

Mr. Phillips served as a clerk for U.S. district judge Alan Johnson of Wyoming. Judge Johnson writes that Greg is "devoted to the rule of law and will honor the remarkable judicial officers who preceded him." Specifically, Judge Johnson notes that Mr. Phillips' thorough study of the U.S. sentencing guidelines, experience as a Federal criminal prosecutor, and understanding of State and Federal legal issues will serve him well on the Tenth Circuit.

Mr. Phillips also has strong support from his colleagues from around the Nation. Thirty-four attorneys general wrote the Senate Judiciary Committee in March expressing their support for the nomination. I am told there would have been more signatures on that letter, but the nomination was advanced so diligently that some did not get a chance to sign the letter before Greg's hearing.

I would like to conclude by saying that I can personally attest to Mr. Phillips' qualifications to serve as a Federal judge. Greg was on the senate Judiciary Committee when we served together in the Wyoming Legislature. On the senate floor, we sat across the aisle from each other—and I do not mean just across the Republican-Democratic aisle, I mean right next to each other across the aisle—and got to visit a lot. He was a part of formulating my 80 percent rule for legislating.

Greg and his family are highly respected in their Wyoming community, and Wyoming is proud to call Greg one of our own. He will be an outstanding judge to follow Terry O'Brien, another longtime friend of mine. Terry and I, when he was a Wyoming District Court judge and I was in the Wyoming State senate, used to have dinner together to solve the world's problems. Then I became a U.S. Senator and he became a U.S. circuit court judge. I know his successor will honorably fill that seat.

Mr. Phillips is highly qualified to serve on the Tenth Circuit Court of Appeals, and I call on my colleagues to also support his confirmation. Let's get this man to work in his new job.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Wyoming.

Mr. BARRASSO. Mr. President, I join Senator ENZI in strongly supporting the nomination of Greg Phillips to a seat on the Tenth Circuit Court of Appeals. Greg Phillips will be an outstanding judge. He graduated with honors, as you heard from Senator ENZI, from the University of Wyoming College of Law. He has worked in private practice, he has worked in the Office of the U.S. Attorney for Wyoming, and he currently serves as attorney general for the State of Wyoming. The breadth of his experience, his understanding of the law and the role of a judge, as well as the thoroughness with which he approaches his responsibilities—well, they will serve him well.

The people who know him best—his peers—uniformly praise his intellect,

his diligence, and his fairness. His former boss, U.S. district judge Alan Johnson, said this in a recent letter to Senator ENZI:

Again and again, local defense attorneys have expressed their appreciation for the fair handed, respectful, and even tempered treatment they have received from Greg Phillips.

We are very fortunate in Wyoming to have Greg Phillips nominated for the bench. I have no doubt that as his career continues, he will become a successful and a respected member of the Tenth Circuit Court of Appeals. I strongly encourage all Members of the Senate to join Senator ENZI and me in voting to confirm Greg Phillips.

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. ENZI. 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. ENZI. I yield back the remainder of any of our time and ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gregory Alan Phillips, of Wyoming, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Maine (Mr. KING) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—88

Alexander	Brown	Corker
Ayotte	Burr	Cornyn
Baldwin	Cardin	Cowan
Barrasso	Carper	Crapo
Baucus	Casey	Donnelly
Begich	Chambliss	Durbin
Bennet	Chiesa	Enzi
Blumenthal	Coburn	Feinstein
Blunt	Cochran	Fischer
Boozman	Collins	Franken
Boxer	Coons	Gillibrand

Grassley	Manchin	Schatz
Hagan	McCaskill	Schumer
Harkin	McConnell	Scott
Hatch	Menendez	Sessions
Heinrich	Merkley	Shaheen
Heller	Mikulski	Shelby
Hirono	Moran	Stabenow
Hoeven	Murphy	Tester
Isakson	Murray	Thune
Johanns	Nelson	Udall (CO)
Johnson (SD)	Paul	Udall (NM)
Johnson (WI)	Portman	Vitter
Kaine	Pryor	Warner
Kirk	Reed	Warren
Klobuchar	Reid	Whitehouse
Landrieu	Risch	Wicker
Leahy	Roberts	Wyden
Lee	Rockefeller	
Levin	Sanders	

#### NOT VOTING—12

Cantwell	Graham	McCain
Coats	Heitkamp	Murkowski
Cruz	Inhofe	Rubio
Flake	King	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The PRESIDING OFFICER. The majority leader.

#### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, it is my understanding a motion to proceed to S. 1238 is now pending; is that correct?

The PRESIDING OFFICER. That is correct.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

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

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 124, S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

Harry Reid, Tom Harkin, Jack Reed, Kirsten E. Gillibrand, Patrick J. Leahy, Amy Klobuchar, Tom Udall, Sheldon Whitehouse, Ron Wyden, Benjamin L. Cardin, Richard Blumenthal, Christopher A. Coons, Sherrod Brown, Robert P. Casey Jr., Elizabeth Warren, Al Franken, Richard J. Durbin, Debbie Stabenow.

Mr. REID. I ask unanimous consent the mandatory quorum required under rule XXII be waived.

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

The Senator from California.

Mrs. BOXER. Mr. President, as I understand it, the majority leader has just filed cloture on a bill that would keep us at a 3.4-percent student loan rate for Stafford loans, which impact about 7 million Americans, for a year. Am I correct on that?

The PRESIDING OFFICER. The cloture motion is on the motion to proceed.

Mrs. BOXER. That is a very important cloture motion. I hope we will move forward on this bill in a bipartisan way. As of now, student loan rates have doubled on Stafford loans. In my State of California, 550,000 Californians are facing a doubling of their student loans, from 3.4 percent to 6.8 percent. I have asked my students to contact me and talk to me about their real-world stories and what it means to them to see a doubling of their student loan interest rate.

I will tell you they are more eloquent than I could ever be. They talk about how they look at their dreams and maybe they will become fantasy dreams. They talk about what it would be to believe you are in a ball and chain of student loan debt that is so large it overwhelms you.

In the name of those students and all the students across the country, I hope the majority leader's move to resolve this for at least a year and keep those loans at 3.4 percent—I hope that motion to proceed will go forward and that the bill itself will pass.

What are the alternatives? Every alternative I have heard from the Republicans leads to higher interest rates with no cap. I don't know if you remember the years that interest rates rose after a period of low rates, and they went up to 7, 8, 9, 10, double digits—12 percent. I remember those days. It is hard for our people to remember that, but those were crushing interest rates.

If we do not have a cap on student loan interest rates, we are facing a real problem in the future, a problem that is going to impact the quality of life of our families. We are already seeing the Fed put out statements saying the crush of the burden of student loans without these high interest rates is having an impact on our economic recovery. I have read stories of young people who were putting off marriage and having families because of the crush of student loan debt.

I am very pleased we are moving forward on this commonsense proposal to keep these rates at 3.4 percent. We offset the costs by closing tax loopholes that hardly affect anybody at all. It has to do with inheritance on a 401(k), and it will pay for this proposal.

I am very supportive of the immigration bill, but at the last minute my Republican friends came forward with an enormous proposal to build an even bigger fence and wider fence and stronger fence. I guess the song "Don't Fence Me In"—it is an old song—doesn't apply anymore. We are going to

be fenced in. The cost of that is \$20 billion, \$30 billion, \$40 billion. Surely we can find \$4 billion for a year to make sure our students do not have to face a doubling of these rates.

#### MCCARTHY NOMINATION

I also come to the floor to speak about Gina McCarthy. For those people who have not followed this debate, Gina McCarthy has been nominated by President Obama to lead the Environmental Protection Agency. To me she is the poster child of bipartisanship and one of the best qualified candidates I have ever seen for this position.

She is experienced; she is smart; she understands the law; she understands energy; she understands everything she has to understand to undertake this job; she understands court decisions; she understands the health impacts of dirty air; she also understands that without a clean environment and a healthy environment we cannot have economic growth.

I often retell the story that when the walls came down in Eastern Europe, the air was so thick you could not even see the people. One of the first things they did is ask us how to clean up their air. We have made great strides, and we will continue to do that.

Yes, we have to face carbon pollution and the President is taking a stand to say he wants to preserve this planet and he is going to follow the signs. Some people have said: We do not like that. Therefore, maybe we should not vote for Gina McCarthy.

Can I just say this? The President has his policies, and you do not have to agree with them—or you can. I do. If you do not, that is fair. That is fine. But somebody has to run the Environmental Protection Agency. If you have a problem with those policies, you are going to have to go to someone who is intelligent and wise and bipartisan in nature to talk to, and Gina McCarthy is one of those people.

