

them give the rest of us a glimpse of what a blessed memory they are to those who knew and loved them. Some of them were the sons of firefighters who grew up wanting to be like dad, their hero. Some leave behind wives and children. Some were expecting the birth of their first child. Some married their high school sweethearts. Some were engaged and looking forward to being husbands and fathers.

Two were cousins and best friends. One rescued horses. One aspired to preach the word of God. One was a standout ball player. One dressed in a yellow raincoat when he was 6 and pretended to put out fires. Some were born in Arizona. Some came from other places and fell right in love with the beauty and people of Arizona.

Some were shy. Others were practical jokers. They were all respected and admired, the kind of men you just like being around.

They all loved the outdoors. They were athletic and adventurous. They loved their jobs. They wanted to serve others. They wanted to make a difference. They all had a purpose greater than themselves. They were all young, so young. They were all brave, so brave. They were all loved and were loved, so loved. They will all be missed, so terribly missed.

I will forever be touched by what their families and friends have told me about them and how much they meant to them and their communities. Their stories teach us how to be better people. Their loss reminds us to hold each other a little tighter, to love each other a little harder. I will always consider myself disadvantaged for not having known them. From the little I know about hope in the face of daunting challenge and the indomitability of the human spirit, it is so vital to helping us keep our faith and to endure. I hope I can offer some solace when I say the courage of those we honor today is immortal. It does not perish with them. How they lived and what they did will inspire others to live courageously, purposefully, selflessly.

Of these qualities, we tend to see merely flashes throughout our lives. In these men of the Granite Mountain Hotshots, we see grand examples—sublime, shining, and unforgettable examples—that will summon good men and women today and long after our time has passed to live bravely, compassionately, and honorably.

In a fierce and terrifying encounter with extreme danger, they stood their ground like the heroes they were and fought for their community. While they did not come home to the people who loved them so much and will miss them always, I firmly believe we will see them again in the better world that is to come.

Until then, we fondly remember the humanity and the heroism of these brave men, their wonderfully unassuming down-to-Earth nature, all of their marvelous imperfections known only

to their closest family and friends, and how, in the face of dire peril, they rose beyond all that makes us merely ordinary and let God cradle them in his arms and carry them away.

The lost men of the Granite Mountain Hotshots died having taught us all to live. For that, as we honor them and pay our respects to their loved ones today, I submit we should all find great solace.

I ask unanimous consent the Senate proceed to the consideration of S. Res. 193, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 193) honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCAIN. I yield the floor.

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

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

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

##### DISABILITIES CONVENTION

Mr. HATCH. Mr. President, 23 years ago I stood here on the Senate floor as we voted 91 to 6 for the conference report on the Americans With Disabilities Act. I predicted this landmark piece of legislation would literally unlock the resources of individuals with disabilities that had previously been wasted. I worked long and hard to get it enacted into law. It is one of the bills of which I feel most appreciative.

In 2008, I again stood here on the Senate floor as we passed the ADA Amendments Act by unanimous consent. I said it was part of our ongoing effort to expand opportunities for individuals with disabilities and to help them participate in the American dream. I remain committed to that effort.

Both of these legislative achievements were the result of negotiation and compromise, and they directly addressed and provided concrete solutions to problems faced by American citi-

zens. We should address such public policy issues through the legislative process so elected representatives make the decisions that affect Americans and are consequently accountable to them.

There is underway an effort to promote the rights and opportunities of persons with disabilities through a treaty rather than through legislation. Advocates of the U.N. Convention on the Rights of Persons With Disabilities—or CRPD—appear to believe that statutes and treaties are simply alternative means to accomplish the same end. Although I have labored with these advocates on disability legislation, I must respectfully but firmly disagree.

My record on disability legislation speaks for itself, but I cannot support the CRPD because the cost to American sovereignty and self-government clearly outweighs any concrete benefit to Americans.

When Alexander Hamilton explained the American system of representative self-government, he famously said that in America, "The people govern; here, they act by their immediate representatives." Those words today are inscribed above an entrance to the House of Representatives in the Capitol, a building that Thomas Jefferson described as "dedicated to the sovereignty of the people."

That sovereignty certainly includes the authority to elect representatives and the authority of those representatives to enact laws. But it is much more than that. The American people also have authority to define our culture, express our values, set our priorities, and balance the many competing interests that exist in a free society. To put it simply, the American people must have the last word. The CRPD would undermine that sovereignty, compromise self-government, and give the last word to the United Nations. Let me explain how.

The CRPD is not a treaty with other nations but a treaty with the United Nations itself. Ratifying it would create a wide range of obligations for the United States and authorize the United Nations to determine whether we are meeting those obligations.

The U.N. Web site says the CRPD legally binds any nation ratifying it to adhere to its principles. The treaty applies those principles in more than two dozen areas of national life including education, health, employment, accessibility, and independent living, as well as participation in political, public, and cultural life. Article 8 even requires ratifying nations to "raise awareness throughout society, including at the family level, regarding persons with disabilities."

The treaty also spells out what adherence to its principles in these many areas will require. Ratifying nations must enact, modify, or abolish not only laws and regulations at all levels of government—Federal, state, and local—but also social customs and cultural practices. Ratifying nations must

refrain from engaging in any acts or practices that are inconsistent with the treaty as well as ensure that all public authorities and institutions act in conformity with it.

