

two Republican Senators bucked the majority of their party for the good of the country. Senators MCCAIN and COLLINS—two Senators I admire deeply—came to the floor to call on their own party to stop blocking bipartisan budget negotiations.

JOHN MCCAIN and I came to Congress together. In 1982 we were elected. We spent two terms in the House together, and we have been in the Senate together since then. Over these many years, more than three decades, JOHN MCCAIN and I have disagreed on several things, but I have never lost my admiration for this patriotic man. He is courageous in battle—not only in the fights that take place in a war but legislative battles. I am so appreciative that he decided the right thing to do was to move forward and see what we could do to get this bipartisan negotiation started.

SUSAN COLLINS and I have served together for a long time in this body. We have worked together on some extremely important measures. I don't need to run through all these, but there are parts of the law of this country that would not be law but for her willingness to move forward and move across the aisle. SUSAN COLLINS and I disagree on quite a few things, but we agree on quite a few things.

The people of Arizona are very fortunate to have JOHN MCCAIN as a Senator, and the people of Maine are fortunate to have SUSAN COLLINS as a Senator. The reason they stepped forward is because it has now been 60 days—2 months—since the Senate passed its commonsense, progrowth budget. The question everyone raises is, Why are Republicans standing in the way? Not only are Democrats asking that question, Republicans are asking that question now.

We passed a budget. Senators MCCAIN and COLLINS do not think our budget is the best. They think they could do a better job. But they also understand the legislative process—that is, you have to work together. Just as the Gang of 8 did to get the bill on immigration to the floor, we need to work together to get a budget. The House has passed one. We have passed one. Let's go to conference and work out our differences.

For 60 days Republican leaders have objected to a conference with the House of Representatives where we could work out our differences between our budget and our priorities. The differences between our budgets are there. We know that, but we need to work together on our priorities. The House Republicans and House Democrats need to come up with what they want, and we will come up with what we want, working with the Republicans here. That is what a conference is all about. In a conference it is not just the Democrats from the Senate on the conference committee, Republicans will be on it also. And just like in the House, it will not be all Republicans, it will be Democrats also.

The only explanation their Republican leaders have given for their endless obstruction is this: They refuse to negotiate unless we agree in advance to let them have their way. Yesterday the senior Senator from Arizona and the Senator from Maine—both Republicans—condemned that. They said it was hypocrisy. That is my word, not theirs; they can define it any way they want. But the point is that they have been calling for regular order for several years, and now they have the chance for regular order and they are walking away from it.

Senator MCCAIN called the obstruction by his fellow Republicans a little bizarre. I used that word also to describe the gridlock here. Senator COLLINS agreed that it was ironic at least. That is what she said. The senior Senator from Maine went on to say:

We have called repeatedly for a return to the regular order in this body. Regular order is going to conference.

We agree. We have a progrowth budget that we will proudly defend. House Republicans should be ready to do the same with theirs. I don't know why my Republican colleagues in the Senate are so afraid of an open conference. The conference committee report will need both Democratic and Republican votes to pass. Do my Senate Republican colleagues not trust their House Republican colleagues to hold the line on their priorities?

Congress must set sound, long-term fiscal policy through the regular order of the budget process and through compromise, but Democrats and Republicans will never find common ground if we never get to the negotiating table.

#### STUDENT LOANS

On another subject, Congress has worked hard and compromised often over the last 4 years in order to reduce the deficit and reverse the trend of rising debt that began under President Bush. That work has paid off. We have reduced the deficit by about \$2.5 trillion.

But as our Nation has succeeded in setting a course for financial responsibility, students across the country have struggled to do the same. The rising price of higher education puts college out of reach for many promising young people, and it saddles those who do get an education with an unsustainable debt, a debt that causes them to delay buying their first home, put off having children, or give up the goal of starting a business.

Today Americans have more than \$1 trillion in student loan debt. There is more student loan debt than credit card debt, and the average graduate owes more than \$25,000 when they get out of school. I think a college education should free young people to achieve their dreams, not saddle them with crushing debt for the rest of their lives.

College is already unaffordable for too many young people, but if Congress fails to act soon, that cost will go up

again. On July 1, interest rates on student loans are set to double, from 3.4 percent to 6.8 percent, effectively socking 7 million students with \$1,000 a year in additional loan costs. In Nevada alone this will cost 26,000 students more than \$21 million next year. We should be removing the obstacles keeping young people from getting an education, not raising more barriers. Raising interest rates would put higher education even further out of reach for many promising students.