This is the second time Gina McCarthy has been nominated for a top position at the EPA. She was confirmed by the Senate for her current position, which is the Assistant Administrator for the Office of Air and Radiation, without one "no" vote. Let me reiterate that. No one stood up and said no. Everyone supported her.

The Senate Environment and Public Works Committee reported out her nomination on May 16. It is July. This is the longest period that EPA has ever gone without an Administrator, and the full Senate should confirm this nominee as soon as possible.

When I say Gina McCarthy is the poster child for bipartisanship, I mean what I say. She has over three decades of public service at the local, State, and Federal levels. She has demonstrated a record of working with Republicans and Democrats. Let me just run through the Republicans: The Republican Governor of Connecticut Jodi Rell, four Republican Governors of Massachusetts, William Weld, Paul Cellucci, Jane Swift, and Mitt Romney;

and then a Democratic President, Barack Obama.

Let's look at what former Republican Governor Jane Swift said about Gina McCarthy in an opinion piece that ran in the Boston Globe. Remember, this is a former Republican Governor. She said:

Gina McCarthy . . . would bring competence, fairness and bipartisanship to Washington. . . .

And:

McCarthy's track record of accomplishment and her collaborative, pragmatic approach to policymaking are the reason she enjoys such [strong] support.

This former Republican Governor goes on to say:

[T]he Senate has an immediate opportunity to strike a blow for good government and bureaucratic competence by swiftly approving McCarthy's nomination.

The title of Governor Swift's article in support of Gina reads, "A qualified nominee for the EPA." This was written on May 23, 2013.

Christine Todd Whitman—we all know her, she was the former EPA Administrator, a Republican—called for a fair confirmation process.

You can look at 59 businesses, health officials, environmental organizations, scientists—they all support Gina McCarthy. For example, Dr. Georges Benjamin, Executive Director of the American Public Health Association, said:

Ms. McCarthy has been a true champion for public health and has consistently demonstrated her leadership in developing sensible safeguards to protect the public's health from pollution. . . . [She] is well respected by both the public health community and industry and has a solid record of working across the aisle with Democrats and Republicans. . . .

That is a very strong statement. Then there is Gloria Bergquist, vice president of the Alliance of Automobile Manufacturers. Here is an EPA Administrator nominee getting the support of the vice president of the Alliance of Automobile Manufacturers. That is a rarity. This is what she said:

She's a pragmatic policymaker. She has aspirational environmental goals, but she accepts real-world economics.

That is why this nominee should be embraced by everyone. Yes, she has aspirational environmental goals for her grandchildren—someday when she has them—she wants them to breathe clean air and so on, drink clean water, but she understands the pragmatics that go into making policy. I believe Gina will lead the EPA to transparency, she will follow the science and the law, and, yes, she will be straight from the shoulder and she will tell Republicans and Democrats alike how she sees the issue; when we do not agree, how we can reach agreement. By the way, Gina has answered more than 1,000 questions from Republicans on the EPW employment.

The EPA has provided extensive information to Members of the Senate in connection with this nomination. This

is the longest the EPA has gone without an Administrator. How is this the right thing to do? This is the United States of America. This President deserves to have his people in place the same as a Republican President.

Gina McCarthy has a deep understanding that the health and safety of the American people and a growing economy go hand in hand. She will lead the EPA in a manner consistent with her past track record of success.

From my perspective, approving Gina McCarthy to head the EPA is a very important step toward helping the health of our children as well as future generations, and that is our most sacred obligation. We need her strong bipartisan approach to lead the EPA.

It is no great secret that in this last election both parties were fighting for the votes of women. It was a knock-down, drag-out battle. The Democrats won the women's vote, which helped to elect President Obama—by a lot. The Republicans said: You know what, we have to change, we have to reach out. This is their chance.

This woman deserves a promotion. There is nothing in her record that should make anyone fear her. She is a good woman and a hard-working person. She has won unanimous support from this body before, and there is no reason why we should not confirm her.

I am going to continue to speak out for Gina. I really do believe my colleagues are hearing the truth about Gina. I think they are getting the message that she is quite bipartisan. She has strong support in the business community as well as among scientists and others in the health community.

