, later this morning President Obama is scheduled to speak in Virginia on the economy. I have not seen the speech,

but I expect he will not be talking about the negative impact his health care bill is already having on job creation, and I guarantee he will not be talking about one provision in particular, the CLASS Act, which the House of Representatives is voting to repeal today.

Like so many of his policies, the CLASS Act has not turned out the way the American people were told it would. At the time of its passage, Americans were told it would be a long-term care cost saver. Proponents of the CLASS Act said it would account for nearly half of the deficit reduction they claimed the health care bill would somehow miraculously bring about.

More recently, however, the administration has admitted that government officials knew their projections about the CLASS Act could not possibly be true. They knew it would not work as advertised. Yet the Obama administration went ahead with it anyway.

In 2009, the Chief Medicare Actuary wrote that, based on his 36 years of actuarial experience, he believed the CLASS Act would “collapse in short order, and require significant Federal subsidies to continue” and that it would lead to what he called an insurance death spiral since only the sickest people would sign up, making it impossible for the program to remain solvent. Another health care policy official said that the program “seemed like a recipe for disaster.”

So last October the Obama administration was finally forced to admit what they refused to admit when the health care bill first passed: that the CLASS Act was indeed unsustainable. As HHS Secretary Sebelius put it, there is no viable path forward for the program. Yet for some reason the President is unwilling to follow through on that conclusion by his own administration. He opposes today's vote over in the House.

Most people would conclude that the administration would support repealing a portion of the health care bill that they now acknowledge is not financially viable, but they would be wrong. Despite admitting this program is doomed to fail, the Obama administration refuses to take it off the books. This refusal is all the more remarkable given the fact that President Obama has repeatedly said he is willing to listen to critics of his health care bill if they come up with ways to improve it. When it comes to the CLASS Act, the President does not even appear to be willing to listen to himself.

Well, it should be obvious what is going on here. The President is so determined to distract people from his own legislative record that he does not even want to have a conversation about it. He is so determined to convince people that the ongoing economic crisis is someone else's fault that he is acting as though the first 3 years of his Presidency never even happened. He refuses to admit the central

role his policies have played in prolonging the economic mess we are in. Instead of leading, the President is biding his time, hoping the public will blame someone else for the jobs crisis. Instead of acknowledging the effects of his own policies, he is hoping he can change the subject. The problem is, the longer we wait to tackle these problems, the harder they will be to solve. And, frankly, most Americans think the President should be leading that charge, not avoiding it.

In 2009, President Obama said that rising health care costs were the most pressing fiscal challenge we faced as a nation. Yesterday, the Congressional Budget Office said government health care costs will double over the next decade. So the verdict is in. The administration looked at an area that both parties agree was in critical need of reform, and they made it worse, and now they will not even admit it. Why? Because it interferes with the President's reelection strategy. If it is about him or his policies, he does not want to talk about it. And when it comes to the CLASS Act, it is easy to see why.

So I would encourage our friends over in the House in their efforts today. I hope they send this bill over to the Senate with a strong bipartisan vote. If the President will not listen to his own advisers, let's hope he listens to Congress on the failures of his health care bill and in particular the failures of the CLASS Act.

If we are going to replace the President's health care bill with the kind of commonsense reform that the American people want, repealing the CLASS Act is a good place to start. As the House is showing today, if the President refuses to act on this important issue, Congress will.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with time divided equally between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues from North Dakota and Nebraska.

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

KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, President Obama has said that every morning when he gets up, he thinks about what he can do to create jobs. Yet just in the last couple weeks, he turned thumbs down on a project that would create

20,000 shovel-ready jobs, the Keystone XL Pipeline, which is a project that is teed up and ready to go. It would invest \$7 billion initially and create 20,000 jobs immediately. It will address a very important issue for this country—energy.

We talk about getting away from the dependence on foreign sources of energy and becoming more energy independent, and we have an opportunity to do that and, at the same time, create economic opportunity in this country and get people back to work. It is a mystery as to why the administration and the President would not find this particular project to be in America's national interest.

It comes down to whether we are going to continue to import the oil, the energy we need, from unfriendly nations—we get about 700,000 barrels a day from Venezuela—or whether we will get that oil from a friendly neighbor such as Canada. When we look at that juxtaposition, that comparison, and ask should we get that 700,000 barrels of oil from Hugo Chavez or from Canada, most Americans would say it makes more sense to do business with our friendly ally to the north. Also, we would have that come down into this country in a 1,700-mile pipeline, which would transport that oil to refineries in the United States, where it would be refined and create jobs there as well.