The heart of the CRPD is a committee of 18 experts elected by the nations ratifying the treaty that has authority to determine if those nations are in compliance. Each nation must submit to this committee periodic comprehensive reports on measures taken to meet the obligations imposed by the treaty. The U.N. committee dictates the content of these reports, evaluates whether a nation is in compliance, and makes whatever recommendations it so chooses.

I commend to Senators an article co-authored by our former colleague from Arizona Jon Kyl and published in the current issue of the journal *Foreign Affairs*. He explains well how international law can undermine democratic sovereignty. Of this particular treaty, the CRPD, he writes,

If the treaty has a practical effect, it would be due in large part to interpretations made by foreign government officials and judges and by nongovernmental organizations, none answerable to American voters.

Under the U.S. Constitution, ratified treaties are the supreme law of the land. Since the United States has long had the most progressive disability laws and policies in the world, we likely are already doing much that the CRPD requires. But that is not the point, and instead highlights the real problem. Ratifying the CRPD would endorse an official ongoing role for the United Nations in evaluating virtually every aspect of American life. Ratifying the CRPD would say the United Nations, not the American people, has the final say about whether the United States is meeting its obligations in these many areas. It would impose this cost to American sovereignty and self-government with no real concrete benefit to Americans.

Ratifying the CRPD will not establish a single right for a single American. It will not provide for Americans with disabilities anything that American law has not or could not provide. It would not even help Americans with disabilities who travel overseas because their treatment depends on the laws and policies of other countries, not ours.

The CRPD's combination of obligations and U.N. oversight can help move nations that have not done so on their own toward protecting the rights and promoting the opportunities of persons with disabilities. That, I take it, is a strategic purpose of the treaty. But the United States is not only far down that road, we literally blazed the trail, and I was a significant part of blazing that trail.

Treaty advocates argue that the CRPD's impact on American sovereignty and self-government can be minimized by the many caveats that would accompany ratification. These are commonly referred to as reserva-

tions, understandings, and declarations. The legal status of these caveats, however, is unclear. The CRPD itself states that "[r]eservations incompatible with the object and purpose of the [CRPD] shall not be permitted," a judgment reserved to the U.N. committee. No less an authority than Harold Koh, former State Department legal adviser and now Sterling Professor of International Law at Yale, has questioned whether such declarations have "either domestic or international legal effect."

Treaty advocates also emphasize that the U.N. committee will have no formal authority to interfere domestically in the United States. But as I explained, American sovereignty and self-government are not so narrow that they could be undermined only if we literally let the United Nations run our country. The United Nations and its components hardly need a treaty to opine on aspects of American life and public policy; they already do so—and we have seen it many times. It is, however, something else entirely for the United States formally to endorse the right of the United Nations to do so and subject ourselves to their evaluation.

Treaty advocates say that ratifying the CRPD would give the United States a "seat at the table" to promote the rights and opportunities of persons with disabilities around the world. Ratifying the CRPD will neither create, nor is necessary to maintain, America's global leadership on behalf of persons with disabilities. We had the most progressive laws in the world decades before the CRPD existed. Individual nations, as well as the European Union, are today modeling their laws after ours even without ratifying the treaty.

The only table in this arena at which the United States doesn't already have a seat is the U.N. disability committee. But do the math. The committee has 18 members who are elected by the CRPD's state parties, currently 132 nations. The chances of the United States having a seat at that table at any particular time are remote and will get even smaller as even more nations ratify the treaty. Besides, as I noted, advocates acknowledge that the U.N. committee has no formal authority anyway.

Finally, treaty advocates say the ratification by the United States will encourage other nations to do so. But at least 19 nations on four continents—from Norway and the Russian Federation to Barbados, Israel, and Liberia—have ratified the CRPD since it was received here in the Senate a little more than a year ago.

I have not addressed substantive issues with the CRPD as currently drafted, but I will mention one. For more than four decades, American disability law and policy have used an objective, functional definition of disability. A disability is an impairment that substantially limits a major life

activity. The CRPD, however, states that "disability is an evolving concept" involving barriers that hinder "full and effective participation on an equal basis with others." The threat to American sovereignty and self-government I have described would exist even if the CRPD utilized a similar concept of disability. But at least by the CRPD's terms, it appears the U.N. committee will use an evolving concept of disability to evaluate how the United States has implemented its objective concept of disability.

There exists virtually nothing that the United States could do after ratification that it could not or does not already do today. The truth is that every argument for ratifying the CRPD applies properly to other countries, not to the United States. The only real benefit of ratification that I can see would be to endorse the principles and policy statements in the treaty. The United States, however, either already does so by law or can do so in ways that do not undermine our sovereignty and self-government.

In the end, the most potent kind of leadership is the kind that America has exercised for decades—decades already, taking real action to protect the rights and promote the opportunities of persons with disabilities. I remain as committed as ever to that ongoing responsibility.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### HEALTH CARE

Mr. CORNYN. Mr. President, what do you get when Congress passes a 2,700-page piece of legislation on a purely partisan basis that radically transforms one-fifth of our economy and impacts the lives of 319 million Americans? What do you get when you oppose the huge costs of this legislation, and this new bureaucracy that goes along with it, on an economy that is trying to recover from one of the biggest recessions our country ever experienced back in 2008? Well, two of the things you get for sure are higher unemployment and fewer jobs, and anemic economic growth. We have seen both of those in the daily news. I am afraid we now have a new normal when it comes to unemployment in America, which is at 7.6 percent, and that does not count the people who have quit looking for work.

