



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, WEDNESDAY, MAY 9, 2012

No. 65

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

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

Let us pray.

O God, our refuge, help us to never doubt Your generous love. You gave us Heaven's best gift and desire to freely give us more than we can ask or imagine. Even when we sin, You still love us. Great is Your faithfulness.

Give to our lawmakers gifts that only You possess. Give them this day the gifts of courage to admit mistakes, grace to rise when they fall, and peace that the world cannot give. Give them this day the gifts of forgiveness for the past, courage for the present, and hope for the future. Keep them calm in the quiet center of their lives so that they may be serene in the swirling stresses of life.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 9, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Madam President, I move that the Senate resume consideration of the motion to proceed to S. 2343, and I ask unanimous consent that the time until 2 p.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to S. 2343, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, the clerk just read the matter before the Senate, which is to prevent the interest rate on loans students receive to go to school—the money they borrow—from doubling from 3.4 percent to 6.8 percent. That is the pending matter before the Senate.

Yesterday the Republicans continued to filibuster our plan to prevent that

from happening. We do not want the rates to double. We don't want them to go up at all. There are 30,000 people in Nevada who are depending on our doing something to freeze those rates. But what is worse, in my estimation—and I think that of the American people—is that Republicans seem proud of blocking this legislation. Not a single Republican voted to allow the debate to go forward.

This isn't an issue of saying: OK, if I vote for this, this will be the legislation. They would not even let us go forward to debate it. They have said they like the bill, except they do not like the way it is paid for. Fine. Let's get on the bill and offer amendments to pay for it. But no—every single Republican voted no. Every single Republican said: We are not going to allow a debate.

The American people certainly shouldn't be surprised because this has been going on for 3 years, almost 4 years. Everything is a fight. They are blocking legislation that would allow us to stop the increase of the rate on student loans. That is wrong. And the person who signed this legislation into law, making this interest rate such as it is, was President Bush. So I hope Republicans will come to their senses and work with us to accomplish this, but I am not holding my breath because, as I indicated, they seem proud they have stopped another piece of legislation altogether.

Now, what does this mean, that they are hanging together to stop legislation, to stop progress? Well, as we work to create jobs and make college affordable, our colleagues—my Republican friends on the other side of the aisle—operate under a different set of priorities.

In the House, for example, there are efforts now underway to undo a hard-fought agreement of last August to cut more than \$2 trillion from the deficit over the next decade. That agreement came after threats by the tea party-

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



Printed on recycled paper.

S2989

driven House—and now 40 percent of the people over here are tea party advocates—to shut down the government. And they wanted to do that in a couple of different ways: not allowing us to continue funding for government programs, and then, for the first time ever, there was a knockdown, drag-out fight over weeks and weeks as to whether we should increase the debt ceiling in this country. During President Reagan's time in running the country, this had been done dozens of times. But, no, these folks will do nothing without a big fight. As a result of that, we came to an agreement that was bipartisan. Now, some say the agreement was forced upon the Republicans, but they voted for it, an agreement to reduce the deficit, and the deficit we couldn't reduce before August of last year. We said: OK, fine, if we don't do something about it this year, then there will be automatic cuts called sequestration.

Now the House is doing everything they can to walk away from the agreement we made and the bipartisan vote we took. They are doing everything they can. They have a Republican budget, the so-called Ryan budget. And I say "so-called" because they are trying to make a reconciliation bill, but they can't do it because they are not following the law to do that. So they not only have reneged on this bicameral, bipartisan agreement to reduce spending, but they have fundamentally skewed priorities because they hand out even more tax breaks to multimillionaires and shield corporate defense contractors, all at the expense of hard-working, middle-class families, the elderly, and those who can least afford it. That is what they are doing in the House. They are going to have a so-called rule today and vote on it shortly thereafter. They would slash investments to strengthen our economy and just shred our social safety nets.

I want to quote from President Dwight Eisenhower. And let me remind everybody that he was a Republican. He was a tremendous President, and each day that goes by, people are looking at him more favorably. Here is what he said:

Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and not clothed.

This isn't some leftwing, socialistic-leaning liberal. That was Dwight Eisenhower—a five-star general who led the invasion of Normandy and did many other things, such as starting the National Highway System. Let me repeat what he said:

Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and not clothed.

I didn't make that up. That is what he said. In a balanced world—one where a strong national defense and a strong social safety net are both valuable pil-

lars of a successful society—that need not necessarily be true, is what President Eisenhower said. But the Republican plan would enshrine into law a set of unbalanced priorities and ensure the kind of terrible math General Eisenhower envisioned.

Unlike defense contractors and billionaires, ordinary Americans don't have high-priced lobbyists to protect them. That is our job. That is our job. There is not a person on this side of the aisle who doesn't believe it is good that we have wealthy people in America. We have Senators here, Democrats, who are wealthy—certainly not all Democrats, but there are some. We don't look down on people who are rich, but we do have to look out for people who are in need of our help. Most of these rich people have all kinds of lobbyists here to help them, but the people in Henderson, Ely, and Winnemucca, NV, don't have people here to help them. They have us. So Republicans are going after those who can't fight back—hard-working Americans and struggling families.

Let's review a little bit of history again. The sequester isn't the first bipartisan agreement to reduce the deficit. When I became the Democratic leader, I thought—having served on the Committee on Foreign Affairs in the House of Representatives and being very interested in America's involvement in foreign affairs, I took a trip to Central and South America. That was so necessary. And I took Democratic and Republican Senators with me. I was very careful in picking two Senators whom I wanted on that trip. One was Judd Gregg, a very fine Senator from New Hampshire, who has retired. I am sorry to say. I recommended that Senator Gregg be a part of President Obama's initial Cabinet. He agreed to take the job, but something came up, and he didn't do it. But he is a wonderful man. I also wanted KENT CONRAD on that trip. And I don't know which one knows more about the inner workings of the finances of this country, Gregg or CONRAD, but they are both good, and I wanted them to go together, and they did.

Senators Gregg and CONRAD spent hours and hours seated in that airplane working on doing something about the deficit. They both believed it needed some really difficult, hard work, and they decided to do what the base-closing commission did; that is, prepare legislation and give it to a commission that would send it back to us. There would be no amendments, no filibuster, just an up-or-down vote. That was their legislation. They wrote that and brought it to the floor.

As the leader, I decided I would move to proceed to it, and so I did move to proceed to it, thinking it should be a slam dunk. But seven Republicans, who had cosponsored the legislation, voted against it. I couldn't bring it to the floor. That was where Bowles-Simpson came from, as a result of the Republicans walking away from their own efforts to reduce the deficit.

Now, Bowles-Simpson was very difficult. There were 18 members, and they had to get 14 of the 18 to approve it. That didn't work. They couldn't get that many people to vote for it.

In the meantime, President Obama was working as hard as he could with the lead spokesman of the Republicans, the Speaker of the House, JOHN BOEHNER. JOHN BOEHNER said: I didn't get elected to do small things, I want to do big things. And President Obama, to his detriment with his base, said: I will do something to change Social Security and Medicare. And all these things he agreed to do publicly. But the Republicans—JOHN BOEHNER—could never go against Grover Norquist. The Republicans shake in their boots. They will not do anything, even though the American people by a more than 70 percent majority say people making more than \$1 million a year should contribute to what the problems are in this country. So that fell apart.

Then we had the Gang of 6 Senators—three Republicans, three Democrats—who had been on the Bowles-Simpson Commission, who said we should do something about this. They were in the press, they had press conferences, and this was going down the road and doing all kinds of great things. While that was going on, there was a decision made, and a law was passed to create a supercommittee, to which I appointed Senator PATTY MURRAY of Washington to run. No one in the Senate, Democrat or Republican, has more respect than PATTY MURRAY. She worked so hard with the other 11 Members of Congress to come up with something.

A few days before they were to arrive at a decision—and the Gang of 6 members are out here doing all this stuff all the time—I get a letter signed by virtually every Republican Senator saying: We are not going to raise revenue for anything. The supercommittee didn't work there. The Gang of 6 is gone. So we passed this last August to fund government for 2 years and to say if we don't arrive at another \$1.2 trillion in deficit reduction during this year, it automatically kicks in at the end of this year or the beginning of next year.

So that is where we are, and the Republicans in the House are trying to change that. So that is what this little history lesson has been all about.

I don't like to sequester. I wish we didn't have to do it. It was a hard pill to swallow, but it was the right thing to do. If we are ever going to reduce the staggering deficit, we are going to have to make some hard decisions. So that is what this is all about. But that is the point: It is hard to do; therefore, we have to do it, to sequester—which, in effect, would take almost \$500 billion from domestic programs and almost \$500 billion from defense programs. They were designed to be tough enough to force two sides to reach a balanced deal. It hasn't happened yet.

As I said earlier with General Eisenhower's statement, I didn't make that

up. That is what he said. My complaint about the Republicans being so unreasonable about everything is something where I am not a lone wolf crying in the wilderness. We have two long-time nonpartisan watchers of Congress, one from the American Enterprise Institute, which is a conservative think tank, another from Brookings Institute that wrote an article saying: It is the Republicans. Can't you see what they are doing? Here is one thing they said:

We have been studying Washington politics in Congress for more than 40 years, and never have we seen them this dysfunctional. In our past writings, we have criticized both parties when we believed it was warranted. Today, however, we have no choice but to acknowledge that the core of the problem lies with the Republican party.

They further said:

The GOP has become an insurgent outlier in American politics. It is ideologically extreme; of scornful compromise; unmoved by conventional understanding of facts, evidence and science; and dismissive of the legitimacy of its political opposition.

What brave men to do that, to write these comments—which are true. I have been saying that I don't want to fight about everything. Republicans insist on balancing the budget on the backs of the middle class, seniors, students, single mothers, and those who could least afford it. That is what they are doing over there today. It is their refusal to compromise that leaves us facing the threat of sequester, and it is difficult but it is balanced.

Going back to the August budget agreement now in order to protect wealthy special interests is no solution. Neither is refighting the battles of last year. Democrats agree we must reduce our deficits and make hard choices, but we believe in a balanced approach that shares the pain as well as the responsibility.

Is the sequester the best way to achieve that balance? No. But Republicans refuse to consider a more reasonable approach—one, for example, that asks every American to pay his fair share while making difficult choices to reduce spending. Democrats will not agree to a one-sided solution that lets the superwealthy off the hook while forcing the middle class and those in greatest need to bear all the hardship.

Democrats believe we can protect Americans' access to health care, create jobs while investing in the future, and protect the poor and elderly. But we can't do it alone. It will take work and compromise, and so far Republicans have been unwilling to make a serious effort to achieve that result.

Republicans have rejected our balanced approach. Their one-sided solution to across-the-board cuts would take away from the many to give to the few.

Here is what the plan would do—not all of it, but here is what their plan would do. Remember, they are taking it up over there in the House today.

It would cut Medicaid benefits, increasing the number of uninsured children, parents, seniors—and that is in

addition to people with disabilities—by hundreds of thousands, just eliminate them. It would also put seniors in nursing homes at risk. Some of them would have to move out of the nursing home, I guess.

It would punish Americans who receive tax credits to purchase health insurance when their financial circumstances change, causing 350,000 Americans to have no coverage. This would add to the tens of millions who already exist that way.

It would weaken Wall Street reforms, protecting big banks at the expense of consumers. Their legislation would once again target middle-class workers, food inspectors, air traffic controllers, Border Patrol agents, drug enforcement, and FBI agents. They would have to be laid off.

It would cut funding for preventive health care programs that fight chronic illnesses—such as heart disease, cancer, strokes, and diabetes—that cause 70 percent of the deaths in America. Preventive care would be reined in.

It would slash block grant funding in the United States to help 23 million children, seniors, and disabled Americans live independently and out of poverty.

No segment of the population is immune from this painful, absurd Republican plan—except maybe millionaires, billionaires, and wealthy corporations. The Republican proposal cuts Meals on Wheels and reduces food assistance for almost 2 million needy people. One of the Republican candidates running for President said President Obama is the Food Stamp President.

There are more poor people. Our economy has been in bad shape. People are struggling. The millionaires are doing fine. And in addition to what I have already mentioned, this thing that they are taking up in the House today cuts off almost 300,000 children from free school lunches at a time when one in five children lives in poverty.

The U.S. Conference of Catholic Bishops said the Republican plan fails “a basic moral test.” This budget sets very clear priorities. The problem is what they are taking up in the House sets up the wrong priorities.

President Franklin Roosevelt said:

Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel to be tough.

So Republicans would do well to remember our Nation is judged not only by the strength of its military, but also by the strength of its values, so says General Eisenhower and President Roosevelt.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### RECOGNITION OF THE MINORITY LEADER

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

#### SKEPTICAL AMERICANS

Mr. McCONNELL. Madam President, with President Obama officially on the campaign trail now, it is hard not to be reminded of the kind of candidate he was the last time around and to marvel at the difference.

At some point the postpartisan healer who pledged to unite Red and Blue America became the “divider in chief,” a deeply divisive President who never seems to miss an opportunity to pit one group against another and who is now determined to win reelection not by appealing to America's best instincts but all too often to its worst.

Even the New York Times editorial page, this very morning, says the country is more divided than it was 4 years ago under this President. Some have argued that the transformation we have witnessed proves that the President was a liberal ideologue all along, that the task of governing revealed his true instincts. That may be true. But there is an even simpler explanation than that, and one that in some ways is even more disappointing. It is the idea that the President said what he needed to say to get elected then and that he will say whatever he needs to say to get reelected now.

It encapsulates why the American people are so very skeptical of politicians. The President's policies may have disappointed. A health care bill that was supposed to lower costs is causing them to rise. A stimulus bill that was supposed to create jobs was better at generating punch lines. But one of the greatest disappointments of this Presidency is the difference between the kind of leader this President said he was and the kind he has turned out to be.

How did that happen? Well, I think the President just put too much faith in government. Let's face it; there isn't a problem we face that this President didn't think the government could solve. Despite all the evidence to the contrary, he still can't seem to shake the idea that more government is the answer for what ails us.

When the stimulus failed, it wasn't the government's fault; it was the Republicans. When the health care bill caused health care costs to rise, the same thing. When trillions are spent and jobs don't come, it is ATM machines, it is the weather, it is bankers, it is the rich, it is Fox News—it is anything other than the government.

This is why the sickening waste of taxpayer dollars we have seen so many times over the last 3 years—whether it was at a solar company such as Solyndra or at a lavish party that Federal bureaucrats threw for themselves in Vegas—is viewed not as a symptom of a larger problem in Washington but as a problem to be managed, something to acknowledge and then move beyond because they just don't seem to see it. The President seems to view government the way some parents view their children: It can do no wrong.

So if there is a problem to solve, a challenge to tackle, the solution is always the same: more government, more government. And the results are always the same: a disappointment to be blamed on somebody—anybody—else.

I think the President summed it up pretty well during a speech he gave in New York just yesterday. This is what he said:

The only way we can accelerate job creation that takes place on a scale that is needed is bold action from Congress.

Really? The only way to accelerate job creation is through Congress? Not the private sector? Hasn't the experience of the last 3½ years taught this President anything at all about the limitations of government action?

Madam President, 3½ years and \$5 trillion later, there are nearly a half million fewer jobs in the country than the day the President took office. That is not what most people would describe as a good return on investment. Yet that is all we get—the same government-driven solutions he has been pushing for 3½ years.

Nearly 13 million Americans who are actively looking for jobs can't find one. Millions more have given up looking for a job altogether as the worker participation rate is the lowest it has been in 30 years.

More than half of all college graduates—the best prepared to enter the workforce—can't find a good job. More than half of college graduates can't find a job. And this President is proposing the same old ideas that have failed before. Some government action failed? Then just do it again on a larger scale. That is the approach this President has taken. It is his approach still. It is the clearest sign he is literally out of ideas.

But he is unwilling to try something different. He is unwilling to confront the fact that a government that might have worked well a half century ago is outdated and in desperate need of reform. So he is resorting to the same old political gimmicks and games that he criticizes others for using.

Earlier this year the President mocked those who, every time gas prices go up, dust off their three-point plans to lower them, especially in an election year. That was the President. Yet yesterday he was proposing a five-point plan of his own to revive the economy, a to-do list in effect for Congress.

The cynicism is literally breathtaking. Here is a President who, in the morning, worked hand-in-hand with Senate Democrats to ensure that legislation to freeze interest rates on student loans wouldn't pass, and in the afternoon gave a recycled speech in which he pleaded for an end to the very gridlock he was orchestrating. There is perhaps no better illustration of how far this President has come from the heady days of his last campaign.

Look: Americans voted this President into office on a promise of bipartisan action.

Orchestrating political show votes on student loans and giving Congress a post-it note checklist of legislative items to pass before the election is not what the American people expected.

They expected us to work together and they still do.

The President knows as well as I do that the solution to our economic problems lies not in a Post-It-Note congressional agenda dictated from a lectern in New York, but through a sound limited-government pro-growth plan, which includes comprehensive tax reform, a true all-of-the-above energy policy and the elimination of burdensome regulations that are hurting business and hindering job creation.

Republicans have been calling for these policies for years and the President at one time or another has claimed to support them. These are proposals where Republicans and Democrats can find common ground. In other words, a plan designed not to control free enterprise from Washington but to liberate it. We just need the President to show some courage and leadership.

We will get this economy going not by handing out more special favors and credits to favored industries and groups, but by simplifying the code, clearing out the loopholes, and lowering rates for everybody.

In less than 8 months, Americans will be hit with the biggest tax increase in history—unless we act.

The President knows as well as I do how devastating this would be for the American people—for everyone.

People who are already struggling will have to do with even less. Businesses that are already struggling just to keep afloat will see Washington getting an even bigger take than it already is.

This looming tax hike will be absolutely devastating. Yet here we are less than 8 months away from it, and the President is busy orchestrating failure in the Senate and waving around some 5-point plan cooked up by some high-paid political consultant in Chicago.

Now, I am not in the business of giving the President campaign advice. But I am in the business of trying to get the best possible outcome for the American people. And here is an issue—tax reform—where I know the two parties have a shot at working together to help this economy, and restore the American Dream for all those who've started to doubt whether it will even be there in a few years.

So I would respectfully ask the President to ignore his campaign consultants for once and do what's right for the nation as a whole. Republicans in Congress are ready to work with you, Mr. President, on the kind of comprehensive reforms that you yourself have called for in the past.

Working together might not help your campaign, but it would help the country. So my message to you is this: We are ready when you are.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. I ask consent to address the Senate as in morning hour.

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

#### STARTUP ACT

Mr. MORAN. Madam President, once again, it is that time of year when many proud parents will watch their children walk across the graduation stage to receive their diplomas. Two years ago, I watched my oldest daughter saunter across her college graduation stage and it was one of those moments for me in which I realized our country faces tremendous, enormous challenges, and if we fail to act our children's future will be at significant risk.

I believe all Members of Congress, in fact every American, has the responsibility to be a good steward of what has been passed on to us. At that graduation event, I renewed my commitment to do my part to turn our country around.

My fear is we are not doing enough, that we as Americans and especially we as Members of this Congress are not doing enough to offer our children a bright future. In the last 2 weeks, I have read headlines that caught my attention. They would catch every American's attention.

First, the amount of student loan debt has surpassed \$1 trillion for the first time in American history. Americans now have more combined student loan debt than combined credit card debt.

Second, the AP recently reported that one out of every two college graduates this year will be unemployed or underemployed. Unfortunately, it is not just college graduates who are having trouble finding a job and paying their bills. The Department of Labor reported just last week that more than 12 million Americans are still looking for work and our economy only added 115,000 jobs in April, the lowest number of jobs added in 5 months. This makes 39 straight months of unemployment rate over 8 percent.

Our first priority in Congress must be to strengthen our economy so more jobs can be created, more Americans can get back to work, and more graduates can pursue their dreams. Data tells us that for close to three decades, companies less than 5 years old created almost all the new net jobs in America, averaging 3 million jobs each year. While startups provide the gasoline to fuel America's economic engine, new businesses are hiring fewer employees than in the past and make up a smaller share of all companies than in previous years.

Troubling data out last week from the Census Bureau shows that the startup rate fell to the lowest point on record for new firm births in 2010. While startup companies are so important to job creation, their numbers are now falling too. Given the disproportionate impact new businesses have on

the economy, it makes sense to craft targeted policies that help entrepreneurs start businesses and that make it easier for these young businesses to grow.

A former NASA engineer now in the technology field gave me a useful analogy. He described the process of designing a rocket or an airplane, in which there are two forces at play that determine whether the rocket will launch or plane will fly: thrust and drag. So much of what we want to do around here tends to focus on the thrust, spending money and creating programs, when what we ought to be doing is focusing on reducing the drag.

Rather than spend money on government programs, Congress must and should enact policies that create an environment in which many entrepreneurs and their young companies have a better shot at success, and in the process of pursuing success they put people to work—reduce the drag so the private sector can create jobs.

To create this environment where these startup companies can be successful, I have introduced the Startup Act with Senator WARNER. The Startup Act reforms the Federal regulatory process to ensure that the cost of compliance does not outweigh the benefits of regulations. The Startup Act alters the Tax Code to create incentives that will facilitate the financing and growth of new businesses. The Startup Act accelerates the commercialization of university research so more good ideas move out of the laboratory and into the marketplace, where they can create jobs for Americans.

Perhaps most important, the Startup Act helps America win the global battle for talent.

On a recent trip to Silicon Valley, I met with startups, entrepreneurs, and some of the leading technology companies in the world—and they were just startup companies a few years ago. While I heard many encouraging stories of success, their No. 1 concern was attracting and retaining highly skilled employees. One business I met said they had plans to hire dozens—I think the number was 68—foreign-born but U.S.-educated individuals and to hire them here in the United States, but they were unable to get the visas necessary to have these workers work in the United States. Rather than lose that talent, this company hired the employees but placed them at various international offices in countries with immigration policies that encouraged the retention and attraction of highly skilled foreign-born workers.

Another company told me that with the talent increasing overseas, it will soon be easier for them to open offices and plants in other countries rather than have the work done in the United States.

The last thing we want is for American businesses to have a better business climate in places outside the United States. It is not just the loss of those dozens of jobs to some other

country; many of those people in those businesses will become entrepreneurs themselves and create their own businesses, hiring even more people down the road. So we lose this talent, this skill on two occasions—first, the direct jobs today and ultimately the jobs these entrepreneurs will create in the future.

The future of our economic competitiveness depends upon America winning the global battle for talent. Foreign-born Americans have a strong record of creating businesses and employing Americans. Data shows us that 53 percent of immigrant founders of U.S.-based technology and engineering companies completed their highest degree at an American university, and rather than send these talented, highly educated individuals who have been educated in the United States back home once they graduate, we should do much more to allow them to remain in the United States, where their skills, their talents, and their intellect, as well as their new ideas, can fuel U.S. economic growth.

We are not talking about illegal immigration; we are talking about legal immigration. It makes no sense to educate these talented, foreign-born students in America and then send them to their home countries to compete against Americans for jobs.

The Startup Act will help America win this global battle for talent. The Startup Act creates entrepreneur visas for foreign entrepreneurs who register a business and employ Americans in the United States. By encouraging more entrepreneurs to stay in America, they will not only start more businesses but they will employ more Americans and strengthen our economy. The Startup Act also creates a new STEM visa for foreign students who graduate from an accredited U.S. university with a master's or Ph.D. in science, technology, engineering or mathematics. Our own Department of Commerce projects that STEM jobs will grow by 17 percent in the years ahead. We have to retain more highly skilled and highly talented and educated individuals, the ones we educate in America, for us to remain competitive in a global economy. We are going to make sure our own U.S.-born and educated citizens have those job opportunities as well. We do not want to risk the loss of the next Mark Zuckerberg to Brazil or India. Doing so will fuel America's economic growth and result in the creation of jobs here in America by retaining these folks.

Despite the overwhelming evidence, Congress should address this issue. Congress's conventional wisdom says not much will get done. My guess is 80 percent of my colleagues in Congress would agree with the proposals contained in this legislation. Particularly, 80 percent I think would agree with the aspect of the legislation dealing with STEM visas. But we are told that because we cannot do everything, we cannot do anything. That excuse is no

longer a good one and should not be accepted. We cannot continue to operate under the sentence that always says we can't do anything in an election year. Our country desperately needs us to act now, not later. In fact, in the short time I have been a Member of the Senate—about 14, 15 months—six other countries have changed their laws to encourage these types of individuals to work in their countries, to create jobs, to support entrepreneurship, innovation, and job creation in those countries. In just the little over 1 year I have been a Member of the Senate, six other countries have advanced further than we have while we have waited because we cannot do anything because it is an election year.

America cannot turn a blind eye to those developments or to use the upcoming elections as an excuse to do nothing, yet again, on an issue that is so critical to our future. Congress should work to make it easier for companies to grow because in a free market, when people have a good idea and work hard, they not only enhance their own with success but the lives of so many others through the products and jobs they create.

If we do not take the steps now to win the global battle for talent, our country's future economic growth will be limited. That means college grads and young people will have fewer opportunities, and higher rates of unemployment may become the norm instead of the exception. Allowing talented, foreign-born U.S. students and entrepreneurs to remain in the United States will create jobs for more Americans.

I will continue to work with my colleagues in the Senate to implement policies such as those contained in the Startup Act so more entrepreneurs can turn their ideas into reality, that they will have the chance for success. We owe the next generation of Americans the opportunity to pursue their dreams—that those who this month walk across the graduation stages in high schools and colleges and universities, technical colleges and community colleges across our country, will have the opportunity to pursue what we all know as the American dream.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent to speak as in morning business.

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

#### NATIONAL FLOOD INSURANCE PROGRAM

Mr. VITTER. Madam President, I come to the floor again to urge all of us to join together on a bipartisan basis and to reauthorize the national flood insurance program, to do it now, to do it quickly because time is running out. On May 31 the entire National Flood Insurance Program will expire. When the clock strikes midnight that day, it will be gone unless

we act, and act we must. This is an important program for the country.

In my neck of the woods, in south Louisiana in particular, almost every real estate closing is dependent on this program because those properties need flood insurance for there to be a closing, which is very typical in many other parts of the country. So here we are trying to get out of a real estate-led recession, trying to bolster the economy, and we are on the verge of letting the entire National Flood Insurance Program expire yet again.

What is so frustrating about this is there are not big disagreements about how to get this done. This is not an overly partisan issue; we are not bitterly divided. This is merely an issue of getting floor time in the Senate.

The House acted last year in a bipartisan way, and the Senate committee on which I serve has acted. I have worked very closely with my subcommittee chair JON TESTER, and we have acted in a bipartisan way. We have put together a good 5-year reauthorization bill, but we need to move this on and off the Senate floor to get this done before the end of the month.

Again, I urge the distinguished majority leader, Senator REID, to give this important matter floor time. We all come here and talk about needing to improve the economy. We all come to the floor and talk about jobs. Well, it is absolutely necessary in all of those categories, with all of those issues in mind, to extend the National Flood Insurance Program. And let's not just put a bandaid on it again and let it limp along with a very short-term extension. Let's do the full 5-year reauthorization, which we can do, which is well in sight.

Groups around the country, particularly those working in the real estate industry and in this part of the economy, strongly support this effort.

Madam President, I ask unanimous consent to have printed in the RECORD several items, including a letter to Senator REID and Senator MCCONNELL signed by dozens of associations all along the political spectrum, urging this action.

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

MAY 7, 2012.

Hon. HARRY REID,  
U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the undersigned associations, we respectfully urge the Senate to move quickly to reauthorize the National Flood Insurance Program (NFIP) and avoid a costly lapse in the program on May 31, 2012.

As you know, more than 5.6 million policyholders in 21,000 communities nationwide depend on the NFIP as their main source of protection against property losses that result from flooding. Without flood insurance, many residential and commercial real estate transactions across the country will come to

a stop, as federally backed mortgage loans cannot legally be secured without this critical protection. Failing to reauthorize the NFIP could jeopardize nearly 40,000 mortgage closings per month, according to the National Association of REALTORS.

In 2011, Hurricanes Irene and Lee caused significant flooding from North Carolina to Maine. Those storms followed more than one hundred natural catastrophe events and significant spring 2011 flooding in several states across the country. We are about to enter hurricane season again, and America cannot afford a lapse of the program. Failure to reauthorize the NFIP would further stress already struggling real estate markets, potentially cost the government billions of dollars in uncompensated relief efforts, and put millions of consumers at risk.

In July 2011, the House of Representatives passed a bi-partisan measure, H.R. 1309, by a vote of 406-22. On September 9, 2011, the Senate Banking Committee unanimously approved its version of the 5-year bill. Both proposals include a long-term reauthorization and important reforms that will optimize the current program, make needed improvements to the floodplain mapping and appeals processes, and other key reforms that will encourage program participation and put the NFIP back on the path to sound financial footing.

We urge the full Senate to act now to reauthorize this program and avoid the costly consequences that would result in a lapse from failure to act.

Sincerely,

American Bankers Association; American Bankers Insurance Association; American Insurance Association; American Land Title Association; American Resort Development Association; Chamber Southwest LA; Consumer Bankers Association; Council of Insurance Agents and Brokers; Credit Union National Association; The Financial Services Roundtable; Houma-Terrebonne Chamber of Commerce; Independent Community Bankers of America; International Council of Shopping Centers; Independent Insurance Agents and Brokers of America; Mortgage Bankers Association; NAIOP, Commercial Real Estate Development Association; National Association of Federal Credit Unions; National Association of Home Builders; National Association of Mutual Insurance Companies; National Association of REALTORS®; National Apartment Association; National Multi-Housing Council; National Ready Mixed Concrete Association; Property Casualty Insurers Association of America; Reinsurance Association of America; Risk and Insurance Management Society, Inc. (RIMS).

Mr. VITTER. Madam President, I ask unanimous consent to have printed in the RECORD another letter along the same vein addressed to Senator TESTER, the subcommittee chair, and myself, the ranking member on the subcommittee, again strongly supporting this effort. Let's do it. Let's do it now. This is the SmarterSafer coalition, and this letter is dated May 9.

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

AMERICANS FOR SMART NATURAL  
CATASTROPHE POLICY,  
May 9, 2012.

Hon. JON TESTER,  
Chair, Economic Policy Subcommittee, Senate  
Banking Committee, Washington DC.

Hon. DAVID VITTER,  
Ranking Member, Economic Policy Subcommittee, Senate Banking Committee,  
Washington, DC.

DEAR SENATORS TESTER AND VITTER: As a diverse coalition of taxpayer advocates, en-

vironmental organizations, insurance industry interests, housing groups and others, we thank you for your efforts to reauthorize and reform the National Flood Insurance Program (NFIP). The hearing you are holding today is a positive step to getting the full Senate to consider and pass the Banking Committee-passed bill to reform NFIP, which as you know is in need of serious reform. The program is currently almost \$18 billion in debt to federal taxpayers and that amount is likely to increase if reforms to the program are not implemented. Without significant reform, the NFIP will not be sustainable and American taxpayers will continue to be asked to bailout the program time and time again.

The Senate Banking Committee has already unanimously reported out a bill that makes a number of needed reforms to put the flood insurance program on sound financial footing and the House passed NFIP reform with over 400 votes. The bill will phase out risky, unwarranted subsidies that have undermined the financial stability of the program; will allow NFIP to purchase reinsurance to help NFIP pay future claims while protecting taxpayers from these otherwise inevitable costs; will require FEMA to ensure maps are updated and accurate so that people understand and can better prepare for their risks; and will streamline and strengthen mitigation programs to help decrease flood risks and strengthen flood-exposed communities, homes, and businesses.

The Banking Committee has taken a needed step to reforming the nation's flood insurance program and Smarter Safer joins a range of stakeholder groups in applauding this legislation. We urge the full Senate to quickly pass this needed reform to NFIP so that the House and Senate can begin to resolve the differences and quickly get a bill to the President's desk.

We look forward to working with you on this issue and thank you for all of your efforts to pass this critical legislation.

Sincerely,

SMARTERSAFER.

Environmental Organizations: American Rivers, Ceres, Clean Air-Cool Planet, Defenders of Wildlife, Environmental Defense Fund, National Wildlife Federation, Republicans for Environmental Protection, Sierra Club.

Consumer and Taxpayer Advocates: American Conservative Union, American Consumer Institute, Competitive Enterprise Institute, Taxpayers for Common Sense.

Insurer Interests: Allianz of America, Association of Bermuda Insurers and Reinsurers, Chubb, Liberty Mutual Group, National Association of Mutual Insurance Companies, Reinsurance Association of America, Swiss Re, USAA.

Housing: National Low Income Housing Coalition, National Leased Housing Association.

Mr. VITTER. Madam President, I ask unanimous consent to also have printed in the RECORD an op-ed in Roll Call written by two representatives of this broad coalition again explaining the absolute importance and the critical nature of doing this full, longer term reauthorization.

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

[From Roll Call, May 8, 2012]

SAMPSON & VEISSI: END FLOOD INSURANCE  
PROGRAM UNCERTAINTY

(By David Sampson and Moe Veissi)

When Gerald Ford took the Presidential Oath of Office after Richard Nixon's resignation, he reminded Congress and the American people that "even though this is late in



an election year, there is no way we can go forward except together and no way anybody can win except by serving the people's urgent needs."

Congress would do well to heed his words as we approach a watershed election this November.

Despite widespread partisan gridlock on Capitol Hill, at least one opportunity for bicameral, bipartisan consensus exists: reauthorizing the National Flood Insurance Program (NFIP).

The flood program sits in limbo, set to expire on May 31. Extending the NFIP must be a top congressional priority. The NFIP provides vital flood protection for more than 5.6 million home and business owners in 21,000 communities across the country. Furthermore, the housing market relies on a strong and stable flood insurance program.

A lack of flood insurance coverage creates uncertainty in the housing market and leaves homeowners dangerously vulnerable to devastating floods, which are not just a coastal issue. Flood disasters have been declared in every state and over the past century have claimed more lives and property than any other natural disaster.

In 2010, the NFIP was allowed to lapse for 53 days, halting tens of thousands of real estate transactions in areas where homebuyers are required to purchase flood insurance to obtain a mortgage. Long-term reauthorization of the insurance program would help provide the housing market with the certainty it needs for a recovery.

The National Association of Realtors estimates that another lapse in coverage could stall more than 1,300 home sales per day. And disruptions in flood insurance availability leave all taxpayers exposed to widespread, costly relief efforts.

We have witnessed encouraging signs from elected officials in recent months.

The Senate Banking Committee passed a five-year reauthorization bill at the end of 2011 and the bill now awaits floor time.

Last summer, the House passed its five-year reauthorization on a resounding, bipartisan vote of 406-22. Additionally, the Obama Administration has heralded the House legislation and urged Congress to adopt fundamental NFIP reforms.

This is progress, but it will be of little comfort to homeowners if Congress does not act soon to pass a long-term reauthorization for the NFIP.

As politics gets more polarized, Americans are looking for signs that our elected officials can work together to address real problems. Realtors and insurers stand together in calling for Congress to put aside partisan differences and bring much-needed certainty to a program on which so many Americans rely.