Last week Senate Democrats introduced a proposal to freeze student loan rates at current levels for 2 years without adding a penny to the deficit. This is paid for by closing wasteful tax loopholes. The legislation being pushed by House Republicans will take a different route, sticking it to students instead of closing loopholes. Rather than investing in the next generation of American workers, the House bill would cost students as much as \$6,500 more in interest than the current rates. In fact, passing the House proposal would be worse than doing nothing at all. We would be better off letting the rates go up to 6.8 percent than passing the House bill. Passing the House bill or letting the rates go up to 6.8 percent is not the right thing to do. We need to do what we suggest; that is, keep the interest rates where they are.

Under the House bill, students would pay up to \$2,000 more if we allow the rates to double in July. But Democrats know an investment in education is an investment in our economy, so we will keep student rates low and hold back the rising price of education.

Last year, after months of obstruction, the Republicans eventually conceded and helped us achieve that goal. After all, it was great election-year politics for them. This is what Mitt Romney said about the effort to keep loan rates low: "I fully support the effort to extend the low interest rate on student loans." Even my friend the minority leader, MITCH MCCONNELL, said there was not a soul in Washington who thought student loan rates should go up. We agree. But unlike Republicans, we don't abandon our commitment to students just because the election is over. Can my Republican colleagues say the same? I hope they still share our goal of keeping the American dream affordable. If they do, there is an easy way to prove it: work with us to quickly pass the proposal to protect American students.

#### RECOGNITION OF THE MINORITY LEADER

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

#### NOMINATIONS

Mr. MCCONNELL. Mr. President, recently we have seen troubling signs. There are some in the executive branch who would use the power of the Federal

Government to intimidate political opponents. For instance, there were reports that the IRS targeted conservative groups for harassment and discriminatory treatment because they sought to exercise their first amendment rights of freedom of association and speech, and during the debate on ObamaCare when the Department of Health and Human Services issued a gag order on insurance plans in an attempt to prevent them from telling their customers about problems with the bill.

Now there are published reports that the same department is trying to shake down some of these same companies for money so it can try to convince Americans to finally like ObamaCare.

Over at the FCC, the President's allies are trying to shut down or make it difficult for people who want to buy advertising to exercise their first amendment rights to criticize the administration. There are similar efforts over at the SEC. It all points to a culture of political intimidation.

Unfortunately, it doesn't seem the culture of intimidation is simply confined to the executive branch. The administration's allies in the Senate are trying to intimidate their political opponents as well. What I am talking about is the persistent threat by the majority to break the rules of the Senate in order to change the rules of the Senate; in other words, to use the nuclear option if they don't get their way.

For example, Senate Democrats were incensed that Republicans had the temerity to exercise their advice and consent responsibility to block a grand total of just one nominee to the DC Circuit. What did our Democratic colleagues do in response? They consulted with the White House and pledged to pack the DC court with appointees "one way or another"—meaning use the nuclear option.

They are certainly not doing this because the DC Circuit is burdened with cases—far from it. The DC Circuit is one of the least busy courts in the country. They want to use the nuclear option to pack the DC Circuit so it can rubberstamp the President's big government agenda—the same big government we have seen over at the IRS and elsewhere.

That is not the limit of the culture of intimidation in the Senate. Let's look at the NLRB situation. Despite the story that the administration and Senate Democrats want to spin, Senate Republicans did not block the President's nominees to the National Labor Relations Board; rather, it was the President who blocked the nominees to the Republican slots on the NLRB so he could, once again, pack a powerful branch of government, in this case, the NLRB.

The administration sat on one of the two Democratic vacancies at the NLRB for 4 months. Then it waited until the middle of December in 2011 to send up both nominees for the Democratic

seats on the NLRB while refusing to send up any of the nominees for the Republican seats. In fact, the administration sat on the Republican nominees to the NLRB for 9 months.

Then, with no Republican nominees to the NLRB before the Senate, the President purported to recess appoint the two Democratic nominees to the Board when their nominations had been before the Senate for less than 3 weeks. It was so fast the majority leader didn't even have time to schedule a hearing. Our Democratic colleagues did not defend the Senate from the President's unprecedented and unconstitutional power grab. Senate Republicans had to do that.

Now that the DC Circuit has found these purported appointments to be unconstitutional—by the way, that was a unanimous three-judge court—and other circuit courts are agreeing with its reasoning, what is the Democratic majority threatening to do now? It is planning to double down and aid the administration with its power grab at the NLRB.

Specifically, as with their effort to pack the DC circuit, the majority is threatening to use the nuclear option so they can push through unlawfully appointed board members over the principled objection of Senate Republicans. It doesn't seem that our Democratic colleagues want to respect the rules of the Senate or that they want to respect the rulings of our Federal courts. It appears they want to enable the President and organized labor to exercise power at a powerful Federal agency without anyone getting in the way.