In almost all respects, as we look at the project and the attributes that come with it, they are job creation, investment, energy security, not to mention the State and local tax revenue, which is something that is important to a lot of people whom I represent in South Dakota. In fact, I had someone from western South Dakota in my office last week, and he said: We care about the energy security issue, the jobs issue, and all that, but we need the tax revenue for our school districts and county governments that would be generated.

So we have all these positive benefits associated with this particular project. Yet after having studied it for 3 years, about 1,200 days, and having done multiple environmental impact statements—the last one concluded in August of last year—lo and behold, the President decides he is not going to move forward with this project.

We think that is terribly unfortunate, not in the national interest. We believe it is in the national interest to move forward to address the important energy security needs, as well as the needs for job creation and economic growth.

Two of my colleagues, former Governors, now Senators from Nebraska and North Dakota, are people who are well acquainted with these types of projects. The Governor from North Dakota was very involved when the first Keystone Pipeline that was built from Canada through North Dakota, South Dakota, Nebraska, and points south. That project went through a permitting process. It was a couple years in

the making and it was approved. The construction process was concluded and it is now operational. That is an example of how this particular project can work.

This pipeline would cross the State of the Senator from Nebraska. There were concerns about whether it had the right route in order for this to be done in the best environmental way. Those issues have been addressed. The Nebraska legislature met in special session, and they and the Governor came up with an alternative idea about how to do this. They have been supportive of moving forward with this project as well.

The question before the House is if the President of the United States determines this is not in the national interest, notwithstanding the support of lots of Members of Congress on both sides of the aisle and I think overwhelming support of the States through which this line would traverse and the labor unions which represent a lot of people who are involved. Many editorial pages support this, including the Chicago Tribune, which said:

Obama's decision will cost the U.S. jobs. . . . He seems to think those jobs will still be there when he gets around to making decision on the pipeline. But they may well be gone for good.

They go further and say his decision "will deny the U.S. a reliable source of oil."

They recognize the importance of this project and doing business with a friendly country, the importance of energy independence, and the fact that if we don't benefit from this, it will go somewhere else. They have made it abundantly clear this is not something—if the United States turns it down—they will continue to wait around for until sometime in the future when we might consider it. They will go somewhere else—probably China—with it.

For those reasons, we believe we need to do everything we can do to move this project forward. My colleagues came up with legislation that recognizes the role of the Congress under the commerce clause and our ability to approve this project. I hope we will get an opportunity to discuss and debate this issue in the Senate and get a vote and perhaps get a vote as well in the House of Representatives, where Congress could weigh in and perhaps change the President's mind about this important project.

I am glad to be with my colleagues today. I will yield to the Senator from North Dakota and the Senator from Nebraska, two great leaders on this particular issue and all issues relating to energy security. They understand the history of this, as well as its importance to America's future.

I ask the Senator from North Dakota if he would like to give us an insight about the first Keystone Pipeline, built through his State a few years ago, the history of that, and the history of how this particular project was put forward

as well and why we think it ought to go forward.

Mr. HOEVEN. Mr. President, I thank the Senator from South Dakota for organizing the colloquy and I also thank the good Senator from Nebraska for joining us as well. I appreciate working with them on this project, which is not only vital to our State but to our country.

As the Senator from South Dakota said, this project is critically important to our country for a number of reasons. First, it will create tens of thousands of jobs. There will be a \$7 billion investment, not one penny of which will be Federal Government spending but all private sector investment. The Perryman Group projected, when they did a study on the job creation, that it would create 20,000 construction jobs right away; it would create upward of 100,000 spinoff jobs as they expand refineries and with the other economic activity that is created. Some might dispute those job numbers, but any way we look at it, tens of thousands of jobs will be created by the private sector, which is why it has strong union support at a time when we have 13-plus million people out of work and we need the jobs.