Mr. VITTER. Madam President, I keep coming to the floor urging this because it is so important and because it is so achievable. Again, there are not big issues dividing us. This is not a partisan issue. We just need Senate floor time to get it done. In that vein, I will be doing two things today and in the near future.

First, I will be passing around to all Members of the Senate a new letter addressed to Senator REID to urge that this matter be put on the floor as soon as possible. In a letter dated February 14, we urged this on a bipartisan basis, and 41 Senators, of both parties, signed that. This new letter restates that case, and, of course, now it is more urgent than ever as the clock ticks to May 31—just 3 weeks and 1 day away.

I will also be proposing an amendment to the next matter that comes on

the Senate floor to incorporate the Senate bill with perfecting amendments that have been worked out toward the floor to incorporate that amendment on the next bill on the Senate floor. My understanding is that will either be the FDA user fee reauthorization or a small business tax bill. Neither of those bills is bitterly partisan or highly divisive. So I will be proposing as an amendment to either of those bills—whichever comes to the floor next—the full reauthorization of the National Flood Insurance Program along the lines the Senate committee has proposed.

Again, I urge my colleagues on both sides of the aisle to support that effort. I urge Senator REID to use that as a mechanism to get that done now, this month, before the expiration of the program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Madam President, I ask unanimous consent to speak as in morning business.

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

#### EMISSIONS TRADING

Mr. THUNE. Madam President, in 2005 the European Union began their emissions trading scheme, which attempts to cap emissions of carbon dioxide from stationary sources within the EU.

Starting in 2012, civil aviation operators departing from or landing in Europe began to be included in this emissions scheme. Under this program, any airline, including non-European airlines flying into and out of Europe, will be required to pay for EU emissions allowances. This change comes at a time when EU allowance prices continue to decline to a little over 6 euros, and the commission is considering proposals to drive up the prices.

Allowances will be collected for the entirety of the flight, including portions in U.S. and international airspace. For example, this means a flight leaving from Los Angeles, CA, and flying to London would be taxed on the entirety of the flight, not just the fractional part of the flight that is over EU airspace. To put it another way, you would be taxed as if 100 percent of your flight was in EU airspace even though approximately only 7 percent of the flight actually was; that is, a flight originating in California here in the United States and flying to London.

Very simply, the unilateral imposition of such a scheme on the United States and other countries is arbitrary, unfair, and a violation of international law. Plus, it is being done without any guarantees for environmental improvements and at a huge cost to the aviation industry and constituents we serve here in this country.

According to the International Air Transport Association, the economic cost of this program for airlines is expected to be \$1.3 billion in 2012. Let me

repeat that: \$1.3 billion in 2012. It is expected to reach as high as \$3.5 billion by the year 2020. Those are revenues coming out of the airlines in this country that would be used to pay for this fee—this tax, if you will—imposed by the EU on U.S. airspace. By requiring commercial aviation to comply, the EU ETS also limits airline capital that could be available for other meaningful purposes, including their ability to invest in more fuel-efficient engines, alternative sources of fuel, and research and development.

No one in Congress is against the EU implementing ETS within their boundaries. However, I believe that any system that includes international and other non-EU airspace must be addressed through the International Civil Aviation Organization, the ICAO policies, of which the United States and 190 countries are members. In fact, under current ICAO standards, the aviation industry is targeted to achieve a 1.5-percent average annual improvement in carbon and fuel efficiency through 2020 and carbon-neutral growth from 2020 forward.

That is why the U.S. airline industry and those advocates in the industry also agree that a single global approach to greenhouse gas emissions set at the ICAO is preferred to the unilateral EU ETS system. Even the Obama administration testified before the House Committee on Transportation and Infrastructure in July of 2011 that an EU ETS is inconsistent with international aviation law. The State Department and the U.S. Department of Transportation are also pressing this issue with their counterparts in Europe and are considering all legal and policy options to prevent further application of EU ETS to U.S. air carriers.

In addition, other nations have voiced opposition. Those nations include Argentina, Brazil, China, India, Japan, the Republic of Korea, Mexico, the Russian Federation, and South Africa. In fact, China's Ambassador to the EU recently suggested that they will begin canceling Airbus orders if the EU ETS remains in place. Also, countries such as Italy, the Netherlands, France, Belgium, and Spain—all EU member states—are calling for the postponement of EU ETS out of concerns raised by the international community. Even European manufacturers and airlines such as Airbus, Air France, and British Airways have urged their respective governments to stop the escalating trade conflict between the EU and the rest of the world.

The EU has no right to play policeman and undermine the ongoing work at the ICAO. As a result of this action by the EU, on December 7, 2011, I introduced the European Union Emissions Trading Scheme Prohibition Act, S. 1956, which now has seven cosponsors, both Democrats and Republicans. The bill gives the Secretary of Transportation the authority to take the necessary steps to ensure that America's aviation operators are not penalized by

any system unilaterally imposed by the EU. The bill also requires the Secretary of Transportation, the Administrator of the FAA, and other senior U.S. officials to use their authority to conduct international negotiations and take other actions necessary to ensure that U.S. operators are held harmless from the action of the European Union. The House of Representatives passed a similar bill by a voice vote on October 24, 2011. The U.S. commercial aviation community, including airlines and manufacturers, are all supportive of my bipartisan bill.

Next month, I am looking forward to the Commerce Committee hearing that is scheduled to take a closer look at this important issue and at my legislation.

Doing nothing is not an option. The unilateral imposition of the EU emissions trading scheme is a violation of international law and is hurting U.S. airlines, manufacturers, and consumers. Keep in mind that with near record oil prices, the EU ETS will add to the already high amount airlines and passengers pay for fuel.

We need to act now. We need to send a clear and unequivocal message and pass my bipartisan bill that addresses this scheme and protects the U.S. aviation industry and American sovereignty. I hope we will act on this legislation and make sure that this issue, once and for all, is put to rest and that the European Union is not able to assess a tax or a fee on American airlines operating in American airspace.

I yield the floor and 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.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam 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.

Mr. HARKIN. Madam President, here we are again in the Senate on yet another day when families and students across this country are wondering if we are going to do our duty. Are we actually going to move legislation that will keep the interest rate at 3.4 percent on subsidized student loans or are we going to let it go to 6.8 percent—double—on July 1?

We have legislation and we brought it to the floor. Yet yesterday my Republican colleagues voted to not even proceed to it. I think the people of America are saying that this shouldn't happen. We should be able to work these things out. We should move legislation, not obstruct it.

Everyone now agrees we should keep the interest rate at 3.4 percent. The Republicans say they want to keep it at 3.4 percent and we say we do. The Republicans were initially opposed to this, but they have gotten onboard.

That is fine. I have been here on the floor listening to my colleagues talk about this since Monday. Everyone agrees we have to keep it at 3.4 percent and not let it go up, so it ought to be a bipartisan issue. We ought to be able to move this rapidly and move on to other matters. There are other issues confronting us in the Senate. Yet here we are on the floor again today discussing the student loan interest rate.

As I said, we had the vote yesterday to move it forward, but my Republican colleagues blocked us from doing that. They agree we should keep the interest rate at 3.4 percent, but not on how to pay for it. Well, OK, fine; that is a legitimate point of debate and discussion and votes. So why don't we move the bill forward, bring it to the floor, and let's have a debate and discussion on how we pay for it. If they want to offer an amendment, they can offer an amendment and we will vote on it. It seems to me—at least I think—that one of the responsibilities, and maybe privileges but responsibilities, of the majority party in the Senate, whichever party it might be, is to initiate legislation and bring it to the floor. The privilege and responsibility of the minority party is to be able to amend it, to try to make it better as they may see fit. I don't think it should be a privilege and responsibility of the minority party to block everything, but we have seen that happen more and more over the last few years. Republicans won't let us bring a bill to the floor because under the rules it requires 60 votes rather than 51 votes to bring a bill forward. So, again, we are stuck because we can't bring the bill forward.

I hope we have another cloture vote. Let's keep having these cloture votes and maybe Republicans then will say, OK, let's move it forward and let's debate it and move on. So I hope that is what we are going to be doing rather than stopping the process in its tracks.

It is interesting to note that House and Senate Republicans were silent on this issue until students from around the country became aware of the impending increase and made their voices heard. Democrats were already hard at work on the solution. I would remind my colleagues that earlier this year, in the budget debate in the House, an amendment was offered by Democrats during the House budget process to extend the current rate of 3.4 percent. That amendment lost by a straight party vote. Instead, the Republicans proposed to pay for this by taking money from the Prevention and Public Health Fund. That is not an appropriate solution, killing the fund that is preventing cancer and preventing unnecessary diseases in the United States.

My friends on the other side would have us believe that nothing bad will happen if we eliminate the Prevention and Public Health Fund. They call it a slush fund. There is no truth to that at all. The truth is that the elimination

of this fund would have disastrous effects on the health of our kids and our families. To eliminate the Prevention and Public Health Fund will cost us billions in the future for taking care of people who have chronic illnesses and chronic diseases and obesity. We know that an investment in immunizing our kids—for example, for every dollar, it saves us \$16 in saved health care costs. To eliminate this fund would lead to a resurgence of vaccine-preventable diseases in every State due to the expected loss of more than 1.5 million doses of lifesaving vaccines and nearly 1,100 skilled public health workers.

Again, eliminating the Prevention and Public Health Fund would mean eliminating vaccines for our kids, eliminating public health workers who know how to deliver these vaccines and respond to outbreaks. We would be losing public health staff at the State and local levels.

Eliminating this fund would end support for increased calls to the tobacco quitline, meaning smokers encouraged to quit by the fund's strategic and evidence-based investments thus far would not have the support to keep that quitline going. If current smoking rates persist, 6 million kids living in the United States today will ultimately die from smoking. If we eliminate the Prevention and Public Health Fund, we will be forced to reduce the availability of mental health and substance abuse services to very vulnerable Americans.

Eliminating the fund, as the Republicans want to do, would reduce investment in public health laboratory capacity at the State and local levels, thereby reducing the speed with which we can detect and respond to outbreaks and, yes, maybe even terrorist events. It would cut the number of disease detectives that the Centers for Disease Control and Prevention can train and deploy. These disease detectives are our first line of defense against infectious diseases.

Eliminating this fund would result in layoffs, as I said, of public health officials in every State and community who are working on chronic disease prevention, immunization, health-care-associated infections, and other health problems.

An elimination of the prevention fund—again, I use the word “elimination.” The Republican proposal wouldn't just take some money from the prevention fund, it would kill the prevention fund. It would take every single penny out of it.

My friends on the Republican side say: Well, President Obama in his budget took money out of the prevention fund. In fact, Democrats joined with Republicans earlier this year in taking \$5 billion out of the life of this fund to help pay for extending the unemployment insurance program for the remainder of this year, as well as extending the payroll tax cut. They use that example to say, Well, we can kill the whole thing. I must be very frank.



I was not in favor of that \$5 billion cut, but be that as it may, as I used the analogy yesterday, it is one thing to take a couple of pints of blood and another to take all the blood. A person can live if a couple of pints of blood are taken; they can live and get healthy. That is what is happening to the prevention fund. The Prevention and Public Health Fund is alive and well and doing its job even though some money is taken out of it. What the Republicans want to do is take all the blood out and kill the whole program.

President Obama has said he will veto this bill if there are any cuts in the Prevention and Public Health Fund. So there has been a line drawn. We took some money out of it before, but no more. That is it; no more money is coming out of this prevention fund because of the good it is doing in this country.

An elimination of this fund, which the Republicans want to do, would stop in midstream across our country efforts to address the risk factors for heart disease, diabetes, obesity, and cancer—the leading causes of death and health care costs. Yesterday in this Chamber I read from a new Centers for Disease Control and Prevention report that finds that if we could prevent the obesity rate from increasing past its current 34-percent rate right now, we could save nearly \$550 billion in the next 20 years.

In 1980, the obesity rate was right at about 15 percent in this country. Today, as I said, it is 34 percent. If it increases at the rate they expect, looking at all indicators now, 42 percent of all Americans will be obese by 2030 and one out of every four of them will be severely obese. That means a huge increase in adult onset diabetes and all the accompanying health care risks and costs, including heart disease and stroke, that accompany obesity.

We know how to address it. We have evidence-based programs that we know work in keeping the obesity rate down. That is what the prevention fund does. The Republicans want to kill it. They say no, get rid of it.

Cuts to our chronic disease prevention programs would mean 120 million Americans—1 in every 3 citizens—would lose access to preventive services. It would mean \$103 million no longer available to States and counties and local jurisdictions to provide these services. Over 20 million Americans in rural areas in New York and in Iowa and all across this country would no longer have access to preventive services and programs.

The American people get it. Our citizens, whom we represent, get it. They understand. A poll was taken which said that voters overwhelmingly support more investment in prevention. This is from a 2009 public opinion poll: 71 percent of Americans polled said yes, do more, invest more in prevention. Our fellow citizens are crying out to us for help. They want help. They want to know what to do. How do they change?

What can we do in our communities, our schools, our workplaces, our clinics, our community health centers? What can we do so that we don't get sick, so we don't get obese or diabetes, so we don't have heart disease? Most people don't know what to do. They need some help. They need information. They need support.

That is what this prevention fund does. We know it works. We know. We have evidence-based programs out there that work. The Centers for Disease Control and Prevention is doing an outstanding job across this country in these programs: from community programs, to public health infrastructure, to clinical preventive services, research, tobacco prevention programs, detection and prevention of infectious diseases, and training and preparing the public health workforce—all of this.

That is why prevention is not just something people go into a doctor's office to get a shot for or get a prescription for and people get a pill for. Prevention encompasses a lot of different things—everything from newborn screening, immunizations for children, school-based programs, and better food and nutrition in our school meals for kids.

Communities change the way they operate and do things—more walking paths, more bike paths. The other day there was something said about Illinois had used some of this for signage and walking paths for kids. I pointed out, yes, they did. What happened is the number of kids walking to school increased, and that cut down on the number of buses they had to use. It saved the school some money, and the kids got healthier.

I have often used the example that when I first moved to Washington in 1979, when I was in the House, my wife and I purchased a home in Virginia. We still live there. One of the reasons we bought it was because we were about a mile away from a school, a high school. We thought: That is great. The kids can just walk to school. Little did I know there were no walking paths to the school. It was a busy street. There was a sidewalk for a little ways, and then there was not one. The kids could not walk. So they had to take a bus just to go 1 mile.

So, again, communities putting in sidewalks, safe passages for kids to do that, that is healthy living. I have seen instances in my own State where communities have put in walking paths for the elderly, for senior citizens, so they do not have a lot of steps and things to go up and down. You would be amazed how many people use that and stay healthy.

Supporting systems in our workplaces, making our workplaces more healthy, helping businesses understand what they can do to provide a healthier workplace for people—examples abound all over this country.

I say to the Acting President pro tempore, I am sure I do not know all

the instances in New York State, but I will bet you communities there have gotten together and thought about how to make life a little bit more healthy, how to support a more healthy infrastructure for their people.

Some communities are coming up with very ingenious ideas. I say more power to them. That is what the Prevention Fund is for—to help them, to encourage them, to give them the kind of support they need to provide that healthy living.

I have said many times, it is interesting that in America it is easy to be unhealthy and hard to be healthy. One would think it should be the other way around. It should be easy to be healthy and harder to be unhealthy. It is just the other way around.

So what we are trying to do with some part of the prevention fund—not all of it; part of it—is to make it easier to be healthy, to make that an easier option for people.

So if we both agree—Republicans and Democrats—on the fact that we need to keep the interest rate on student loans at 3.4 percent, then the debate is just on the offset. As I have said, Republicans want to kill the prevention fund. The American people have said loudly: No, we do not want to do that. We want more investment in prevention. We do not want to get sick. We do not want to get obese. We want to quit smoking. We want our kids to be healthy. We want them to have healthier food, better exercise. Republicans are saying: Well, we are just not going to do that. I guess we will pay more for it in chronic illnesses and diseases down the line.

Well, our offset is one that I think is legitimate and sound, closing a loophole in the Tax Code. That means more money would go into the Social Security and Medicare trust funds, and it would help us keep the interest rate at 3.4 percent.

Education has always, and I hope will always, remain a bipartisan issue here. I urge my Republican colleagues to come to the table with a serious offset—a serious offset. If they do not like what we have proposed, please come with something that is serious. Eliminating the prevention fund is a no-starter. As the President said, he would veto it. So why push it?

I think this is an opportunity for all of us to come together and show the American people this body is not broken; we can work with each other and get things done for the good of our people. Again, I encourage my Republican colleagues to allow us to move forward on the bill. Do not keep blocking it. If they want to offer a different offset, fine. Not this one, not the elimination of the prevention fund because that is not serious. That is not going anywhere. If they have some other ideas, bring them forward. As of yet we have seen nothing from my Republican colleagues other than stopping the bill—stopping it, stopping it, stopping it.

So I hope they will come to the table, and I hope we can move this bill forward.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, first, I commend my friend from Iowa for being such a phenomenal champion of preventive health care. He has been fighting for this as long as he has been in the Senate, and he has had some great victories. He has had some setbacks but mainly victories. It is because of his energy and effort that we are where we are today in terms of getting this money for preventive health care, and his continued effort to fight for it and to preserve this fund is notable. It is going to succeed. If it does, and when it does, it will be mainly because of our friend from Iowa.

Our Republican colleagues could have allowed us yesterday to begin debate on legislation to fix the looming increase in student loan interest rates. They could have helped us avoid adding to the already crushing weight of student debt that families in our country face. They could have joined us in taking a step toward letting parents do what parents desperately want to do, which is to help their kids to a better future.

American families are waiting for us to act. On July 1 the interest rate on student loans is going to increase from 3.4 percent to 6.8 percent. It is going to double unless we act. For every year we fail to act, it will cost the typical college student and their family \$1,000. That is \$1,000 that most families do not have to spare. More than 7 million students and their families nationwide would be affected. So the need to act is urgent.

Instead, in what has come to be a damaging ritual in the Senate, Republicans have filibustered a motion to proceed to important legislation. Republicans have voted against even allowing the Senate to begin to debate a bill. Why not debate it? Why not offer relevant amendments? Why not address this important issue?

No. By their filibuster, our Republican colleagues have refused to let the Senate even start this process. Republicans say they too want to prevent this increase in student loan interest rates. They differ with us, they say, on how to pay for it. Republicans say the only way they are going to support this legislation to prevent the rate increase is with cuts from a fund that helps to prevent infectious and chronic diseases.

The program Republicans seek to eliminate has provided more than \$8 million to my State to help fight major health problems, such as influenza, diabetes, HIV, heart disease, and cervical cancer. These funds even helped to provide funding for childhood immunizations programs. So what the Republicans propose is this: choose between helping college students and their families and helping to prevent expensive

and debilitating health problems, choose between education and health care. Choosing to allow more health problems in order to help students and their families is not a choice at all.

Democrats are offering a different alternative. We recognize the Tax Code is full of loopholes and special breaks that allow some individuals and some corporations to avoid paying taxes. In this case, what is identified is a tax break that allows some professional service providers such as lawyers to avoid paying their payroll taxes by organizing their businesses as so-called S corporations and then paying themselves in the form of dividends instead of salaries. The Government Accountability Office recently examined this issue and found widespread problems, costing taxpayers and the Treasury billions of dollars each year in uncollected revenues.

What our bill would do is require the professional service providers with incomes above \$250,000 a year to pay payroll taxes on the income they derive from these S corporations. We would use the revenues from closing that loophole for those with incomes above \$250,000 to prevent the interest rate hike that is going to hit middle-income families. At the same time we are going to be able to do that, we are also going to avoid increasing the deficit or slashing important programs.

Our Republican colleagues have accused us—to quote one of them—of raising taxes on “the people that are doing some of the very serious job creation in this country.”

Well, not long ago Republicans were saying something different about this loophole. For starters, they actually called it a loophole. That is what former Vice President Cheney called it during his 2004 Vice Presidential debate.

He called it a “special loophole.” He accused his debate opponent of dodging \$600,000 in payroll taxes using this loophole. Likewise, a Republican candidate for the Senate not long ago called this “a deceptive tax scheme to get around the IRS.” There were no Republican cries then about raising taxes on job creators.

The fact is this loophole ought to be closed, no matter who is taking advantage of it, Democrats or Republicans. Closing it, at least for those with incomes above \$250,000, in order to avoid another blow in a long series of blows to middle-income Americans just makes sense and is fundamentally fair.

Hundreds of thousands of students in my State of Michigan depend on student loans to help afford college. They and their families know college is not going to get any cheaper. They do not need a doubled interest rate on top of tuition increases. For many an affordable loan is the difference between staying in school or giving up the dream of a college education. We should not let this loophole stand in the way of those dreams.

I urge our Republican colleagues to end their filibuster of this vital bill. If

Republicans think they have a better way, let's debate their alternative and let's vote. Let's end this filibuster. Let's end it today.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

#### WAR POWERS

Mr. WEBB. Madam President, I rise today to address perhaps the most important constitutional challenge facing the balance of power between the Presidency and the Congress in modern times, and also to offer a legislative solution that might finally address this paralysis. It is an issue that has for far too long remained unresolved. And for the past 10 years, the failure of this body to address it has diminished the respect, the stature, and the seriousness with which the American people have viewed the Congress—to the detriment of our country and to our national security.

The question is simple: When should the President have the unilateral authority to decide to use military force, and what is the place of the Congress in that process? What has happened to reduce the role of the Congress from the body which once clearly decided whether the Nation would go to war, to the point that we are viewed as little more than a rather mindless conduit that collects taxpayer dollars and dispenses them to the President for whatever military functions he decides to undertake?

We know what the Constitution says. Most of us also know the difficulties that have attended this situation in the years that followed World War II.

We are aware of the debates that resulted in the war powers resolution of nearly 40 years ago in the wake of the Vietnam war, where the Congress attempted to define a proper balance between the President and this legislative body. I have strong memories of the policy conflicts of that era, first as a marine infantry officer who fought on the unforgiving battlefields of Vietnam, on which more than 100,000 U.S. marines were killed or wounded, and later as an ardent student of constitutional law during my time at the Georgetown University Law Center.

But it was in the decades following Vietnam that our constitutional process seems to have broken apart. Year by year, skirmish by skirmish, the role of the Congress in determining where the U.S. military would operate and when the awesome power of our weapons systems would be unleashed has diminished. In the aftermath of the 9/11 attacks, especially with the advent of special operations forces and remote bombing capabilities, the Congress seems to have faded into operational irrelevance.

Congressional consent is rarely discussed. The strongest debates surround

the rather irrelevant issue of whether the Congress has even been consulted. We have now reached the point that the unprecedented—and, quite frankly, contorted—constitutional logic used by this administration to intervene in Libya on the basis of what can most kindly be called a U.N. standard of humanitarian intervention was not even subject to a full debate or a vote on the Senate floor. Such an omission, and the precedent it has set, now requires us to accept one of two uncomfortable alternatives. Either we as a legislative body must reject this passivity and live up to the standards and expectations regarding Presidential power that were laid down so carefully by our Founding Fathers or we must accept a redefinition of the very precepts upon which this government was founded.

This is not a political issue. We would be facing the exact same constitutional challenges no matter the party of the President. In fact, unless we resolve this matter, there is no doubt we someday will.

The conflict in the balance of power between the President and the Congress has always been an intrinsic part of our constitutional makeup. Article I, section 8 of the Constitution provides that the Congress alone has the power to declare war. Article II, section 2 of the Constitution provides that the President shall serve as Commander in Chief. In the early days of our Republic, these distinctions were clear, particularly since we retained no large standing army during peacetime, and since article I, section 8 also provides that the Congress has the power to “raise and support armies,” a phrase that expressed the clear intent of the Framers that large ground forces were not to be kept during peacetime but, instead, were to be raised at the direction of Congress during the time of war.

Our history confirms this, as our armies demobilized again and again once wars were completed. Only after World War II did this change, when our rather reluctant position as the world’s greatest guarantor of international stability required that we maintain a large standing military force, much of it stationed in Europe and Asia, ready to respond to crises whose immediacy could not otherwise allow us to go through the lengthy process of mobilization in order to raise an army and because of that reality made the time-honored process of asking the Congress for a formal declaration of war in most cases obsolescent.

But any logical proposition can be carried to a ridiculous extreme. The fact that some military situations have required our Presidents to act immediately before then reporting to the Congress does not, in and of itself, give the President a blanket authority to use military force whenever and wherever he decides to do so, even where Americans are not personally at risk and even where the vital interests of our country have not been debated and

clearly defined. This is the ridiculous extreme we have now reached. The world is filled with tyrants. Democratic systems are far and few between. I don’t know exactly what objective standard should be used before the U.S. Government would decide to conduct a so-called humanitarian intervention by using our military power to address domestic tensions inside another country, and I don’t believe anyone else knows either. But I will say this: No President should have the unilateral authority to make that decision either.

I make this point from the perspective of somebody who grew up in the military and whose family has participated as citizen soldiers in most of our country’s wars, beginning with the American Revolution. I was proud to serve as a marine in Vietnam, and I am equally proud of my son’s service as a marine infantryman in Iraq. I am also deeply grateful for having had the opportunity to serve 5 years in the Pentagon, first as a marine, then later as Assistant Secretary of Defense and as a Secretary of the Navy. I have also benefited over the years from having served in many places around the world as a journalist, including in Beirut during our military engagement there in 1983 and in Afghanistan as an embedded journalist in 2004. As most people in this body know, I am one of the strongest proponents of the refocusing of our national involvement in East Asia. I was the original sponsor of a Senate resolution condemning China’s use of force with respect to sovereignty issues in the South China Sea.

The point is I am not advocating a retreat from anywhere. But this administration’s argument that it has the authority to decide when and where to use military force without the consent of the Congress, using the fragile logic of humanitarian intervention to ostensibly redress domestic tensions inside countries where American interests are not being directly threatened is gravely dangerous. It is a bridge too far. It does not fit our history. To give one individual such discretion ridicules our Constitution. It belittles the role of the Congress. For anyone in this body to accept this rationale is also for them to accept that the Congress no longer has any direct role in the development, and particularly in the execution, of foreign policy.

There are clear and important boundaries that have always existed when considering a President’s authority to order our military into action without the immediate consent of the Congress. To exceed these boundaries—as the President has already done with the precedent set in Libya—is to deliberately destroy the balance of powers that were built so carefully into the Constitution itself.

These historically acceptable conditions under which a President can unilaterally order the military into action are clear: If our country or our military forces are attacked; if an attack, including one by international terror-

ists, is imminent and must be preempted; if treaty commitments specifically compel us to respond to attacks on our allies; if American citizens are detained or threatened; if our sea lanes are interrupted, then, and only then, should the President order the use of military force without first gaining the approval of the Congress.

At least until recent months, the Congress has never accepted that the President owns the unilateral discretion to initiate combat activities without direct provocation, without Americans at risk, without the obligations of treaty commitments, and without the consent of the Congress. The recent actions by this administration, beginning with the months-long intervention in Libya, should give us all grounds for concern and alarm about the potential harm to our constitutional system itself. We are in no sense compelled—or justified—in taking action based on a vote of the United Nations or as a result of a decision made by a collective security arrangement, such as NATO, when none of its members have been attacked. It is not the prerogative of the President to decide to commit our military and our prestige into situations that cannot clearly be determined to flow from vital national interests.

Who should decide that? I can’t personally and conclusively define the boundaries of what is being called a humanitarian intervention and, most importantly, neither can anybody else. Where should it apply? Where should it not? Rwanda? Libya? Syria? Venezuela? Bangladesh? In the absence of a clear determination by our time-honored constitutional process, who should decide where our young men and women or our national treasure should be risked? Some of these endeavors may be justified, some may not. But the most important point to be made is that in our system no one person should have the power to inject the U.S. military and the prestige of our Nation into such circumstances.

Our Constitution was founded upon this hesitation. We inherited our system from Great Britain, but we adapted and changed it for a reason. One of our strongest adjustments from the British system was to ensure that no one person would have the power to commit the Nation to military schemes that could not be justified by the interests and the security of the average citizen. President after President, beginning with George Washington, has emphasized the importance of this fundamental principle to the stability of our political system and to the integrity of our country in the international community. The fact that the leadership of our Congress has failed to raise this historic standard in the past few years, and most specifically in Libya, is a warning sign to this body that it must reaffirm one of its most solemn responsibilities.

I have been working for several months to construct a legislative solution to this paralysis. This legislation

would recognize that modern circumstances require an adroit approach to the manner in which our foreign policy is being implemented. But it would also put necessary and proper boundaries around a President's discretion when it comes to so-called humanitarian intervention, where we and our people are not being directly threatened. My legislation requires that in any situation where American interests are not directly threatened, the President must obtain formal approval by the Congress before introducing American military force. This legislation will also provide that debate on such a request must begin within days of the request and that a vote must proceed in a timely manner.

I remind the leadership on both sides of this body that despite repeated calls from myself and other Senators, when this administration conducted month after month of combat operations in Libya, with no American interests directly threatened and no clear treaty provisions in play, the Congress of the United States, both Democratic and Republican, could not even bring itself to have a formal debate on whether the use of military force was appropriate, and this use of military force that went on for months was never approved. The administration, which spent well over \$1 billion of taxpayer funds, dropped thousands of bombs on the country and operated our military offshore for months, claimed that combat was not occurring and rejected the notion that the War Powers Act applied to the situation. I am not here to debate the War Powers Act; I am suggesting that other statutory language that covers these kinds of situations must be enacted. The legislation I will be introducing will address this loophole in the interpretation of our Constitution. It will serve as a necessary safety net to protect the integrity and the intent of the Constitution itself. It will ensure that the Congress lives up not only to its prerogatives, which were so carefully laid out by our Founding Fathers, but also to its responsibilities.

With that, I yield the floor.

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

Mr. BEGICH. Madam President, I come down to talk about the issue of student loans, as someone who has two ends of this equation—one as the former chairman of the Student Loan Corporation for the State of Alaska for 7 years. I took that corporation from the brink of bankruptcy, junk bond rating, you name it—it was in dismal condition. We turned it around, and 7 years later the corporation ended up paying a hefty annual dividend to Alaska for higher education and had one of the lowest interest rates in the country and increased the capacity for students to borrow money not only for 2- and 4-year degrees and master's degrees but also for career education, something most people told me, when I became chair of that corporation, would never

be able to be done. Good luck. We wish you the best. And off they went and most of them got off the board very quickly. We were able to bring it together. In the process, in my experience around the issue of education, in making sure young people had the capacity to borrow money at reasonable rates, it went down about 2 percent, which is a pretty incredible rate for a student or parent to borrow money at.

I was also chair of the Postsecondary Education Commission for 7 years, a copartner with the Student Loan Corporation, making sure we had strong educational institutions to provide career, college, and other types of education for young people. I come with that experience, and also I come from experience as a small businessperson, which I will get to in a minute, with regard to how we are trying to pay for this interest rate, controlling the interest rates and making sure they don't rise. The rate for subsidized interest loans will rise from 3.4 percent to 6.8 percent in July. That will increase the average cost for students by \$1,000 over the course of a loan. Students are truly waiting and families are waiting, as kids are graduating right now across this country from high school, getting ready to move on to higher education and making their plans—be they scholarships or grants or loans or whatever they need to cobble together the amount of money needed to move on to a higher education and to ensure they can afford it. And the interest rate is part of that equation. Doubling the interest rate would be damaging to our young families who are making sure their kids can get on and have an opportunity to be educated.

As you know, many of us have gone onto our Facebook page and Twitter accounts and asked constituents from our districts to tell us their stories—tell us what is happening: If this interest rate doubles, what will happen to you. One Anchorage resident says her granddaughter graduated from Charter College. I know this college well. This is a privately run college which has an incredible placement rate—almost 90-percent placement rate once they graduate with their degree. It is an intensive program. It is like a job. Students are there 8 to 5 every day, all day, for several months, and they consolidate the time. She has been working on her accounting degree, and now, 6 years later—because she had to work two jobs while going to school, trying to pay for this and borrowing money—her total debt is \$72,000. She is 31 years old. Her family is truly wondering how she will ever get out of debt if this bill doesn't pass, because if the interest rates adjust, it is truly money that comes out of her pocket to literally pay off interest, and the net result is she gets deeper and deeper in debt.

We know the cost of college is more and more expensive every year, and one way we are going to make sure students can afford this is by making sure

we do not double the interest rate. We had a vote earlier this week that did not succeed. We tried on this side to move it forward. It is important for us to make sure every kid has access to education—whether it is higher education, career education, voc education or whatever the new title is they like to use to describe it—because we are in a globally competitive economy, and we need to make sure our kids are well educated and have access to education, which means affordability.

Yesterday I was listening to the debate, and this is where my small business part comes in. I have been in the small business arena since the age of 14. I have operated and owned a variety of businesses—some successful, some not so successful. Hopefully, you learn from those that are not so successful, and I think I have. The Democrats' pay-for—the majority's pay-for—was to close a tax loophole used by high-income earners—basically lawyers, lobbyists, and consultants. No disrespect to their fields, but they basically use the system to avoid paying the Medicare taxes, for example, that all of us pay. All of us who sit in this Chamber, the people who work at the restaurants outside here, the people who drive the buses, and everyone else, pays that tax. But some use this to organize under an S corporation. It is a technical term under the IRS Code that allows those profits to go right to the individual. So they decided instead of paying it as a wage, they would take it as profit or a dividend, thus avoiding the Medicare taxes all of us pay. They are getting a free ride.

I heard the phrase used yesterday on the floor, "a bunch of new taxes." These aren't new taxes. These are taxes that are owed. They just found a loophole—again, consultants, lobbyists and lawyers—through the writing of the laws. And they probably wrote them. Actually, they did, if you look at the history of it. They wrote the law so they could avoid the Medicare taxes everyone else has to pay. So when I hear people saying it is the restaurant owner, it is the retailer, the plumber, I think, that is a bunch of baloney. That is misinforming the public. It is unbelievable. I know this, because as a former retailer who had an S corporation, we paid our taxes. We paid with a wage. We paid it all.

This loophole is clear. All you have to do is look at it. They have to meet three standards: modified gross income above \$250,000 for joint filers, \$200,000 for individuals and shareholders, and an S corporation that derives 75 percent or more of gross revenues from services of three or fewer shareholders. Service is defined as lobbying, law, engineering, architect, accounting, actuarial science—which is a science—performing arts, athletes, and brokerage services. I am looking here, and I don't see where it says retailers. It doesn't say the mom-and-pop folks who work every day and pay their taxes.

So for Members to come to the floor and try to trick the public—because

that is what they tried to do by using convoluted words, knowing people are getting the 10-second sound bites—saying, oh, it is going to raise new taxes and cause all these small businesses not to hire, that is baloney. This is about lawyers, lobbyists, and consultants who wrote the law making sure they didn't have to pay a dime. That is what that is about. For people to come to the floor and say we are going to raise the interest rate on hard-working families who are trying to get their kids through college is unbelievable.

I hope we take this up again. I hope we vote on it and get this thing resolved, and make sure working families can afford to get their kids into college and can afford the high cost so they can become productive parts of this country, perhaps opening their own small business and paying their taxes, as every other small business does.