Let's be clear. These threats to use the nuclear option because of obstruction are just pretext for a power grab.

What are the facts? The Senate has confirmed 19 of the President's judicial nominees so far this year. At this point in President Bush's second term when my party controlled the Senate, President Bush had a grand total of four judicial nominees confirmed. There have been 19 confirmed so far in the second term of President Obama with Democratic control of the Senate and four in the second term of President Bush with a Republican control of the Senate.

Moreover, Republicans on the Judiciary Committee just voted unanimously to support the President's current nomination to the DC Circuit. The Senate Republican conference agreed yesterday to hold an up-or-down vote on his nomination—which has only been on the calendar since Monday of this week—to occur after the Memorial Day recess. That way Members who do not serve on the committee, which is a vast majority of the Senate, could have at least 1 week to evaluate this important nomination.

Instead, the majority leader chose to jam the minority. He rejected our offer for an up-or-down vote, just 10 days or so from now, and filed cloture on the nomination just 1 day after it appeared on the executive calendar. This is just

another example of the majority manufacturing a crisis to justify heavy-handed behavior.

As for the NLRB, Republicans are willing to support nominees who are not unlawfully appointed and who have not been unlawfully exercising governmental power. Regarding nominees generally, Senate Republicans have been willing to work with the President to get his team in place. The Secretary of Energy was confirmed 97 to 0, the Secretary of Interior was confirmed 87 to 11, the Secretary of the Treasury was confirmed 71 to 26, the Director of the Office of Management and Budget was confirmed 96 to 0, and the Secretary of State was confirmed 94 to 3, just 7 days after the Senate received his nomination.

These continued threats to use the nuclear option point to the majority's own culture of intimidation in the Senate. Their view is that we had better confirm the people they want when they want them or they will break the rules of the Senate to change the rules so we can't stop them. So much for respecting the rights of the minority and so much for a meaningful application of advice and consent.

Senate Republicans will work with the administration and the Democratic majority, but we will not be intimidated. We have principled objections to some of the President's nominees and constant threats to break the rules are not going to work. Constant threats to break the rules are not going to work. We want to work with the Democrats, but these tactics are not the way to go about getting our cooperation.

The majority leader has twice committed on the Senate floor not to use the nuclear option. The last time was just a few months ago. These were not conditional commitments. They were not commitments not to violate the rules of the Senate unless it became convenient for political purposes to violate the rules of the Senate.

The comments of Senators are supposed to matter. Our words are supposed to mean something around here. The commitments of the Senate majority leader need to matter. We simply cannot start breaking commitments around here, especially on something that goes to the very essence of the Senate. The majority leader needs to keep his commitments.

I indicated to the majority leader I was going to ask unanimous consent—and I assume he has a copy of it—on the DC Circuit Court nomination that the majority leader filed a cloture motion on last night. We have already stated that we agreed to a debate and a vote which came out of the committee unanimously.

We confirmed two judicial nominations Monday of this week, and we have an additional two scheduled for later this week. I have already indicated that confirmations of judges this year are stunningly fair to the majority compared to a time when President Bush was in his second term and my party controlled the Senate.

UNANIMOUS CONSENT REQUEST—  
EXECUTIVE CALENDAR

Mr. McCONNELL. Again, I remind my colleagues that we confirmed 19 judges this year. We will have 21 judges confirmed by the end of this week.

Therefore, bearing that in mind, I ask unanimous consent that the cloture motion filed on Calendar No. 95 be vitiated and the Senate proceed to the consideration of this nomination at a time on Tuesday, June 4, to be determined by the majority leader after consultation with the Republican leader; further, I ask that there be 1 hour of debate on the nomination equally divided in the usual form; that at the expiration or yielding back of that time, the Senate proceed to vote on the confirmation of the nomination with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. REID. Mr. President, this good man, Sri Srinivasan, was first nominated in June of 2012. He is a brilliant man. He is an honors graduate from Stanford Law School.

Justice Roberts left that court in 2005. We have been trying to fill spots on that court for all of these many years—6 or 7 years. The DC Circuit is the court that some say is more important than the Supreme Court. No judge has been confirmed in the DC Circuit since 2006. It is an 11-member court established by law, so to have a 7-member court is unfair.

We have had one woman, for example, Caitlin Halligan, a highly qualified nominee, who has been filibustered twice by the Republicans. She was nominated to fill the seat of Justice Roberts.

The man we are talking about today has been nominated to a seat that has been vacant for 5 years. The four seats were vacated in 2005, 2008 and have senior status by two other judges in the last year or two. His nomination has pending for 345 days. That is by far the longest wait of any of the judicial nominations currently awaiting confirmation by the full Senate.