As the Senator from South Dakota said, it will generate hundreds of millions in tax revenues from a growing economy, from more economic activity. The last I checked, it is pretty important at the local, State, and Federal levels to have those revenues coming in. In addition, it will reduce our dependence on oil from the Middle East. With what is going on in Iran—and they are threatening to blockade the Strait of Hormuz—and with gas prices at \$3.50 a gallon, roughly, and going up, it is important to consumers and the businesses of this country that we use the oil in this country and from our closest ally, Canada, rather than relying on the Middle East.

The third point is, this oil will be produced. If we don't build the pipeline capacity to bring it to our refineries to be refined, it goes to China. That is a fact. It will be produced. It will either go to China or it will come to us.

I have this chart to give a history of the project because, as the good Senator from South Dakota said, this has been under review for more than 3 years. TransCanada, the company that is trying to build the pipeline, built this Keystone Pipeline already. That is this red line on the chart. That project was approved in 2 years. Again, Keystone XL has been under study more than 3 years. The sister pipeline has already been built, and that was approved in 2 years. It comes from Alberta, Canada, to the refineries in the Patoka, IL, area.

The existing project, as we can see, comes through North Dakota—that was when I was Governor—through South Dakota, and down through Nebraska. The Keystone XL comes just to the west. I point that out because of the Bakken oil play in North Dakota

and Montana, it is very important we have the ability to put oil into this pipeline. We are looking at putting 100,000 barrels a day of U.S. crude into this pipeline so it can get to our refineries. In other words, it is not just about bringing Canadian crude to our refineries; it is about bringing our own crude to them. It also saves wear and tear on our roads, and it is a safety issue because it reduces truck traffic. We are talking 500 truckloads a day and 17 million truck miles a year that we don't have to put on our roads. We don't have to have the traffic issues, the safety issues or the road issues in our country because we have the ability to move the product with this pipeline.

Let's look at this timeline. September, 2008. I know this is hard to read. I will make an important point. In September 2008, TransCanada applied for a permit for the Keystone XL Pipeline. In November of 2008, the current administration was elected. For the entire time the current administration has been in office, they have held up this project. It has gone through the full NEPA process. It had the full environmental impact studies done. Even the State Department said there would be a decision before the end of last year. For the entire time this administration has been in office, TransCanada was working to go through the process with EPA and the Department of State, and the Department of State said they would have a decision before the end of last year, but we still don't have a decision. We have to ask why. Why don't we have a decision? That is what we are talking about. It is long past time to act.

Let's look at this chart. What are we talking about? What we are talking about is this—another pipeline. We are talking about another pipeline just like the one that has already been built. How about the hundreds or maybe I should say thousands of pipelines we already have, and somehow we cannot build this pipeline? That doesn't make any sense. Somebody needs to explain this to us.

We have legislation, with 45 Senators, 45 sponsors, who are saying: Hey, it is time to move forward and build the project. As a matter of fact, we are doing everything we can to address any and all problems or concerns the administration has raised.

That is why I am going to turn it over now to my good colleague from Nebraska, because when the administration says there is an issue or a State or the EPA says there is an issue, we stepped up in our legislation and solved it. We say: Great, let's address it, but let's move forward for the good of our economy and the good of our country.

I defer now to the good Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, I appreciate the comments that have been

offered by my colleagues from South Dakota and North Dakota. They absolutely have it right in terms of the importance of constructing this pipeline. There is no question that we are in a dire situation in this Nation. We need the jobs, we need the oil, and this pipeline can take a significant step forward in both regards.

I think the pipeline will be a huge help in those areas. But let me start by noting that I was a cosponsor of the first Keystone bill. I am also a cosponsor of the bill that Senators HOEVEN, LUGAR, and VITTER introduced just this past Monday, the bill we are talking about today.

Here is a very important point for my State. In both cases, and specifically in reference to this bill, the effort was specifically crafted to safeguard the route selection process that is occurring in Nebraska. I thank my colleagues for recognizing that work and recognizing that Nebraska has a process that will near completion this August or September. They have worked very hard to take into account our issues, and their bill recognizes that the Nebraska effort will continue.

They decided in our State—the Governor, the legislature, and TransCanada—to work on an alternative to the proposed route. Recognition occurred that the route through Nebraska involved some very sensitive land—the Sand Hills—and a very sensitive water supply—the Ogallala aquifer. The Governor called a special session, and, as we do in Nebraska, everybody sat down and said: How do we solve this problem?