I was appalled when I heard some of the Members speaking on this, and they sounded so logical. But to be frank with you, there are not many in this body—no disrespect to my colleagues—who have owned and operated a true small business. I am talking about starting with a few nickels and dimes because you got turned down by the bank; where the banker told you your idea was a dumb idea. I can say this from personal experience. Three years later, I sold that business for three times what I had invested. I thought it was a good idea, but the banker didn't. But I had to scratch together two nickels to make that business successful. I had to work 12 to 15 hours every day to make sure it was successful. That is a small businessperson. There are not many in this body.

So when a Member comes to the floor and sounds so professional in their description of how it is going to affect certain people, it is incorrect. And one thing I wouldn't mind in this body is to have factual debates. That is what the public deserves, not this kind of 10-second media bite, where they can get away with anything and then say back home, we didn't raise taxes, we didn't do this. What they are doing is jacking up rates on students. That is what is going to happen at the end of the day here, by July 1, if we don't take action.

And we have taken action on this side. But the end result will be that families, hard-working families, middle-class families, will pay more for their students' education, and students will pay more for their education because of a simple law that we can correct. All we have to do is close the loophole that lobbyists, lawyers, and consultants are taking advantage of and wrote to their advantage to stick it to the middle class. I think it is time to reverse the trend, for once, around this place—just once—and give the middle class a break here. This is a break they deserve and it will help to build our economy in the future because we will have a highly educated workforce meeting this global economy.

I know there is another alternative out there. There is a new pay-for, and here is what that does: It takes away prevention funds for health—\$226 million used to reduce diabetes and heart disease. I don't know about my colleagues, but if we don't prevent it, then we may have a higher cost later. Those are preventable diseases. This money is well invested. They also want to take away the \$93 million used for anti-tobacco education and \$190 million used for immunizations.

Our Republican friends do not like the plan that closes the loophole on lobbyists, lawyers, and consultants, but they do like the one that takes away prevention programs that help the middle class, that helps our young families who might be experiencing signs of a preventable disease—heart disease. And a little prevention might save their lives, but it will also save on health care costs in the future.

I see this proposal as crazy talk. I don't know how else to describe it. I am trying to keep it simple. Let's get on with closing the loopholes people took advantage of by lobbying and wheeling and dealing in the halls of Congress. Let's fix that and protect our working families, our middle-class families, and make sure we are doing the right thing. That is what they sent us here to do, and I think we have an obligation.

Again, I hope we move forward and make sure we are not going to allow the rates on these loans to double. I am not for doubling the rates; 3.4 percent is a good rate. We should ensure students can get that rate as they get prepared for the fall session and are borrowing money to get on with their higher education.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to join my colleagues in calling for a real solution to the impending student debt crisis. Yesterday we had a chance to do the right thing and stand with millions of young Americans all across our country, to invest in their future by preventing these interest rates from doubling on Stafford loans 52 days from now. Instead, our colleagues across the aisle chose to stand in the way of a common-sense proposal. As a result, 7 million students are facing higher interest rates that will cost them each an extra \$1,000 a year in interest, further pushing access to quality higher education out of reach for too many and saddling others with additional unmanageable debt when they get out of college and join the workforce.

But don't take it from me about how tough this is going to be, take it from the students and the families themselves. Just as the Presiding Officer has heard from thousands of families all across Alaska, we have been hearing the same online and through e-mail about what this would actually do to their families.

I heard from one New York parent who has a child in college and another heading there this fall. His older child spent a year in AmeriCorps, and his younger is there serving now. He said:

These kids are serving America. Both of my kids will leave college with around \$25,000 in debt, if we can afford to keep it down that much.

We should all be able to agree that adding another \$1,000 or more per year to the debt of kids who are only looking to serve this country, get a good education, and help rebuild this economy is wrong.

I heard from a woman in the Bronx. She has a job as a social worker, and she is on track to pay off her student loans in the next 10 or 11 years—just in time for her twin daughters to start college. She said:

Doubling my student loan interest will keep me in debt at a time when I am going to need every single penny to get my kids through college with as little debt of their own as possible. The more interest I pay, the more they'll have to borrow for their own educations, and the cycle will continue indefinitely.

I heard from a woman in Saratoga with a bachelor's degree in hotel, resort and tourism management. Despite making good money, she says that paying \$800 a month in student loans on top of her everyday bills makes getting by nearly impossible. She said:

My choice is to instead decide what bill I'm going to pay this month, making me fall behind on other payments, destroying my credit in the future. If my interest rate was any higher, I honestly do not know how I would survive at all. Pretty much all the money I am making is going straight into student loans. We need all the help we can get.

These are just a few of the stories I heard yesterday. And the families expect better from us.

When we price young people out of a college education, we all are going to pay the price. When we limit their opportunity, we rob ourselves of those future engineers, biologists, and small business owners. America's ability to lead the global economy relies on our ability to outeducate the global competition.

Let's open doors to higher education to anyone who is willing to work for it, and let's keep it affordable. Let's reward hard work and responsibility instead of risk taking. There is no excuse for inaction, so let's have a real debate, in good faith, to solve this problem we all know is within our reach. Students and families all across America can't afford any more delay.

Mr. President, 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. ALEXANDER. Madam 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.

#### CHARTER SCHOOLS

Mr. ALEXANDER. Madam President, this week is the 13th annual National Charter Schools Week. On Tuesday, Senator LANDRIEU of Louisiana and I joined with 10 other Senators in submitting a resolution praising teachers, administrators, parents, and students who are part of the charter school movement across our country.

Let me begin by explaining exactly what a charter school is because sometimes we stand here in the Senate and start talking without explaining the subject. A charter school is the Memphis Academy of Science and Engineering. I visited there 4 years ago during spring break. Most of the students in Memphis were somewhere else, but not the students at the Memphis Academy of Science and Engineering. These were sophomores studying advanced placement biology. These were children who had been in other schools the year before that were deemed to be low-performing schools. In other words, these were among the students in Memphis considered least likely to succeed. But they were fortunate. They were allowed to go to this charter school. Their parents had chosen this charter school.

Here is what was different about the school. The union rules, the State rules, and the Federal rules had been relaxed so that the teachers had the freedom to do what they thought those children needed in that school. In this case, many of these children didn't have as much at home as other children did, so the teachers decided that the school ought to be open 12 hours a day, that it ought to be open on Saturday morning, and that it ought to be open more weeks a year than other schools. And the students were there on spring break studying advanced placement biology, which is not what many sophomores do in many schools in this country. And these children were succeeding.

The charter school was able to pay some teachers more than others. It was able to have some classes that were smaller than others. It meant that some scheduled classes were longer than others and some children got special attention that needed it.

You may say: Well, that makes so much common sense. Why aren't teachers able to do that in every public school in America? That is a very good question because, in a way, every one of our 100,000 public schools in America should be a charter school in the sense that the real definition of a charter school is one that gives teachers the freedom to use their own good sense and judgment with the children whom parents choose to send to that school.

I have a personal interest in charter schools. Twenty years ago, I was the U.S. Secretary of Education. I was in my final year. The last thing I did in 1992 as Secretary was to write a letter to all the school superintendents in America urging them to try what a small number of Minnesota public schools were doing in what they were then calling startup schools. These were the first charter schools in America. Their origin was primarily from those who were part of the Democratic Farmer Labor Party in Minnesota. But at the same time, on the conservative side of the ideological spectrum, there were many who were calling for getting rid of teacher union rules and State rules and regulations that were making it harder for teachers to teach. So there was a happy convergence of support for this idea of startup schools.

I remember that Albert Shanker, the late head of the American Federation of Teachers, supported the idea from the beginning. But many of those in the teachers unions opposed him. Many of those in the education establishment didn't like it. They were afraid of what might happen.

Well, here is what has happened over the last 20 years. Instead of a handful of schools in Minnesota, we now have about 5,600 charter schools in America today. About 5 percent of all of our public schools are charter schools. The way they work is very simple. They are public schools, and the money the State and local government would ordinarily spend on their district school follows each child to the charter school. So it is just a public school organized in a different way.

The first one, as I said, was in 1992—City Academy High School in St. Paul, MN. In 1997, President Clinton called for creating 3,000 charter schools by 2002. This was after the first President Bush had called for creating “break the mold” schools in every school district in America—another name for what we call charter schools today. And then in 2002 the second President Bush called for \$200 million to support charter schools. Today, 41 States have charter schools, and the schools serve more than 2 million students—about 4 percent of the 50 million students in our public schools today.

I am proud to say that our own State of Tennessee has had a strong charter school movement since 2002, and only recently has the State charter law been amended to remove the cap on the number of schools in the State and limitations on student eligibility. We currently have 40 charter schools operating in Tennessee—25 in Memphis and 11 in Nashville—with nearly 10,000 students attending these schools. Our First to the Top plan—Tennessee won the President's Race to the Top plan for education—included \$14 million to expand high-performing charter schools. The Achievement School District, which Governor Bill Haslam created, has approved three charter operators to turn around priority schools

that are failing, and we can expect more to be approved next year.

So the question often is asked, well, are charter schools really helping students? And in some ways the jury is still out. Charter schools are relatively new, and there are many factors that go into the success of a student in a school, the No. 1 factor being what happens at home. But there are good and encouraging indications.

A recent study by Stanford University found that two-thirds of the charter schools in Tennessee have been improving student performance in reading or math at a faster rate than competing traditional district public schools. Sixty-seven percent of charter schools in Tennessee have been improving the overall growth of their students for the last 3 years.

But that means that 30 percent of the charter schools weren't performing as well or were performing worse. So the fact is, not every charter school is going to be successful. Not every startup business is successful. But we have a model in our country that reminds us of what can happen when we have autonomous institutions where administrators and teachers have the privilege of using their own judgment and common sense to make things happen, and we call that higher education.

In the United States of America, we have around 6,000 institutions of higher education. There are all kinds—Yeshiva University, Nashville Auto Diesel College, Vanderbilt University, the University of Tennessee, Notre Dame, or Stanford. There are many different kinds—for-profit, nonprofit, public, nonpublic. But they are all largely autonomous and the students choose the schools they attend. And what has happened? Everyone in the world agrees that we have not only the best colleges in America, but we have almost all of the very best colleges.

So our goal should be to gradually increase the number of charter schools. At the same time, it is important that there should be some accountability. I know that in Tennessee they have a tough review board, and if a charter school is not working, it is closed down. That should be the case in many other places. You might ask: Why would you go through that struggle? Well, we should be doing that with some of the non-charter public schools as well, and we are beginning to that with so-called turnaround schools.

Charter schools should be held to the same standards as other public schools. And charter schools shouldn't be allowed to pick and choose; they should be required to enroll all eligible students. If more students want to come than they have room for, there could be some fair method for choosing the students, such as a lottery. That makes a very good case. If charter schools are so popular that more families want their children to go to them, then we need even more charter schools.

I am happy to come to the floor today to praise the teachers and the



innovators, Presidents of both parties, including President Obama and his Secretary of Education, Arne Duncan, who have strongly supported charter schools, just as President Bush and President Clinton and the first President Bush did.

This is a movement that has broad bipartisan support. It has grown from a handful of schools in Minnesota 20 years ago to 5 percent of all of our public schools in the country today. What we have found is that when you give teachers more freedom to use good judgment and when you give parents more choices of schools, good things happen. The charter school movement is proving that. This is a week to salute their hard work and to hope that over the next year, 5 years, 10 years, more and more public schools become charter schools, where teachers are free to exercise their judgment and parents are free to choose the schools their children attend.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, in less than 2 months—53 days—the interest rate on subsidized student loans will double to 6.8 percent unless Congress acts. If the rate on subsidized Stafford loans is allowed to rise, as many as 7.4 million students across the Nation, including approximately 43,000 students in Rhode Island, will pay about \$1,000 more for each year that they borrow, and that is on top of already significant debt.

Some have argued, even while claiming to support keeping interest rates low, that the increase would not be a significant financial burden. Students and families beg to disagree. This would be a significant impediment to completing their education. For younger students starting their education, for those seeking educational opportunities for job transition in midlife, those opportunities would be frustrated also. Right now students and their families are sitting around the kitchen table making tough decisions about next year and whether they can afford to go to school if interest rates double.

One Rhode Island mother wrote me:

Please do not raise the interest rates on student loans. My son will be in his last year . . . I cannot afford to pay any more and fear that he will not be able to graduate and still have all the loans to pay back.

So in addition to frustrating educational advancement, it could leave many students across the country with lots of debt and no degree.

Hundreds of thousands of young people, parents, educators, and members of the faith community and other community leaders have come to us with one simple request: Don't double the rate.

Some on the other side have argued that low-cost Federal loans have contributed to rising college costs and increased student debt. This does not make sense. The maximum amount undergraduate students can borrow in

subsidized loans has remained unchanged at \$23,000 for the last 20 years. There are many causes that are accelerating tuition, but the amount of available, accessible subsidized Federal loans for students has remained unchanged for 20 years. But increasing the cost of these loans by doubling the interest rate will certainly make college more expensive for families and for students.

We need to address college costs, but having the Federal Government double the interest it charges for students, particularly the low- and moderate-income students, is not the solution. In fact, it complicates the problem dramatically.

My colleagues on the other side of the aisle say they want to stop this from happening. Governor Romney, the presumptive Presidential nominee, says he wants to stop this from happening. Yet they are blocking us from even moving forward procedurally so we can debate these things, so they could offer their proposals to pay for what we agree needs to be done, to stop the interest rate from doubling. They are blocking debate because they refuse as much on an ideological as on a practical basis to change the Tax Code and to close a loophole that is egregious and should be closed in order to allow us to help middle-income families. I think they have taken this pledge with respect to no new taxes to a degree that defeats a practical, pragmatic solution to a problem that they know has to be solved. It has to be solved before July 1.

This decision is fairly clear. It is a choice between allowing young people to get a college degree or fealty, to a pledge to never, ever raise anything that Grover Norquist says is remotely connected to a tax. It is that simple. Unfortunately, that simplicity is undercutting the hopes and dreams of thousands of American students, and that is what it is coming down to.

One of the other ironies in this debate is what we propose to do. Closing the subchapter S loophole for high-wage earners in professional endeavors is also something that has long been criticized by conservatives. In the 2004 Presidential campaign, the late conservative columnist Robert Novak described the subchapter S loophole as "one of the last loopholes left in the Internal Revenue Service Code, and it is a big one." I don't think anyone would accuse the late Robert Novak as being anything but staunchly conservative in all his views.

The Wall Street Journal, calling out former Senator John Edwards for his use of this loophole in 2004, called it "a clever tax dodge."

Again we have a clever tax dodge pitted against helping students go to college. I think helping students go to college should win.

In fact, the Wall Street Journal editorial points out how in practice this loophole is used. In their words:

While making his fortune as a trial lawyer [referring to Senator Edwards] in 1995, he

formed what is known as a 'subchapter S,' corporation with himself as the sole shareholder. Instead of taking his \$26.9 million as earnings directly in the following four years, he paid himself a salary of \$360,000 a year and took the rest as corporate dividends.

Obviously at a much lower tax rate but also avoiding payroll taxes.

That is what we are trying to close here. I think it ought to be closed in fairness anyway, but the added benefit is that we are able, by closing this loophole, to prevent the doubling of the interest rate on student loans.

This is a loophole that should be closed. Again, this money will require people to pay directly to the Social Security trust fund and Medicare trust fund these funds which otherwise were avoided through subchapter S, so it doesn't weaken Social Security but it allows us, through the scoring mechanism, to prevent doubling of the interest rate on subsidized loans. It is a win-win proposition.

What they propose is going after the preventive care fund that was part of health reform. It seems to me it is sort of an unfortunate pitting of one program that benefits middle-income families versus another program that potentially benefits all, but particularly middle-class families. Frankly, I think there is another concept here which we all agree about in theory—if we do not enhance prevention opportunities, the cost of health care will be going up and up. What is unsustainable now will become more unsustainable. It is not an appropriate way to deal with this issue.

At a minimum, I hope we can at least get to a serious debate about this. If that is the proposal that Republicans have, let's get it on the table, let's take a vote. Let's take a vote whether you want to close loopholes for very specialized, very wealthy lobbyists and lawyers and professionals, or do you want to impact potential savings on health care through prevention.

I think and hope we can come to a bipartisan agreement. The clock is ticking. The time to act is now. Students and families are counting on us to do the right thing and fix this problem.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I enjoyed listening to the Senator from Rhode Island, as I always do. His passion for education is always on his sleeve and always front and center and I admire him for that.

There are a couple of things I wish to make clear. If you are a student and you already have a student loan, what we are talking about has nothing to do with your loan. In other words, your rate on that loan is not going up. What we are talking about only affects new loans. So before you think about not going to college next year because of all this talk about student loan rates going up, that is not a problem. We are only talking about new loans.

Second, for 60 percent of the students who get new loans, we are not talking

about you either. So you don't have to worry about student loan rates going up.

Third, for those of you about whom we are talking, the 40 percent who have these subsidized undergraduate student loans, what we are talking about saving you is \$7 a month in interest payments over the next 10 years. Now \$7 a month can add up, which is why Governor Romney as well as President Obama, Republicans as well as Democrats, wants to keep the interest rate at the rate it is now for new loans, 3.4 percent, for another year. But it is \$7 a month in savings. It is important to know that.

It is also important to know that there is an easy way to get this done. The House of Representatives has already passed a bill that would keep the interest rate at 3.4 percent for these 40 percent of new loans for one more year. All the majority leader has to do is bring up the House-passed bill and enact it here in the Senate. In other words, we agree on extending the interest rate. We only have a difference of opinion about how to pay for it.

I have offered an alternative supported by many Republicans, which is the same as the House bill, which simply says we want to keep the interest rate where it is for another year, 3.4 percent, and we want to do the logical thing to pay for it. We want to give back to students the money that the government is taking from them to help pay for the new health care law.

You may think: what in the world does the health care bill have to do with student loans? That is what many of us thought when the health care law was being debated. Because, what our friends on the other side of the aisle did during the health care law debate was take over the whole student loan program and almost turn the U.S. Secretary of Education into the U.S. banking commissioner. He has the job of making more than \$100 billion in new student loans every year. Their idea was the government can make these loans better than the banks. Our friends on the other side of the aisle said to the students: The banks are overcharging you. We are going to take it over and we will be doing you a favor.

What did the Democrats do? They took it over, but they didn't do the students a favor. According to the Congressional Budget Office, there was \$61 billion of savings from taking over the loan program, much of which was money that the students should not have been paying. When the federal government took it over, what did the Democrats do? They spent it on other programs, all except for \$10 billion, including \$8.7 billion helping to pay for the new health care law.

The way the Congressional Budget Office looks at it, \$61 billion in savings resulted from—and these are my words—the government borrowing money at 2.8 percent interest and loaning it to students at 6.8 percent inter-

est. We now want to take that profit from overcharging students and give it back to students. That is the way to pay for extending the 3.4 percent interest rate that we are talking about for another year.

We are in agreement on this. Republicans as well as Democrats, Governor Romney as well as President Obama, say keep the 3.4 percent rate at 3.4 percent for another year. Students should know that it does not affect anybody who has a loan today and that it will save you \$7 a month for a new subsidized loan. We want to do that. But the way we want to pay for it is by giving back the money that the other side of the aisle took from you to help pay for the health care bill. That is the right way to do it, instead of the typical reaction we often hear from the other side, which is we have something we want to do so we will simply raise taxes on people and businesses creating jobs in the middle of a recession.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. I have the utmost respect for the Senator from Tennessee. No one is as knowledgeable in education programs as he, the former Secretary of Education, and someone who has a deep commitment to education, not only with respect to his remarks on charter schools but on education in all ways. But he refers to what the House has done. The House, in the Ryan budget, maintains this increase, this doubling of the interest rate. They foresaw, anticipated, and supported the increase to 6.8 percent. Only recently have they apparently had a change of heart and decided that is not appropriate.

The other aspect I think is interesting to note about the House is they have proposed significant reductions in tax rates and they have said they would pay for them by closing loopholes. This is one of the most egregious loopholes that you can find and yet, of course, they will not use this to pay for something which makes a great deal of sense—which they now agree there should be no doubling of the student interest rate.

The Senator is absolutely right, this doubling will not apply to loans that are outstanding. It applies to loans going forward. But if we establish the principle which was embedded in the Ryan House budget, which I think was supported by most, if not all, of my colleagues on the other side, that this rate is going to be doubled to 6.8 percent going forward, that is going to have a significant impact on students who have years to go in college and on people who are contemplating going to college. So the \$6 or \$7 it may be per month becomes significant overall.

Again, we can get into a discussion about where does this money come from ultimately in terms of was it part of funds for health care, et cetera. But we are facing the choice today of helping students and closing an egregious

loophole—one that benefits the wealthiest Americans; it has been criticized by the Wall Street Journal, criticized by Robert Novak, the late columnist—or practically going in and targeting prevention programs. I think we conceptually agree if we don't get a handle on prevention of diabetes, of cancer, of diseases that are costing us billions of dollars, then our task to deal with health care will be immensely more difficult. It is very clear.

What is also very clear is, I think, procedurally the answer is quite straightforward. Let's get on to the bill. Let us go ahead and put these two different proposals on the floor and take a vote. I hope the proposal to close the loophole would pass. But if it did not, at least we would be in a position of preventing the doubling of interest rates on student loans.

With great respect to the Senator from Tennessee, I hope we can move forward, have a vote on the different proposals to pay for it, and then move forward and let people know that their rates will not be doubled.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oregon.

Mr. WYDEN. Mr. President, I strongly support this legislation, S. 2343, the Stop the Student Loan Interest Rate Hike Act. I appreciate the leadership particularly of Senator REED of Rhode Island, who has been so eloquent on this subject. I also would note that Senator ALEXANDER and I have worked together on a host of issues. I think he brings great expertise to this discussion as well.

The bottom line for me is that millions of young people are hurting right now in America. They are up to their eyeballs in debt and they cannot find good-paying jobs.

For example, we have seen in our home State, according to the Oregon Employment Department, that the overall unemployment rate last year was 9.4 percent but was 19 percent for workers age 16 to 24. I also note we have seen that the labor participation for young people has declined as well.

We have an enormous array of challenges in front of us. The reason that this legislation, the Stop the Student Loan Interest Rate Hike Act, is so important is that it allows us to achieve two important objectives. First, it puts us in a position to hold the line on student debt. If you are a sophomore in college, for example, and you have already incurred some debt and you want to finish school, then you want to get a degree in a field where you will get a job that pays a good wage. Without this legislation you are going to incur still more debt. So this legislation ought to be supported because it holds the line on debt, and by doing so it helps us achieve a very important objective: to increase the opportunity for young people to access higher education across the country. And historically whether it has been through Pell grants or Stafford loans and the like, we've always said to young people, try

to get to college. Families sitting around kitchen tables and in their living rooms have said this for years. Work hard in high school and try to get into college. And I have supported, here in the Senate, policies that increase access to a good education. By holding the line on debt, we can take steps to achieve an important part of higher education policy, and that is expanding access to higher education.

The second benefit of this legislation, in my view, is that by holding the line on debt we increase the opportunity for young people to get more value out of their education. The reason I bring this up is because my sense is that future policy in the higher education field is going to be about marrying these two objectives. Let's support this important legislation, S. 2343, to expand access, and use it as a foundation to move on to the next step of education policy, which is to get more value out of the education a young person pursues.

The reason I feel that way is that all over my State I am going to high schools and community colleges and talking with students who are thinking about both of those principles, access and value.

For example, at Blue Mountain Community College in Pendleton I met a young man who is taking 20 credits at school, working at Arby's full time as a manager, and he is already concerned about the debt he is racking up. He said to me: As I get my education, how will I know that I have laid the groundwork for being able to get a good-paying job? I told him, just as I am suggesting to the Senate today, that I am going to support efforts to expand student aid and make sure we hold down debt for young people. I described what we are dealing with on the floor of the Senate.

I also told him I have introduced a piece of legislation with my colleague on the other side of the aisle, MARCO RUBIO, called the Student Right To Know Before You Go Act. This bill will make it possible for students all across the country to get information about the expected average annual earnings after graduation, the rates of remedial enrollment for a particular field at a particular college, the average costs both before and after financial aid, and the prospects of a student earning a good wage after achieving a particular degree at a particular school. With this legislation we lay the foundation for what I think will be the education policy of the future.

We will ensure that students have access and ensure that they get more value out of their education and get more value out of the loans and other debt that they have to pay back. And the two go hand in hand. I ran into students who were juniors, for example, at colleges in my State and already owe \$60,000. Without this legislation, those juniors are probably going to reup for a loan, and they are going to have to pay more, and that has the effect of reduc-

ing access to higher education. Paying more, it seems, is also going to reduce the opportunity for students to buy a bit more value out of their education as we try to get them better information with respect to the value of specific degree programs at specific schools. This type of information is now impossible to find. Suffice it to say, these two judgments, both with respect to the debt and the value of what they have pursued in terms of their college degree, are going to color their decisions for the rest of their lives.

One of the students I met in Oregon recently as I talked about this issue was interested in getting a medical degree. And as we have talked about health care issues—which the President of the Senate and I have both been very interested in over the years—one of the questions he asked me was how was he going to be able to get a medical degree initially and what would happen to him when he got out of medical school with all of this debt hanging over his head. I didn't want to chill his enthusiasm, but we know that if a young person comes out of medical school with an enormous amount of debt, there is a pretty good chance at some point they are going to have to pass some of that debt on to their patients, which means we are going to see medical costs for a lot of people in our country escalate still higher.

So the fact that we have these debts and the fact that it is hard for young people to purchase value in their education is going to have remarkable ripples all through our country for years and years ahead.

I am going to close simply by way of saying this: We have seen young people contribute to our economy. The President of the Senate shares an interest with this Senator in technology. Technology has been a big source of jobs in States such as Minnesota and Oregon. This has been a real economic engine for our country. Think about who brought us Facebook and Google and Twitter and YouTube. A disproportionate amount of the creative talent has been young people.

So we must first take steps to hold the line on debt—and that is to pass Senator HARKIN's and Senator REID's bill—so we don't say to college sophomores and juniors, we don't care if they rack up any more debt when we know how much heartache it is going to bring to them. Then we can move on to the next step, which is empowering students and families to be able to get the maximum amount of value from their education. If we don't take these steps I think we will have let the country down in this area at a crucial time.

We understand that higher education is one of the principal paths, if not the best path, to success for many students. It is not for every student, but certainly for millions. And education has enabled many young people to contribute to technology which has been, as I described, a real spark for our economy.

So I see other colleagues waiting to speak, and I only urge colleagues to pass this legislation, S. 2343, to ensure that we don't heap more debt onto the backs of students in college now and who might be reupping on those loans and wondering if they can afford it. Then as we expand access, let's look at taking additional steps to ensure that our young people get more value for their college education.

Senator RUBIO and I have teamed up on a bill that I think addresses that question, the Student Right To Know Before You Go Act. Going to that next step and adding more value to a young person's education when they are armed with the facts requires that we lay the foundation of access to a good education, which I think should be required when so many young people are hurting.

I went through the statistics, and it requires that we pass S. 2343.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I come to the floor today to also speak about preventing student loan interest rates from doubling from 3.4 percent to 6.8 percent. I am disappointed that partisan gamesmanship is threatening the financial futures of students in North Carolina and around the country.

In North Carolina we are very proud of our 16 excellent public universities and 58 outstanding community colleges. In addition, dozens of the best private colleges and universities in the Nation also call North Carolina home. Our excellence in higher education sets North Carolina apart.

Business owners I talked to routinely told me that our highly educated and highly skilled workforce is what attracted their companies to North Carolina. There is no doubt that the strength of our economy going forward depends on the continued strength of our educational system. However, the cost of college continues to rise in North Carolina and across the country. If Congress does not act before July 1, more than 160,000 North Carolina students will be saddled with an additional \$1,000 in student loan debt.

According to the project on student debt, more than half of North Carolina's 300,000 students at 4-year colleges and universities borrowed money to pay for their education. On average these students graduated with more than \$21,000 in debt. That debt has real consequences for our graduates and for North Carolina's economy. With this debt to pay off, young entrepreneurs are less likely to take a chance starting a small business. They are less likely to buy a new car, and they are less likely to buy a home. This only hurts our economy. Keeping interest rates low will go a long way to ensuring that young people can afford their student loan payments when they graduate.

I recently heard from a freshman at UNC Charlotte about how concerned

she already was about the debt she was piling up when she graduates in 4 years. She cannot imagine what would happen if interest rates double. Perhaps she would have to drop out altogether.

A student at Western Carolina University recently wrote to me, while studying for finals, asking that we please prevent a doubling of his student loan interest rates. So in the midst of preparing for final exams, this young man was worrying about the final bill that he will receive after graduating. He said doubling the Stafford loan interest rate would severely hurt his ability to continue his education. He wants to study cell biology.

In a global 21st-century economy, the sciences are exactly the types of fields that we need our students to excel in so we can compete with China and other foreign countries. We should be helping these young people succeed, not throwing up barriers that get in the way.

I am also hearing from parents. A mom with three children e-mailed me recently. Her oldest child will be starting college in 2 years. She is already worried about the debt that her children will incur, and she certainly is requesting that we not double the interest rate on this debt.

Our students deserve a fighting chance when they graduate. We shouldn't put them thousands of dollars behind before they even reach the starting line. I will do my part to ensure students in North Carolina have the chance to thrive after graduating.

I urge my colleagues to join me in supporting this legislation that will prevent student interest rate loans from doubling.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I understand we are debating the motion to proceed to S. 2343, the Stop the Student Loan Interest Rate Hike Act of 2012; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, I come to the floor to urge my colleagues to vote to proceed to this important legislation. I was disappointed to see many of my Republican colleagues voted against allowing debate and amendment on this legislation. I have heard Senators from both sides of the aisle acknowledge the need to prevent the July 1 rate increase on the Stafford loans, the subsidized loans. So it is difficult to understand their unwillingness to even consider the bill and have a thoughtful debate and an opportunity for amendment which will

allow us to keep these interest rates low for college students in all of our States.

Members may disagree about the best way to pay for keeping the rates at 3.4 percent, but we need to go ahead and proceed to the legislation and pass legislation to accomplish this. If Senators have different proposals, they can offer them. But by blocking debate, we, obviously, cannot get to a solution of this problem.

The Democrats have proposed to pay for the legislation by closing a tax loophole that people use to avoid paying Social Security and Medicare taxes. That is the so-called S corporation payroll tax loophole. This proposal would close the loophole for S corporations for which 75 percent of the corporation's income is attributable to the services of three or fewer shareholders.

This loophole allows, for example, an individual lawyer or a lobbyist to set up an S corporation to make millions of dollars in fees and to not pay payroll taxes on nearly all that income. All he has to do is give himself a cash dividend from the corporation instead of paying himself wages. This is not a fair arrangement.

To be clear, not all small businesses are gaming the system in this way and are not permitted to game the system in this way. This loophole is not available to businesses that are organized as sole proprietorships or as partnerships. Those small businesses are paying their fair share of taxes.

By contrast to this way of paying for the continuation of the low interest on student loans, my Republican colleagues have opted for a very different approach. They offset the cost by using the Prevention and Public Health Fund. In my view, this is a misguided approach. The prevention fund is not a slush fund, as it has been called by many. Instead, it is a fund used to help reduce chronic disease such as diabetes and heart disease and to fund immunization programs for children. This is a critical fund that is used to lower long-term health costs and improve health outcomes. In my view, eliminating this fund would simply increase health risks and, ultimately, increase health care costs in this country.

It is very clear Democrats and Republicans have a fundamental difference in our approach to how we should maintain student loan interest rates. However, as I said before, it is important we get to the bill, we proceed to vote for cloture on this bill, so we can discuss a path forward and consider amendments, if individual Senators wish to propose amendments.

Preparing students for an education is essential for this country's global competitiveness. It is imperative we provide students the tools they need to succeed in this very fast changing economy. This includes access to a high-quality education, which will enable us to train the next generation of Americans for jobs in high-technology fields.

This past Tuesday I spoke at a luncheon that was put on by a foundation that supports one of our community colleges in New Mexico. It is clear we have many students who are working very hard to make ends meet and to stay in school so they can obtain the skills they need to earn a good wage, to pursue a constructive career. There are many areas of our economy where these types of trained workers are needed.

One area which is obvious in my State and nationwide is in health care. We need to train more nurses. One statistic used in this talk last Tuesday was that over the next 8 years, between now and 2020, we are going to have to add 700,000 more nurses to the health care field to meet the needs of the baby boom generation. In addition to those 700,000, we are going to have to hire an additional 500,000 just to replace those who retire from the nursing profession. So we have 1.2 million nurses who are going to have to be hired in this country over the next 8 years. We need to train those people.

There are many young people in this country who would like to have that training. They need student loans in order to be able to cover the costs of that training. That is why this is such an important debate.

Student loan debt has, for the first time in our history, surpassed credit card debt. Today this debt exceeds \$1 trillion. The average college graduate leaves school with more than \$25,000 in loans.

According to the Bureau of Labor Statistics, college costs at State schools are rising and have been rising at an alarming rate. These increased costs far outpace the increased costs of medical care. We are often giving speeches on this Senate floor about the high increase, the excessive increase in medical care costs. In fact, the cost of college for many students is rising even faster. The same thing can be said about gasoline. I see my colleagues rush to the floor whenever the price of gasoline begins moving up—and with good reason. It is a major burden on U.S. families and Americans everywhere. But the growth in these costs pale in comparison to the growth we are seeing in the cost of education.

The cost of tuition and fees has nearly sextupled since 1985. This is particularly troublesome for students from low-income families.

If we allow interest rates to double, there are 7.4 million students nationwide who will see an increase in the cost of their student loans beginning on the 1st of July. This has a direct impact on students and on families because subsidized Stafford loans are need based, and they are typically designed and focused on helping low- and moderate-income students.

In my State of New Mexico, about 40,000—the specific number I have been given is 39,875 but about 40,000 students will see an increase in interest rates if we do not take action before the 1st of July.

There are nearly 10,000 undergraduates at New Mexico State University who will feel the effects of doubling rates and there are thousands of students at the University of New Mexico who will also see these increases.

This is true of our smaller schools in New Mexico as well. The school I was speaking at last week was Eastern New Mexico University in Roswell. There are 222 students there who took out Stafford student loans during this current academic year.

The Department of Education estimates that the average student would pay as much as an additional \$1,000 per year for their student loans unless we can keep this interest rate where it is. Not only would incoming students be affected, current students would also feel the increase as they originate a new loan for the new academic year. The additional burden on our students would be substantial.

Students and families understand the additional increase in costs. In the last few weeks, I have been hearing from constituents all over my State asking us to prevent this rate increase.

One student from Gallup, NM, wrote to me saying:

Give a break to the future of this country and to the millions of students and families who need the relief from the debt of college.

Another family from Albuquerque wrote to me saying:

I write to urge you to vote so that student loan interest rates DO NOT go up. In this recession, more than ever, people of all ages are depending on education as a means of gaining employment, and depending at least in part on student loans.

So our constituents are asking us to take action. By doing so we can continue to provide students with stability as they enter and complete their education.