My friend the Republican leader talks about Bush's second term and how he didn't get many nominations. He didn't get many nominations at that time because we approved so many in the first term. It is just the opposite with President Obama. Eighteen Bush circuit court nominees were confirmed within 7 days or less after being reported by the committee.

A Republican-controlled Senate filed cloture on three circuit court judges—including some real controversial ones, such as, William Pryor and Janice Rogers Brown. Cloture was filed in less than 1 week.

There has been a stall going on in the Senate for years. It doesn't take a mathematician to figure it out. We are being held up on nominations and legislation.

President Obama has been trying to have the people he wants as part of his team for 4½ years. There are multiple vacancies in this court. It has been reported out unanimously by the committee.

There is all of this stalling and waiting so that maybe they will be able to render another couple of opinions over the next couple weeks and thwart the law which says there should be 11 people on the court. But to pack the court with what has been determined the number of people who should be on that court? Is it right to have a total of six members of the Circuit Court? Is it packing the court because we want to fill the court as it is called for in the Constitution? No. We should vote on the nomination of this young man today so he can go to work and help fill one of the four vacancies that has been long standing in that court for 5 or 6 or 7 years.

Unless there is an agreement, we will have a cloture vote at the end of tomorrow, and if they want to use their 30 hours, which they are entitled to do under the arrangement we made at the beginning of this year, they can use the 30 hours. But we are going to get this young man confirmed. It is the right thing to do and we are going to get him confirmed as soon as possible. Having waited 345 days, I think he deserves it.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, the first time this nominee, who was reported out of committee unanimously, appeared on the Executive Calendar was 2 days ago. President Obama waited years before making any nominations to the DC Circuit. Then he made just one—Caitlin Halligan—and this is his second nominee to that court.

More broadly, the issue is, How has the Senate been treating President Obama? We have confirmed a total of 190 Obama judicial nominations. We have defeated two. That is 190 to 2. There are 70 percent of the Federal judicial seats without any nominees—70 percent of the vacancies without any nominees.

Look, this is a manufactured crisis. The core point here, I would say to my friend the majority leader: We have a good relationship. We work together every day. But the majority leader gave his word to the Senate that we would determine what the rules are for this Congress. A number of my Members felt it was settled. We voted for resolutions and some rules changes at the beginning of the year based upon the majority leader's word. It is important for his word to mean something, not just to his Members but to ours.

Statistically, it is not true. The math can't be denied. It is simply not true that we have been mistreating the President in any way with regard to the confirmation process. With regard to the way the Senate itself is working, the majority leader has been actually quite complimentary, and I give him credit for helping us to get back to nor-

mal here, to have a regular process on bills. WRDA is a good example of where we were calling up amendments. Many of them we are getting on without even a motion to proceed, based upon the majority leader's representation we are going to have votes and, by golly, we have been having votes and, amazingly enough, Senators like that. They are not marginalized by a process under which they don't get to participate. So I think we have made an enormous amount of progress. I wish to make sure the majority leader intends to keep his word, so we can continue to have the kind of collegial, constructive atmosphere we have had this year in the Senate throughout the balance of this Congress.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. We have to work together here, but it is mutual work, it is not all on one side. It is not my word versus somebody else's word.

In 2005, we had a knockdown, drag-out battle here. My friend the Republican leader, along with others, gave speeches on the Senate floor that the process regarding judges wasn't moving along quickly enough. As a result of that crisis, in an effort to resolve the matter, we agreed to put some people on the bench we have regretted since then, including Janice Rogers Brown, Thomas Griffith, and Brett Kavanaugh, but we agreed to that and they are on the court now. We need a balance.

My friend has focused on judicial nominations. We have been doing better there. But other nominations, not so. We can talk about all the rights of the minority and all that. The President of the United States, whether it is George Bush or President Obama or Jeb Bush or Hillary Clinton, whoever it might be, deserves the right to have the people they want to work there and not be held up for months and months to fill some of these minor posts. I could run through a list of names that were held up and have been held up for a long time.

My friend the Republican leader said during the squabble we had previously how he agreed with the fact we should change the rules. I am not saying we are going to change the rules, but I am saying we have to do a better job than what is going on around here. This is no threat. We need to look at the facts. Look at the facts.

We are going to continue working to try to work through this morass we have here. But let's not focus only on the judiciary. We have a lot of problems with regular nominations. We haven't talked about legislation. We are doing a little better on that, but a perfect example of that is what is going on with the budget. People begged around here, yelled and screamed and fought, for regular order. They get it and then they don't want it.

I am convinced we need to move forward. I think one of the things we should do with something that has been reported out of the committee 18