The Bureau of Labor Statistics has a ranking of how they rate the number of people actually looking for work, and it is called the labor participation rate. It is on their Web site. We have the fewest number of Americans in the workforce than we have had in the last 30 years.

We didn't get many of the benefits that were promised when ObamaCare was passed at a time when we were essentially told: We are from the government. Trust us. It will all turn out OK.

One of the most important numbers in the recent job report is the number 8.2 million. That is the number of Americans who are now working part time instead of full time because the full-time jobs are simply not available. In other words, there are 8.2 million workers who are working part time even though they want a full-time job, but they cannot find one.

To give some perspective, the number was 7.6 million in March. So between May and June we have seen that number increase by 300,000. There are 300,000 Americans who were unable to find full-time work, so they had to accept part-time work. When we talk about numbers such as these, I know it is tempting to think of those numbers as just abstractions, but these are the American people. These are moms, dads, brothers, and sisters. These are young adults who are looking for work but simply can't find work on a full-time basis.

I would suggest—and I think the evidence is compelling—that one of the reasons for that is ObamaCare. The law requires all businesses with 50 or more full-time workers to provide their employees with government-approved health care coverage, and if they don't, then they have to pay a financial penalty. This requirement was originally scheduled to kick in next year, but last week the Obama administration announced that this so-called employer mandate would be delayed until 2015. In other words, the administration has implicitly acknowledged that the mandate is discouraging the creation of full-time jobs and is actually reducing working hours, which is relegating many American workers—300,000 more between May and June—to part-time work even though they want to work full time. The irony is that the ObamaCare bill passed in the Senate—and I still remember this—on Christmas Eve of 2009 at 7 a.m. in the morning. It was later reconciled with the House legislation in 2010. But we have had two elections occur before the full implementation of this bill. What we are going to see now is moving the implementation off again until after the 2014 election. In my view, that is dangerous because it means there is no electoral accountability for the true impact of this legislation even though we are beginning to see some of it.

Of course, the basic problem is that the mandate won't magically disappear in 2015, even after it has been delayed by unilateral action of the administration. But what strikes me as pretty simple is that when you penalize full-time work, what you are going to get is part-time work in order to avoid the penalty.

Of course, the employer mandate isn't the only part of ObamaCare that is hampering job creation. The law also

contains \$1 trillion in tax increases—including a new medical device tax that has already prompted several large manufacturers to close existing facilities or cancel plans for new ones. I remember a few months ago I had a medical device company located in Texas tell me that they were going to be expanding their operations in Costa Rica instead of Texas in order to avoid this tax.

The medical device tax has also discouraged health-care savings and life-saving innovations. One of the great things about our country and our free enterprise system is that if somebody has a better way to do something, they can design it, build it, and consumers can benefit from it. In this case, this medical device tax has been destructive of each of those.

Indeed, this tax has been so counterproductive that 79 Members of this Senate—a supermajority on a bipartisan basis—rejected it during the vote on the budget resolution recently and effectively said that it should be repealed. A number of colleagues from across the aisle who supported this legislation initially have now seen that the way this is being implemented can be damaging and destructive not only to job creation but access to quality health care. The same thing can be said of the 81 Members who voted to abolish ObamaCare's IRS 1099 reporting requirement back in 2011. The more we have learned about the implementation of ObamaCare, the less popular it has become.

For that matter, the administration itself has had second thoughts about key provisions of ObamaCare. In 2010, the Department of Health and Human Services began granting a series of waivers from ObamaCare's annual limit requirements. It eventually granted more than 1,000. In other words, the administration unilaterally said to some people: You don't have to comply with the law, while the rest of us were stuck with it.

In 2011, Health and Human Services Secretary Kathleen Sebelius suspended all work on the so-called CLASS Act, a portion of ObamaCare that was formally repealed earlier this year. And, a few months ago, Health and Human Services announced that ObamaCare's basic health program would be delayed until 2015—again, after the next midterm congressional election. Just last week, in addition to delaying the employer mandate, the administration also delayed another important provision in the ObamaCare oversight. In other words, it said, You don't even have to prove that you are financially eligible for taxpayer subsidies to get insurance in the health exchanges.

This is an invitation to fraud and abuse. We saw in 2008 when the bubble burst after the financial crisis came to a head, one of the root causes of that was companies writing loans to people who couldn't qualify for those loans, but they didn't require any financial disclosure or verification. Those came to be known as liar loans.

We are essentially now refusing to learn from that experience in the health care field, on the part of the administration, to see as many people as possible signed up for the health care exchanges, but based only on their unilateral declaration that they are eligible, not any real verification or proof. That is an invitation to fraud.

To add it all up, notwithstanding its aspirations and notwithstanding the hopes and perhaps dreams of those who thought we were going to somehow transform health care with this legislation, it has now become clear to me, and I daresay millions of Americans, that ObamaCare has simply not lived up to its promises. It is not working as advertised. I think there is a growing bipartisan consensus to that effect. I have mentioned some examples and some reasons why, including as well that for the past 3 years we have witnessed a nonstop parade of fix-ups, fumbles, delays, and broken promises.

For example, during the 2008 campaign, President Obama pledged his health care law would transform health care; it would make health care costs for a family of four go down by \$2,500. What has actually happened is the cost of family premiums has actually gone up by nearly \$2,400 between 2009 and 2012. According to the Wall Street Journal, healthy consumers could see insurance rates double or even triple when they look for individual coverage under ObamaCare, and that will happen this fall. Some of it is so-called age-banding where young people, such as my two daughters who are 30 and 31 years old, are going to be forced to pay higher premiums to subsidize health care coverage for older people.