A high-quality educational system unleashes the potential of our students. We need world-class problem solvers and thinkers if we are going to remain competitive. By investing in American students, we can grow our economy and build the middle class.

Let's move ahead with consideration of this bill. If a majority of Senators wish to change the way the bill is paid for, then we can consider that amendment. But we should not refuse to allow the bill to come to the Senate floor for debate and amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

#### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have week after week since the health care law has been passed, with a doctor's second opinion about the law that I have great

concerns with. I do that as a doctor who practiced medicine for 25 years, took care of families in Wyoming, was involved with programs aimed at prevention of disease, early detection of disease, and early treatment of disease. I come to the floor to talk specifically about a portion of the health care law that has been discussed quite a bit in the last week or two on the Senate floor.

Congress has talked a lot about the so-called Prevention and Public Health Fund included in the President's health care law. When I looked at this health care law initially—and I continue to do so—I asked the question, is this health care law the best way to give patients the care they need, from a doctor they want, at a cost they can afford? I believe it has failed in so many ways to do that, which is why I continue to work to try to repeal and replace this health care law.

When we get to the specifics of this Prevention and Public Health Fund, the President and Democrats have claimed that the purpose of the fund was to promote wellness, prevent disease, and protect against public health emergencies. All of us want to promote wellness, prevent disease, and protect against public health emergencies. I know how important those things are as a doctor. I know how important it is to the point that for over two decades in Wyoming, I was medical director of a program called Wyoming Health Fairs, where we provided low-cost health care screenings to people all across the Cowboy State. It is a very important program. People have continued to write letters to me over the decades about the fact that going to a health fair and learning about how to prevent diseases, about early detection of problems, and how they feel either they or members of their families have had their lives saved as a result of the services provided all throughout those communities aimed at prevention and early detection of problems—tests such as blood pressure, PSA tests, people learning about how to examine themselves, how to get a mammogram—a lost-cost or free mammogram—all of these things that are aimed at prevention. These gave people the tools they needed to make decisions about their health and their health care—not just for the patient but also to help their medical providers.

Instead of helping Americans prevent health problems, the President's new law actually uses this so-called prevention fund as a Washington slush fund. In fact, the new health law provided about \$15 billion for this fund from 2010 to 2019, and then beyond that about \$2 billion every year in annual appropriation of funds to go toward this same slush fund—\$2 billion a year forever.

Who will control the fund? The Secretary of Health and Human Services. Even though this law has only been in place for 2 years, we have already witnessed how the Obama administration officials have allowed this money to be

wasted. Among other things, we hear of a health clinic using the funding to spay and neuter pets. That is right, to spay and neuter pets.

The Minnesota Department of Health used \$3.6 million to create at least four regional food policy councils. And taxpayers will be happy to learn—or will not be so happy to learn, of course—that their hard-earned money helped a county in California secure a ban on new fast food restaurants.

I have nothing against food policy councils or spaying and neutering pets, but when the U.S. Government is borrowing approximately 40 cents out of every dollar that we spend, and when we have a national debt in the area of \$15 trillion, Washington should not waste Americans' hard-earned taxpayer dollars. But we continue to do it, and this fund is a key example.

According to the nonpartisan CBO, eliminating the prevention fund would save about \$13.6 billion over the next 10 years. The fact is Congress already funds many prevention programs—prevention programs with a proven track record of success. Examples include cancer prevention, tobacco prevention, and a host of other programs.

Republicans have supported, and will continue to support, these critical prevention programs—cancer prevention, tobacco prevention, and working on heart disease. However, the record is clear that the so-called prevention fund in the health care law is wasteful and duplicative. It doesn't help people stay well or become well.

Senator ALEXANDER from Tennessee introduced legislation that would eliminate this slush fund and use the savings to maintain student loan interest rates at 3.4 percent.

Under current law, students who receive subsidized Stafford student loans will see rates increase shortly to 6.8 percent, unless, of course, Congress acts. I am ready to act. Whether you are Republican or Democrat, liberal or conservative, people generally agree that preventing this rate increase is an important priority. The difference is how do we pay for it.

The majority leader wants to raise taxes on small business owners. He says that is the better way forward. But there is a better way forward than raising taxes on the people who create jobs, at a time when we have over 8-percent unemployment and last month's job numbers are abysmal. Only 125,000 new jobs were created, but 3 times that amount of people quit looking for jobs completely. For every one new job, three people quit looking for jobs at all. To raise taxes on the people who are creating jobs in this country is the wrong way to go.

Senator ALEXANDER's proposal stops the rate increase by eliminating this prevention slush fund. His bill uses the rest of the funding for deficit reduction. I have cosponsored that legislation.

I think it is also important to know that the President has already agreed

to use his slush fund to offset other spending. In September of 2011, the President proposed reducing the slush fund by \$3.5 billion. In February, part of the payroll tax cut signed by the President contained a \$4.5 billion cut from his slush fund. Finally, in March, the President's 2013 budget proposed cutting the fund by another \$5 billion.

It is ironic that the President of the United States and Washington Democrats now oppose using money from their so-called prevention slush fund. If the White House and Democrats in Congress want to ensure that student loan rates stay low, they will cut this wasteful program and use the money to help the next generation of Americans.

We do know that young people coming out of college today are, on average, having a debt of about \$25,000; and whether the interest rate is zero or 3.4 percent or 6.8 percent, they are still coming out with a huge debt, at a time when we know 53 percent of the people coming out of school can't find a job or cannot find a job consistent with their level of education. We also read that 40 percent are going back home to live; some are returning home instead of going out into the workplace.

It is time to focus on the economy, on getting people back to work, and it is time to agree that we need to keep the interest rates low; that we ought to pay for it with money that is there, which can easily be used. We should not raise taxes on job creators at a time when the country is in this sort of economic condition.

I continue to come to the floor week after week to talk about findings in the health care law. Some things are unintended consequences, and some things are money tucked away for other purposes. It is hard for Americans to ever forget NANCY PELOSI saying that first you have to pass the health care law before you get to find out what is in it. The more the American people find out what is in it, the less they like it—to the point that 67 percent of Americans feel that the health care law should be totally or at least partially found unconstitutional, as the Supreme Court looks to make their ruling in the next months ahead.

This is a health care law that, in my opinion, is bad for patients, bad for providers—the nurses and doctors who take care of the patients—and it is terrible for the American taxpayers. This is a time when we need to repeal and replace this health care law. Now there is a way to use one of the provisions within it to fund and make sure that we do not raise interest rates for the students in this country, so they can get the education they need and, hopefully, find a job and not punish those who have tried to provide jobs to these graduates.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on a motion to proceed to S. 2343.

Mr. KERRY. Mr. President, I ask unanimous consent to be permitted to proceed as in morning business.

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

#### HEALTH CARE

Mr. KERRY. Mr. President, later I want to speak for a few minutes about our colleague Senator LUGAR.

First, I want to comment about what the Senator from Wyoming was saying on the health bill.

Very quickly, I could not disagree more with the Senator from Wyoming in his comments with respect to the health care bill. This morning we had a meeting with Secretary Kathleen Sebelius, who was outlining to us all of the gains we are making with respect to health care in America as a result of the legislation.

What is interesting is that our colleagues who keep coming to the floor and saying repeal the health care bill never offer alternatives to Americans. I hope Americans who are buying into this notion that somehow the health care bill doesn't serve them because they are angry about one thing or another will look at what the health care bill does because, in point of fact, if you were to repeal the health care bill, and they have no alternative to replace it, here are some of the things that happen: One, you immediately add \$2 trillion to the deficit of our Nation. Bang, done deal. That goes right away on that. The health care bill is judged by the CBO to reduce the deficit. It has specific savings in it. If you get rid of it, those savings go away and, bang, the deficit goes up.

No. 2, 47 million to 50-some million Americans who have no health care or didn't have it before the bill will return to the status of having no health care.

Now, does everybody in America think it is better to have 50-some million Americans walking around without health care who, when they walk into a hospital—perhaps they get hit by a car or have an accident and go to a hospital—receive care that everybody is paying for but they are paying for it in the most inefficient way possible? The burden is being paid for by people who have the health care. It goes into their premiums. It isn't shared by people buying their insurance and sharing the risk of getting sick. So all of a sudden, if you get rid of the health care bill, we return America to the days when millions of Americans had no care. And guess what happens when they have no care. They jam the emergency rooms because that is the only place to get the care. The emergency room becomes the place of primary care. But my colleagues do not answer that question. They never deal with reality. They deal with politics and ideology and they throw a lot of baloney at people.

The fact is, if we were to get rid of the health care bill, all those people who used to get sick and would get a

letter from their insurance company saying: Gee, sorry to hear you have terminal cancer, but you are not covered—and that is what happened all the time in America—that would start happening again. People were thrown off their policies that they had been paying for for years, and all of a sudden they had no coverage. But they do not address that.

There is another issue: preexisting conditions. Again and again and again, people would be denied the ability to buy health care coverage because they had a preexisting condition of some kind. So if 10 years ago someone had a cancer, even if they were cured of their cancer, the insurance company could either refuse them or charge them a higher set of premiums. People were denied coverage—they just didn't get it. Women who were pregnant and were applying for insurance heard: Oh, sorry, that is a preexisting condition. You are pregnant. We are not going to cover that.

So in America we drove people into poverty for a long period of time. They had to sell their homes or sell down everything they had to become impoverished in order to get to a point where they could get some help.

What about kids in school today? Under the health care bill, up until the age of 26, a child can now be covered by their parents' program. It is not free, it has to be paid for, but they can be covered by it. That would be eliminated.

So all of a sudden we would have a whole bunch of people who would be automatically eliminated and going out fighting to get insurance in the marketplace.

Let me tell you what else happens. There are a whole bunch of reforms to the health care system that our friends never talk about. Today Kathleen Sebelius, the Secretary of Health and Human Services, laid out for us the enormous gains we are making in Medicare fraud. We are beginning to make huge savings for people. The average senior is now saving over \$4,000 on their health care bills because of what has been put in place by the health care bill. There are a whole series of things. I don't have them all here at my disposal now because I wasn't planning to talk about this when I came to the floor, but there are a series of reforms about how we pay hospitals, bundling the payments to a hospital, requiring greater accountability from hospitals. I mean, don't we want greater accountability from hospitals? That will vanish. That will be gone if we do away with the health care bill.

We also have greater coordination of care for patients from the beginning of their private care through their admissions and into their discharges. What happens today is there is no coordination of that care, and so a lot of people are discharged, and the readmission rate is staggering because there isn't the coordination between their postoperative, postsurgery care and their



primary physicians and the hospitals. Now there are a number of different pilot projects in place to help coordinate that.

Similarly, we are coordinating the care of what are called dual eligibles—the people who are eligible for Medicare but also eligible for Medicaid. That care has not been well coordinated, so we have huge duplication, enormous costs we don't need, and the result is a waste of money. All of that is being eliminated and/or reduced to a significant level.

There are so many other examples. Let me cite another one. The Senator talked about wanting to take money out of preventive medicine. Preventive medicine? We are told by the doctors, who are the experts and who deal with diabetes, that if we had early screening, which comes by having health care coverage, we could eliminate an enormous amount—maybe as much as \$100 billion—of surgery costs and dialysis costs as a result of people not discovering they have this ailment until it is too late for treatment by the more accessible and easier means. There are some oral medications and other things people can take to deal with this disease, but they have to get there at the early stage. If they get there too late, they wind up having to do amputations of limbs or the patient winds up on dialysis, all of which is far more expensive.

There are also pilot projects in the health care bill for helping people receive care at home and not be forced into a higher priced care environment, such as a nursing home or a longer term care kind of environment. This allows them to receive care at home and be in the dignity of their own home and independent and, obviously, with much less cost. All of those things would be wiped out by this notion that we are just going to get rid of this bill.

What this whole notion is built on is the early negative branding—very effective negative branding—that took place and was wrapped around the so-called death panels and the other things, none of which are in this legislation. It is not in it. So this is political. That is why they call it ObamaCare, not health care. They call it ObamaCare to make it a pejorative and to do their best to try to wrap it up in the negativity of politics in our country today. And it is a tragedy because it doesn't do justice to the kind of thinking that ought to go into and did go into this bill in terms of how we do things that really create competition in the marketplace and allow people to get better health care.

What is astonishing is that we spend something like, I think, \$15,000 per patient in America. I think that is the average cost. There are countries spending half of that and a lot of countries spending around \$11,000 a patient that, I am sad to say, are getting better health outcomes than we get in the United States of America. The United States of America is not No. 1 in health

outcomes for the money we are spending in the system, and there are a whole lot of reasons for that, but that is part of why this reform is so critical to our country.

I could say a lot more about this, but I am not going to say it now. Every time we hear from people who are just talking now about how we have to get rid of the health care bill, we have to stand and make it clear to people why this bill is good. A lot of Americans have not heard enough about how this legislation works for them, works for the country, and will improve our system. Is it the cure-all—no pun intended—of the health care system? No. I don't pretend it is. We will have to do more. We will have to tweak it. But it is a beginning step, with critical components that take 4 and 5 and 6 years to put into place so that we can get the full measure of their impact.

I will say this. We have it in Massachusetts. We have it now, and businesses are not complaining. In fact, we have one of the best economies of any State in the country. I think our unemployment rate is now down around 4.9, 5 percent, somewhere in that vicinity. So we have this program. We have had it for a few years now, and 98.6 percent of the people in our State are covered. It has been mandatory since the beginning, and it is working. It is beginning to bring down costs in the individual marketplace. The premiums have gone down by something like 45, 50 percent.

So I think we have to look at facts, as we do on a whole lot of issues here facing this country today, rather than continuing this silly talking past each other, completely contrived, political, ideological debate that is calculated to win power and not calculated necessarily to serve the best interests of our Nation. I hope we are going to engage on this over these next months, and I look forward to defending this health care bill because I think the bill is good for America. I think this bill, while it obviously needs some refinement, some changes, and some tweaking here and there, has accomplished an enormous amount already and is on track to accomplish an enormous amount going forward.

I think the administration has a much better story to tell about it than has been told, and I am glad the President has said he looks forward to going out and talking to the country about it because I believe that as the country learns more about it, in fact, they will say: Wow, that makes sense; that seems like a pretty sensible thing to do.

For our opponents who want to just get rid of the legislation, they have an absolute obligation to put the full deal on the table about what they are going to do in return, and not just Medicare, with the Ryan proposal—which makes it more expensive for seniors and undoes Medicare as we know it, not just that part of it—but the whole of it. How are they going to cover the unin-

sured? What will they do to take care of all those medical institutions that are struggling to teach doctors for the future? How are they going to hold those folks in a way that continues medical education in our country and so forth? They owe it to the Nation to answer those questions.

Mr. President, that concludes the portion of my remarks I wanted to make in response to the Senator from Wyoming.

#### TRIBUTE TO SENATOR RICHARD LUGAR

Mr. President, I wish to take a few moments to share a few thoughts, not about the results of the election last night in Indiana per se, but I do wish to talk about the consequences for the Senate of the loss of Senator LUGAR as of next year and particularly for the Foreign Relations Committee.

It is no secret that DICK LUGAR's loss last night is going to be particularly felt by all of us who have had the privilege of working with him on the Senate Foreign Relations Committee, whether he was the chairman of the committee—and I served under him when he was chairman—or whether as a member of the committee and the ranking member, as he is now and as I am now privileged to serve with him.

Whether we agreed with him or not, whether he had the gavel or he didn't have the gavel, DICK LUGAR had an approach to the Senate and to governing that was always the same: He was serious, he was thoughtful, and he refused to allow this march to an orthodoxy about ideology and partisan politics to get in the way of what he thought was the responsibility of a Senator and, indeed, the need of the country to have people come together and find the common ground. He dug deeply into some of foreign policy's most vexing issues, and his expertise on complicated issues that were honed over 36 years really can't be replicated. That is something we are going to lose—the institutional experience, the judgment, and the wisdom of the approach on some of those issues, such as the constitutional questions he would call into account when no one else would, the question of not being stampeded by popular opinion with respect to the use of force in one instance or another. All of those are essential to making this institution live up to its full capacity.

Already since last night's news, we have been hearing again and again on some of the news shows and elsewhere about the work of the Senator from Indiana on nuclear nonproliferation. It is no secret his Nunn-Lugar efforts have become almost shorthand for bipartisanship in foreign policy, and they should be recognized. But I want to emphasize here and now that is not all Senator LUGAR contributed to this field of foreign policy. He is a leading expert on some of the urgent issues that are off the beaten path, from food security and the eradication of hunger worldwide, to his work with JOE BIDEN and then with me, I am privileged to say, to change our relationship with

Pakistan, helping prevent their economy from unraveling and encouraging them to cooperate with interests vital to America—indeed, to the stability of that region—and to establishing what he called a “deeper, broader, long-term strategic engagement” with Pakistan.

I am privileged to say, for me, the personal journey with DICK LUGAR began before that, and I think it epitomizes who he is and why he will be missed. It has nothing to do with ideology.

Back in 1980, shortly after I came here—I was elected in 1984, and I started on the Foreign Relations Committee in 1985. Right away, we began to work together on the issue of the Philippines, free and fair elections in the Philippines. I had traveled over there a number of times as a freshman Senator. I had met with Ferdinand Marcos. I was concerned about the torture taking place and the political prisoners and other violations of rights. Yet we were sort of aiding them notwithstanding our values and our standards.

Well, DICK LUGAR joined with me in that effort. He didn't have any reason to join with a freshly minted Senator, wet behind the ears, but he did. Together we sort of became a team that started to focus on the Philippines to figure out how we could hold Marcos accountable. He was serious and he was fair-minded, and I saw firsthand during our trip to the Philippines which we made at the time of the election—after we had done a whole lot of groundwork to set up an accountability system for that election—that he had a very personal and special understanding of what the United States meant to the rest of the world with respect to our values. That cause animated this man whom we all know is dignified and reserved and humble but who proudly came back and recounted with some animation to President Reagan the difference that the United States of America makes when it gives voice to people's aspirations for freedom—and, in this case particularly, the people of the Philippines.

The fact is it was that discussion with Ronald Reagan and the results that came out of the accountability in that election that forced Ferdinand Marcos to leave and we saw Cory Aquino come to power and the Philippines move back into genuine democracy.

I saw the same commitment with Senator LUGAR a number of times over the years, but never more so than 2 years ago when we worked together on the New START treaty. His wisdom and his patience was invaluable in laying out the case, particularly in building support across the aisle so we could find the path to 71 votes.

I said then, and I say it again today, given the bitter, divisive, partisan, continual political squabbling that seems to dominate life in the city today, 71 votes is probably the equivalent of the 98 votes we used to get on those kinds of efforts. So I am grateful

to him for his willingness to work to do that. He worked to give Members more time to work through problems, to find a way to solve individual objections. It reminded me of the way you actually work in what is now sometimes, unfortunately, sarcastically referred to as the world's greatest deliberative body. He deliberated and he helped us deliberate.

I thought it was one of the finer and prouder moments of the Senate in recent years.

I am confident DICK LUGAR's record in our committee is going to be one of those which is remembered for a long time. Sadly, last night it was remembered in the context of Senator Fulbright, who also came to lose a primary in the end and paid a high price for his concern about global affairs and his involvement with those issues. But I think he is also remembered significantly for the enormous legacy he built about American foreign policy and how to make our country stronger.

DICK LUGAR does that, and I think he has made it clear—there is no doubt in the mind of anybody on our side of the aisle—that DICK LUGAR is a conservative and his votes through the years have shown that. He is a proud Republican.

But I think probably because he served as a mayor before he came here, he applied what we call the LaGuardia rule to foreign policy—which is the rule that Theodore LaGuardia applied to doing things in New York. It didn't matter whether you were a Republican or Democrat as long as the streets got cleaned and the potholes got filled, and they didn't have any labels on them. That is pretty much the way foreign policies ought to be.

It used to be under Arthur Vandenberg that we said that politics ends at the water's edge, and we do what is in the best interests of our country. Only in the last years in the Senate have I seen a complete diversion from that where, unfortunately—as has been true on both sides—politics has entered into choices people have made with respect to major issues of conflict, potential war and peace, and interests of the security of our country.

So about 4 years ago this time, DICK LUGAR received the Paul Douglas Award just off the Senate floor over in the Mansfield Room, and he summed up his approach to the Senate. I think after last night it is important for all of our colleagues to be mindful of his words and to think about them as we go forward in these next 6, 7, 8 months.

DICK argued that bipartisanship isn't an end to itself, and it is sometimes mistaken for centrism and compromise when, in fact, it is the way he called being a constructive public servant. It is the way a constructive public servant approaches his or her job—with self-reflection, discipline, and faith in the goodwill of others.

He said:

Particularly destructive is the misperception in some quarters that gov-

erning with one vote more than 50 percent is just as good or better than government with 60 or 70 percent support. The problem with this thinking is that whatever is won today through division is usually lost tomorrow. The relationships that are destroyed and the ill will that is created make subsequent achievements that much more difficult. A 51 percent mentality deepens cynicisms, sharpens political vendettas, and depletes the national reserve of good will that is critical to our survival in hard times.

That is actually about as fundamentally, philosophically, as conservative as one could ask for. I think every one of us who have seen the difficulty of the last few years of our politics, who have been frustrated by the sheer inability of the institution to work, would agree there is nothing liberal or conservative or moderate about what DICK said. It is just common sense about how human nature works, about how people work. It seems to me we would do well to get back in touch.

I often hear people talk about how we need to change the rules here in order to get something done. Actually, we don't. These are the same rules we operated with when Everett Dirksen was here, when Bob Dole was leader, George Mitchell was leader. But we got things done.

In the 1990s, we balanced the budget of our Nation four times in a row without a constitutional amendment. It didn't take a piece of paper to tell us to do it or new words written in the Constitution. It took the common sense and courage of people on the floor of the Senate to do what was right. We don't have to change the rules. We have to change the thinking—or change the people who don't want to do it.

But every great moment in this great institution, when people look back at the history with pride and point to the Missouri Compromise or point to Henry Clay or Daniel Webster or all these great Senators—or Ted Kennedy more recently and others on the other side of the aisle—when they do that, they are talking about people who operated by the same rules but found the common ground because they had the intelligence and willpower to put the country and its interests ahead of everything else.

So that is what DICK LUGAR's loss last night means to us. I don't know who will replace him. We certainly know the cross-currents of some of the campaign, and we certainly know what Senator LUGAR himself chose to say last night about his opponent's quest for more partisanship, not less.

So the alarm bells have been sounded. My prayer is that this election year is going to help purge this country of this incredible waste of opportunity that we are living through.

This Congress isn't over. For those of us who were here and remember 1996, it bears repeating that even in Presidential years the Congress can actually defy conventional wisdom and get some things done. That is why I know that DICK LUGAR is going to finish out his

sixth term in the Senate with the same determination and effectiveness that has marked every year of his service. He is going to have a lot more contributions to this institution that he reveres and that respects him so enormously.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first I thank my colleague and friend, Senator KERRY, chairman of the Senate Foreign Relations Committee, for coming to the Senate floor and speaking about our mutual friend and colleague, Senator DICK LUGAR, who serves as the ranking Republican on the Senate Foreign Relations Committee.

I am a newcomer to that committee, but I am not a newcomer to my knowledge of DICK LUGAR—who preceded my arrival in the Senate 16 years ago when he was well known throughout the Midwest for his extraordinary service as mayor of Indianapolis, where he did something that was miraculous—he combined and made more efficient local units of government, and I think the rebirth of Indianapolis is attributed to those early steps by DICK LUGAR.

My wife Loretta and I came to know DICK and Char personally through the Aspen Institute, which is an effort that I think we need to encourage where members of both political parties, House and Senate, come together to discuss foreign policy issues—no lobbyists, no special interests. DICK LUGAR was there and always a major contributor when it came to issues of importance.

Before I arrived in the Senate—while Senator KERRY was still here—he teamed up with Senator Sam Nunn to deal with an issue which related literally to the peace and security of the world.

What would happen, as the Soviet Union crumbled, to all of those nuclear weapons? Would they fall into the wrong hands? Would they fall into disrepair? And what could we do about it? Sam Nunn and DICK LUGAR stepped up and said: We are going to work together on a bipartisan basis to deal with them.

Time and time again throughout his career DICK LUGAR has focused on issues of strategic importance to the United States and our security. I can't agree with Senator KERRY more. He looked for a bipartisan approach to so many things. We always knew he was a Hoosier conservative. You weren't going to push over anything when it came to DICK LUGAR. He was strong in his values, but he always listened and he was always a gentleman.

What a disappointment last night. I know Senator KERRY feels, as I do, that once you have been in this Chamber for a few years, you kind of reflect on those lions of the Senate who have come and gone, some because of the decision of the electorate and some because of passage of time and then fateful decisions that ended up with their

departure. We think back on some of these great people.

John Chafee. John Chafee and DICK LUGAR were soulmates in terms of their view on the Republican side of the aisle about how to work across the aisle to get things done.

A mutual friend—and I know Senator KERRY's close personal friend—Senator Kennedy. Senator Kennedy's success has always reached across the aisle. I noticed that. Sometimes to the frustration of those on the Democratic side who said: We have enough votes, Ted. We don't have to do this. He would reach across.

Of Bob Byrd, who used to sit right next to where Senator KERRY is sitting now, we think: What will the Senate be like without these great lions? Well, the Senate will go on. But the question is, Will we have learned from their example? Will we take their lives and their careers to build on to make this a better place or, as some have said, are we going to succumb to the temptation of just making this place more partisan, more hidebound, more dedicated to obstruction than moving forward?

I know that DICK LUGAR in the remaining months is going to be an extraordinary servant to the people of Indiana and the Nation as he has been throughout his career, and I look forward to seeing him back on the Senate floor working, as he will, for the remainder of his term. But it is a loss. It is a loss to the Senate that he is leaving, and it is a sad day on both sides of the aisle when DICK LUGAR won't be part of the Senate in person.

#### TRIBUTE TO SENATOR MARK KIRK

I would like to speak about another Republican Senator while I have the floor: my colleague, MARK KIRK. Some of you have seen the video.

MARK had a stroke in January. He wrote about it in this morning's Chicago Tribune. He is 52 years of age, the picture of health, a Navy Reserve officer and a U.S. Senator from Illinois, actively engaged in our State, going back and forth, county to county, city to city. We work together on so many things. Then on that fateful day he was stricken, and with this stroke he suffered some very serious damage.

I was a little bit disturbed when his physician/surgeon came out and said, "Well, here is what we can expect." And I am not going to go through the graphic details, but they were all sobering to think that he would be limited in any way by the stroke. I was upset because I thought: He doesn't know MARK KIRK. That isn't going to happen. MARK is going to fight back. He is going to be back, and he is going to defy the odds in terms of stroke victims.

Yesterday he released a video. It is inspiring. I hope everyone gets a chance to see it—I am sure it is readily available—showing him going through rehab, showing the efforts he is making to come back to the Senate. MARK called me earlier this week. We talked

on the phone a couple of times since the stroke. He has been actively engaged mentally in everything we have done since the stroke occurred. But every day he tells me that he spends time on a treadmill, miles and miles walking on a treadmill so he will be able to come back. I told him we are on a different treadmill here and I am sure he wants to get back on it with us in the Senate.

He will be back. He said something I think we all ought to remember. He said he asked the staff to count the steps from where he would park outside the Senate Chamber up to the Senate Chamber. They counted the steps and they told him 45 steps and he would be back in the Senate. He said the day is going to come, and I am sure it will be soon, when he will walk those steps, and there will be many, myself included, from both sides of the aisle, cheering his return to the Senate. For MARK, his family, his doctors, his medical staff, and all: Thank you for this battle. Thank you for your efforts on behalf of our State. We look forward to your early return.

MARK and I have a joint town meeting, Republican and Democratic, every Thursday morning. The people sit there politely as we discuss issues and love it when we disagree because we do it without getting angry with one another. He will be back soon, not only at those meetings but also covering the State of Illinois as an effective, engaged Senator.

Mr. President, I ask unanimous consent that the time from 2 p.m. until 5 p.m. be equally divided and controlled between the two leaders or their designees, and that all quorum calls in that period also be equally divided.

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

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to allow us to move forward in the consideration of the Stop the Student Loan Interest Rate Hike Act so we can allow the interest rate on student loans to remain at its current level rather than doubling, which will happen on July 1, unless we take action. I come to the floor to express the views of many Marylanders with whom I have talked about the cost of higher education. We cannot allow the interest costs to go up. It will affect 7 million students and their families.

We already have too much college debt that families have to incur as a result of the cost of a college education. We are not competitive with the rest of the world. We look at countries with whom we compete and we look at the cost of higher education in their country compared with what our students have to endure, and we start off behind because of the enormous cost to a family to afford a college education for their children.

We know how important it is. You need to have a college degree in order

to be competitive in many fields today. That number of fields is increasing every day. Let me tell you, we have crossed the \$1 trillion mark in debt held by families in order to afford a college education. Two-thirds of that debt is held by people who are under 30 years of age. Here they are, trying to start out in life, trying to have a family, trying to buy a home, and they have this large amount of debt.

College debt now exceeds credit card debt in America. It is not unusual for a person graduating from a college to have \$20,000, \$30,000, \$40,000, \$50,000, \$100,000 in debt, and even higher. If we do not act by July 1, the interest costs will add thousands of dollars to that already burdensome amount.

The cost of a college education in America is too expensive. If we want to be competitive, we have to get the cost of a college education down. The President in his State of the Union Address talked about ways in which we can encourage colleges and universities to be more affordable for the American public. But one thing we can do is to make sure that the cost of borrowing is not increased. That is why it is particularly important that we pass this legislation.

It is affecting family decisions as to what schools children will attend because of the high cost. We are just turning our economy around, starting to make our recovery, and now families are struggling to figure out how they are going to be able to afford a college education. We need to reduce the costs, not increase the costs, to families. We need a trained workforce. We need to be competitive internationally.

Let me tell you what else it is affecting. We have some very talented people who are graduating from college and they want to go into the field where they are gifted, where they can make a real contribution to our communities, to our society, to make a difference, to answer that call of community service. That is what they want to do. But when they are saddled with this much debt and if it becomes more expensive to pay off that debt, they have to make a pragmatic decision about their career path rather than following where they can make the greatest contribution to society. That is how these large debts and the cost of paying off that debt are affecting our country.

You might have a great researcher who can find the answer to one of our diseases, how we can keep a healthier society, a person who may want to go into research, but they know what the return of research will be when trying to pay off their college loans. If we do not act by July 1, that will be even larger. That is what we are confronted with. That is why it is so urgent, that is why we need to be considering this legislation rather than be stuck in this filibuster.

I urge my colleague to move forward. Let's do what the Senate should do—consider amendments and get this process going. It is absolutely critical to our entire country.

Let me talk a little bit about my experiences with Marylanders. I have traveled the State of Maryland. I have talked to a lot of our college students. I will generally talk about a lot of different subjects and then ask what is on their mind. They will talk about the cost of college education. They will talk about the fact that we need more grants. They talk about the fact that we need more affordable loans. They certainly will tell me if you are going to increase the interest costs on their loans, it is going to have a major impact on their ability to stay in college, on their ability to follow the career choices that they want to in life.

Let me share with my colleagues the stories of two Marylanders who have contacted my office, who have contacted me in the last few days to tell me that this bill we are hopefully going to be able to consider will have a direct impact on their decisions.

Katherine Eames is a 22-year-old single mother, with a 4-year-old son Jayden. Katherine has decided to go back to college to pursue her nursing degree and currently attends Hagerstown Community College in Hagerstown, MD. She is attempting to make a better future for herself and for her son. She is attempting—she is going to be a full-time student. Katherine also works part time at a minimum wage job, all while juggling her responsibilities as a single mother. Student loans are necessary. She needs to take out student loans. That is the only way she is able to afford her college. She has student loans in order to be able to stay afloat and realize her dream of making a better future for herself and her son. If student loan interest rates were to double, Katherine would be in a financial turmoil and her future aspirations in jeopardy. Let me quote from Katherine. This is what she says. I think it is so telling.

I want to be able to close my eyes and see a bright future for my family and my son. However, if these interest rates increase, all I see from this point forward is a hole I don't think I'll ever be able to climb out of.

I know some of my colleagues say we are talking about another 3-percent interest charge, people will be able to afford it. But let me tell you about the real world, the world of Katherine Eames. That is the real world. That is people making career decisions now as to whether they are going to follow their dream; whether she will become a nurse, be able to help her community, help her family, help herself. If we do not make college affordable or if we add additional costs to it, we are going to add more people to this process. As a society, America's competitiveness will suffer as a result. We need to do better. We need to pass this legislation to help the Katherine Eameses who are out there.

Let me talk about another Marylander, Ariana Fisher. She wanted to be a doctor since she was 5 years of age. Through hard work and determination, she has been accepted to

Georgetown University's medical school. Attending will require her to take out a significant amount in student loans. That is the fact for most American families, their children will have to take out loans if they are going to be able to reach their dreams. She knows how much these are going to cost, but she says compounding this with increased interest rates hinders her ability to pursue her dream. She has the will and the passion to become an excellent physician and her aspirations should not rest on what we do here in making it more economically difficult for her to be able to afford that education. That will not only benefit her but will benefit our community.

We are talking about our children. We are talking about whether our children are going to be able to pursue the American dream, whether they are going to have the education they need to help themselves and help our country. We are talking about America's future. This is about whether this Nation is going to be able to continue to lead the world in economic growth. We need to take up the Stop The Student Loan Rate Hike Act.

Let me explain. It is subject to a filibuster. Yes, it is a filibuster. We tried to say let's at least get on the bill, which required 60 votes in order to be able to break this filibuster. We came up short. I hope the majority leader will schedule another vote shortly and I hope my colleagues on both sides of the aisle will remember what this means for the future of this country.

The stories I related with regard to Katherine Eames or Ariana Fisher are not unique. I am certain you would find similar examples in New Mexico or any other State in this country. You are going to find similar examples of people who desperately need us to act so college costs do not increase. Then let's work together to bring down the costs of college education. College and postsecondary education are a vital gateway to helping American students around the country to achieve the American dream.

We need to stand for our Nation's future. We cannot allow higher education to become unaffordable for millions of Americans who have the desire and ability to learn and succeed. Let's end the filibuster. Let's work together as Democrats and Republicans. Let's keep America's future in mind, let's keep the American dream in mind, let's allow Americans to reach that dream by making college education affordable. Let's pass the legislation that is currently pending that would stop the increase in the interest rates on college loans.

Mr. President, 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.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, we arrive here at a moment when we once again have a chance to view the differences in thought and perspective which are exhibited at this moment in this institution. Today, we are talking about college education. We are talking about programs for young people to get an education and go to college.

For generations, affordable college education has been an essential tool for providing opportunity and building a strong society.

I know from personal experience that government plays a critical role in making higher education possible. I served in World War II, and when I joined the Army there was no prospect for me to go to college. I was 18 when I enlisted. When I finished my Army service—having been in Europe during the war—things looked bleak, but there was an opportunity that loomed in front of me, and that was an ability to attend college.

My family was faced with poverty and there wasn't much money in the family, but there was something called the GI bill. The GI bill gave me a chance to achieve a dream.