I am very hopeful, first of all, that there will not be a filibuster. This woman deserves an up-or-down vote. Secondly, my colleagues will think long and hard, and they will agree with so many Republican lawmakers and former Governors who served with Gina and will stand up and say: She is a good woman and deserves this promotion.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I wish to thank my colleague from California Senator BOXER for her very eloquent and powerful words on behalf of my client and friend Gina McCarthy and her appointment as Administrator of the EPA. I don't make any pretense of matching the persuasiveness of her statement on behalf of Gina McCarthy, but I am going to be speaking throughout this week and for as long as it takes about Gina McCarthy because she is not only a client and friend, she is a consummate public servant and environmental protector.

I have known Gina McCarthy for many years. In fact, I was her lawyer, which is why I say she was a client. As her lawyer, as attorney general of the State, she became a friend, not just because of her personal qualities of integrity and intelligence but because of her professionalism as an environmental protector who has sought always to recognize the need for a balance between environmental activism and economic growth. She recognizes a balance involving ardent and passionate protection of environmental values as much as anyone could possibly bring to this task. She also brings a willingness to listen, a willingness to hear all sides and consider all facts and, in fact, act as a passionate fact finder and lawyer as well as someone who respects the letter and spirit of the law.

I wish to speak to my colleagues about her respect for the law. It isn't just the letter of the law she follows; it is the spirit and intent of the legislature. I think that is important and should be important to this body because she has reflected throughout her career, working for two Republican Governors in Massachusetts and Connecticut, her dedication to public interests and to the legislative intent of the laws she fulfills.

She is truly an environmental protector for all seasons. She is a woman for all seasons and a public servant for all seasons. Over the years we worked together she was consistently tough, fair, and smart as an environmental law enforcer. She recognized the need to balance environmental activism with economic growth, and she also understood that the two are almost always mutually supportive.

I am proud and delighted she has demonstrated her willingness to assume this critical position and to face the kind of difficult path this confirmation process has imposed. Achieving confirmation, which I actively support, should be truly bipartisan. Blocking a vote on her nomination is disappointing and destructive. It is paralyzing partisan gamesmanship at its worst.

My former colleague is well respected in the environmental and business community in my State of Connecticut and around the country for her dedication to listening and developing public leadership and practical solutions to environmental challenges. She protects environmental values and policies while enhancing economic opportunity. She is no foe of the business community or economic progress and job creation. In fact, she sees how protecting economic values is complementary and supportive to environmental activism.

The President couldn't have picked a more qualified person to lead the EPA at this critical time. The combination of her experience, intelligence, energy, and unquestioned expertise will make Gina McCarthy an effective EPA Administrator. She has a deep understanding that the health and safety of the American people depends on clean

air and clean water. The American people, more than ever, understand that fact. She is the right person for this job at this time.

I urge my colleagues to move forward with her confirmation, to avoid obstructionist tactics, and to embrace this nomination as good for all of the American people, for all of the interests she has sought to represent. I urge us to move forward as quickly as possible so this critical agency will have the kind of leadership that is so important at this point in our history.

I urge my colleagues to support my friend and the President's choice to lead the EPA. I assure my colleagues they will not be disappointed.

I thank the Chair. I yield the floor and 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. 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.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### TRIBUTE TO RONALD L. FANN

Mr. REID. Mr. President, I rise today in recognition of the service of Ronald L. Fann, who will be retiring August 1, 2013, after 42 years of dedicated service to the Federal Government. Mr. Fann demonstrated great dedication to enhancing the safety and security of the U.S. Senate, its staff, and visitors.

Mr. Fann began his career in 1969, as a military intelligence officer in the U.S. Army, where he performed counterintelligence operations against East Germany and the Soviet Union. He continued his intelligence work in Germany as a U.S. Army civilian, protecting our Nation during the height of the Cold War, serving in Bremerhaven and Frankfurt. Mr. Fann went on to work at the Pentagon for the U.S. Army Assistant Chief of Staff for Intelligence, supervising intelligence operations worldwide.

In 1986 Mr. Fann was assigned to an important classified program that supported the Nation's national security and emergency preparedness operations. During his 27-year assignment to this project, he was appointed to the National Security Agency's Senior Cryptologic Executive Service in 1991, serving as its deputy and later as program director.

Mr. Fann is a proud Texas A&M Aggie alumnus and a graduate of the National War College.

I commend Mr. Fann's contributions and longstanding career in public service. I, along with my colleagues from