There are also other provisions such as mandatory issue. For example, if a person finds out that unfortunately they have a disease and are not covered, under ObamaCare they can go out and buy insurance which is not actually insurance anymore. Someone said it is akin to waiting until your house is on fire to buy fire insurance. That drives up the cost and it distorts the insurance market. What we are going to see, and what consumers are going to see, is their health care premiums go up as a result of the implementation of ObamaCare.

What about the promise that ObamaCare wouldn't raise taxes on anyone making under \$200,000 a year? In fact, the law raised taxes on everyone, from young people with health savings accounts, to middle-class workers with families, to senior citizens living on a fixed wage.

President Obama also promised that anyone who liked their existing health coverage would be able to keep it. Do my colleagues remember that? He said: "If you like what you have, you can keep it." I know people like hearing that because most Americans—up to 80 percent and maybe higher—are satisfied with the health insurance they have now. So when the President said, "If you like what you have, you can

keep it," most Americans nodded and said that's good. The reality is, according to the Congressional Budget Office, at least 7 million Americans will lose their current health insurance because of ObamaCare.

A few months ago one of my constituents in Texas sent me a letter she received from her health care provider. The letter informed her that because of the new health care law—the so-called Affordable Care Act which is turning out to be more unaffordable than affordable—her current health policy would be terminated by the end of the year. The letter also said: "Never have we experienced the uncertainty and immense challenges that confront the insurance industry during this time of health care reform."

I don't think it is sufficient for people such as myself or anyone else to criticize this flawed legislation and to say: I voted against it; it is too bad it didn't work out; tough luck. That is not sufficient, and that is not doing our duty. There has to be a better way to reform our health care system, and indeed there is a better way, if we commit ourselves to five overarching principles.

No. 1: We must make health care more affordable. That was the promise of ObamaCare, but that is not the reality. It has made health care less affordable, not more affordable. But we must commit ourselves to policies that will make health care more affordable by reining in costs, and I have some ideas on how to do that which I will mention momentarily.

No. 2, the second principle: Individuals must have more choices in the health care market and they must be allowed to make their own choices and select whatever options fit their individual needs. The idea of ObamaCare was one-size-fits-all, but we know that one size does not fit all. Different families, different individuals have different needs. We need to restore the choices to individuals and not to the government dictating what those choices should be.

No. 3: We must ensure that all individuals, including people with pre-existing conditions, have access to high-quality health insurance and to high-quality care. This was a problem in the preexisting system, where people with preexisting conditions found it hard to buy insurance, and this was one of the noble promises of ObamaCare. But we don't have to buy the whole package in order to fix this problem. Indeed, there are many high-risk pools at the State level that if the Federal Government would help support those high-risk pools, people would be able to find health care coverage even if they had preexisting conditions, which otherwise would make that difficult to find.

Principle No. 4: We have to protect the doctor-patient relationship. No one wants to have the bureaucracy telling them what health care they can have and whether they can have it. So we

have to protect the doctor-patient relationship. This is a bond of trust that most of us have with the individuals we entrust our health care to—our own doctor. We have to make sure people are able to make health care decisions in consultation with their doctor and their family that suit their needs.

No. 5: This is the fifth principle for reform that I think we now need to begin the discussion about undertaking. We need to save Medicare.

What kinds of policy reforms might these principles generate? Well, for starters, I would suggest we need to equalize the tax treatment of health insurance for employers and individuals. This is something we have discussed time and time again. But why do we favor, through subsidies under the Tax Code, certain types of health coverage and discriminate against people who buy insurance in the individual market?

Secondly, from a policy perspective consistent with the principles I mentioned, we need to expand access to tax-free health care savings. There is a company in Texas—actually, it has franchises here in the Northeast—Whole Foods. It is a great grocery store. I had an occasion a couple of years ago to meet with a number of the employees. They vote every year on what their health plan should look like. Year after year after year, they choose a high-deductible health insurance plan along with a health care savings plan so that if they get sick they are protected by the catastrophic coverage, but otherwise they can save and budget for their ordinary health care needs using a health savings account. One of the most amazing things about that is people then begin to take some ownership—have some skin in the game—in terms of their health care choices, and they tend to do what we do generally as consumers, which is they shop around. They say, OK, I have my money. I need procedure X, I need this or that. Where can I get that for the best price and the best quality service? These tax-free health savings accounts transform the health care relationship so people don't only just have some third party paying the bills—like getting a credit card and never getting the bill under much of our current health care system—so expanding tax-free health savings accounts like the employees have at Whole Foods in Austin, TX, is one great policy that would improve our health care delivery system.

Third, we need to let people and businesses form risk pools in the individual market.

Fourth, we need to improve price and quality transparency. There has actually been some good work done by Health and Human Services recently to release health care expenditures for some of the most common procedures and reasons people are hospitalized. I think it is kind of eye-opening, because some people have found out that for the same procedure—in one instance a

person might see \$1,000 being charged and in another, a person might see \$5,000 being charged for essentially the same practice or procedure. Providing transparency indeed helps to create an opportunity for a market, so market discipline can help normalize and bring down those costs. Improving price and cost and quality transparency are very important to creating a true health care marketplace.

Fifth, in Texas we have found ways to curb frivolous medical malpractice lawsuits which don't shut the front door to the courthouse for truly legitimate claims but which have made medical malpractice insurance more affordable because our civil justice system is more predictable.