I joined with a couple friends to form a company. The company was called ADP. The company that produces the labor statistics every month that this country and the whole world sees. When I was able to start this company with two other fellows, none of us had any money. The two of them were brothers, and we didn't have any resources at all. We had to start from nothing. In the days that we had a chance to get going, the future was brightened a little bit by the fact that an education was possible to have. That company we started with nothing today employs more than 50,000 people around the world.

The country invested in my generation by helping us pay for college, and that investment helped create decades of prosperity. As a matter of fact, that generation—post-World War II—was called the greatest generation ever seen in American history. Out of 16 million people who served in the Army, 8 million people got a college education through the GI bill, and thus this generation that came out started us on a track for prosperity this country had never seen. The investment the GI bill made in people says that when we have a chance to educate people and get them to go to college or to attend a university, that is the way we create the next great generation.

Attending college has never before been this expensive. The cost of tuition at public universities is 37 percent more expensive now than just 10 years ago. Think about that. If the average cost for a college 10 years ago was \$40,000, it now costs well over \$50,000. As a result, more and more students

are taking on massive loans that will plague them for years. I use the word "plague" because it is very difficult to get started in life, in business or start a family and be facing heavy debt at the same time.

Sixty-six percent of New Jersey students graduate with loan indebtedness. The average loan burden for New Jersey graduates is more than \$23,000. No wonder we hear that technology companies are hungry to hire but can't always find people with the education and skills they need. The pricetag alone puts college out of reach for too many people.

And the clock is ticking on even higher college costs. Unless Congress acts, interest rates on many student loans are going to double on July 1—less than 2 months from today. For many students, doubling rates will cost them \$1,000 more for each year of college.

But instead of standing with students, our friends on the Republican side are playing politics. They made it clear that keeping student loan rates low is not a priority. They don't see it as something being worthwhile. Two Republican Senators have introduced budget proposals that would allow student loan interest rates to double.

Yesterday, we saw 44 Senate Republicans vote to prevent the Senate from even considering our bill to keep student loan rates low. How heartless. How thoughtless it is to punish our country this way. College is already too expensive. Why would we put up obstacles to getting an education?

Republicans should listen to people who are suffering from the high cost of college. There have been 1,400 people who have written to me through mail or Facebook to say: Don't let them do it. Don't let them double my rates.

A single mother from New Jersey who is helping her daughter pay for college wrote to say that any increase would create enormous hardship and an inability to continue to provide for the family. Another New Jerseyan says America will not be able to compete with the rest of the world if college is accessible only to those who have the ability to pay for it up front, and I agree. We will not be able to compete if we don't have the educated people necessary to fill the jobs that are available.

Our Republican friends say they want to prevent the doubling of interest rates. So why don't they step up to the plate? I don't understand that. They say one thing on one hand: Oh, yes; we don't want to increase the rates. On the other hand, they say we are not going to help keep them at the lower rate they are now. They say in order to pay for keeping rates low for students, we have to cut vital funding for programs that keep people healthy. Their bill would slash funding for prevention and public health funds, programs dedicated to stop devastating diseases before they occur. Chronic diseases, such as cancer, heart disease, and diabetes,

take more than 1 million lives every year and account for 75 percent of our Nation's health spending. That is why the Prevention and Public Health Fund has invested \$226 million to reduce chronic illnesses.

The President's budget also calls for using this program to protect women's health by providing breast and cervical cancer screenings to low-income women, but it won't happen if Republicans get their way.

The Republican bill would also cripple programs that keep kids from smoking and help smokers to quit. We have all seen the ads—real people telling real stories about how tobacco has affected their lives. This chart tells the story: "Don't be shy about telling people not to smoke around your kids." We see a picture here of a mother and a child. Republicans don't care about educating people on the dangers of smoking? Who are they protecting here? Certainly not our children and certainly not our students.

It is unconscionable. Republicans profess they want to keep loan rates low but only if we sacrifice programs that protect children from smoking addiction and help women avoid breast cancer and other deadly diseases.

The Democrats have a better solution. The bill Majority Leader REID has introduced pays for keeping student loan rates low by eliminating a tax convenience that millionaires and billionaires use to avoid payroll taxes. Rather than choose to close this loophole, the Republicans choose to take this opportunity to talk our bill to death. They would rather see interest rates double for students than force the wealthy to pay their fair share of the country's obligation.

Student loans open the door to opportunities. Interest rates have to be kept low to protect graduates from a mountain of debt.

I call on my professional experience again, if I might. I finished college. My father passed away while he was in the Army. He was only 43 years old. He left my mother a 37-year-old widow to care for herself and my sister. As luck had it, I got an education at Columbia University, at the business school there. I started a company I mentioned before called ADP. It provides services across the world for those companies that need help in doing their payroll, accounting, and other recordkeeping that companies must do. It only happened because we were able to get our education through the GI bill. There was zero cost to those of us who served in World War II and even some money to pay for books and for other necessities.

So I call on my Republican colleagues to stop the obstructionism, stop the politicking, and stop throwing obstacles in the way of young people who want to get an education and make a contribution to this society as well as to themselves and elevate America's ability to deal with the competition we see in the world. It is time to do that.

I am not suggesting that our Republican colleagues don't want progress. They do. But when we try to move a bill that says: Keep interest rates low on college loans, keep the rate low so that when people get out of college they are not so burdened by debt that they can't get started in life, I say keep them low so that America competes as it should—right at the top of the ladder with educated people, people who want to succeed but don't have the tools necessarily until they finish their college education. Why put obstacles in the way? It is incomprehensible because there are a lot of good people on the other side. But why do they persist in obstructing the opportunity to even discuss it? They want to filibuster it to death. Filibuster, for those who don't know the term, means talk, talk, talk, talk, talk—do anything but make progress.

So I hope we will say to those who have been successful: Do your fair share. Let your contribution to the well-being of our country educate those who can learn and not make it so expensive, so out of reach that few will be able to take advantage of it.

I ask to please move this bill along. Let's let the American people at least know what we think about this legislation to keep interest rates low.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Wyoming.

Mr. ENZI. Mr. President, first, I ask unanimous consent that immediately following my remarks, Senator UDALL of New Mexico be recognized to speak.

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

Mr. ENZI. Mr. President, I have been listening to these speeches for the last couple of days—3 days, actually. If one listens to the other side of the aisle, one would think Republicans are against college education. I don't think there is a person in America who believes that. One would also believe we want to raise the interest rates from 3.4 percent to 6.8 percent. There shouldn't be anybody in America who believes that either. We really think that for 1 year the rates on subsidized Stafford loans ought to stay at the 3.4 percent, and maybe beyond that.

The real issue isn't the interest rate, and we can tell that from the speeches that have been given. The real issue is the cost of college. Are we doing anything about the cost of college? No. Does Congress have anything to do besides debate this particular issue? Evidently not. We are being called a do-nothing Congress, but evidently we don't have anything else to do. It could be possible to go to something else, but instead we have had one vote on this, and we still weren't given an option for this side of the aisle to have a vote on our idea. So now we are going to get to vote on that same issue from Tuesday once again—maybe sometime this week or maybe not until next week. Instead, we are going to stay right on this issue so that if we stay at exactly

this point in this issue, it will fail again and then that side can say: Oh, those Republicans just want to raise interest rates. Not true.

I hope the American people have noticed that any bill that goes directly from the President to HARRY REID to the floor doesn't pass. A bill that goes to committee, regardless of where the source is, has a chance of a bipartisan solution.

I am the ranking member on the Health, Education, Labor, and Pensions Committee, and we have a user fee bill that passed nearly unanimously out of committee. We have the support of the stakeholders. We have the support of the companies. We have the support of Senate Republicans and Democrats. We have even talked to the House people about it. It is a bill that ought to make it through here pretty quickly, and I suspect it will. When it does, I bet we don't hear any comment about it because that would make us look like a do-something Congress, which is what we ought to be.

My colleagues can't tell me this is the only issue that needs attention. Yet we are going to spend a whole week on this issue when both sides agree it ought to be at 3.4 percent. What we are disagreeing on is how we will pay for it. I have to tell my colleagues that the real answer isn't either side's answer, but it could be worked out if it went to committee.

I was told this was going to be a bipartisan, jointly discussed issue just before we left for the recess. Then this bill was put forward, and no further conversation was allowed on it. Our committee was left out of it. And we bring it to the floor, and they said we will have a fair and open debate. Yes, look at this—there are two of us on the floor, and he is waiting to speak and he is not listening to what I am saying, and there isn't anybody else listening to what I am saying. Well, they might be back watching the television and picking it up there, and I certainly hope they are.

Where we get the real discussion is in the committees. Small groups of people who are intensely interested in the issues come to those committees and we work it out. Senator HARKIN and I will get amendments a couple of days before the bill is to be marked up in committee to find out what everybody's ideas are for how it ought to be changed, and we sit down and we look through those and we say: Well, look at this pile here. They are all pretty much the same amendment, but there are people from both sides of the aisle who are interested in it, so why don't we just get those four people or those two people or those five people together and see if they can't work something out. It is really surprising because they usually can come up with a few changed words that solve the problem in which they are interested. That is the way we get things done. That is not the way we are operating on the floor.

I am on the Finance Committee. The Finance Committee is supposed to be handling taxes. Let's see. How many markups have we had this year? I don't think we have had a single markup. We have not looked at a specific bill and tried to come up with a solution in committee. Nothing has been assigned to that committee to finish.

Do we think we have any tax problems in this country? I think so. We keep talking about tax reform, but we are not doing anything on tax reform. Instead, we are talking about the interest rate on college student loans. It is extremely important to the 40 percent of the students who have a subsidized loan who are going to be protected by this. It is extremely important to them. We keep talking about college and the cost of college, but are we doing anything about the cost of college? No, we are not. That should be disappointing to America. We ought to be covering the big issues.

Our committee did a bunch of hearings, and I asked for those hearings to be on the cost of all college education. Instead, what we did was beat up on private for-profit colleges. We did hearing after hearing after hearing, and some of those were a little suspect because I know at least one of the witnesses called in to testify fell short in the market and was able to run down the colleges and thus make a lot of money off of his testimony. That is not how it is supposed to work. We could have looked at all college costs and found some ways to drive down the price of college, but we didn't do that. So now we are standing here and saying: Those darned Republicans aren't interested in the cost of college. How wrong can you be?

We started this debate on Monday, we voted on it on Tuesday, and then we decided we would reconsider the vote. That means the pollsters said that this is a pretty good issue for that side of the aisle, and if they can drag it out longer, they can do better. That is not what Congress is about. Congress is about solving problems.

There are two sides to this, and in the debate earlier, I said that if we would just allow a side-by-side so that you get a vote and we get a vote, we could get something done and move on. The Senator from Iowa, Mr. HARKIN, said: I would let us do a side-by-side.

The next thing I know, the media is saying: You were offered a side-by-side but you did not take it. Not true. We were offered an opportunity maybe to put a substitute amendment in at a future time—maybe. That is not the same. That is not the same as getting the same kind of a vote on the same kind of an issue. And that is always what has been done. We have always allowed side-by-sides. But not on this one. We would rather have the debate going on and try and convince America that both sides of the aisle are doing the wrong thing.

Not only are we giving the impression that we are a do-nothing Congress,



we are giving them the impression there is nothing for us to do. Let's see. We did not do a budget and we have not done any appropriations bills yet, and there are 12 appropriations bills that have to pass this body, and it takes at least a week for each appropriations bill. We have the authorization bill for defense which we debate each and every year, and about 100 other issues that need to come up here. But instead, we are not voting this week, except the earlier vote on this particular bill and another reconsideration vote. If you keep doing the same thing, you ought to expect the same kind of results.

One of the reasons we are voting against the bill that is on the floor is it has not been to committee so it has a lot of flaws in it. This is a poorly drafted bill. Here is kind of how it works: We have said that dentists and doctors and other professionals who are in small corporations—we are picking on small business here—are cheating on their taxes. They are not paying a payroll tax on their dividends.

There is a law against that, and the IRS can enforce that law, and does enforce that law. The examples that have been given are times that they actually caught people doing that and enforced it and won. But to do an audit on this, it would probably take a maximum of 30 minutes of computer time to find every small business corporation that might be cheating on their payroll taxes. But instead of doing that, we are going to use it as a pay-for, and we are saying it is only doctors and dentists and lawyers and accountants and other professionals who are doing this.

Well, there are a whole bunch of people who have small business corporations. Small business corporations are an important way to finance small businesses, and it is a little less complicated than the big corporations. But we usually do not pick on them specifically, and we usually do not separate them into separate groups. This one is just the professionals. It does not cover the rest of them.

I asked the question earlier. I said: Does that mean you are saving the others for a pay-for for something else? If there is a problem, we ought to solve the problem. But the problem can easily be solved by the IRS by doing the proper job of auditing, if that is the case. But these small business corporations are declaring that a lot of their profit is a dividend.

Here is an interesting part: We are not talking about the income tax they pay on that. They are having to pay the income tax. Unlike a big corporation, they are paying the income tax on their personal tax form the minute it is earned, not when it gets actually distributed.

Most of the small businesspeople have to pay the tax on it but leave it in the business so they can grow their business. I have been there. I have had a small business corporation. I know, while you would like to take the money out, if you want your business

to succeed, you have to keep reinvesting and reinventing. That means you do not get to take the money out.

If we were being fair, we would say anybody who makes over \$250,000 in dividends a year would include that as payroll tax. In other words, this is another Warren Buffett thing. How many millions do you think he makes in a year that come into him as dividends? If those did not count as dividends, he would have to pay a Medicare percentage tax on every dime of that. That is what we are talking about here with the professionals whom we are going to discriminate against in a bit. We are saying that anything that counts as a dividend for them, they are going to have to pay the Medicare tax on. Why just pick on the professionals? Why not pick on all small businesses?

Of course, small business is the job creator for the country, so we should not be picking on any of them. We should be making sure they are paying the taxes they owe, but that is not what we are doing. And we are saying Warren Buffett is a special case out there, even though we like to talk about a Warren Buffett tax every once in a while, but we are not going to in this case.

What we are talking about is the tax that would be for Social Security and Medicare. If they are not paying that, they ought to be paying it. But we are saying that is a good pay-for.

How many times do you think we can take the money that is supposed to go to Social Security and Medicare and spend it on something else and hope Social Security and Medicare continue to exist? That is what we are doing here. We are saying we are going to take the money from the doctors and the dentists and other professionals and we are going to make them pay a Social Security and Medicare tax, but we are not going to put that into Medicare, we are not going to put that into Social Security. Instead, we are going to give it to college students so they have a reduction in their loan.

It is kind of interesting. The Department of Education borrows their money at 2.8 percent, maximum, and they are loaning it out to college students at 3.4 percent for subsidized student loans and 6.8 percent for unsubsidized student loans. The law says that on July 1 it is supposed to go to 6.8 percent for both subsidized and unsubsidized student loans. Where do you think that profit goes? Well, we already spend that on other projects. That is why it needs to go to 6.8 percent, so we can pay for what we promised we would pay for. But if we freeze the interest rate on subsidized loans at 3.4 percent for one-year, we still have to pay for the other things. So what we are going to do is, we are going to take money that ought to go to Medicare, and we are going to give it to college students. So it is a dilemma.

We want to make sure the rate stays at 3.4 percent. But this body, debating back and forth, without getting any

votes, is not going to resolve it. Even if we got to do an amendment or two—that is a big deal around here: to get to do an amendment or two on the floor—we still would not be able to resolve it because we would not have gotten the people from here and the people from there together in a small group to work out a solution. That is what the leader ought to be doing. That is why you send things to committee. But we are not doing that.

The other side has assured me that even though we are not putting this money into the Medicare trust fund, that the Medicare trust fund will still have all of its money. Let me tell you how that works. As an accountant in the Senate—and there are only two of us now. For 15 years, I was the only one. But there are two of us now. Here is how it works: When the money comes in, a bond is put in the Medicare drawer that says the Federal Government owes Medicare that amount of money. But we go ahead and spend the money.

They say: Well, this trust fund is still intact. No. It only has debt in it. It does not have money in it. I discovered that trying to get some money out of a trust fund once. They said: Well, you cannot get it out unless you put money in. What kind of bank account is that? What kind of a trust fund is that? That is what Social Security and Medicare are. They are a bunch of bonds in a drawer that the Federal Government says we are good for. The way we are spending, we may not be able to be good for that. People ought to be concerned about that.

So that is where we are. We are talking about taking the Medicare money and the Social Security money, putting bonds in a drawer, using the money, and saying all is well in the world and everything is paid for.

Our side has said, there is a health care slush fund and there are not any criteria set up on it. There are some broad categories it can be spent on, but there are no real criteria on it, and it has more than enough money to pay for this. The only person who gets to decide how that money is given out is the Secretary of Health and Human Services, and she has a lot of flexibility on that. There is a lot of money coming in—maybe at least \$2 billion every year allocated to that, and there is already money in that fund, as it started with more. I think the estimate was actually \$80 billion over the life of the health care bill. The President himself has helped himself to that when we did the payroll tax holiday extension. That is where the money came from for that.

So our side has said: Why don't we use that again? That is supposedly real money. But one thing that both sides are doing—they are saying: OK, we are going to freeze the interest rate for 1 year, but we are counting revenue that is supposed to come in for 10 years.

How many people in America can say: I am going to have this salary, and I might have it for 10 years, but I need

to spend it all this year. If I spend it all this year, how do I live the other 9 years of the time? That is what we are faced with every time we do a 10-year receipt of money in exchange for a 1-year spending project. And we are doing that more and more and more.

But, again, under our accounting system, that does not go down as the same kind of liability and debt situation that increases the debt ceiling or increases the debt for the country. So it is a very clever tactic to use, but it is not honest with the American people.

Yes, I am upset we are spending all this time on this reconsideration of a vote that we had. When you do not make any changes, you can expect the vote to come out exactly the same. But it allows us days to harangue each other, and that is the wrong way to do it.

I have asked the leader to pull this bill down, send it to committee, give them a limited amount of time to work on it, and see if they can come up with a solution that both sides would like and one that does not have a lot of loopholes in it.

Loopholes? Well, when we are talking about these small business corporations for doctors and dentists, et cetera, we said: If they make more than \$250,000 a year and if the small business corporation has three stockholders or less. I do not think they are cheating to the degree that they say this money would come in. But if they are, I can see the wheels turning out there and people saying: Let's see, I have three people in my corporation. Oh, my son is not in the corporation yet, so we will make that a fourth one. When we get the fourth person in the corporation, we are exempted from this.

How much money do you think is going to come in through that proposal? That is what can be worked out if it goes to committee. So, I again ask the leader to send it to a committee, give them a limited amount of time to work on it, and see if they can come up with a solution that both sides will like because both sides said the interest rate ought to be 3.4 percent for the next year.

Then we ought to take a look at the cost of all college education. As all the people have said, college is important. Education after high school is important. We had one hearing on that in the HELP Committee too. When we were scheduled to have that hearing—I make a weekly trip out to Wyoming and travel around the State so I get to talk to a lot of people—I happened to be talking to some sixth graders, and I said: We are going to have this hearing, and the title of it is: Is education after high school important? Do you know what. Those kids all said yes. We did not have to bring in some people from Harvard and Stanford to convince us of that. We could have been talking about the cost of college, which would get more people going to college, and not just college but some of the tech

schools too because we are going to need a lot of different professions in future years.

Let's get this thing to committee and get it resolved and get on with some of the issues we need to be working on—some of the ones that are big money that affect all of America, not just 40 percent of the students at about a cost of \$7 a month.

So with that plea, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. I thank you for the recognition, Mr. President.

Let me say, I have been sitting here listening to my colleague, the Senator from Wyoming, and I think he makes some good points. I think we do need a more open process. I think we need to try as much as possible to work with each other in the committee process. I do not think there is any doubt about that. I think we need to allow germane amendments and have a good, robust debate on the bills that are on the floor.

But what I want to talk about today is the fact that we are in a filibuster. Fifty-two of us wanted to move forward on this bill and 45 of us did not. That is why we are locked in this situation.

I rise with regret today, and there is much to regret about yesterday's vote on the student loan bill. First, I regret the false choice between helping students or funding preventive health care. Most Americans support student loans. Most Americans see the value of preventive health care. Yet my colleagues on the other side of the aisle would ask that we sacrifice one for the other.

An affordable education should not be held hostage to cuts in preventive health care. That is not a choice; it is an ultimatum.

Have we come to this? We teach our children to set goals, to set priorities. It should surprise no one that they seriously question our goals, our priorities. It is like a bus heading toward a cliff. We can turn it around, and we ought to be able to do so without throwing students underneath it.

The other side says they care about our Nation's students too. Perhaps, but there is caring, and then there is devotion. Once again, their devotion is for the wealthiest among us and not for the 7 million students who are worried about how they will pay for their education.

Back to choices. As any bright college student can tell us, it always comes down to choices. How do we protect the Stafford Student Loan Program? By further cuts to preventive health care? By weakening research to prevent disease? By cutting our response to public health emergencies? No, of course not. We do it by closing a tax loophole, by requiring the wealthy to pay their fair share of payroll taxes.

I submit that this is not, and should not be, a tough choice, but apparently

it is. In fact, it is so tough that the other side doesn't want to talk about it any further. The result? Yet another filibuster.

That brings me to my other regret. Once again, this Senate is broken, in limbo, stuck. Once again, the American people look on in dismay.

The Senate was once called the greatest deliberative body in the world. Now it reminds me of that song, "The Sound of Silence," "and no one dared disturb the sound of silence."

That is what we hear more and more—silence. No debate, no discussion. Yesterday's vote was the 21st filibuster by Republicans of a Democratic bill this Congress—the 21st—and the year is young.

This ugly parade of filibusters—and for what? Let's see. To block the President's job bill, to stop the repeal of tax breaks for big oil companies, to not help local governments pay for teachers and first responders, to prevent a minimum tax on households earning more than \$1 million a year, and now it is student loans—another filibuster, more sounds of silence.

I have previously joined my colleagues and friends, Senator MERKLEY of Oregon and Senator HARKIN of Iowa, to push for fundamental reforms in how the Senate operates. The reason then and even more abundantly clear now is that the Senate was broken.

This is tragic. At a time when our country needs us to act, we do almost nothing. It is no wonder that Congress's approval ratings are at an all-time low. Instead of working to solve the major problems our country faces, we retreat to the shadows.

In order to have real change in the process, the Senate has to change the way we go about business. I have advocated, and will continue to do so, that the Senate, at the beginning of each Congress, should adopt its own rules by a simple majority vote. The Constitution clearly gives us this authority, and it is time to exercise it. Yet at the beginning of each Congress, the Senate, unlike the House of Representatives, doesn't vote to adopt its rules. The Senate simply accepts the rules of the previous Congress—rules that lead to the unfettered abuse of filibusters, rules that have made the Senate a graveyard of good ideas.

When we fail to reform our rules, their abuse becomes an entrenched part of the Senate's culture. That is where we are today—after years of filibuster abuse, we have turned the Senate into a supermajoritarian body. To do anything in today's Senate requires 60 votes.

Yesterday's vote on the student loan bill was a prime example. We can't even get onto the bill. Fifty-two Senators voted to move forward, but 45 Senators chose to filibuster. Once again, minority obstruction prevents majority rule. That is not democratic, and it is not how our Founders intended the Senate to operate.

This has to change. A new Congress will begin next January. Right now, we

don't know which party will control the House, the Senate, or the White House, but it should not matter. The Senate must reform itself regardless of which party has control, not for the good of the Democrats or the Republicans but for the good of the country.

The Senate will have many new Members next January, and I think most of them will want to become part of a functioning legislative body, one where they can bring their best ideas and have them debated, a body where all views are heard and considered but majority rule is once again the norm. That institution cannot exist under the existing rules, and we continue to prove that on a daily basis.

The reforms Senators HARKIN, MERKLEY, and I proposed at the beginning of this Congress had strong support, but it did not pass. So here we are, 21 filibusters later, and the line of Americans who wait for a Congress that works, that actually gets things done, and that comes together to find solutions—that line just got longer by about 7 million students.

Several of my constituents have watched and have seen this filibuster proceed, and they have written me on my Facebook page. I thought I would share a couple of those comments because they really go to the heart of what is happening on student loans.

Tracy Edwards writes me, saying that student loans are vital. She says:

My daughter graduates this Saturday from UNM. Without student loans, this day would not have come.

Her daughter would not have graduated.

In 6 months, we will start repayment of those loans. I am not asking anyone else to pay my daughter's loan, but why should we be punished with an increase for trying to ensure our children get a solid education? If a bankruptcy is filed, you could lose your home, your car, and your credit, but student loans are mandated for repayment, no matter what. Is it too much to ask for a fair interest rate? I think the 1 percent will not be happy until it is a world of the haves and have nots.

Thank you, Tracy.

Donna Kubiak writes this:

I agree . . . my daughter is a single mom of 3 kids and working on her degree to teach elementary school . . . without financial aid, she will have to work for a minimum wage job and get welfare indefinitely.

Thank you, Donna, for that comment.

Mr. President, as we know, this issue is absolutely crucial to 7 million American students who don't want to see those interest rates skyrocket a couple months from now. I believe the estimate is about \$1,000 per student. They can't afford that, and we need to get this bill on the Senate floor. We need to cut out the filibusters and settle down and do the amendment process, the debate, and produce a bill.

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. COONS. 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. COONS. Mr. President, I rise today to talk about where we are right now procedurally in the Senate on the issue of student loan debt and the interest rates that we charge those who take out Stafford loans, but also the larger question of student loan debt and how we make the highway, the pathway, to higher education for America's students clearer, fairer, and more predictable.

Yates once said that education is not the filling of an empty bucket but the lighting of a fire. Educating our young people is one of the most important things we do as a society. In lighting the fire of curiosity, imagination, enthusiasm, entrepreneurship, and creativity, particularly higher education is one of the things that distinguishes the United States from many other countries around the world. We have long had an enormous advantage in having one of the world's greatest educational systems.

As the occupant of the chair knows, in Vermont and in Delaware today there are so many working families who deeply question whether the pathway toward higher education for their children will be as predictable, fair, and straight as it has been for past generations. When I meet with business owners, innovators, job creators, they deliver the same message: They have jobs. They are ready to hire people who have the education and the skills they need to compete and participate in the modern economy.

Today, with more than 12.5 million Americans out of work, including more than 30,000 Delawareans who are out of work, the question is, How do we make higher education, skills training, vocational schools, and community college more affordable and accessible? One thing we can do, and have to do, is address the staggering debt that lingers with graduates sometimes decades after completing school.

We are faced with two problems. One is a short-term problem and one is longer term. The short-term problem is that without immediate congressional action, student loan interest rates for millions of Americans will double on July 1.

If we allow rates on federally subsidized Stafford loans to increase from 3.4 to 6.8 percent, we will saddle student borrowers with an additional \$6.3 billion in interest payments. In Delaware, this could impact more than 18,000 student borrowers, burdening families who are still struggling to recover from the recession with unexpected additional bills. Lots of people have contacted my office—called or written or sent me postings on Facebook, and they have tweeted to contact my office and many others here about their concerns.

Alexandra, a recent graduate from Wilmington, DE, reached out to me and wrote:

I can confidently say that going to a four-year college has prepared me more than I thought it ever could for success in my job search. Because of this education, however, I am facing about \$20,000 of debt with a low-paying job.

Alexandra is deeply concerned about the significant debt she faces, and she urged me to work hard to freeze the interest rate on her student loan rather than letting it double.

I agree with Alexandra and fully support efforts on this floor to fix this short-term problem by freezing interest rates on Stafford loans.

I am disappointed that yesterday's vote—the failure to invoke cloture—to get past a filibuster by the other party has prevented the Senate from moving forward and discussing a possible realistic solution.

It is important for the Congress to confront this rise in interest rates, and I hope we can come to a bipartisan consensus. But let's be clear. Even doing that will not solve the larger long-term problem. Addressing this rise in interest rates would not change how much students borrow, numbers that are only steadily growing.

Just this week our Nation's cumulative student loan debt total crossed the \$1 trillion threshold. That is an enormous burden on young people just getting started in life and in their careers. If we are to really address this challenge, we have to help students make smart decisions about financing their education.

We can empower students to make more informed choices by fully understanding the relationship between their debt, their choice of major or studies, and their future career path by providing more and earlier and better information about this.

Financial literacy, and a clear understanding of how or whether borrowing will help raise their earning potential later is a key part of the real solution to our country's ongoing and exploding student loan debt.

We can also seek creative solutions that look beyond the obvious and really work to make higher education more affordable for more students. That is why I am so glad to work with my friend, Congressman CHAKA FATTAH of Philadelphia, PA, on new legislation to encourage private investment in college scholarships. Congressman FATTAH showed tremendous leadership in crafting this bill. We introduce a new tax credit that will help more kids afford a college education, entitled Communities Committed to College Tax Credit Act of 2012.

The bill provides tax incentives to encourage private donors to support and sustain educational trusts that make higher education possible for all the young people of a chosen community. These private donors, encouraged by a 50-percent tax credit, will help fund need-based college scholarships,

fueling a new generation of achievement by making higher education more affordable and reducing the need for student loans. But equally important, in places such as Syracuse where these programs are already in place, it changes expectations. When young people, in the very beginning of schooling—from the first, second, and third grade—know there is some possibility, some savings account, some community program that will fund their higher education, the likelihood they will finish high school and go on to college increases by four to seven times.

I support Congressman FATTAH's innovative effort to support community trusts that support higher education. That is one idea for looking beyond the box and working to make higher education more accessible.

Here is another. The American Dream Accounts Act is a bipartisan, bicameral bill to encourage real partnerships between schools, colleges, nonprofits, and businesses to develop secure, Web-based, individual, portable student accounts that contain information about each student's academic preparedness and skills. It also directly tackles the issue of student loan debt by working with students on financial literacy from a very young age. Instead of having each of these different resources available, as they are now, separately siloed, it connects them across existing education programs at the State and Federal level.

I am grateful to Senator BINGAMAN of New Mexico and Senator RUBIO of Florida for joining me as original cosponsors here in the Senate. This bill is a potentially powerful step toward helping more students of all income levels and backgrounds access, afford, and complete a college education. It is rooted in my own experience with the I Have a Dream Foundation, which has helped more than 15,000 young people all over the country to achieve the dream of higher education.

If we want American companies, American workers, and American families to compete and win in the global economy, we have to help our students afford higher education. It really is that simple. I look forward to working with my colleagues to find solutions that promote affordable, accessible higher education because early action and early engagement can help change the future and the outcomes for our kids and make it possible for them to achieve the American dream.

It is my hope that we can overcome this needless filibuster, yesterday's setback, and that all of us can come together and achieve what we say we want to do together—a responsible path forward that avoids needless additional burdens on working families trying to finance their children's education—and that we can look seriously at these two proposals I have touched on briefly today that will help our students of the future understand and afford higher education to make their American dream possible.

I thank the Chair.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Delaware for speaking to some critical issues. It is a shame we are not in a position where we can offer the Senator's amendments, but, as he knows and as he spoke to in his speech, the decision yesterday by the Republicans to go into a filibuster—which is what we are having on the floor and which is why there are so few people and nothing really happening aside from some really outstanding speeches—is a decision they have made time and again.

This was rarely used in the history of the Senate—the filibuster. Oh, “Mr. Smith Goes to Washington”—some people will remember that movie, and in the 1960s during the civil rights debate, they may remember that too. Sometimes it was used during the Vietnam war, maybe. But it has rarely been used. Now it has become so routine, so commonplace, that day after weary day people who subscribe to C-SPAN on their cable channels are calling in to the cable providers and asking for their money back because nothing is happening on the floor of the Senate. And whose fault is that? It is our fault. It is our fault. When an issue such as this—the one that brought on this filibuster—is explained to the American people, they shake their heads and ask: What are you doing in Washington?

Well, here is what this is all about. On July 1, the interest rate on student loans through the Federal Government doubles. It goes from 3.4 percent to 6.8 percent unless we do something. So we have a bill we brought to the floor yesterday. We said: Let's bring this bill in, debate it, vote on it, and let's change the law so that we can protect these students and families. Let's freeze that increase and keep it at the original 3.4 percent. Now, what is that worth? For someone borrowing \$20,000 over the course of their college education, it is worth \$4,000. If that is your son or daughter and you happened to cosign with them, \$4,000 is nothing to sneeze at.

The Pew Foundation did a survey of working families across America, I say to the Presiding Officer, the Senator from Vermont, and they asked a very basic question of the working-family population. The question was how many of them could come up with \$2,000 in 30 days—2,000 bucks. Maybe there was an emergency in their home—a water pipe just broke or the furnace broke down. My daughter just went to the hospital. But how many could come up with \$2,000 was the question, and only half responded that they could. Half of the working families in America have access to \$2,000. So what does \$4,000 or more in interest being paid mean? For a Senator, not much. For an average working person, a lot.

Now, what happened yesterday? We called this bill and said: Let's move it, let's start debating it, and let's get it

done before July 1. We all agree we should. President Obama and even Governor Romney said we should get this done. But not a single Republican Senator would vote with us—not one. Not one Senator would join us to bring the bill to the floor. That is why we sit here literally wasting our time and the time of taxpayers over an issue we should not even have to debate.

I don't know about the Presiding Officer, but I had to borrow some money to go to school, and I borrowed it from the Federal Government. It was called the National Defense Education Act. They created it back in the late 1950s, early 1960s, because we were scared of death of the Russians and sputnik. We thought, they can take over the world. They have the bomb, and now they are the first in space with that little basketball-sized satellite. So we thought it was time for America to get up and get moving, and we created, for the first time in our history, student loans available to nonveterans. We gave help to veterans in the GI bill after World War II, but these were for nonveterans. I got one. I signed up for it.

When I graduated from law school in the late 1960s, they added up all the money I had borrowed—college and law school—from the Federal Government.

I remember the day I brought the letter home to my wife, baby in arms and another one on the way, and said: My student loans have all been added up.

She said: How much?

I said: It is \$8,500.

She said: We will never be able to pay that back.

And I said: I know, but we have to try. We have a year before the first payment is due.

My first job out of law school paid \$15,000 a year, to put things in perspective.

Now look what students are faced with today. They are lucky to get out with an average indebtedness of \$24,000—very lucky. For a lot of students, that isn't even possible. They get more deeply in debt as they go through school. They say: Well, you told me to finish my education so I would have a better life and realize my dream. I can't quit now. I have to borrow some more money and finish next year and the following year or I have wasted it all. If I am a college dropout, what do I have to show for it—no diploma, just the debt.

So we asked families across Illinois to get in touch with us and tell us about student debt as they see it in their lives. We know nationally that student debt in October of 2010, for the first time in history, surpassed credit card debt. People owe more money on student loans than on their credit cards, and it is growing—dramatically growing. When you meet these families, it is sometimes a sobering moment.

I was at a college in Chicago last week and met a student, a lovely young lady majoring in art, which my daughter majored in, so I have no problems with that because she is a great

artist and doing well, thank goodness. This young lady said: I am about to get my bachelor's degree with a major in art, and my student indebtedness at this moment is \$80,000. But I am going on for a master's. I think it will be about another \$60,000 of debt.