So they came to an agreement that the best way to solve the problem was to do an environmental impact statement, which will be no cost to the Federal Government. It will be paid for by Nebraskans. That was part of the provision of this agreement. And TransCanada agreed they would work to reroute the pipeline through our State. Everybody shook hands. We are now in agreement. Our problem is solved in Nebraska.

For months and months, the Federal Government has been saying to the State of Nebraska: You have the power to route this pipeline through your State. And that is exactly what we are doing. So this legislation recognizes that agreement and says: Great, we are going to allow Nebraska to move forward. But very wisely this legislation also recognizes there is no need whatsoever for any delay on the remainder of this pipeline. This was the only segment—and it is a handful of miles in our State—that anybody was contesting. So why not issue the permit? Why not get the project going?

My colleagues worked very hard on coming up with a solution, and their solution works. It says: Construction can begin immediately. Why? Because, as my colleague from North Dakota has explained well, Congress has the constitutional authority to regulate foreign commerce. This bill exercises

that power in a thoughtful, deliberate, and careful way. It says: Look, this project has gone through 3 years of study and analysis. It specifically notes in this legislation the part regarding Nebraska will be solved, as the Federal Government has been saying for months, by Nebraska officials, but that we can go forward and start construction elsewhere.

So what is holding up the creation of these jobs? What is holding up our ability to get more oil from places such as North Dakota and a friendly ally such as Canada, versus a very unfriendly ally in Hugo Chavez in Venezuela? What is holding that up? What could possibly be holding that up? Well, the simple answer to that question is, the President of the United States is holding it up.

The President is in a bind. The environmentalists have declared war on the oil sands in Canada. They do not want the pipeline because they do not want the oil sands. On the other hand, unions want to build the pipeline. They want the jobs, and thoughtfully so. So this is a time where Congress does need to step in and exercise our constitutional powers. This is nothing unusual. In fact, there was a recent opinion by the Congressional Research Service which noted the Congress has the power to do exactly what this legislation is doing.

I will wrap up my comments today and yield back the time to the Senators from South Dakota and North Dakota and say this: This is a win-win situation for everybody. It is a win because we create jobs. It is a win for our country because we are trying in every way possible to get the Federal Government to lessen our dependence on foreign oil. Maybe the only person who it is not a win for is President Obama in his reelection. But this is a case where we need to put national interest ahead of November.

I urge my colleagues to support this legislation that was thoughtfully crafted. It is the right approach. I thank them for their sensitivity to the process going on in the State of Nebraska.

Mr. THUNE. Mr. President, I appreciate the hard work of the Senator from Nebraska on this subject, as well as the Senator from North Dakota, and he has fashioned a solution which I think does give us an opportunity as a Congress to assert our role under the Constitution, under the commerce clause of the Constitution, to move this project forward, notwithstanding the opposition, really of one person—the President of the United States, who is the person right now who is standing in the way of this.

I would again say to my colleague from North Dakota, as we wrap up here, I hear people say this needs to be studied further; that we need to do more analysis. It is sort of mind-boggling to think after more than 1,200 days of study, analysis, review, and scrutiny that people would come to that conclusion. The Keystone XL

Pipeline I, which the Senator from North Dakota is well acquainted with because it goes through his State and he was involved in negotiating that project, took 693 days in the process of getting approved. What is interesting to me about this particular project is that after 1,200 days—longer than any of the pipelines of this magnitude—the extended review and more than 10,000 pages of environmental analysis concluded—concluded—the pipeline will not adversely impact the environment. When the announcement was made to deny the construction of the pipeline, the State Department still had 5 weeks to review it if they had chosen to use it. Clearly, the announcement wasn't based on policy but on political expediency, which is what the Senator from Nebraska pointed out.

There is a tremendous amount of resource in my colleague's State—the State of North Dakota—that could benefit as well. I think the State of North Dakota has the potential to generate somewhere on the order of 500,000 barrels of oil, about 100,000 of which, I am told, could be moved through this pipeline if it is approved. It seems to me at least, again, that here is a resource, an energy reserve in our country, in my colleague's State, that could benefit people in this country.

By the way, in 2011, Americans spent more on gasoline than any other year since 1981. And reports indicate that 2012 could be even worse. So when we look at the economic impact on Americans, from our not having our oil and energy being produced in this country, it is a very real impact. In fact, since the President has taken office, gas prices have gone from \$1.84 a gallon to over \$3.30 a gallon, and this pipeline could be part of that solution.