Sixth, we need to eliminate all the unnecessary government mandates that drive up insurance costs. What happens in Austin, TX, and in State capitals across the country is legislators come together and say companies can't sell insurance in our State unless they cover X, Y, and Z. Well, the fact is not every consumer, not every patient needs X, Y, and Z coverage, but by those mandates they end up driving up the cost of that health insurance. What we need to do is eliminate the unnecessary mandates that many people don't use anyway, because those drive up costs. By eliminating those mandates, we can help bring down the costs and make health care more affordable.

Seventh, this is an old suggestion, but one that I think is still very important. Why is it that a person can only buy health insurance in their own State? If I want to buy car insurance I can buy it anywhere in the country and I can—if the company is in Oklahoma or New Mexico or Indiana, they can compete for my business. That gives the market an ability to hold down costs and that gives consumers access to lower costs and better quality by allowing that competition to occur across State lines.

We don't need another government takeover of our health care system. When the wheels fall off of ObamaCare or, in the language of the distinguished chairman of the Senate Committee on Finance, if that train wreck of implementation that he predicted occurs, we don't need another big 2,700-page government program to substitute. We need to implement the types of reforms I talked about to give us lower costs, more accessibility, and greater fairness throughout our entire health care system.

Speaking of fairness and accessibility, we know the current Medicaid Program is broken when our most vulnerable citizens have a hard time finding a physician who will actually take a new Medicaid patient. This is one of the problems many of us had with the ObamaCare expansion of pushing a lot of people onto Medicaid which, in my State, is a broken program, where more than 60 percent of primary care physicians won't take a new Medicaid patient because the reimbursement

levels are about 50 percent of what private insurance would pay a doctor to treat a patient. So many physicians say, I can't afford to work for 50 cents on the dollar, so I am not going to see a new Medicaid patient.

So what you have is this strange dichotomy where people actually have coverage under Medicaid, but they do not have access to health care because they cannot find a doctor to take it at that price, and that actually, I believe, is sort of the dirty little secret about Medicaid. All of us support a safety net program of health care for our most vulnerable citizens—all of us—but Medicaid, as currently constituted, is not the answer for the reasons I mentioned.

Each State must have the flexibility to design a program that will actually meet the needs of its residents. What works best in New York, I guarantee, does not work the same way in Texas and vice versa. States should be appropriated a certain amount of money, and I am not suggesting it be drastically cut—which would deny the States an opportunity to provide health care in their own way—but we need to block grant these Federal funds, not micromanage them. We certainly need to eliminate as many Federal strings as we possibly can and provide the States the flexibility to use the same amount of money to provide access to more health care for low-income people.

Speaking of access to physicians, this is a big problem in Medicare too. Of course, Medicaid is for the economically disadvantaged. Medicare is for people 65 and older. But in my State, only 58 percent of physicians will see a new Medicare patient. That means 42 percent will not. In other words, if you live in a rural area or you live somewhere where physicians will not take a new Medicare patient, you are pretty much out of luck. This is a problem again about the way the Federal Government tries to save money in health care, not by using the discipline of the market—transparency and competition and some of the other reforms I mentioned—but rather by whacking reimbursements to health care providers. The truth is, if you whack reimbursement rates to Medicaid providers and Medicare providers, as we currently do, then fewer and fewer people are actually going to be able to find a doctor who will see them, even though they have the promise of coverage under Medicaid or Medicare.

We know, of course, the financial problem Medicare is currently suffering. The fact is—and this is something I wish we would talk more about from the President to the Halls of Congress—for every \$1 that an average person puts into Medicare, they take out \$3. That is why Medicare, in the long run, is unsustainable. If we are going to keep the promise of Medicare—and we should—to future generations, we need to fix it.

But when it comes to treating patients, physicians, I believe, know bet-

ter than Washington bureaucrats. This is another reason why I support repeal of another provision of ObamaCare which is called the Independent Payment Advisory Board, so-called IPAB. There is actually bipartisan support for repealing this provision in the House because what it would do is appoint a group of 15 bureaucrats who would decide what sort of health care was going to be reimbursed under Medicare and what would not. There would be no real recourse to Congress or anybody else because these people would be the so-called Independent Payment Advisory Board.

It is not hard to predict what would happen if IPAB, as it is called, were implemented. When doctors are forced to accept lower rates, they will reduce the number of patients they see or else they will drop out of the Medicare Program altogether or the types of treatment people will be able to get from their doctor will be determined by the Federal Government's willingness to pay for it rather than their true medical needs.

I think we have learned the lesson in Medicaid and Medicare, as elsewhere, that price controls simply do not work, and they will not save Medicare either. It is time to try a new approach that will protect the doctor-patient relationship and expand individual choice.

Under the current model, seniors are forced into a one-size-fits-all plan developed in Washington. Under an alternative supported by Republicans and Democrats in different contexts—the so-called premium support model—the Federal Government would pay a designated amount, and then people could use that money to buy their own private coverage. They could supplement it if they wanted to, if they wanted more generous coverage, but that would have to come out of their pocket.

But under the premium support model alternative, private plans would be allowed to compete against traditional Medicare, much as Medicare Advantage does now, and seniors could simply pick the plan they want that suits their needs the most. If someone picks a private plan that is cheaper than traditional Medicare, they can keep the savings. Then again, if they want more generous coverage, they can pay the difference.