I think she was 25 years old. Think about that. Think about what she has just done to herself. First, she did what she was told to do—to get a college degree. Then she got so deeply into debt that she is going to come to realize—sadly come to realize—it is going to influence so many decisions in her life. Will she ever be able to buy a car, get married, buy a home, have children? Each one of those decisions along the way is going to be based on her student loan indebtedness.

So is it right for us to keep the interest rate low on student loans? Of course. Why do we want to make it any worse for her or anyone else who borrows money after July 1? We should be doing this, and we shouldn't be squabbling over it. We were sent here to solve these problems, not to go into filibusters—one more Republican filibuster. I don't want to get partisan about it, but they didn't provide a single vote—not one—to help us move to this issue.

So on our Web site we asked families to tell us their stories. I just spoke about a young student, but many of these students have parents and grandparents who sign up to help them. They say: Yes, we will cosign the note because we want our granddaughter or our daughter to finish school; let me help.

About 6 weeks ago, the New York Times reported a story in which a woman had her Social Security check garnished for student loans. It wasn't a loan she took out, it was a loan she guaranteed for her granddaughter. Her granddaughter defaulted, and they went after grandma. She now receives a smaller Social Security check because of the student loan and her goodness in helping her granddaughter. That is the reality of this debt. It trickles through entire families—families with guaranteed loans that, when they go into default, mom and dad keep working well past what they thought was their retirement age.

I have to say, the more I watch this, the more I am concerned about this student debt bomb that could go off, if it hasn't already. I worry about what it will do to these families and to the reputation of a college degree. There are people who are skeptical today about mortgages. They wonder, why would I take out a mortgage on a home if the value of the home is going to plummet? That skepticism doesn't help us build hope in communities and neighborhoods. What if we reach that level of skepticism when it comes to higher education? So this is part of the conversation.

Let me tell my colleagues about some of the stories I have heard.

Dewaine Nelson from Rockford contacted our office. Dewaine's daughter

went to a private college costing about \$30,000 a year. She has been a file clerk for 11 years since graduating. He wanted to help her, but he lost his job in 2001. He says:

Once you fall on hard times you can never get a good job in the finance or insurance industry. Your credit is no good. Bad credit means no good job.

Then he decided to go back to school to pursue his MBA in marketing. Still, with no decent pay, he couldn't repay his student loan. So he went back to school so he could defer the student loan again. He still doesn't have a job that pays enough for him to pay off his loan balance and help his daughter pay her balance.

So here we have mom and dad still with student debt and struggling to find a decent job.

Sharon Sikes from Chicago wrote about her son. She lost her job shortly before her son started college. Each semester his tuition kept going up. This is something we hear about very often. Her son's degree is in journalism and mass communication—not a field where you can find a lot of jobs these days. His loan payments are about to kick in, and he works as a cook in an Irish pub. He makes enough for his basic expenses—food and keeping his bicycle running so he can go back and forth to work. She said she honestly doesn't know what he is going to do when the student loan payments kick in. His debt from the State university tuition has left the family with more than \$60,000 in loans, and he is cooking in an Irish pub.

Sharon says she is in her sixties and nobody is lining up to give her a job. She had hoped to be able to help her son pay his loans off sooner. She says:

He deserves a chance to follow his passion without being saddled with years of debt.

Jill Shakely from Rockford started out at Rock Valley Community College, which I think is a smart decision—to go to a community college if you are not sure or at least you want an affordable first year or two of college. She started out at Rock Valley, and when she graduated in 2002, she decided she wanted to continue her education and pursue a 4-year degree. She didn't have any support from her family. They couldn't help her pay for it. So she took out students loans. The tuition was \$26,000 a year, and it added up quickly. She doesn't own a home and makes a salary some would say is pretty small. She spends a large percentage of her salary on her loans. She would like to go back to school but can't take on any more debt. She is worried about how it will affect her future. She said that keeping interest rates low will help students like her.

Who wants to argue against this situation? Who believes we ought to raise the cost of student loans? Who thinks that is in the best interest of this country in terms of encouraging young people to go to school and getting them out of school without a mountain of debt which crushes them?

That is what this debate is all about. The fact that we couldn't get one single vote from the other side of the aisle—not one—to move to this bill to even debate it is a sad commentary.

This Senate Chamber is supposed to be about deliberation, amendment, and debate. At the end of the day we put our fate in the hands of those gathered here and have a vote, up or down, win or lose. I know the Presiding Officer has had some that have won and some that have lost and so have I. But that is what it is supposed to be all about. Instead, my voice echoes through an empty Chamber. The people who forced the filibuster and stopped us from taking up the student loans are gone. Not a one of them is here.

Last night, I was one of the last speakers, and I looked over there to an empty side of the aisle and I said: Of all the people who objected to our going to the bill, not a single one of them is here. They are all out to dinner. That isn't right.

I know the Presiding Officer has been pushing for changes in the Senate rules. It would strike me that if someone wants to stop the consideration of a bill before the Senate, they ought to park their posterior in one of these chairs and be prepared to take on all comers to explain why. If they don't have the time or inclination to do it, then for goodness' sake don't start a filibuster. One of the rule changes we have talked about says that if it is that important to stop the business of the Senate—as we are doing now—they ought to at least have to stay on the floor of the Senate to defend their position. Is that too much to ask, that they don't go out to dinner and check in the next day to make certain that lunch is going to be served on time?

I think this issue gets to the heart of what our economy is facing, what families are facing, and what the Senate refuses to face. This Republican filibuster has stopped us from taking up a measure that would reduce the interest rate on student loans from 6.8 percent to 3.4 percent. In my State of Illinois, 365,000 students will be affected if that interest rate goes up. It isn't fair to them. It isn't fair at all. It isn't fair to be stuck in the middle of a filibuster when we ought to be rolling up our sleeves and tackling this issue.

The House passed a bill on student loans. Just to give an idea of how there is a different approach to things, the House Republicans—with very little, if any, Democratic support—said: OK. We will lower the interest rate on student loans, and here is how we will pay for it. We will take money out of a preventive health care program. In other words, we will reduce childhood immunizations, and the money we save by not vaccinating children, we will use that to bring student loan interest rates down.

How about that for a Faustian choice? How about that for a deal with the devil? We will run the risk that children will get childhood diseases,

and we will take the savings from that and help the kids who are in college. Is that what it has come to now, your money or your life? That is the choice we have? That is all? I don't think so.

Why is it that the Tax Code in this country has become a sacred document? One would think that some people, instead of putting their hand on the Bible and swearing to uphold the Constitution, put their hand on the Bible and swore to uphold the Tax Code as it stands, without a word being changed. I didn't. That Tax Code is a law written by men and women, some of great intellect and some bowing to special interests. Our job every year is to look at it and see if it makes sense.

The way we pay for the student loan interest rate to stay affordable is closing a loophole in the Tax Code used by accountants and lawyers to avoid paying taxes. They have made out pretty well under that provision for a while. But why should they have that for life? Are they now entitled to that? Is that an entitlement they get for life? I don't think so. I think it is a loophole we can close, save the money, and reduce student loans—not at the expense of children being immunized against whooping cough and measles. That is what it comes down to.

House Republicans seem to think that is a pretty good tradeoff. I don't. Let's at least debate it on the floor of the Senate instead of getting locked into a worthless filibuster again and again and again. That is where we are.

Many of us have gone to our official Web sites and invited people living in our States to send us their stories about student loans. I have read three of them here. I can tell you many more from those I witnessed just this last week going through my State, going from Chicago to Peoria to Decatur and all points in between. The stories just come crushing in one after the other, and they are reminders that what we do on the floor of the Senate makes a real difference in the lives of families across America.

I have said it before: I wouldn't be standing here today without student loans. The government loaned me the money, and somehow or another I paid it back. I didn't think I could, but I did, hoping the next generation could use that money to get their own student loans. It is part of the kind of trust we have, one generation helping another. So are we going to let these students down? Are we going to let this filibuster be the end of the conversation?

I have listened to the Republican leader come to the floor day after day and say: Oh, this is just a political stunt. Where is the stunt? What it comes down to is we want to bring the bill to the floor and open it to an amendment process.

To my friends on the Republican side, give us your best ideas. Put them in amendment form. Bring them to the floor. Let's debate them. Let's vote. We will do the same. Who knows, we may

find some common bipartisan agreement and get this problem solved. We will not get it solved stuck in another filibuster, which is where we are right now, wasting the time of the Senate and the time of the taxpayers and endangering a lot of families across America who desperately need our help.

Mr. President, 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.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. BOXER. Mr. President, yesterday I spoke on the floor about the Democratic bill to reduce interest rates on student loans, and I was lamenting the fact that our Republican colleagues would not even permit us to turn to the bill. They were filibustering a motion to proceed to the bill which meant we could no longer work on it. That is why this floor today is so empty. We should have been here working on a student loan bill which is so critical to so many college students and their families across the country. The interest rates on these student loans, which are the Stafford loans, the Federal subsidized loans, is going to go from 3 percent to 6 percent. We want to get it back down. This is important to 7.5 million students and their families.

When I concluded my remarks, Senator BROWN from Massachusetts took to the floor. He expressed shock that I was concerned about Republican filibusters and started to talk about how cooperative the Republicans have been, pointing to a few issues where we have worked together. Look, I am here to say that working together in a bipartisan manner on a few issues is fine, but we need to work together in a bipartisan manner on almost all the issues we work on because the American people are counting on us. Because there are a handful of issues on which the Republicans cooperated, let's not come down to the floor and say everything is perfect and Republicans are not blocking us, when, in fact, they are blocking us.

The Democrats essentially retook the Senate in 2007. Since then, these Republican filibusters have been off the charts. Don't take my word for it, listen to congressional scholars Thomas Mann and Norman Ornstein. They recently wrote an opinion piece in the Washington Post. It was based on a study. I ask unanimous consent to have that printed in the RECORD.

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

[From The Washington Post, Apr. 27]

LET'S JUST SAY IT: THE REPUBLICANS ARE THE PROBLEM

(By Thomas E. Mann and Norman J. Ornstein)

Rep. Allen West, a Florida Republican, was recently captured on video asserting that there are "78 to 81" Democrats in Congress who are members of the Communist Party. Of course, it's not unusual for some renegade lawmaker from either side of the aisle to say something outrageous. What made West's comment—right out of the McCarthyite playbook of the 1950s—so striking was the almost complete lack of condemnation from Republican congressional leaders or other major party figures, including the remaining presidential candidates.

It's not that the GOP leadership agrees with West; it is that such extreme remarks and views are now taken for granted.

We have been studying Washington politics and Congress for more than 40 years, and never have we seen them this dysfunctional. In our past writings, we have criticized both parties when we believed it was warranted. Today, however, we have no choice but to acknowledge that the core of the problem lies with the Republican Party.

The GOP has become an insurgent outlier in American politics. It is ideologically extreme; scornful of compromise; unmoved by conventional understanding of facts, evidence and science; and dismissive of the legitimacy of its political opposition.

When one party moves this far from the mainstream, it makes it nearly impossible for the political system to deal constructively with the country's challenges.

"Both sides do it" or "There is plenty of blame to go around" are the traditional refuges for an American news media intent on proving its lack of bias, while political scientists prefer generality and neutrality when discussing partisan polarization. Many self-styled bipartisan groups, in their search for common ground, propose solutions that move both sides to the center, a strategy that is simply untenable when one side is so far out of reach.

It is clear that the center of gravity in the Republican Party has shifted sharply to the right. Its once-legendary moderate and center-right legislators in the House and the Senate—think Bob Michel, Mickey Edwards, John Danforth, Chuck Hagel—are virtually extinct.

The post-McGovern Democratic Party, by contrast, while losing the bulk of its conservative Dixiecrat contingent in the decades after the civil rights revolution, has retained a more diverse base. Since the Clinton presidency, it has hewed to the center-left on issues from welfare reform to fiscal policy. While the Democrats may have moved from their 40-yard line to their 25, the Republicans have gone from their 40 to somewhere behind their goal post.

What happened? Of course, there were larger forces at work beyond the realignment of the South. They included the mobilization of social conservatives after the 1973 *Roe v. Wade* decision, the anti-tax movement launched in 1978 by California's Proposition 13, the rise of conservative talk radio after a congressional pay raise in 1989, and the emergence of Fox News and right-wing blogs. But the real move to the bedrock right starts with two names: Newt Gingrich and Grover Norquist.

From the day he entered Congress in 1979, Gingrich had a strategy to create a Republican majority in the House: convincing voters that the institution was so corrupt that anyone would be better than the incumbents, especially those in the Democratic majority. It took him 16 years, but by bringing ethics



charges against Democratic leaders; provoking them into overreactions that enraged Republicans and united them to vote against Democratic initiatives; exploiting scandals to create even more public disgust with politicians; and then recruiting GOP candidates around the country to run against Washington, Democrats and Congress, Gingrich accomplished his goal.

Ironically, after becoming speaker, Gingrich wanted to enhance Congress's reputation and was content to compromise with President Bill Clinton when it served his interests. But the forces Gingrich unleashed destroyed whatever comity existed across party lines, activated an extreme and virulently anti-Washington base—most recently represented by tea party activists—and helped drive moderate Republicans out of Congress. (Some of his progeny, elected in the early 1990s, moved to the Senate and polarized its culture in the same way.)

Norquist, meanwhile, founded Americans for Tax Reform in 1985 and rolled out his Taxpayer Protection Pledge the following year. The pledge, which binds its signers to never support a tax increase (that includes closing tax loopholes), had been signed as of last year by 238 of the 242 House Republicans and 41 of the 47 GOP senators, according to ATR. The Norquist tax pledge has led to other pledges, on issues such as climate change, that create additional litmus tests that box in moderates and make cross-party coalitions nearly impossible. For Republicans concerned about a primary challenge from the right, the failure to sign such pledges is simply too risky.

Today, thanks to the GOP, compromise has gone out the window in Washington. In the first two years of the Obama administration, nearly every presidential initiative met with vehement, rancorous and unanimous Republican opposition in the House and the Senate, followed by efforts to delegitimize the results and repeal the policies. The filibuster, once relegated to a handful of major national issues in a given Congress, became a routine weapon of obstruction, applied even to widely supported bills or presidential nominations. And Republicans in the Senate have abused the confirmation process to block any and every nominee to posts such as the head of the Consumer Financial Protection Bureau, solely to keep laws that were legitimately enacted from being implemented.

In the third and now fourth years of the Obama presidency, divided government has produced something closer to complete gridlock than we have ever seen in our time in Washington, with partisan divides even leading last year to America's first credit downgrade.

On financial stabilization and economic recovery, on deficits and debt, on climate change and health-care reform, Republicans have been the force behind the widening ideological gaps and the strategic use of partisanship. In the presidential campaign and in Congress, GOP leaders have embraced fanciful policies on taxes and spending, kowtowing to their party's most strident voices.

Republicans often dismiss nonpartisan analyses of the nature of problems and the impact of policies when those assessments don't fit their ideology. In the face of the deepest economic downturn since the Great Depression, the party's leaders and their outside acolytes insisted on obeisance to a supply-side view of economic growth—thus fulfilling Norquist's pledge—while ignoring contrary considerations.

The results can border on the absurd: In early 2009, several of the eight Republican co-sponsors of a bipartisan health-care reform plan dropped their support; by early 2010, the others had turned on their own pro-

posal so that there would be zero GOP backing for any bill that came within a mile of Obama's reform initiative. As one co-sponsor, Sen. LAMAR ALEXANDER (R-Tenn.), told *The Washington Post's* Ezra Klein: "I liked it because it was bipartisan. I wouldn't have voted for it."

And seven Republican co-sponsors of a Senate resolution to create a debt-reduction panel voted in January 2010 against their own resolution, solely to keep it from getting to the 60-vote threshold Republicans demanded and thus denying the president a seeming victory.

This attitude filters down far deeper than the party leadership. Rank-and-file GOP voters endorse the strategy that the party's elites have adopted, eschewing compromise to solve problems and insisting on principle, even if it leads to gridlock. Democratic voters, by contrast, along with self-identified independents, are more likely to favor deal-making over deadlock.

Democrats are hardly blameless, and they have their own extreme wing and their own predilection for hardball politics. But these tendencies do not routinely veer outside the normal bounds of robust politics. If anything, under the presidencies of Clinton and Obama, the Democrats have become more of a status-quo party. They are centrist protectors of government, reluctantly willing to revamp programs and trim retirement and health benefits to maintain its central commitments in the face of fiscal pressures.

No doubt, Democrats were not exactly warm and fuzzy toward George W. Bush during his presidency. But recall that they worked hand in glove with the Republican president on the No Child Left Behind Act, provided crucial votes in the Senate for his tax cuts, joined with Republicans for all the steps taken after the Sept. 11, 2001, attacks and supplied the key votes for the Bush administration's financial bailout at the height of the economic crisis in 2008. The difference is striking.

The GOP's evolution has become too much for some longtime Republicans. Former senator Chuck Hagel of Nebraska called his party "irresponsible" in an interview with the *Financial Times* in August, at the height of the debt-ceiling battle. "I think the Republican Party is captive to political movements that are very ideological, that are very narrow," he said. "I've never seen so much intolerance as I see today in American politics."

And Mike Lofgren, a veteran Republican congressional staffer, wrote an anguished diatribe last year about why he was ending his career on the Hill after nearly three decades. "The Republican Party is becoming less and less like a traditional political party in a representative democracy and becoming more like an apocalyptic cult, or one of the intensely ideological authoritarian parties of 20th century Europe," he wrote on the Truthout Web site.

Shortly before Rep. West went off the rails with his accusations of communism in the Democratic Party, political scientists Keith Poole and Howard Rosenthal, who have long tracked historical trends in political polarization, said their studies of congressional votes found that Republicans are now more conservative than they have been in more than a century. Their data show a dramatic uptick in polarization, mostly caused by the sharp rightward move of the GOP.

If our democracy is to regain its health and vitality, the culture and ideological center of the Republican Party must change. In the short run, without a massive (and unlikely) across-the-board rejection of the GOP at the polls, that will not happen. If anything, Washington's ideological divide will probably grow after the 2012 elections.

In the House, some of the remaining centrist and conservative "Blue Dog" Democrats have been targeted for extinction by redistricting, while even ardent tea party Republicans, such as freshman Rep. ALAN NUNNELEE (Miss.), have faced primary challenges from the right for being too accommodationist. And Mitt Romney's rhetoric and positions offer no indication that he would govern differently if his party captures the White House and both chambers of Congress.

We understand the values of mainstream journalists, including the effort to report both sides of a story. But a balanced treatment of an unbalanced phenomenon distorts reality. If the political dynamics of Washington are unlikely to change anytime soon, at least we should change the way that reality is portrayed to the public.

Our advice to the press: Don't seek professional safety through the even-handed, unfiltered presentation of opposing views. Which politician is telling the truth? Who is taking hostages, at what risks and to what ends?

Also, stop lending legitimacy to Senate filibusters by treating a 60-vote hurdle as routine. The framers certainly didn't intend it to be. Report individual senators' abusive use of holds and identify every time the minority party uses a filibuster to kill a bill or nomination with majority support.

Look ahead to the likely consequences of voters' choices in the November elections. How would the candidates govern? What could they accomplish? What differences can people expect from a unified Republican or Democratic government, or one divided between the parties?

In the end, while the press can make certain political choices understandable, it is up to voters to decide. If they can punish ideological extremism at the polls and look skeptically upon candidates who profess to reject all dialogue and bargaining with opponents, then an insurgent outlier party will have some impetus to return to the center. Otherwise, our politics will get worse before it gets better.

Mrs. BOXER. Here is the title of their piece, "Let's Just Say It, The Republicans Are The Problem."

They explain that in the past they looked at Congress and thought both parties were to blame. But on reflection, as they studied the facts—not the rhetoric but the facts—it was Republicans who are causing all the problems. Here is what they write:

The filibuster, once relegated to a handful of major national issues in a given Congress, became a routine weapon of obstruction applied even to widely supported bills or Presidential nominations.

All we have to do is watch the Senate or certainly when one is in the Senate we realize these scholars, Mann and Ornstein, are absolutely right. In this Congress, the 112th Congress, we have already seen 48 Republican filibusters; 48 times the Republicans stopped us from doing our work. But don't get the impression this was new behavior because it did not just start in the 112th Congress, it started way before. In the 111th Congress, which covered 2009 and 2010, Republicans conducted 91 filibusters. In the 110th Congress, 2007 and 2008, they conducted 112 filibusters. So far this year we have had 48 Republican filibusters. In the Congress before that we had 91, and the one before that we had 112.

What does this mean? It means that in all those times we were unable to do the work of the American people because one party stopped it. There have been more filibusters by the Republicans in the 6 years since Democrats took over the Senate than there were in the prior 10 years. I want to remember one of those times because I was sitting down there in the manager's chair, coming out of my committee, Environment and Public Works, with a near unanimous vote on a little program called the Economic Development Administration. This EDA has been in place for—I want to say 50 years. It has been in place for 50 years—5-0; not 15-50 years through Presidents Republican and Democratic. It is a beautiful program because what it does is it takes some modest Federal funds and leverages States' money, local money and private money and it comes into areas that are having difficulty with job creation and invests that money there. As a magnet it creates all of these contributions, and we have seen hundreds of thousands of jobs created as a result.

So I come to the floor to get this little bill reauthorized. After coming out of my committee with a strong bipartisan vote, it is filibustered. I stood down there for 5 days, and I could not believe it. They are filibustering a bill that would create and save hundreds of thousands of jobs.

We also saw these Republican filibusters when we tried to say millionaires should pay their fair share, which would have reduced the deficit by billions. Oh, no, they could not stand to have us debate that so they filibustered. They filibustered a bill to eliminate tax subsidies to big oil and gas companies that are making record profits and getting subsidies that they have gotten for 30 to 40 years. No, we were not allowed to go to that.

And then, of course, the most recent filibuster by Senate Republicans is on this critically important legislation to cut interest rates on student loans. They are going to double on July 1. Oh, no. They wouldn't even let us go to the bill. I say that despite the protestations of Senator BROWN of Massachusetts, this has got to stop. He cited three or four times that we worked together. I say good for that; I am happy for that. That does not in any way change the fact that we face filibuster after filibuster, 48 times in this Congress so far now.

I hope every college student in this country who has an opportunity is watching this Chamber. This Chamber should have been bustling today with people talking and working together, offering amendments so we could cut these interest rates on student loans. College students and high school students who want to go to college, and their parents, grandparents, aunts, and uncles ought to understand that this floor is not filled today passing this legislation because of a Republican filibuster.

What we do here matters. We could save students thousands of dollars on the life of their loans. These are student loans for the middle class. More than 75 percent of the borrowers in the program come from families with incomes below \$60,000 a year. This is not some fun and games, but my Republican friends and their presumptive Presidential nominee want to cut taxes for people who earn millions of dollars. They want to give back an average tax cut of \$250,000 a year, and they don't have it in their hearts to lower student loans for families who earn less than \$60,000 a year. They call for permanent tax cuts for the people who don't need them and again they block the way for us to help the middle-class students to get a break.

Yes, I hope college students are paying close attention to this debate. I know some of them from the great State of California whom I represent are paying attention. I have heard from some of them, and I will have some of their comments for the RECORD.

Delmita Turner of Rancho Cordova, CA writes:

I am the single mother of three children ages 7, 14, and 20. My daughter Khendel is in college and we have had to get student loans to pay for her tuition. I am also in college and have student loans as well. An increase would put a tremendous strain on an already stretched budget.

After our family suffered nearly every type of loss one could, including death, foreclosure, divorce, and unemployment all within a year, I decided to go back to school with the hopes of making life better for my family. I began working a year ago last December after being unemployed for 2 years.

Now I ask: How American is that? We always strive to be better. Here is a woman who went through death, foreclosure, divorce, and unemployment within 1 year. She decided to make life better for her family. She began working a year ago last December after being unemployed for 2 years.

She continues: "So please consider how this will impact so many of us."

I am asking my Republican friends—as we have another vote on this I think tomorrow morning—to think of Delmita Turner of California and what this means to her.

Then there is Joseph Briones of San Fernando, CA. He writes:

I am a senior in high school who will be attending college this fall. My dad is unemployed and a cancer survivor and my mom is working part-time. These conditions put a large stress on my myself as well as on my parents to attend my top choice of college, Westmount College.

We did not receive financial aid from the state and we have an immense amount remaining to pay for my upcoming educational years. We are going to be taking out student loans to pay for college. Please do not allow the passage of the bill that will increase the interest on student loans. We rely on these loans and it is difficult to pay them back for some students as it is. Please do not make it a larger burden for students to go to college.

So tomorrow when we take up this bill again, I hope my Republican friends will stand down and think of Joseph Briones of San Fernando, CA,

who is making a very pointed plea that he relies on these loans, and it is going to be very difficult if the interest rates are doubled.

Then there is Rachel Zavarella of San Jose, CA. She says:

Increasing Stafford loan interest rates only kicks students and borrowers when we are down . . . Increasing student loan interest is another dirty trick to redistribute wealth to the top, and it's disgusting and unacceptable. I want you to vote for students and borrowers by voting yes on the bill.

Mr. President, that is just three stories from my State. I know in your beautiful State of Oregon, which has so many wonderful universities, you could have dozens of stories like this. Clearly this is not a time to increase loan rates for students. This should not be a partisan matter. Why would every single Republican vote no? I guess it is their ideology. Tax breaks for the rich, rich, rich, rich, and nothing for the middle class.

If anyone wants to know the difference between the two parties, this is the moment. It used to be a little harder to describe the differences between the parties. When I was young, both parties stood here and fought for the middle class, for students, for the environment, and for women. It isn't that way anymore. It just is not.

If we say we are here for the next generation, which all of us say all the time one way or the other, then you don't allow student loan interest rates to double. You don't allow it. We know how to fix it. We found a very simple way to pay for this that makes sense. Closing a tax loophole doesn't hurt anybody. Look at yesterday's vote. It was not good; it was not pretty.

I am glad Senator HARRY REID is going to give us another chance to change that, and I hope my Republican friends are now hearing from their constituents back home. I hope when they come here tomorrow they will cast a "yes" vote and let us proceed to this bill and let us do our work. Let us stand for the people who need us to stand for them, the middle class of this great country. We know why the country is great; it is because of the middle class. We need to make sure they have the opportunity to go to college and not have this burden on them that is so heavy it becomes too heavy for them to bear. Pretty soon they will stop going to college because they don't want to have that burden on their back.

We have a chance to do the right thing. I hope we will. Let the record show these filibusters are outrageous and they are historic in nature. We have never had them before. We have never had such a lack of cooperation from Republicans before, and it has been a sad several years where we have seen filibuster after filibuster, even stopping us from going to a bill. Tomorrow maybe we can come together and get on this bill and do our work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. 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. RUBIO. Mr. President, I have followed with great interest this week the conversation in the Senate about student loans, the issue we are currently on, to proceed to a bill on student loan interest. I have followed it with great interest for a couple of reasons.

First of all, in the State of Florida, obviously, and across the country, there are thousands—maybe hundreds of thousands—of people who either have student loans and are paying them back or are relying on them to go to school in the future. So it is totally an issue that affects the State of Florida, where I come from.

I have a personal interest in the student loan issue as well. I think I have said on the floor before that my parents worked very hard, but they were never able to save enough money to pay for my college education. So I relied on grants and on loans for undergraduate education, but especially for my law school education. I came back to Miami to go to law school. I am glad I went to the University of Miami. I am proud to have gone there, and I think the education I got there, my legal education, was very good. It also happened to be very expensive. I relied on student loans to be able to pay that, so much so that when I graduated from law school in 1996 I graduated with a law degree and a significant amount of student debt that I had accumulated throughout 7 years of study.

In fact, I am still paying one of those loans today. I think—I may be wrong, but I know of one—I know of only one other Senator who is paying student loans right now. I pay, as I have joked in the past, about \$723 a month to somebody named Sallie Mae, which is, all joking aside, a servicer that collects on these loans. So it is an issue I understand and care about on a personal level, as well as because of the people I represent.

This issue we are discussing this week has allowed me to use it as a point of illustration to the people back home who are watching this debate. After having spent my first year here, one of the questions I get the most is, What is it like in the Senate?

Let me begin by saying I am honored and privileged to serve here. There isn't a day that I don't walk into this building, even into this very room, and not be taken aback by the history that has been made on this floor, by the great men and women who have served our country from it, and by the wonderful Americans with whom I serve even now. I have bragged to people who are watching or to whom I have spoken that I have never had a bad experience with anyone in the Senate in the year and a half I have been here, and I am very proud to be a part of this institution.

However, there are things about it that trouble me. Particularly, at this moment in American history, and maybe as a result of what is happening this week, circumstances allow me to illustrate that better than any other week since I have been here.

Everyone agrees that interest rates on student loans cannot go up. Everyone agrees. There hasn't been a debate on that. I haven't run into anybody in either party who has come to me and said: Let the interest rate go up. Let students pay more. There isn't any argument about that. The argument is simply this: How do we pay for it? We have to pay for it because if we are going to keep the interest rates down on these federally subsidized loans, we have to pay for it. We have to find the money from somewhere to pay for it. So the debate and the disagreement, to the extent it is a complicated disagreement—and I don't believe it is—the disagreement is not about the student loan interest rate; the disagreement is about how we pay for the cost of keeping the rate low for another year. There is a difference of opinion.

I am new to the Senate. I am not new to legislation. I spent 9 years in the Florida Legislature and 2 years as the Speaker. We dealt with complicated issues there as well. What we would do in those instances where there was a disagreement, not on what we wanted to accomplish but on how to get there, is we worked on it. We would sit people down and say it is not that much money in terms of Federal standards—it sounds crazy to say that because we are talking about billions of dollars—but from a Federal standpoint, it is not that complicated an issue. Let's sit down. Let's get some like-minded people together and let's figure out a bipartisan way to pay for what we all agree we need to do. That is the normal, regular way to deal with an issue such as this.

That is not what has happened. Why hasn't that happened? Why have smart, well-educated, intelligent people who serve in this Chamber not met and discussed a way to pay for this? It is really not that complicated. It wouldn't take that long to come up with a way to pay for it that both sides agree on. Why hasn't that happened?

The answer to that question is something people back home are not going to like, and people who are here today visiting are not going to like to hear, and whoever is watching on television right now isn't going to like. The reason is because that is the way things have been since I have gotten here. It is about politics.

Shocking as that may be, there is politics in this process. That is what is influencing us today.

A few weeks ago, the President made a decision that this was an issue he wanted to use. His campaign folks made a decision that student loan debt and the interest rate was a perfect opportunity to use as, yet again, another wedge issue. The latest wedge issue,

and we have seen a series of them, is let's campaign on the idea that Republicans are not in favor of students, and let's use the student loan issue as an example of that. Of course, those plans kind of got messed up when Republicans said: We agree with you. We can't let student interest rates go up either. So they were off balance for a couple of days.

By the way, the President continued to travel the country and campaign on keeping student loan rates down even though no one was against them. He was campaigning against his opponents on this issue even though there were no opponents on this issue.

But, nevertheless, after a couple of days of figuring out they were going to lose this wedge issue, they came up with a second way to deal with it; that is, let's bring this issue to a vote on the Senate floor, but let's build it in such a way—let's put a bill on the floor of the Senate that we know will fail, that we know Republicans can't vote for. It wasn't: let's meet and see where we can agree on how to pay for this so we can get something done. It was: let's put a bill on the floor that we know Republicans will never support, designed specifically to fail, so we can then spend the week talking about this on the Sunday talk shows and speeches on the floor and missives from the campaign. It is about messaging.

In a country where our national debt now equals the size of our economy; in a country where we are 5, 6 months away from catastrophic increases in taxes; in a country where just last Friday we learned that job creation and job growth is stagnant, where millions of Americans have been out of work for 2 years or longer; in a country where millions of Americans have stopped looking for work because they have become so depressed, the Senate has wasted yet another week on a show when, in fact, this is an easy issue for us to have come together and solved.

This is not new, by the way. This has been the mode of operation here for most of the weeks I have been in the Senate. It is a pretty familiar pattern. The campaign of the President decides on an issue they want to use to divide Americans for electoral purposes, the Senate offers up a bill they know Republicans will vote against, and then they spend a week giving speeches on it. The only difference is they are doubling down: We are going to vote on the exact same thing a second time, just to drive the point home.

Here is why this bothers me. No. 1, there are real issues this country faces, issues that deserve a sense of urgency, issues that deserve every single person who serves here to solve. This is one of them, by the way. We don't have time to waste on shows. It bothers me.

The second reason it bothers me is these are real people who are being impacted by this issue. There are real people out there who, because they can't find a job when they graduate, have to get a forbearance. Forbearance

means they have to call their lender and say they can't pay their loans. Do my colleagues know what happens when we get a forbearance on our loans? It compounds. It sits there. It is delayed. It is not delinquent, but it compounds. The interest rate is added to the principal. So by the time a person starts paying it, their loan is even bigger than the loan they took out to go to college.

There are other people who can only afford to make X amount of payments because they are not making as much money. Maybe they didn't find the job they thought they were going to get, so all they can do is pay interest. So that means by the time they finish paying off these loans, their kids will be in college.

Let me tell my colleagues what it means in the real life of someone who has these loans because I still have them. What it means in the life of a person who has a loan such as this is the following: They can't save for their own kids' college, which means not only will they have their student loan debt, but their children will be stuck with it as well.

What bothers me about this issue is that instead of solving it, we have spent the week playing a game with it while real people are out there scared to death—real students, real parents, real families who are facing the threat of not just an increase in the interest rate but of an economy that doesn't have a job for them.

Do we think the interest rate is the biggest risk these people are facing? It is not. The interest rate is a problem. Not having a job is a catastrophe. The interest rate could be zero. If a person doesn't have a job, how are they going to pay it? That is the No. 1 issue facing these graduates. No one is doing anything about it.

Here is what I suggest. If this was a place that was really working to solve problems, what we would have done and what we would do right now is stop this process, go back there somewhere, get a few people together who know how to solve this, and come back here. I guarantee that if we decided we wanted to solve it, it would not take long.

Here is what else I guarantee. This is going to get solved. My colleagues can mark my words. A few weeks from now they will come up with a deal or a bill that will have enough votes to pass the House and Senate, and this will get solved. But not before we score political points, right? This will get solved, but not before the people who care more about politics than policy score their political points on this issue.

Now, look, I have been around politics. I understand this is an election year and election year stuff is going to happen. But why are we playing with the lives of real people? These are real people who are hurting, and their lives and their experiences and their worries are being used as a pawn in a political game. And it is wrong.

I will make another prediction to my colleagues. Next week it will be an-

other wedge issue of the week. Next week we will be right back here with another bill that was designed to fail on purpose so we can get another week's worth of talking points on yet another issue.

The good news is—people in this city, unfortunately, think they are smarter than they really are. People back home know all of this. They can see it for what it is. People aren't dumb. The American people certainly aren't dumb. They can see right through this stuff, and they understand exactly what is happening.

So my suggestion would be that on this issue, let's come together. Let's say this is one of the issues that is so important, that impacts so many people in such a significant way, that it should be above politics. Let's get together over the next 48 hours. It doesn't seem as though this place is overworked when we look around the room.