I want to end with a quote made by the State Department in their review of the pipeline. The Department of Energy, I should say, but it was part of the State Department's review. The Department of Energy noted:

Gasoline prices in all markets served by East Coast and Gulf Coast refineries would decrease, including the Midwest.

That is coming from the State Department's review, the Department of Energy, that gasoline prices in all markets served by east coast and gulf coast refineries would decrease. That is a pretty remarkable economic impact, not to mention all the jobs that would be associated with the construction, and once it is operational the jobs that would be created in refining this oil.

So again it is a win-win, as we heard from the Senator from Nebraska, who said that initially their State had some concerns about the route, but that has been all resolved so this project can move forward.

The legislation of the Senator from North Dakota, which I am proud to support and cosponsor, I hope gets a vote in the Senate, and I know the Senator is going to do everything he can to advance it—I hope he does—and I look forward to working with him.

Mr. HOEVEN. Mr. President, I thank my colleague from South Dakota again for organizing this colloquy this morning. I thank him and the esteemed Senator from Nebraska for their support of this legislation.

Again, we have taken a problem-solving approach to this legislation, and we are continuing to do that. We will continue to work with other Members of the Senate and our colleagues in the House, but we need the administration to engage with us on this important issue for the good of the American people.

Again, I thank my colleague from South Dakota.

Mr. THUNE. Mr. President, with that, I yield back the remainder of my time, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the Chair.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2059 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WHITEHOUSE. Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COLLEGE COSTS

Mr. DURBIN. Madam President, too many Americans are out of work. We know that. Without a steady income, it is hard for families to stay current on their monthly expenses. We have all talked about the consequences of losing a job. When I meet with the unemployed in Illinois, one of the first things we talk about is health insurance because that is one of the first casualties. It is very difficult if not impossible for someone unemployed to maintain COBRA payments once they are out of work. They deplete their savings and find themselves in a very vulnerable position. Some fall behind on mortgage payments. More than 4 million families have lost their homes since the housing crisis began in 2008. Another 10.7 million Americans own mortgages that are underwater—the homeowner owes more than the home is worth.

One of the major mortgage banking associations in Washington, DC, recently had a short sale of their headquarters building in Washington. They went underwater. They could not pay their mortgage, and they ended up selling. It is happening not just to businesses, obviously, but to a lot of homeowners.

It is hard to keep up with these basic expenses. A lot of people who used to donate to food banks are now in line at food banks. According to the U.S. Department of Agriculture, one out of six Americans really has a food issue. They are hungry at the highest level since the government started taking these numbers in 1995.

But there is another obligation, a financial obligation that needs a little more focus here in Washington. Private student loan debt is becoming the biggest burden for families across America. Student loan debt in October of 2010 for the first time in our history surpassed credit card debt in America. At public universities, the average debt for a graduating student was \$20,200. At private nonprofits, it was \$27,650. For students at for-profit colleges, the debt burden is even greater. Students at for-profit colleges graduated with an average debt of \$33,000. More than three out of four young adults say that college has become harder to afford in the past 5 years. Almost as many say that graduates have more student debt than they can possibly manage. There are few penalties for schools whose students incur huge amounts of debt when the student cannot repay their loan.

How did we reach this point? Two trends have led to this phenomenal level of student loan debt:

First, the for-profit college industry has grown by leaps and bounds over the last decade. It is the fastest growing sector of higher education. Three numbers put it in perspective. Ten percent of students out of high school end up in for-profit schools, yet for-profit schools consume 25 percent of all the Federal aid to education and account for 44 percent of student loan defaults. What is the obvious conclusion? These for-profit colleges are drawing in more student loan assistance from the Federal Government than their counterparts in the public and nonprofit area, and their students, deep in debt, cannot find jobs to pay off their debts and default on their loans.

Second, the cost of college is so far out of reach for most people that they exhaust their ability to borrow from the government and end up taking out private loans. Private loans are not federally guaranteed. The issuer is not required to work with you to consolidate the loans or restructure them in the future. If that sounds familiar, that is because many of the banks issuing these loans are the same banks holding your mortgage. Even more outrageous, the loans are protected in bankruptcy. What that means is, unlike other loans we would incur in our lives that we might bring into a bankruptcy court in