How do we know this sort of approach will work? You do not have to take my word for it. All we have to do is look at what is working now. One of the most successful government health care programs I have seen since I have been in the Senate, and that I know about, is the Medicare prescription drug coverage program. A national survey released in October 2012 found that 9 out of 10 seniors are satisfied with their Medicare prescription drug plan.

Similar reforms could be made to other parts of Medicare to help save the program. If these reforms are not made, Medicare will go bankrupt. The great thing about Medicare Part D, the

prescription drug program, is it has actually come in 40 percent under projected costs. It is not hard to figure out why. Because when different companies compete in the marketplace for the business of seniors who qualify for Medicare, they are going to compete—you guessed it—on price, so they are going to try to provide it at a less expensive cost, and they are going to compete based on quality of service. That is the great genius of our free enterprise system and of competition. But if we do not make these reforms, Medicare will go bankrupt. That is something none of us should look forward to.

So the reforms I have just outlined will give us a health care system with lower costs, a system with greater choice and greater access to high-quality care, a system that upholds fundamental values, such as fairness and consumer choice, and a system that will provide affordable health care for everyone. That is the kind of health care system we all want for our families, for our children, and grandchildren.

Three years ago, Congress took a swing at the health care issue but ended up striking out and missed an opportunity to enact necessary reforms. We are still learning that as the implementation of ObamaCare continues to unfold. But the health care debate is not over by any means. It is just beginning in a way. By replacing ObamaCare with patient-centered reforms that reduce costs, improve transparency, and expand access, we can make it easier for all Americans to get the affordable quality health care they deserve.

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

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

#### GOVERNMENT OVERREACH

Mr. HELLER. Mr. President, I rise today to address an issue that is troubling to me and to my constituents back in the State of Nevada and to a growing number of Americans across the country. I am referring to the tendency of those who lead government agencies to abuse their power and deprive Americans of their constitutional rights.

We have seen examples of this alarming trend over the last several weeks: The NSA is reportedly confiscating private e-mails and phone records. The IRS is specifically targeting conservative groups seeking tax exempt status.

Constituents have flooded my office with phone calls, e-mails, and letters demanding to know why their government continues to encroach on their liberty. They have had enough and so have I.

Recently, the Federal court of Nevada ruled that the Federal Government has abused its power in my home State. The court ruled in favor of private cattle owners in Nevada, ranchers who came to the court because they felt the Federal Government was intentionally interfering with their grazing permits and their private property rights.

The court found that for more than two decades, Federal officials entrusted with the responsibility of managing public lands actively conspired to deprive Wayne Hage and his father's estate of their grazing permits and their water rights. In its decision, the court ruled:

The government had abused its discretion through a series of actions designed to strip the Estate of its grazing permits and of the ability to use water rights.

The court described the actions of the government officials as an "abuse of executive power" and said it "shocked the conscience of the court, and provided a basis for finding of irreparable harm."

There seems to be a pattern emerging. The Federal Government is supposed to be entrusted with protecting fundamental rights, such as property rights and the right to privacy. Yet, sadly, the American people are left wondering if their own government is living up to that public trust.

The Framers of the Constitution believed that private property rights were sacred. The 5th and 14th Amendments specifically prohibit the government from depriving citizens of "life, liberty or property without due process of law." Those amendments are there for a reason.

As the Nevada District Court wrote:

Substantive due process protects individuals from arbitrary deprivation of their liberty by government.

No question. The Federal Government has an obligation to help manage the Nation's resources, just like it has the duty to keep Americans safe and to enforce fairly the Tax Code. But these responsibilities require integrity, accountability, and impartiality. These powers cannot be used to push political or partisan agendas.

In a State such as Nevada, which is made up of land that is 87 percent federally controlled, and where resources such as water and vegetation are scarce, the role of the government in protecting private property rights is especially important and cannot be abused by overly zealous government officials.

The rights of cattle owners and ranchers to have their grazing permits honored is no less important than any other form of property right secured by law through permits and licensing. The government cannot be allowed to arbi-

trarily target certain groups for punishment and selectively enforce the law. That kind of behavior is precisely what the Framers wanted to guard against.

Whether it is the IRS targeting groups for their political views, the NSA confiscating mass amounts of private data, or the Federal Government interfering with property rights, the American people are fed up with this laundry list of examples of the Federal Government blatantly disrespecting their constitutional liberties.

Fortunately, the Federal courts remain open for Americans to defend themselves against government abuse. But I think it is a tragedy for American citizens to be subjected to costly, drawn-out litigation in order to make sure their liberties are secured against the very government they have entrusted to protect them.

The American people will not stand for an all-powerful government that ignores their constitutional rights. It is long past time that we end this culture of government bullying and harassment. The government derives its power from the consent of the governed. The consent depends on a fair, transparent, and reasonable enforcement of the law.

If we are to remain the greatest country on Earth and live up to the powerful ideals that inspired our Founders, then we must restore the trust of the American people in their government, and we must begin that process right away.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

#### CLIMATE CHANGE

Mr. INHOFE. Mr. President, 2 weeks ago the President gave a beautiful speech on global warming. He said that the world is coming to an end if we don't act; that it is our moral obligation to make sure our planet is safe for future generations; that it is all up to us. And to be successful we must regulate carbon dioxide and other greenhouse gases.

For more than a decade environmentalists have been pressuring Democrats to do this—pressuring all of us to do this—and we all know why.