What are we doing all week? What is going on all week? We voted on a few judges, and we have given a bunch of speeches. Why don't we go somewhere and get a group of people to work on this issue and come back with a solution? This can be solved.

What is going on now is a disservice to the people who sent us here. They deserve better. They really do. The American people deserve better. The people we represent, the people who hired us to do the job we have now, deserve better than this sort of theater. The Senate has become a theater. It has become a show. That is why people get grossed out by politics. That is why people watch the news at night and just don't understand this whole thing. They have a right to be frustrated. They have a right to be upset. They have a right to be impatient with us because nothing is happening on the issues that matter to their real lives.

I hope this pattern will stop. I get it. There are still going to be plenty of other issues we are going to have arguments about during this election year, and that is good for our country that we have a good debate on the issues of the day. But on the ones we can solve, on the ones we agree on that impact the real lives of real people, let's stop the games.

Let's get something done.

Thank you. 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. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I cannot believe we have come to the floor of the Senate at a time of economic hardship and recovery for millions of families, a time where jobs are scarce, the need for a skilled workforce

is critical, and student loans are about to double, only to have those on the other side turn this into yet another filibuster, another capitulation to those on the far right of their party—those who are so far right that when they look back along the political spectrum they can only see the small image of their hero, Ronald Reagan, fading in the distance.

They have gone so far to the right that they can no longer see any heroes, not even their own. So here we are with our side once again debating the obvious and the other side defending the indefensible position of the far right.

We are looking for common sense, reason, and fairness. We are, that is, looking to govern fairly for all. They are looking to play politics that benefit a few.

We are asking to stop interest rates on student loans from doubling for 7 million Americans by closing a gaping tax loophole that those who have benefited most from this economy can drive an S corporation through. My Republican friends are once again saying no. They are once again attempting to govern from the extreme, once again demanding that even closing an obvious tax loophole that benefits the wealthiest is an unacceptable government intrusion but that ending preventive care for those who are struggling with rising health care costs is the best option.

Can they be serious? Can we be standing in this Chamber saying that the most reasonable option to prevent student loans from doubling is not commonsense tax reform but ending breast cancer screening for millions of women? Is that the view from the far right of the political spectrum? I ask my colleagues on the other side do they truly believe that is a fair option? Have we run through all other possible options to have reached a point where we can now say: The only arrow left in the quiver is to end preventive care as we know it. Have we already ended all outrageous tax loopholes for the wealthy? Have we already ended subsidies to Big Oil that will make \$1 trillion over the next 10 years and yet we give them \$24 billion of tax cuts? Have we ended the Bush tax cuts for the top 1 percent and now have no other option than to end preventive health care for women, for millions of Americans whose health depends on it?

Unfortunately, it seems our Republican friends have once again put partisanship and politics first. Their budget prioritized tax breaks for the wealthy over keeping college costs down for middle-class families. Only when they realized this would not play well politically did they reverse course and drop their objections to keeping student loan rates lower because, they said, no, that is not the government's role. But then they said: OK. We will climb on board with that idea but only under certain conditions.

Rather than close a special-interest loophole that only a small minority of

wealthy businesses can exploit, they would rather cut funding for children's vaccines, mammograms, and other critical services. This is the classic case of giving with one hand and taking with the other and all without asking the wealthiest Americans—those who have reaped the most rewards and benefited the most, particularly in tax breaks they have received over the last almost decade—to help the country, simply to help the country at this critical time.

If that does not tell us about the priorities of each party, I do not know what will.

These preventive health services not only improve people's health and their lives, they also reduce the cost of health care. That is because it is a lot easier and less costly to treat illnesses when they are first detected.

When women have access to affordable mammograms, their doctors will be far more likely to catch breast cancer in its early stages, when it is most treatable and least expensive to cure.

When we give a child a simple inexpensive measles vaccine, we do not have to worry about expensive treatment for measles later on.

When we help people quit smoking, we dramatically reduce the cost of treating that individual for a whole host of illnesses.

The saying, "An ounce of prevention is worth a pound of cure," could not be more appropriate to this debate.

For a party that loves to preach about fiscal responsibility, it boggles my mind that they would fight to cut preventive care that will reduce health care costs but allow tax loopholes to stay open.

Republicans decided to make a target of these programs, not because of substantive issues—I would respect that—but just because, plain and simple, they were included in the President's health care bill. As we know, as the distinguished minority leader said, it is all about defeating the President. The problem with that is, it is not about the President failing, it is about the Nation failing at one of the most critical times in its history. They lost the health care debate in 2010, and they have spent every day since trying to refight that battle.

Now Republicans will try to scare people into thinking that closing this corporate tax loophole will kill small businesses. That is the mantra we hear every time. But, actually, according to Citizens for Tax Justice:

[C]losing this loophole will actually help most small businesses, which are currently subsidizing the minority who abuse it to avoid [paying] payroll taxes.

Isn't that interesting? So most small businesses are out there meeting the economic challenge every day. They pay payroll taxes, but those who are taking advantage of this loophole do not. It seems to me we would be giving small businesses a far better competitive advantage.

Let's be clear: The vast majority of small businesses pay their fair share

into Medicare. But this loophole—affectionately dubbed the Edwards/Gingrich loophole—has allowed certain professionals such as former Senator John Edwards and former Speaker Newt Gingrich to avoid paying millions of dollars into the Medicare Program. Technically, they were not wrong to take advantage of this loophole. We were wrong to allow it to even be available.

But enough about the details on how we pay for it. This debate is all about people, all about families struggling to pay for college. As the first person in my family to go to college, who had to rely on Federal grants and loans to pay tuition, I have a firsthand appreciation of the importance of giving all students the opportunity to pursue their dreams.

For students struggling to pay for college and racking up debt, this is not an academic argument. The extra \$1,000 they would have to pay each year is not theoretical money. It is the difference between being able to repay their loans and entering the workforce with good credit versus being overwhelmed by debt and going into default.

Recently, I had the pleasure of having a roundtable and speaking to students from Montclair State University in my home State of New Jersey about how the interest rate would affect them.

I heard from Emily Delgado, a first-generation American and the first person from her family also to go to college. She just completed her freshman year at Montclair. Despite working for the college as a student mentor, Emily will still be saddled with approximately \$20,000 in debt by the time she graduates. If she decides to go on to graduate school after that, then, of course, that will rise significantly.

She told me she cannot even bring herself to calculate how much the interest rate hike will cost her because, in her words, "it will just crush my dreams."

Nick Weber, works three—not one, not two, but three—part-time jobs to help pay for college. Despite these three jobs, Nick only makes around \$175 per week, which is about how much extra he would have to pay in interest every month if we do not act now. He does not think that is fair, and neither do I.

A student by the name of Jamie Sommer—who dreams of one day becoming a professor—works part time for the school, but her income hardly puts a dent in her debt, and she fears she will not be able to afford graduate school, she will never realize her dream.

Emily and Nick and Jamie and all the other students who are struggling to pay for college deserve to be able to realize their hopes and dreams and aspirations. It falls to us—all of us in this Chamber—to do all we can to keep those dreams alive.

These students deserve our support. They deserve the common sense of a

community that understands we have to reduce the deficit but we cannot balance the budget on the backs of the next generation. We cannot cash in their dreams and let those with the most cash out. We need a fair solution, not political dogma.

These students have worked hard. They deserve better. They are not asking for a handout. They studied hard in high school, got good grades, took out loans, and got jobs to pay for college. They are working toward a better life, doing what every parent dreams of for their children: to do well, build a decent life for themselves and their family, and give something back to their community and to the economy.

They epitomize everything we want our young people to be. All they are asking in return is fairness—not a political sleight of hand that helps them with their student loans, but in the process takes away their health care. All they are asking is for us not to make it harder for them, for us not to add yet another stress to their lives. Certainly, it is our obligation to not shut down their dreams of a higher education. For it is in their dreams for a better life that the economic future of this Nation will be built.

We are globally challenged—globally challenged—for the creation of a product or the delivery of a service in terms of human capital. The boundaries of mankind have largely been erased in the pursuit of human capital. So an engineer's report is done in India and sent back for a fraction of the cost in the United States. A radiologist's report is done in Northern Island and read by your doctor at your local hospital or if you have a problem with your credit card, as I recently did, you end up with a call center in South Africa.

In the pursuit of human capital for a product or service, we are globally challenged. For the Nation to continue to be a global economic leader, it needs to be at the apex of the curve of intellect—the most highly educated generation of Americans the Nation has ever had. We cannot achieve that if we have students who have to forgo not only their dreams but the ability to help the Nation compete globally by getting a world-class education.

We owe them every chance to achieve their dreams and to help us make this another American century. Isn't that the least we can do? Isn't the choice clear? Let's choose closing a tax loophole that is actually creating challenges to small businesses that are paying their payroll taxes, and let's preserve the preventive health care that will improve the quality of the lives of our fellow citizens and, at the same time, save our health care system hundreds of millions of dollars.

I think that choice is pretty clear—the choice the Senate should take clearly on behalf of our students of the future and our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, earlier today, just a few minutes ago as I was presiding where the Senator from Minnesota is now sitting, I listened to my colleagues speak on this issue of interest rates on student loans. I was particularly interested in the speech of a colleague who came to the floor and said this bill that is designed to prevent interest rates from doubling is all political show. The concept of it being a political show is difficult for me to get my hands around. Quite frankly, the President didn't set July as the date student loans would double in cost. That date was set by legislation that was passed in the Senate and in the House and sent to the President. It is that date, just 2 months from now, that brings forth the urgency on this issue—Presidential campaign or no Presidential campaign.

It is also important to recognize that this is not a debate at this moment about final adoption of a bill. It is about beginning the process of debating the bill. It is a motion to proceed. For those unfamiliar with Senate process, well, this is a motion that says this is an issue that, because of its urgency, should be on the floor now for us to work on, and everybody in this Chamber knows it cannot pass without 60 votes. As the debate unfolds, amendments are debated and hopefully a path is found that will produce the 60 votes necessary to send it on to the House and to the President's desk.

So I differ with my colleague, with whom I actually have collaborated on a number of projects. My colleague sees this differently. He sees this issue as one of politics. I see it as one of an urgent need in America for our students to have a chance to go to college with affordable financing, and that affordable financing will expire a few weeks from now. It is incumbent upon this body to take up this issue and provide a pathway to prevent that from happening.

I am struck by the voices I am hearing from Oregon. I was doing townhalls in Oregon, and people expressed concern about this to me. I am receiving letters from students about this issue and from other Oregonians. This is really a kitchen-table issue. This is the family sitting around the kitchen table and saying: How are we going to make things work? Is our child going to be able to go to college? Are we going to be able to afford it? We can contribute a little, and hopefully our son or daughter will get some grants, but they will also have to borrow some money. If they have a huge debt load and a high interest rate, will that be feasible for them or will they have to take a year or two off and try to find a job or two in the service economy to save money and then go back, and then what?

That is why student loan rates are so important. It is about the opportunity for our sons and daughters to have the course in life in which they are able to pursue their dreams and realize their

potential. That is what this debate is about. That is a pretty big deal—certainly a big deal for students in my State of Oregon, for their parents, and for our future economy, which needs to have our children in America well-trained in order to drive the success of our economy.

We are facing a Republican filibuster saying: We don't want to talk about this issue. That is what a motion to proceed is. My colleagues have said: No, we don't want to debate it. I disagree with them.

Let's hear it through the voices of some of those folks on the front line.

Sermin from Multnomah writes:

Dear Senator Merkley:

Today I am writing about student loan interest rates. I do not want to see these rise, even double, when the legislation expires in July.

Please fight to keep these loans at a low interest rate so average Americans can have a chance at an education, a better life, without crippling debt.

She continues:

I was just accepted in the University of Oregon's graduate program in architecture. I have applied for loans as I do not have the money to pay for this education. My husband and I will have to scrape by when I quit my job to go to school.

Once I graduate and find employment, I am confident in my ability to pay back the loans. But raising interest rates would make it difficult to do so quickly, adding \$5,000 in interest to my 5-year payback plan.

Please stand with middle America, average Americans, and support legislation to extend the low interest rates on student loans.

Kalie from Polk County writes:

Senator Merkley,

I am currently a freshman in college and have taken out a substantial amount of student loans in my own name to make my goal of attaining a college degree attainable.

Being 18 and having more than \$20,000 in debt is scary, especially with the insecurity of today's economy, but I strongly believe that I am making the necessary investment to not only better my own future, but that of the U.S. society as a whole, as well as generations to come.

As it stands right now, a college education is something that, realistically, not everyone can achieve purely from an economic standpoint, and the legislation to raise interest rates on Federal student loans would only make attending college all the more difficult for some.

Please do myself, my peers, my future children, and their grandchildren a favor and help keep student loan rates where they are.

Help to make college more affordable for all people so more of our citizens can realize their dreams of higher education while simultaneously building a better country for future generations.

Doesn't that sum it up? "Help to make college more affordable for all people so more citizens can realize their dreams while simultaneously building a better country." I think she got right to the heart of it.

Caroline in Benton County writes:

I am an oncology nurse, presently working on my Master's degree in nursing. Like many others, I have student debt. If we are to have an educated workforce, we must ensure that the high cost of education doesn't leave students in financial ruin.

Indeed, the fear of financial ruin from heavy debt burdens and high in-

terest rates is a significant factor that is dissuading people from pursuing higher education.

Cynthia from Columbia County writes:

If we expect to compete in a global marketplace, our children must have affordable access to education.

I have two kids in college, and the debts we are incurring are already topping \$50,000; is it right that only rich people can send their children to college?

What kind of a country is it where we can spend billions on "independent security contractors" in Iraq or Afghanistan, but not on our own children's education?

She concludes:

Please support a plan to keep student loan interest rates from doubling this July.

I want to dwell on the point she made for a moment. We spent \$120 billion in Afghanistan last year on misguided nation building while we let nation building at home suffer, both in terms of investment in our infrastructure and investment in education. So Cynthia wonders what is wrong that we are failing our children when we have billions to spend on a misguided war overseas.

Alana writes:

I am working to pay off student loans now, which is hard enough. Now my family's trying to send my youngest sister to college and is finding it hard to afford, and we are upper middle class. If we can barely afford an education now, how will anybody be able to do so if the interest rates go up? Please support the plan to stop this. This is a critical investment in the success of our middle class.

I think these folks from Oregon—Sermin, Kalie, Caroline, Cynthia, and Alana—have hit the critical points here. They may not know the finer points of Senate procedure, but the fact that a good portion of this Chamber is voting to block having a debate and consideration of this bill because the bill doesn't start in exactly the form they want it passed at the end is pretty difficult to explain.

I say to my colleagues, if they don't like the bill as it is, why not bring your amendment? The bill still cannot pass in the end without a supermajority, so why not bring forth your amendment—collaborate with others and bring an amendment forward.

There is a fundamental disagreement in the beginning on how we pay for this extension. It would not surprise anyone that I would say let's end this war in Afghanistan. Let's pay a third cutting down our deficit, a third on infrastructure, and a third on education, including keeping student loans affordable. But that is not the plan we are debating today. I would be glad to propose that plan if colleagues would like to join me to create a supermajority. I would do so after we are on the bill. You introduce a bill, you debate and amend it, and you have a final vote. You cannot get it done without a supermajority in the end.

The bill as introduced says we are going to close a loophole that is a tax entitlement for the very well off. I have heard many colleagues across the aisle talk about entitlements for the



poor. I point out they should be equally concerned about wasteful entitlements for the best off—in fact, more concerned. One is a fundamental safety net for those who are struggling in an economy where there are few jobs. The other is a big bonus for the best off at the very top of society. Doesn't it strike my colleagues that the safety net is better than the big bonus for the best off? Well, my colleagues across the aisle have said: No, no, no, we want the bill to start with our payment plan, which is to strip health care prevention from children and parents. I guess they weren't raised with the same story I was raised with, which is that an ounce of prevention is worth a pound of cure. It is simply better to inoculate children than to hospitalize children with whooping cough. It is better to prevent measles than to have children suffer with measles and be damaged by measles. It is better to manage diabetes than it is to amputate feet and provide guide dogs because folks have gone blind from diabetes. Prevention is better than cure. An ounce of prevention is worth a pound of cure.

I disagree with the plan to strip prevention as a strategy when we have options. Let's take that money from nation building in Afghanistan, let's take the money from bonus breaks for the best off in society, those tax loophole entitlements—let's do that because those do not rip a big hole in the safety net for Americans.

I come from a working family. My father was a millwright and a mechanic. They weren't sure how I would be able to go to college. They were determined that I would go. They raised me to believe in gaining the education necessary to have opportunities in life. But they didn't have the money. Despite the fact that I worked a job in college, that wasn't enough money. I got substantial grants, and that wasn't enough money. I had to take out loans, and I had to pay back those loans. The interest rates matter.

I say to my colleagues: End your filibuster. Come here as Senators, present your amendments, debate this bill, and if you don't like the bill in the end, vote against it. But do not block this debate on an issue of fundamental importance to the success of our children.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. FRANKEN. Madam President, I ask unanimous consent to speak for 15 minutes.

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

Mr. FRANKEN. Madam President, yesterday our colleagues on the other side of the aisle stopped the Senate

from reducing the enormous burden of debt that students take on. At a time when college is more expensive than ever, this body's inaction will increase each student's borrowing costs by about \$1,000 for each year of college. And that is no small amount for most American families. That is because on July 1 the interest rate on new subsidized Stafford loans is expected to double from 3.4 percent to 6.8 percent. We have been talking about this all day. The students who qualify for these loans are from middle-class and low-income families. If the Senate does not act soon, we will make it even harder for them to receive the education and training they need for jobs in this 21st century economy.

High school students and adults looking for new career opportunities realize how economically necessary it is to attend college. In my generation, if you had a high school degree, you could get a good manufacturing job that paid a decent wage and gave you health care and a pension. Today we need postsecondary training and strong computer math skills to operate the equipment in most manufacturing facilities. But it is not just manufacturing, it is many of the fastest growing jobs in the United States—it is computer jobs and health care jobs. A high school diploma is simply no longer a ticket to a job that pays family-supporting wages.

With an increasing number of jobs requiring some level of postsecondary training, we have a significant skills gap. In Minnesota—a State the Presiding Officer and I are proud to represent—70 percent of the jobs in the next several years will require postsecondary training. Yet only 40 percent of working-age Minnesotans currently have a postsecondary degree. Most of our States have similar skill gaps.

The United States used to lead the world in the percentage of adults with a college degree. Today we are No. 16. If our Nation is going to prosper in a global economy and continue to grow economically, we need to provide pathways for students to attend and pay for college so we can close those skill gaps.

A number of students are lucky enough their parents can provide these pathways for them and help pay for college, but most other students have to work—part time, maybe even full time. The Presiding Officer will appreciate this. I had students from the MNSCU board—their top students—who came to visit me. I am sure they visited my colleague too. There were about 15 or 20 of them. They represented Minnesota's colleges and universities. I asked them: How many of you work at least 10 hours a week while going to college? All of them raised their hands. I asked how many work 20 hours a week. Most of them. I asked how many work 30 hours a week while going to school. A lot of them. And how many of you work full-time, 40 hours a week, while going to college? A number of them.

That is no way to go to college. When you work 40 hours a week, can you

take the full course of credits? Maybe not. So then maybe it takes you 6 years to graduate. But they are also taking out loans, and often huge loans.

We take for granted these days that students can get a loan, but 50 years ago that was not true. Students could get scholarships, but that was about it. My wife's family did it on Pell grants and scholarships. At least until 1957, when the Russians—or the Soviets at the time—launched Sputnik. Suddenly, the Soviets had nuclear weapons and were ahead of us in space and, as a Nation, we were terrified. It woke our Nation up to the importance of better educating Americans and getting them the skills they needed to compete with the Soviets. That meant more Americans would have to go to college.

I was 6 when Sputnik was launched. My brother was 11—younger than the pages. A lot younger. My parents sat us down in our living room, in St. Louis Park, MN, and said to us: You boys are going to study math and science so that we can beat the Soviets. I thought that was a lot of responsibility to put on a 6-year-old, but my brother and I were obedient sons and we studied math and science. And wouldn't you know it, my parents were right. We beat the Soviets. You are welcome.

But to get there we had to put in place new Federal programs to help average Americans afford college. A year after Sputnik was launched, Congress passed the National Defense Education Act, which helped put America back on top. This was actually the predecessor to the Perkins loan program, and it offered students low-interest loans to go to school, with a preference for low-income students.

This was just the beginning. Soon we gave student loans to medical students, created the Federal work-study program, and in 1965 created the Guaranteed Student Loan Program. This last one was later renamed the Federal Stafford Loan Program—which is what we are talking about today—and it made more money available to students to offset rising tuition. All this, really, because of Sputnik.

Today, there are two main types of Federal loans. Subsidized Stafford loans are awarded based on need, and unsubsidized Stafford loans are available to all students. The overwhelming majority of subsidized loans go to students from middle and lower income families. The Federal student loan program was created to open the doors of higher education to more Americans and provide them with stable, low-cost loans to pay for their education. And it originally did so to help Americans compete with the Soviet Union.

Well, we may have beat the Soviet Union, but we now face new economic threats from rising powers such as China and India. In our interconnected world, in which it is easier than ever to outsource, the quality of our workforce matters more than ever before. So with college costs increasingly out of the means of many American families, in

2007 Congress decided to help lower and middle-income students by cutting the interest rates on the subsidized Stafford loans.

The rates declined incrementally over time to a low of 3.4 percent this past year. But because this program was so expensive, the 2007 legislation would sunset on July 1 of this year and interest rates for subsidized Stafford loans would double, going back up to 6.8 percent.

Allowing this to happen doesn't make sense. Interest rates on mortgages and Treasuries are far lower than they were in 2007, when no one had any inkling of the turn our economy would take. No one could have predicted we would be experiencing near-record low interest rates and that it would make no sense to double them now to 6.8 percent. Of course, the threat we face from global competition has not waned in the last 5 years. It is greater than ever.

So with the July 1 deadline rapidly approaching, the time to act is now. Most high school seniors already have had to decide where they are going next year, and now they are figuring out how to pay for it. While students are wrestling with these tough decisions, it is not time for us to get into a procedural fight here in Washington. I am hopeful we will vote again this week to move the bill, and this time we will put our differences aside and represent all the families in all of our States who can use any bit of help we can offer them.

I am glad to hear my colleagues on the other side of the aisle agree we should stop the interest rate from going up, and we agree we should be fiscally responsible and pay for it. We just disagree on how to pay for it. I am proud to have joined a number of my colleagues in putting forward the legislation before us with a responsible, commonsense offset.

I think we can all agree that if you are going to collect Social Security and Medicare, it is only fair you pay in what you owe, and yet some people have found a loophole that allows them to game the system using subchapter S corporations to avoid paying some of their Social Security and Medicare taxes, some of their FICA.

Most small business owners are not only honest but incredibly civic minded, and so they pay all the payroll taxes that they owe. Unfortunately, a small percentage of individuals have found a loophole.

If you have an S corporation, which is basically a passthrough—which means at the end of the year the profits are passed through to you as your income. If you have that, whatever profits you make at the end are considered income by the IRS. So if you make \$300,000 in 1 year, you pay income taxes on all of that. Either way, on this you pay income taxes on all your income. Here is the loophole: You decide, I know what I am going to do. I am going to pay myself an artificially low amount, \$40,000, and call that my sal-

ary. You pay FICA on that amount so you can qualify for Social Security later on in your life. Then at the end of the year, you get the passthrough of the other \$260,000. You still pay income tax on all \$300,000 because it is all considered income. It is not capital gains; it is still income, so you pay income taxes on it. But because of an ambiguity in the way the law is written, you can avoid paying FICA taxes on the \$260,000.

Again, this money is indistinguishable from the so-called salary you took earlier. You could have paid yourself \$30,000, so it could be \$270,000 that you harbor from FICA.

All of this is active income you are making because of active work you have done—it is not capital gains—so you should pay FICA taxes on all of it. There is simply no excuse for not paying FICA taxes on all of your income—Medicare taxes on all the income and Social Security taxes on up to \$110,000. That is what anyone making \$300,000 would do except for this anomaly that was accidentally written into the Tax Code. This is exactly the kind of loophole we should be closing.

I hear all the time that we should be closing loopholes so we can keep the marginal rates down. If you can't close this loophole, you can't close any loophole. There is no reason this loophole exists. There is no good reason for it, there is no purpose to it, and there is no reason to keep it. It is an accident that results in people avoiding their rightful obligations. Our legislation would close the loophole for those individuals making over \$250,000.

Governing is about making choices, and this one seems as clear as day to me. Save millions of Americans about \$1,000 for each year of schooling on their college loans by closing a tax loophole that allows the wealthiest among us to avoid paying taxes they should pay and avoid gaming the system. It sounds like a no-brainer to me. Instead, a minority of Senators is stopping consideration of the bill because they object to closing this loophole. They want to repeal a section of the Affordable Care Act that supports prevention efforts. They want to eliminate the provision that helps stop diabetes and other diseases before they occur, the kinds of chronic diseases that are driving our health care costs through the roof. This is simply shortsighted and, frankly, fiscally irresponsible.

But I am ready to have that debate. Let's have it here. Let's debate the different ways to pay for this legislation. Let's stop this filibuster and proceed to consideration of the bill. Let's work together to keep America on top and rise to our generation's Sputnik challenge.

Millions of students are depending on us. This bill will provide some relief to those students. Millions of businesses are depending on us to give them the educated workforce they need. This bill will take a small step toward helping them as well. It is time to act. I call on my colleagues to work with me to pass this important legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak for up to 10 minutes.

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

Mr. BROWN of Ohio. Madam President, I come to the floor to share some letters I have received about the importance of freezing the 3.4 percent Stafford subsidized college loan program.

It is important because there are some 380,000 students in my home State of Ohio alone who are in the Stafford subsidized loan program. Many of them will see as they continue their college education—whether it is at Sinclair Community College in Dayton or Youngstown State or Hiram College—where their costs are continuing to go up. We know the average Ohio 4-year college graduate has about \$27,000 in student loan debt. That is much higher than people had a decade ago or 20 years ago or 30 years ago or so when my generation was in college.

Federally subsidized student loans have been a reliable answer for so many in my State. I wish to encourage people to tell their stories. Some of my colleagues in the Senate are doing this also, but I urge people in Ohio to go to [brown.senate.gov/collegeloanstories](http://brown.senate.gov/collegeloanstories), and tell your story about how important this is.

The disappointment is that 5 years ago this was bipartisan. President Bush signed a bill that many of us here sponsored, in both parties, in a Democratic House, Democratic Senate, a good bipartisan support, signed by a Republican President to lock in for 5 years this 3.4 interest rate. If we do nothing, if we can't get our Republican colleagues to join us on this and then do the same in the House of Representatives to continue this 3.4-percent subsidized Stafford loan, it is going to mean that come July, the average college student will pay about \$1,000 more for each year of college. That is unconscionable when college student loans are such a burden.

It means people who have these loans at this level, when they get out of school they are less likely to buy a house, less likely to start a family, less likely to start a business.

If people will bear with me, I wish to read four or five of these letters I have gotten on our Web site.

Nick from Beavercreek, OH:

I am a college student at Xavier University, Cincinnati, Ohio studying chemistry and biology. I hope one day, through my education in the sciences, that I might be able to make us a stronger nation through innovation and technology.

The fact of the matter is that I would not be able to pursue an education if it were not for student loans from the Government.

On behalf of the future of science in this country, which is in trouble already from what I hear, I urge you to reach a bipartisan agreement that would prevent interest rates from doubling.

It seems that student debt is unavoidable for the average college student. College already is an expensive investment that shapes our personal finances for the rest of our lives.

I ask that you, on behalf of those who are already burdened by debt, to find a way to reach across the aisle on this one and stop interest rates from rising.

I ask that you find a way to lighten our load. We would not forget that if you did that for us. We would greatly appreciate policy that opens up avenues to higher education for ourselves as well as for those future seekers of such an education.

Justin from Cincinnati, in Southwest Ohio:

I am the first person in my family to attend college and am on track to completing my BS in experimental psychology. I plan to go straight into a PHD program after I graduate and the prospect of loan rates doubling is absolutely horrifying.

I work full time to be able to support myself but still have about \$15,000 in student loans. By no means does this compare to others who have much more in loans but allowing the interest rate to double is unacceptable and severely limiting to individuals such as myself.

Lower tuition would boost the number of students attending college making life better for everyone.

I don't suggest that everybody should go to college. I know everybody doesn't want to go to college. But I do know that people often need a technical education or a 4-year degree, a 2-year degree at a community college or a technical degree or a 4-year degree at a liberal arts school, a State university or a private school. The choices in my State are huge. We have literally dozens and dozens of small liberal arts schools and 4-year and 2-year community colleges and institutions of higher learning. Students should be allowed, if they choose, to be able to have access to college. Increasingly, it is more difficult for students to do that.

Lorie from West Jefferson, OH:

I am a full time working mother of three teenage boys as well as a full time college student at Ohio Dominican University.

I currently have over \$40,000 in student loans. I still have one more year to go before completing my program and earning my Bachelor's degree.

By that time my loan amounts will probably be around \$50K.

About the time I finish college, my oldest son will be beginning college and the student loan process will begin again.

He will be the first of three children that we will put through college.

Listen to the definitive. She has decided she is going to make sure her kids get a chance to go to school right away. I don't know her, but apparently she didn't get a chance to go until she was older and became married, with children, and has decided to go back to school and is completing her education as her children reach their teens or mid-teens or upper teens.

Low interest rates would help make this a little less of a financial burden for me and my family.

I do not see how raising interest rates on student loans do anything but cripple those trying to better themselves.

The last couple I will read. Linda from Centerberg, OH:

We are grandparents of 5 children. We and our children are middle class constituents who live in a rural area close enough to Columbus to commute.

Please do not let the interest rate for the Stafford Loan increase in July.

Our oldest grandchild is preparing to start college in the fall. She is fourth in her class and shows great promise for a good future in her chosen field, but our children are finding that paying for college is really going to stretch their budget.

Please don't put a further burden on our grandchild by increasing the interest rate of a loan she may need to finance her future.

So those last two are interesting in that this doesn't just affect college students; this affects the parents; it affects the grandparents. It is important that they don't want welfare. They just want an even shot and a break here. That is so important for this grandmother. People understand that this is going to help everybody if they get to go on to college.

The last one I will mention is Carla from Steubenville in eastern Ohio, near the Ohio River:

I am very concerned about the raising of interest rates for student loans.

I am a mother in a middle class family working to help put my sons through college.

I don't expect a handout but I have worked hard to acquire my position as a teacher.

My husband and I have exhausted our savings to pay for most of our sons' expenses—even with the support of subsidized and unsubsidized loans.

I have put out over \$80,000 in my eldest son's college. Please, let's help those that help themselves. If not, then the economy is going to continue to fail.

The middle class will go bankrupt just trying to pay for their kids college.

I was taught to work and you shall receive but that is not true anymore. Please help the working poor.

What I take out of this more than anything is back in the 1940s and 1950s our government, through legislation that President Roosevelt signed in 1944, the GI bill, created a whole generation of prosperity. Millions and millions of young men and women coming out of World War II were given the opportunity to go to college and build homes and get their families started.

Because government at one time helped these millions and millions of students, it lifted the entire country. It lifted the economy. We had a much more prosperous economy because all these young men and women went to college because they chose to—millions and millions of them—because of the GI bill. It meant colleges were built. It meant more highways were built. It meant more businesses were started after they got out of college.

This subsidized Stafford Loan, as the Presiding Officer this afternoon knows, as we all know, helping all of the hundreds of thousands—in my State 380,000, in Minnesota more than 200,000 students—helping those hundreds of thousands of students in our two States will help our States become more prosperous.

Again, I urge my colleagues to support our legislation. Lock this in. Do it

bipartisanly. It was bipartisan 5 years ago, as the highway bill used to be bipartisan, as raising the debt limit used to be bipartisan. Please return to those days when bipartisanship around here was rewarded and was effective.

I close by asking people to go to my Web site and tell us your story: [brown.senate.gov/collegeloan\\_stories](http://brown.senate.gov/collegeloan_stories). Tell us your story. I would like to share it with my colleagues because I think putting a human face on this for the student, for the parents who are struggling, even for the grandparents who care so much about the future, as most of our grandparents do, can make a real difference.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we are still here. We have not gotten much of a response from our colleagues on the other side of the aisle about our legislation that would help students throughout America pay their tuition costs and pay a reasonable amount of interest on their loans. I don't know what my colleagues are waiting for. We all know the crisis in America. College has become more and more important. To many, it is a necessity, and it has become more and more expensive. That equation is not only hurting the kids who go to college, it is hurting their families and hurting this country.

When the percentage of people who graduate from college declines vis-a-vis other nations, that is a very bad sign for America. We can talk about the problems of quality in our K-12 schools, and those are important issues, but our higher education system is still rating just about the best in the world. That is shown by the fact that hundreds of thousands from around the world, including places such as China and India, apply to our schools, come here and attend. It is a shame we send them back even if they want to stay, but that is an immigration issue not an education issue.

Our schools are great, and the big problem with higher education in America is not quality—although, of course, it could be made better—it is affordability. It is not the same as K-12.

Yet here we are, sitting here, and the other side is in a certain sense twiddling their thumbs and making it worse.

How is America going to stay the greatest economic power in the world when fewer and fewer of our bright, capable, hard-working students can afford college and when more and more of them decide they are not going to go to school or, if they go to school, not to the college of their choice for financial reasons?

We put a reasonable offer on the table. The proposal is we pay for our college tuition act by closing a loophole that people such as Rush Limbaugh said should be closed when John Edwards was found to have used it in his law firm, when other leading Republicans in 2004 said this is one of the greatest abuses of the Tax Code they had ever seen. All of a sudden our colleagues on the other side of the aisle say they cannot vote for it. This was an issue that was talked about as we talked about dealing with the budget gap in August or in December—during last year, whenever it was. Again, we did not hear objections from the other side: Take that one off the table, we can't live with it.

It seems what is going on is very simple. Our colleagues know that it is certainly politically unpopular, but probably it is politically wrong to allow interest rates to double. But they can't just say they are against it. They tried to say they are against it, but when the President went around the country and talked about it they had to back off that.

So in the House they came up with a pay-for which was sort of laughable. Everyone knew that would never pass, and no one took their position seriously. But we had always hoped that our colleagues in the Senate who, frankly, have been much more reasonable in the last little while—we passed a highway bill with bipartisan support, we passed a postal reform bill with bipartisan support, we passed the Violence Against Women Act with bipartisan support, and we thought we could get this done with bipartisan support.

Our goal is not to draw a difference between the parties—that has been apparent—but to get this done. We thought when we put our proposal on the Senate floor they would accept it. At minimum we thought they would at least come back with an offer: Let's debate it. Let's try and see if their amendment passes in terms of a different pay-for. Let's see if our amendment could get support. Instead, what have we found? A filibuster blocking the Senate from even considering this reasonable measure.

I am going to yield the floor because I see my colleagues have arrived, the Senator from Connecticut and the Senator from New Hampshire, who I know have strong beliefs about this issue. We have an all-New England cast in the room, with a little help from the Mid-Atlantic.

I hope they will reconsider. I hope they will reconsider because it is better for the politics of this country to come together once again on reasonable issues, as we have done in the past few months. It is better, frankly, for their own politics. I am not wishing them ill. But most of all, it is better for the future of our country. Please reconsider. Let's move forward and debate this bill and let's not let the high cost of going to college get unnecessarily higher.

I yield the floor.

The PRESIDING OFFICER. The Senator Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from New York and his very powerful and eloquent words on a subject that concerns all of us, not only in New England but across the country. I have heard from countless students in Connecticut where we have some of the best educational institutions in the country. I know my colleague, Senator SHAHEEN from New Hampshire, has been very much in touch with the people of her State, and particularly young people there, striving—as they are in Connecticut—for more affordable education.

We are talking about the future of our country. There should be nothing contentious, certainly nothing partisan about this issue of financing the future of education and particularly student loans. This ought to be a common cause, and it ought to be bipartisan. I believe eventually it will be because we need to come together on this issue for the sake of young people whose lives are very directly and immediately impacted by this issue in Connecticut and across the country. The impact is not only on their lives but our competitive economy, increasingly a global economy in Connecticut that depends more and more on exports and more and more on talented and gifted and trained, educated skilled people. We need them in Connecticut, and we cannot permit the interest rate on Stafford loans to rise to 6.8 percent from its present rate of 3.4 percent.

Even now the debt with the present 3.4 percent is crushing to many of our students who are struggling to pay their student loans with that lower interest rate.

Stanley Knotowicz—who contacted my office, who is seeking solutions in good faith, constructively, and positively—reached out to my office because he experiences the same financial hardships facing millions of recent graduates across the country. He is paying \$70 a week for gas. He is providing financial support for his grandmother in her late eighties who might lose her home. He is trying to save money to get his own apartment. He is one of the many students in Connecticut and across the country who have reached out and my office has helped him.

I have also heard from Brenda Kasimir, a mother who would be crushed if she were forced to pay this higher interest rate. Again, my office has helped her to meet the ever-increasing challenge of today's economy with that student debt that now, overall, is the highest of any debts faced by our people as a whole, more than \$1 trillion.

Senators REID and HARKIN want to come to a solution that will keep the burden off the backs of students without adding to our national debt. It is not a tax increase that they propose, it is simply a solution that clarifies tax

rules that are already in existence by closing a loophole. It is known as the Gingrich-Edwards loophole. I wish it were not known by that name. But it lets lawyers, consultants and highly paid professionals dodge payroll taxes and push that burden off on the middle class.

Getting rid of this loophole is another step toward an America where everybody pays their fair share and everybody plays by the same rules. It is the America that we grew up believing in. It is the America that we continue to believe in. Some have claimed that it is an America we have lost. I don't believe it. We can prove it by closing this loophole.

The provision proposed by Senate Democrats to close this loophole is narrowly tailored to affect only wealthy individuals, those making over \$200,000 for an individual or \$250,000 for joint filers. They are trying to shield their salaries from taxes, calling themselves small businesses. It will not affect the actual small businesses of this country, and it will not raise taxes for anybody who already pays what they owe in payroll taxes. This loophole should be closed independent of the student loan crisis. We ought to close this loophole regardless of the challenge we face now in keeping the interest rate at 3.4 percent.

Very simply, we are being asked to make a false choice—the choice between accessible education and improved public health. It is not a choice we have to make. Our long-term economy and, as a result, the Federal budget will both benefit if both of these goals are served and preserved.

There is an old saying that an ounce of prevention is worth a pound of cure, and that is supremely epitomized by this situation. Last year an analysis in Health Affairs found that for each 10 percent increase in local public health spending, the rate of infant deaths and death from diabetes, heart disease, and cancer dropped significantly. Preventing these deaths and the costly treatment that precedes them could save the Federal Government large amounts of money and improve the quality of life for countless Americans.

I urge my colleagues to come together and recognize that preventive health care is essential not only to the future of this generation that will take advantage of the 3.4-percent interest rate for their Stafford loans but other generations as well, generations whose they will be and generations who are their parents.

This program is essential. The 3.4-percent interest rate should not be a partisan issue, and we should be closing this loophole regardless of the Stafford loan issue. But one way or the other, we should pay for it by closing the loophole and making sure students have an affordable interest rate for these Stafford loans.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. INHOFE. If the Senator would yield for a unanimous consent?

Mrs. SHAHEEN. I will yield.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from New Hampshire, I be recognized for up to 20 minutes.

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

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues from Connecticut and from New York and others who have been on the floor today to talk about the importance of addressing the—of avoiding, I guess I should say, the potential for the student loan interest rates to rise at the end of June. The fact is that the U.S. workforce needs to have the skills to compete in the global economy, and that means making sure college is affordable because so many of the new jobs that are being created require higher education.

The reality is that students today face ever-growing tuition rates, and student loans are a critical bridge for them to cover these costs. But unless we act, over 7 million students—38,000 in my State of New Hampshire alone—who rely on subsidized Stafford student loans will see an increase in their student debt when they graduate.

This is a particular problem for students in New Hampshire because our students have the highest average student debt in the Nation. They are graduating with just over \$31,000 in debt per student. Not only do they have the highest average debt, but 74 percent of our college students are in debt, and that is the second largest number in the country. So we have the highest average debt and the second highest number of students graduating with debt.

Students in New Hampshire and across this country need some relief, and doubling the interest rate is exactly the wrong way we should be going in terms of policies to promote giving every American the opportunity to succeed. We need to encourage our students to go on to higher education, to advanced-degree programs, and to professional schools. Their future employment and our future economy both depend on this.

Last week I had the opportunity to visit with two of our State colleges, Keene State College and Plymouth State University. Everyone I spoke with had stories about the escalating cost of college and concern for rising student loan interest rates. Over the past 24 hours I have heard from hundreds more constituents who are anxious about this.

Now, to be clear, the legislation we are considering would affect current and future students who will receive subsidized Stafford loans starting July 1. The last thing anyone needs in this economic climate is a reason not to pursue their undergraduate or graduate studies.

Meghan Jordan of Amherst is a sophomore at the University of New Hamp-

shire. She told the Union Leader newspaper that student loan debt has become a constant concern for her. Meghan says that her parents would do just about anything to pay for her college education in full, but with two brothers also in college the finances are simply not available. Meghan views the prospect of interest rates doubling as an attack on college students trying to make a better future for themselves. Sadly, she said it feels like it is a punishment for trying to obtain a college degree.

When I was at Keene State College in Keene last week, I met Keith Couch, a parent who has a daughter at Keene and a son at Boston College. Between his two kids, his annual tuition bill comes to \$90,000. No wonder he is having trouble figuring out from where the money is going to come. He spends hours trying to figure out how his family will make college payments each month. He said loans help bridge that gap.

One constituent, Erin, posted on my Facebook wall that her husband recently completed medical assistant courses at Hesser College in Manchester. He is due to start paying his student loans next month, but he hasn't been able to find a job in his chosen field. Erin said that family finances are tight and if interest rates were to double on the loans they have, there is no way they would be able to pay them back.

The stories I have heard in New Hampshire are similar to the stories Senator BLUMENTHAL told about Connecticut and what Senator SCHUMER has had to say about New York and what we are hearing from students and families across the country. Higher education is essential for economic opportunity and personal growth. It is equally essential to the prosperity of our country, and, most importantly, the prospect of higher debt levels affects whether people choose to enter college to begin with.

When I was in Plymouth last week at Plymouth State University, a student stood up and said: I want to teach history. Tell me why I shouldn't just drop out of college and be a mechanic. I said: Well, I like teachers myself, and we need more of them. But in this rapidly changing, highly competitive global economy, we should be doing everything we can to make sure college is more accessible to Americans so we don't have students across this country saying: Why shouldn't I drop out if no one supports my getting a college education?

It is critical for all of us, and, unfortunately, high debt burdens have serious consequences for individuals, for families, and for the economy. Student loan debt affects where graduates live, the kinds of careers they can pursue, whether they can start a new business, when they can start a new family, when they can purchase a new home, and when they can start to save for retirement.

Our students deserve better. We need to get rid of any obstacles that are keeping our students from getting the education they need to succeed. We should not put more obstacles in their way. We need to come together, Democrats and Republicans, to stop this increase in student loan interest rates and to do what is in the best interest of our families and our young people who need that college education.

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

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am proud to rise today to support the Stop the Student Loan Interest Rate Hike of 2012. I cosponsored this bill because it extends the current interest rate of 3.4% for subsidized Stafford Loans for the next school year. This interest rate reflects a record low for interest rates on Federal student loans, and these loans can only go to students and families that demonstrate a need for them; nearly 50% of the students that take advantage of subsidized Stafford loans come from families with an annual income of less than \$50,000. Subsidized Stafford loans help more than 7 million students attend an institution of higher education without worrying that the interest on their loans will begin accruing while they are in school. It helps more than 103,000 students in Maryland. Middle class families are feeling stretched and stressed and if we fail to act, students could be facing an additional \$1,000 in debt over the life of their loans.

It is important to note that we will not expand our Federal deficit, and we will help families not expand the family deficit, by keeping the interest rate at 3.4 percent. Senator REID's legislation offsets the cost of this legislation by closing a tax loophole enjoyed by individuals seeking to avoid paying payroll taxes on their income. This would only affect those who make more than \$250,000 a year and simply requires people who make any income from a professional service business such as lobbying to pay taxes if more than 75 percent of the income from that business comes from three or fewer shareholders.

I adamantly oppose the alternative proposal from House and Senate Republicans that would repeal the Prevention and Public Health Fund authorized by the Affordable Care Act. In the last year alone, that prevention fund has funded activities in my home state of Maryland to promote tobacco prevention, substance abuse prevention, mental health services, and community programs to promote healthy living. The fund is also used to invest in childhood immunizations to decrease the risk of disease among children. In the future, the President plans to use this fund to support breast cancer screenings for more than 300,000 women and cervical cancer screenings for more than 280,000 women. Repealing the prevention fund would not only

strike an unnecessary blow to prevention activities aimed to improve the lives of women and children, it would also promote increased health care costs by eliminating strategic investments meant to prevent or mitigate chronic illnesses that can be expensive to treat.

Students will bless us if we are successful in keeping their student loan interest rates as low as possible. Getting a college education is the core of the American dream and I am going to be sure that every student has access to that dream and make sure that when they graduate their first mortgage isn't their student debt. This legislation pending before us today should be passed in a swift, expeditious, uncluttered way. This bill is absolutely a great bill for students and it is a great bill for America. It gives our students access to the American dream. It gives our young people access to the freedom to achieve, to be able to follow their talents, and to be able to achieve higher education in whatever field they will be able to serve this country.

I urge the swift passage of Senator REID's legislation to maintain the current interest rate for subsidized Stafford loans.

The PRESIDING OFFICER. The Senator from Oklahoma.

EPA

Mr. INHOFE. Mr. President, first of all, I will be introducing a bill in a minute called S. 3053, but as a predicate to that, let me talk again about my ongoing investigation of the overreach of the Environmental Protection Agency.

Certainly the Washington Post is right-on with their editorial. On May 3, the Washington Post editorial board penned an editorial entitled "The EPA is earning a reputation for abuse." In this editorial, they discussed how former region 6 Administrator Al Armendariz's "philosophy of enforcement" has severely hurt the EPA.

To refresh your memory, it was a couple of weeks ago at this very podium that I read the quotes I am about to quote again today. While the Washington Post doesn't agree with me all the time, I was pleased to read that they saw that the "crucify" policy Mr. Armendariz purported in his visit to Dish, TX, clearly showed that he "preferred to extract harsh punishments on an arbitrary number of firms to scare others into cooperating." Further, the Washington Post editorial board saw this attitude as both unjust and threatening to investors in energy projects.

While Armendariz has resigned—he is gone now—his statements have undermined the legitimacy of the EPA's regulatory authorities. We know that the policy of extracting harsh punishment on arbitrary individuals in order to scare others into cooperation was not just an inflated rhetoric. Mr. Armendariz followed through on his philosophy when he had the EPA region 6 pursue a trumped-up emergency action against the natural gas com-

pany Range Resources in Texas. The EPA is not using its powers fairly and is showing its enforcement is arbitrary, unreliable, capricious, and unduly severe.

But the Post's editorial board didn't see Armendariz as an isolated incident. They also called out EPA's actions in another recent high-profile misuse of power that has hurt the Agency's credibility.

The EPA insisted that an Idaho couple, the Sacketts, stop construction on a home because that violated the Clean Water Act. On March 21 the Supreme Court ruled unanimously—this was not a split decision; it was unanimous, 9 to 0—that the EPA had exceeded its authority in pursuing the Sacketts and has ensured that they and other people who find themselves in similar situations can overcome the EPA's assertion of whether or not their property contains jurisdictional wetlands, without submitting to the permit process. A mere 2 days later, the EPA was again called out for overreaching its authority on water issues. Then on March 23 the U.S. district court ruled that the EPA overreached in revoking a permit to Arch Coal after the Army Corps of Engineers had already granted it. In quite a blow to the Agency, the judge said EPA's claim—and I am now quoting what the judge said in his order—"that section 404(c) grants it plenary authority to unilaterally modify or revoke a permit that has been duly issued by the Corps" is a "stunning power for an agency to aggregate to itself when there is absolutely no mention of it in the statute." That is what the court said.

Yet, in the midst of scathing rebukes from the press and the courts, the EPA is still acting as if everything is the same as it was before these cases happened, and they are actively pursuing more regulatory power by attempting to vastly increase the scope of the Clean Water Act's reach. In fact, when discussing the results of the Sackett case at an American Law Institute-American Bar Association event on May 3 of this year, Mark Pollins, Director of EPA's Water Enforcement Division, said, "Internally it is the same old, same old."

I plan to send a letter to Administrator Jackson addressing Mr. Pollins' comments and trying to find out how an EPA official, in the face of a 9-to-0 Supreme Court decision, could say that the Agency is not going to do anything different. And if the EPA is able to finalize its new Clean Air Act jurisdictional guidance, it will have given itself a whole new set of excuses for pushing the boundaries of the Clean Water Act as far as possible. This continued overreach is why we now have bicameral, bipartisan legislation introduced to stop this current guidance overreach.

Let's take a moment and go back in time to where this all started. We might remember a couple years ago Senator Feingold from Wisconsin and

Congressman Oberstar over in the House introduced the Clean Water Restoration Act. The Clean Water Restoration Act removed the word "navigable." This act gave the Federal Government, through the EPA, the jurisdiction over the navigable water. That is what the law was. But they wanted to take out the word "navigable" and, therefore, the EPA would have jurisdiction over all land in the United States. It is very simple. It was so unfair that not only did we defeat the Clean Water Restoration Act but the people defeated Senator Feingold in Wisconsin and Congressman Oberstar, after they had been in Congress for a long time. Obviously, this is something that is not popular. It is an overreach and everyone understands it.

Normally, when the Obama administration can't achieve what they want to achieve through legislation, they do it through regulations. We see this in cap and trade right now. We saw the President try to get legislation on cap and trade which amounted to a \$300 billion to \$400 billion tax increase on the American people and it wouldn't have done any good or helped anyone. Yet it would have been the largest tax increase in history. I go back and compare it with what they were attempting to do with the Clinton-Gore tax increase of 1993. That is where they raised the marginal rates, the capital gains tax, the death tax—this massive tax increase—a \$32 billion tax increase. This will be 10 times greater than that. Now they are trying to do what they couldn't do with legislation through regulation. But that is because in order to undertake a Clean Water Act rulemaking, EPA would have to follow a transparent process and engage in a public comment period as required by the Administrative Procedures Act.

For that reason, they didn't pursue that through regulations. Given how unpopular their proposal has been, going through with the rulemaking would make it much more difficult to obtain the expanded Federal control they are clearly trying to pursue. By changing agency practice in this formal and nonregulatory way, they virtually ensure that they will be able to formalize this agenda easily through future rulemaking. So what they couldn't achieve through legislation or, in this case, through the proper rulemaking process, they are trying to do through guidance.

What is even more frustrating than the EPA's continued overreach is that this new guidance would provide no improvement to water and would likely hinder real progress on cleaning water. The guidance's broad reach and legalistic language would inevitably shift the balance of regulatory authority further away from States, which are better equipped to protect waters within their borders. Giving the Federal Government control over nearly all water features will not lead to cleaner water. It will, however, lead to tremendous uncertainty, tremendous confusion, and economic pain for farmers,



energy developers, small businesses, and State governments by saddling them with more layers of expensive, onerous, and unnecessary Federal regulations. It is yet another Obama administration policy that will be all pain for virtually no environmental gain.

Congress has been explicitly clear with EPA that this new guidance is unacceptable. Last July I wrote a letter, along with Senator ROBERTS, the ranking member of the Senate Agriculture Committee, and 39 of our colleagues to Administrator Jackson, where we raised our concerns that this document went far beyond mere guidance. EPA and the Corps of Engineers greatly expanded what can be considered jurisdictional waters through a slew of new and expanded definitions and through the changes to the applications and jurisdictional tests.

Administrator Jackson has said this guidance will increase the Clean Water Act's scope. In the economic analysis that accompanied the guidance, it stated that as few as 2 percent and as many as 17 percent of the nonjurisdictional determinations under current guidance would be considered jurisdictional using the expanded test under the new guidance. However, this analysis was only for the Army Corps making dredge-and-fill permit decisions when compared to current practice. The guidance will apply to the entire Clean Water Act, including the National Pollution Discharge Elimination System permits, the Oil Pollution Act and Spill Prevention Control, and Countermeasure plans, water quality standards, and even State water quality certifications. Because most States have delegated authority under the Clean Water Act, this change in guidance will also result in a change in the responsibilities of States in executing their responsibilities under the Clean Water Act and a change in how individual citizens are governed by law.

So what we are talking about is what they have been unable to do with legislation they were going to be doing with regulation. But in this case, what they couldn't do with regulation because it would be too transparent they are trying to do through guidance.

The finalized guidance document is currently at OMB for formal interagency review before it is finalized. We don't know what changes have been made, but based on a draft that was leaked to the press, it doesn't appear that the document is substantially different from the proposed guidance document they put out for public comment last May. This is the last step before this expansive document starts being used throughout the country, and that is why I hope all my colleagues in the Senate on both sides of the aisle will join me in trying to stop it.

Working with Senator BARRASSO, Senator HELLER, Senator SESSIONS, and others, we introduced S. 2245. We call it the Preserve the Waters of the United States Act. It is a bill that

stops the EPA from finalizing the guidance and from using the guidance to make decisions about the scope of the Clean Water Act or to turn it into a rule. The House has also acted with chairmen and ranking members of the Transportation and Infrastructure and Agriculture Committees introducing the bipartisan H.R. 4965. I applaud Mr. MICA and Mr. RAHALL in this bipartisan effort, as well as Mr. LUCAS and Mr. PETERSON and Mr. GIBBS for their actions. These bills do not change or roll back any current protections in the Clean Water Act; they simply stop the EPA and the Corps of Engineers from moving forward and making these unprecedented regulatory changes through a guidance document.

The EPA needs to withdraw this guidance document immediately. If it wishes to make changes to the Clean Water Act, it should go through a complete and proper rulemaking process under the Administrative Procedures Act. That is why it is there, so people in America will know the cost of what these regulations mean to them and what they do and do not do. Why do it under the veil of guidance when they should be doing it out in the open? That is what we want. That is all we are asking for.

I mentioned I am introducing a bill today.

(The remarks of Senator INHOFE pertaining to the introduction of S. 3053 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. With that, I yield the floor and 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, yesterday Republican Senators voted to block the bill to prevent the doubling of the Federal student loan interest rate on July 1. As long as they continue their filibuster, there is no clear way forward to prevent that devastating rate hike less than 2 months from now.

If that happens, more than 7.4 million American students will be required to pay an average of \$1,000 more per year of school. This is especially important to my State of Iowa—and it is important to all States—where nearly 72 percent of Iowa's college graduates have student loan debt, the fourth highest percentage in the Nation. Those borrowers are carrying an average of \$30,000 in student loan debt, which is the third highest in the Nation.

In floor debates this week, Republicans claimed that they, too, want to prevent the rate hike. I welcome their

support. But if they want to join with us in preventing the rate hike, why in the world won't they let us proceed to the bill? That will give us all the opportunity to debate the bill and offer amendments.

I call on my Republican friends, if they want to keep the interest rate hike from doubling on students, to call off the filibuster and let's move ahead with the bill. I am not the only one who wants to end this obstruction by our friends on the Republican side. I have heard from constituents in Iowa who are frustrated at the Senate's failure to act. This is a kitchen-table issue for middle-class Americans, families all across the country.

I have heard reports that over 500,000 signatures from students around the country have been delivered to the Hill to show their support for keeping the rate at 3.4 percent. I know many Senators have come to the floor to share stories from their constituents about how the interest rate hike would affect them. I will share a story I received from an Iowa student.

Dear Congressman, [or Senator, as the case may be] I am writing you on behalf of myself, current college students, and future college students everywhere. I recently re-enrolled in college to further my education. This decision came after much time and deep thought. The problem wasn't that I didn't want to attend school, it was whether or not I could afford to attend school.

I live on my own, hold a full time job that I previously attended a technical school to obtain. This job supports me fully, and as much as I love parts of my job, I know that my decision to re-enroll in school to further my education was the right decision for me.

... In the middle of all of this preparation, I came across an article in the USA Today that said the Federal Government might raise student loan interest rates. Not just raise, but double them, unless Congress intervenes.

I could not believe what I was reading, and feel so passionate about the subject that I had to write a letter to you. I am already struggling on a daily basis to support myself. I live paycheck to paycheck and often have to rely on the savings account I worked so hard to save before graduating high school, along with consistent help from my parents and grandparents. I wish to be independent from this help even though I am thankful that it is there.

This increase in interest rates on loans ... was not only disappointing, it was infuriating to me. This will have an effect for many years beyond what it should and not only for me.

I live in Stanwood, IA, a place that not many people have heard of, and I commute the 35 miles to Cedar Rapids every day for my job. ...

So when I saw that these loans that I am relying on to support me and fund my education were going to double, I was heartbroken and I wonder what is wrong with my country? I am very proud to be an American, and more so an Iowan. ...

I believe that the one thing the USA has going for it: supporting our future, but that is quickly fading in front of my eyes. I hope that you read this and feel every ounce of disappointment in our great country as I do, and do everything in your power to not let the interest rate on student loans increase on July 1.

I hope you can put faith in the American students who are relying on these loans to

educate themselves, and together get our country back on the right track, not headed down the wrong one. Thank you so much for your time, and I hope to hear great things from my representatives soon.

Sincerely, a proud fellow Iowan.

This is just one of the many stories I have received from my constituents, telling me how detrimental it would be if the rate were to double on July 1.

This increase is a looming reality for many students and families if this Senate continues to do what it is doing—and that is to do nothing to bring the bill up and having Republicans filibuster it, and not even letting us proceed on it.

For the past 3 days, we have been hearing from Republicans that they want to keep the interest rate at 3.4 percent, but they don't like how we are paying for it in our bill. I have said many times that if they don't like that—and our leader came out here, as many have, saying, look, if my Republican friends don't like how we pay for it, let us get on with the bill and they can offer their offset or pay-for. We can vote on it and they can vote on ours. But that is not acceptable to the Republicans. They don't even want the bill to go forward.

We have been hearing from Republicans that our offset, which is closing a loophole in the Tax Code that affects subchapter S corporations—and I might add it only affects a very small sliver of subchapter S corporations, very tightly drawn; they can't have more than three shareholders. How about that. And you have to have more than \$250,000 in income, and it pertains only to those subchapter S corporations that provide certain kinds of professional services. In other words, it doesn't pertain to real estate, or manufacturing, or anything like that. It only has to do with certain professional services, such as lawyers and accountants, people such as that.

Well, the Republicans say that if we do this—close that loophole—it will hurt the “job creators.” How many times have I heard that, job creators—that we are going to hurt small businesses. The other side would have you believe that we are doing this for political gain, that somehow we Democrats are doing this for political gain. Well, if that were the truth, why would we pick an offset, a pay-for, to fix a problem that conservatives have railed against in the past? Yes, the problem that we are trying to fix in subchapter S corporations is a problem that conservative Republicans have railed against in the past. I want to refresh my colleagues' memories and set the record straight on this issue of S corporations, the offset we have.

For starters, in 2004, the Wall Street Journal editorial page said this on July 13, 2004:

Conservative Support for Closing the S Corp Tax Loophole.

Senator Edwards talks about the need to provide health care for all, but that didn't stop him from using a clever tax dodge [these are the words of the Wall Street Jour-

nal, not mine] to avoid paying \$591,000 into the Medicare system. While making his fortune as a trial lawyer in 1995, he formed what is known as a “subchapter S” corporation, with himself as the sole shareholder. Instead of taking his \$26.9 million in earnings directly in the following four years, he paid himself a salary of \$360,000 a year and took the rest as corporate dividends.

Since salary is subject to 2.9 percent Medicare tax, but dividends aren't, that meant he shielded 90 percent of his income. That's not necessarily illegal, but dodging such a large chunk of employment tax skates perilously close to the line . . .

CPA Magazine lists it as number 11 of its 15 best underutilized tax loopholes.

I ask, is the Wall Street Journal in favor of—what did they say?—hurting job creators? Are they in favor of that? Is the Wall Street Journal in favor of “raising taxes on the very businesses we are counting on to hire these young people,” as the minority leader said on Monday? I repeat, we limit it to only three shareholders. They are going to count on them to hire these young people, he said. What is the minority leader talking about? That same year, in 2004, the late conservative columnist Robert Novak wrote:

It is one of the last loopholes left in the Internal Revenue Code, and it is a big one.

Here is the whole statement:

How can John Edwards explain setting up a dummy corporation—subchapter S—to avoid paying an estimated \$290,000 in Medicare taxes in the 2 years before he ran for the Senate? This is a classic subchapter S corporation devised to shelter income, mainly for professionals, such as lawyers (and also syndicated columnists, but not me). It is one of the last loopholes left in the Internal Revenue Code, and it is a big one.

That is Robert Novak. Has anyone ever questioned his conservative credentials?

Sean Hannity said this:

Hey, John Edwards is worth, what, \$30 million to \$40 million, set up a sub-S corporation to keep him from paying Medicare taxes on 90 percent of his income, and then he lectures the rest of us how Medicare is going broke.

Finally, Rush Limbaugh himself said this:

. . . and he [Senator Edwards] has also compounded that by structuring his own personal finances to avoid paying Medicare taxes on 90 percent of the nearly \$27 million he earned over four years.

I ask my Republican colleagues, are Robert Novak, Sean Hannity, Rush Limbaugh, and the Wall Street Journal all in support of raising taxes? Are they all in support of killing job creators? These are their statements. That is the record.

For the last several years, conservative Republicans have been going after this loophole, until they obviously found a Democrat who used it, John Edwards. Lots of people use it, a lot of lawyers and accountants and doctors. A lot of different kinds of professionals have used this loophole to avoid paying their fair share of taxes.

Here is another classic case where the Republicans say we are using this for political gain. Wait a minute. They

are the ones who have been going after this loophole for years. We said: Hey, we finally have something on which we can agree. The Wall Street Journal and all these other people are saying we have to close this loophole. We have the opportunity to do so, and in doing so raise the money both to help Medicare and Social Security and to keep the interest rates on student loans at 3.4 percent. Yet the Republicans will not even allow us to bring it to the floor.

So who is playing politics, I ask? Who is playing politics?

Well, as I have said before, and I will say again, we have come here with a serious offset—one, as I said, that has been supported—at least closing this loophole has been supported—by conservative Republicans in the past. If anything, it is worse today than it was in 2004. More and more people are finding out about how they do this. They form this little subchapter S corporation and avoid paying their taxes. It is time to close that.

We came up with a serious offset we thought would be acceptable on both sides because of the history. We are ready to do this now—ease the concern of so many students and families across the country. The Republicans came and wanted to pay for it by eliminating the Prevention and Public Health Fund. They want to eliminate the one thing that is going to prevent obesity, heart disease, stroke, cancer, and diabetes in the future and save us a lot of money. They want to end that and take that money and put it into keeping the interest rates low. They are pitting the low interest rates for students against the health care of children—immunizations for kids—which is what we use this prevention fund for. And for diabetes prevention. That is what we use the fund for. They want to take that away, pitting students against the health of our country. That is not a serious offer. That is not a serious offer by the Republicans.

That alternative is going nowhere. Besides, the President has said he would veto that. So I ask my colleagues on the other side to quit playing politics. Quit playing politics with this. Let's bring it up for a vote.

Maybe they should listen to the Wall Street Journal, and the now deceased Novak and Fox News and even Rush Limbaugh and Hannity. Let's close this loophole once and for all and do something good with it. Let's do something good with it. Keep the interest rates low for our students in this country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Mr. REID. Mr. President, during the day I flipped on the TV that we have in

our offices and looked at it as often as I could. I was very impressed with my colleagues who came and talked about why it is so important that we not have an increase in the interest rate for student loans. I have been very happy with my Democratic colleagues who have come here and made such a profound case. But I listened also to what the Republicans had to say, and it is beyond my comprehension how they can come to the floor with a straight face and say what they have said. I have listened as my Republican colleagues have come to the Senate floor to blame Democrats for stalling legislation to keep college affordable for 7 million people throughout our great country. The claim is pretty rich considering that Republicans voted unanimously yesterday to filibuster this legislation. What is a filibuster? It is stopping us from going to the legislation.

Our bill would prevent 7 million students from paying \$1,000 more on their loans. With college already unaffordable for far too many young people, Democrats believe we should be doing all we can to provide access to higher education. That is what these student loans are all about.

Republicans have repeatedly claimed they support efforts to support legislation to keep loans from doubling this summer, but they sure have a funny way of showing it with this endless filibuster. Today, Republicans have said that Democrats should negotiate a way out of this stalemate—again, a very strange reasoning. It is hard to negotiate without a partner.

Every Tuesday after we do our weekly caucus meetings, I go to what we call the Ohio Clock. One of the reporters said: Your Republican colleague Senator McCONNELL said you should negotiate on this issue with Speaker BOEHNER.

Now, how do you like that one, that I, the leader in the Senate, should go to the Republican House and start negotiating with them? That is a strange, strange way of doing business.

The Republicans claim their only objection to our legislation is how it is paid for—by closing a tax loophole that allows wealthy Americans to dodge taxes they already owe. That is what we feel should happen. We don't believe it is a tax increase—just that people should pay what they are supposed to pay. They now have a way of avoiding taxes. Rich accountants and lawyers avoid it by claiming they are going to pay dividends and not ordinary income. It is not fair to everyone else.

So if the Republicans object to this, fine. Democrats are willing to consider alternative offsets. In fact, we are even willing to vote on the House Republicans' own proposed offset. Now, that is a doozy, the offset from the Republicans coming from the House, which takes away money for preventive care for virtually everybody. The leading causes of death in America are diabetes, heart disease, and cancer. They want to take away preventive pro-

grams to stop heart disease. And, as we know, there are programs now—mammograms, for example—that stop people from having to get too far behind with the dread of breast cancer. That is their offset. We strongly oppose that alternative, but we are willing to vote on it. We are not running from it. And once their proposal to slash programs that save money and lives fails on a floor vote—and it will fail—we Democrats are still willing to consider other options to pay for this legislation. My Republican colleagues on the other hand have refused to consider alternative ways to pay for a bill they claim they support.

So I say to my Republican colleagues, let us bring this bill to the floor. If Republicans are so interested in negotiating a solution, they should be willing to take that first step. Once the bill is on the floor, we can debate it, we can amend it with an offset on which both sides can agree. But until Republicans end their obstructionist filibuster, there is no path forward.

So for my Republican colleagues to come down here and say "we support this legislation," I repeat, what a strange way of supporting this legislation.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate 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.

#### FLAG MAN LARRY ECKHARDT

Mr. DURBIN. Mr. President, I was in Tazewell County—which is in the area of Pekin, in East Peoria, IL—last week at the Veterans Administration Commission.

I talked to a number of vets from the Vietnam war and other conflicts. We talked about obvious questions: veterans' unemployment, what was happening with disability payments, education for veterans, topics that most vets are very concerned about. They face some pretty significant challenges, as we know.

We promise these men and women that if they put up their hand and swear that they will risk their life for America, we swear we will be there when they come home. It is that basic. We have to keep our word. As a nation, we have a sacred pledge to take care of veterans who serve. I take it very seriously—I think both parties do—and we should.

We also need to honor those who have lost their lives. Just a few weeks ago, we buried another soldier from that county. There was a huge turnout at the memorial service. One particular local resident was doing his part to honor our fallen heroes in an extraordinary way. I learned about him when I visited Tazewell County. He is

from Little York, IL, and he is known as the Flag Man.

Larry Eckhardt is not a veteran, and there are no servicemembers in his family. But in 2006, Larry Eckhardt attended a funeral for a soldier from his area who had died. He said, "There aren't enough flags here." So on his own, Larry bought 150 American flags and started hauling them in his truck to military funerals all across my State. As he puts it, "I just honestly don't believe there's any such thing as too many flags for a soldier."

Larry's inventory of 150 flags has grown to 2,200 flags, and he can line them up to 14 miles of a fallen soldier's final journey.

Traveling in his old 1999 Ford van, stripped down to one seat to make room for all the flags, he has now graced more than 80 funerals from Wisconsin to Kentucky and Iowa to Indiana and certainly in his home State of Illinois. Last year, Larry drove 40,000 miles with his flags to these funerals. He covers all the costs out of his own pocket and a couple donations from friends. When asked why he does it, he simply says, "It's my way of giving back."

Larry rarely uses the word "I." He is quick to praise all the volunteers—often organized by veterans organizations—who help him stake the flags in the ground along the funeral procession routes. "Without them," he says, "I couldn't get them all done."

In one instance over a long weekend, dozens of volunteers helped Larry install the 2,200 flags to honor a 23-year-old Army sergeant during his funeral. After the service, volunteers helped pack up the flags for the next stop. Volunteers ranged from kids as young as 3, assisting their parents, to an 83-year-old woman who wanted to help out in Orchardville, IL. When she was asked her reason for weathering the tough January Illinois cold to help, she said, "We can only bake so many tuna casseroles."

This story is what America and the State of Illinois are all about. It is the common man, such as Larry Eckhardt, following his heart and taking the initiative to do something extraordinary for our fallen heroes, and it is about a community rising to the occasion to lend its support and honor those who deserve so much of our gratitude. Larry may have said it best when he humbly stated:

This is my feeble attempt to say thank you to every soldier who has ever served and fought to protect the freedoms that I have.

This speech on the floor of the Senate is my feeble attempt to say thanks to you, Larry, and the countless Americans just like you who step up and do their part to show our veterans how much their service means to each and every one of us. They embody the enduring spirit and values that make America great and they make me proud to serve in the Senate and humbled to represent my State of Illinois.

Thank you, Larry, and thanks to all the other Americans who are doing