I can remember years ago—and this would have been back when I was in the House—that my first observation when I looked at liberals in the House was that there were four flawed prem-

ises on which they based their decisions. One was—and I am going from memory now because this was many years ago—that the Cold War is over, we no longer need a defense; another one was that deficit spending is not bad public policy; the third one was that punishment is not a deterrent to crime; and the fourth one—and this is the big one—was that government can run our lives better than the people can. That is exactly what we are talking about here.

The reason they have been wanting to regulate carbon is better articulated by a guy I don't think anyone will argue could be the most knowledgeable scientist in America. His name is Richard Lindzen, and he is with MIT. His quote was that regulating carbon is a "bureaucrat's dream." He said, "If you control carbon, you control life." You control life. And that is what bureaucrats want to do. That is what the environmentalists want to do. In controlling our lives, they want to determine what cars we drive, what kinds of houses we live in, how our cities are built, and all of that, and they can do all of this by regulating carbon dioxide.

Democrats—particularly in the Senate—have been unsuccessful in passing legislation to accomplish this. And this is the key. Way back during the Clinton administration, when Al Gore came back from the Kyoto Convention, he said we need to pass and ratify the Kyoto Convention. The Kyoto Convention would do exactly that—it would allow us in this country and others around the world to regulate carbon emissions. In doing this, they would be able to control lives. It was way back 13 years ago that this took place.

Anyway, they tried to pass legislation. The first bill actually was not necessarily a Democratic bill; it was the McCain-Lieberman bill, and it was one that was a cap-and-trade bill, quite frankly. At that time the Republicans were in the majority, and I chaired the committee called the Environment and Public Works Committee, so I was on the floor managing the opposition to that particular cap-and-trade bill. That was a carbon control bill. We won the debate, and as the years went by we continued to win over and over.

I guess what I am saying is that the reason the President is doing this right now is because he can't get this done through legislation, by those who are held accountable to the people. He can't get it done through legislation so he is trying to do it through regulation. The most recent attempt, in 2009, was the Waxman-Markey cap-and-trade bill.

By the way, I congratulate Senator MARKEY for winning his election. It is going to be fun for us because we have debated each other on this issue now for years and years, but now we are in the same Chamber.

The bottom line is that in 2009 they did pass that bill in the then-Democratic-controlled House, but when it came over to the Senate, of course it



was not even considered here. But that particular piece of legislation would have regulated only the largest emitters, and this is the hardest thing to get across to people. Everyone understands, after 12 years of repetition and listening to me at this podium saying it over and over again, that if we were to pass any kind of a cap-and-trade bill, the cost to the American people would be somewhere between \$300 billion and \$400 billion a year. The reason I say that is the Wharton School came up with the figure of around \$350 billion, MIT came out with the figure of about the same, and so no one for 10 years has debated that the cost of regulating through cap and trade would have been somewhere around \$300 billion to \$400 billion.

Now, as onerous as I think all these bills were in trying to do this through legislation, it wouldn't have been nearly as bad as what is happening today, for this reason. This gets into the weeds here, but it is important that we in this body understand what this is all about. The bills we killed, which would have cost \$400 billion a year, would have regulated only the largest emitters—those emitters that emitted 25,000 tons of CO<sub>2</sub> a year. That would have cost the economy \$400 billion. We rejected that, and we all know that is what the cost was, but because the President owes this environmental base and he can't pass his legislation, he is now taking unilateral regulatory action to regulate greenhouse gases and carbon dioxide.

Keep in mind that this is not the same as one of the bills we defeated. That would have only caused the emission control on those entities that emitted 25,000 tons of CO<sub>2</sub> or more in a period of a year. If it is done through regulation, then it has to be done under the Clean Air Act, and the significance of that is this would not just go after the big emitters, it wouldn't go after just those big emitters of 25,000 tons a year, it would catch people and individuals and organizations that emit 250 tons as opposed to 25,000 tons. That means it would apply not just to large emitters, such as powerplants, but every refinery, oil and gas well, every manufacturing facility, every plastics plant, the iron smelters and steel mills, every apartment building, churches, and every school. So that is everybody. So one thing that has never been calculated is what the cost of that would be. If the cost of just those emitting 25,000 tons would be \$400 billion a year, then how much would it be if we applied this to everyone, all the way down to 250 tons?

I do something in Oklahoma each year. I get the total number of people who file Federal tax returns, and I kind of do the math. So I will take the amount of a tax increase—in this case, let's use \$400 billion a year—and I will say: How much will this cost the average family in my State of Oklahoma who files a tax return? It works out to \$3,000 a year. So we are talking about a

major—by far the largest tax increase this country has ever seen.

So don't let the President fool you into believing he will stop at the powerplants. He is in an all-out war against fossil fuels and affordable energy. And legally, if he goes down this path, he will not be able to stop just at the large ones. This will apply to everybody out there under the Clean Air Act, and that would be those emitting 250 tons.

He is also doing this unilaterally just for the United States. If you believe man is causing global warming—I don't, but if you do—then you should be concerned about worldwide emissions because who cares if it is just the United States of America? It is not just what is happening in the United States of America, it is all over the world. That is really where the problem—if there is a problem—would be. If all we do is lower our emissions without convincing China, India, Mexico, and other countries to do the same, then U.S. manufacturers, out seeking the energy to run their operations, would have to leave the United States and go to those other countries where they do not have regulations. So this would have the effect actually of increasing, not decreasing, emissions.

I remember when Lisa Jackson was the Director of the EPA. She was my favorite liberal. I used to say I had three favorite liberals, and she was one of the three of them. And I liked her because even though I disagreed with her philosophically, she was always honest with me. I would ask her a question and she would answer it.

I remember when I asked her live on TV, in a hearing, this question. I said: You know, if we were to pass this legislation that would regulate CO<sub>2</sub> levels, would this reduce emissions worldwide? She said: No. Because this only affects the United States and it would not affect the other countries.

So you won't hear the President talking about this. You won't hear him talking about the cost, even though they will shrink from our economy by more than \$400 billion a year. We know that, and no one refutes that. It requires the EPA to hire an additional 230,000 employees and spend an additional \$21 billion to implement the regulatory regime. And these are not my figures, these are the EPA's figures. You won't hear him talking about it because he knows it is a losing argument. In fact, the day before the President gave this speech, he had his campaign send out talking points to all of the activists he had working on his behalf. They told—"they" meaning the White House—these people exactly what to talk about, what to say and exactly what not to say.

We recovered this. We found these talking points the President sent out to people so this is what Americans would be listening to. I think it is worthwhile for us to go over this now.

On this first chart, we have his overarching three-point strategy. Point No.

1 is, we have an obligation to act. The memo continues: We have a moral obligation to future generations to leave them a planet that is not polluted and damaged by carbon pollution.

Notice that they are not talking about climate change anymore. They are not talking about global warming. The new words they are using now are "carbon pollution."

It is all the same thing. Global warming didn't work, so they discontinued that. They tried climate change. That didn't work. Now the new word is called carbon pollution.

These are the President's talking points. I think this kind of wordsmithing is actually smart, and I compliment them on going to professionals and seeing what kind of words they can use to make the public believe something that isn't true.

The second thing they have charged would be that communities all over America are already being harmed. The memo continues:

Climate change is already harming Americans all over the country. Cleaning up after climate-driven disasters last year cost the taxpayer over \$1,100. (Or cost taxpayers nearly \$100 billion, one of the largest non-defense discretionary budget items in 2012.)

These are the words coming from the White House for people to use in their talking points. These figures come from the total cost of all natural disasters. I am from Oklahoma. I think we all know we have tornadoes in Oklahoma. We have had tornadoes as long as I have been living in Oklahoma—all my life.

So he is talking about that figure on all natural disasters that has nothing to do with carbon whatsoever. He is attributing the cost of all natural disasters and its total costs to global warming or carbon pollution, as the President now says, even if you believe global warming is true.

The President's third talking point was to his climate plan. This is what he is telling his followers, in this body and elsewhere, to use:

That's why we applaud President Obama's climate plan, which is full of common-sense solutions, starting with his call for the EPA to limit the carbon pollution.

While we set limits for arsenic, mercury, and lead, we let power plants release as much carbon pollution as they want. It's time to set a limit on pollution that affects public health, and that's why it's so important that the President is rising to this challenge.

Those are his talking points that he wants people to say about his speech and about his program. What this demonstrates to me is that the President is no longer fighting greenhouse gases—which he says caused global warming—but is instead fighting against carbon pollution.

But if carbon pollution is simply carbon dioxide—or CO<sub>2</sub>—and is dangerous to our health, what are we going to do about the air we breathe? Don't we emit CO<sub>2</sub> every time we exhale? Is this the pollution they are talking about?

Also in the memo the President's alarmists are given a concrete list of

things to talk about and things not to talk about.

This is something we received just a few hours ago, and we are very pleased to be able to get a copy of it. This was only supposed to go to alarmists. Alarmists, for the benefit of my colleagues, are people who believe the world is coming to an end and it is all man's fault. It says what to do and what not to do. Look at this. It is amazing, what you can say and what you can't say. We will highlight just a few items.

The first point is the instruction to not talk about the cost of regulations. The memo from the White House says, "Don't lead with straight economic arguments." Why? Because global warming legislation will cost between \$300 billion and \$400 billion a year, and the regulations will cost much more than that.

Charles River Associates is a credible group that to my knowledge no one has challenged. Their study of the Waxman-Markey bill reported that the policies would cost the economy \$350 billion a year in 2030 and \$730 billion a year in 2050. Again, go back to the figures consistent with what the Wharton School, 10 years before, and MIT came out with.

The Heritage Foundation said the average family would see its direct energy costs rise by over \$24,000 in the first 20 years following the bill's enactment. This is the Heritage Foundation said it is going to affect every family in America. The costs will be far higher under the President's unilateral regulatory action, thereby bypassing Congress, because they are talking about regulating down to much lower levels.

This memo also instructs the President's alarmists to talk about his actions being "the latest in a series of steady and responsible steps the administration has taken" to combat global warming. In that vein, however, the memo instructs them to not overstate the magnitude of the action being taken.

In other words, the President does not want his people talking about this as being the first of many steps in regulating every refinery, manufacturer, oil and gas wells, steel mills, plastics, and all the rest.

The next memo instructs alarmists to "discuss the impacts—carbon pollution is bad for the health of our kids and our planet" but to not "debate the validity or consensus of the science that is already settled."

In other words, don't debate the science. Just say it has been settled. Because we have more and more people now questioning the science, and it is far from being settled. They don't want to bring that up. They don't want people talking about it. The science is far from settled, and since when does carbon dioxide—which we all breathe out every day—hurt our kids?

The memo also instructs the alarmists to "inform audiences about the nature of the problem, who is at fault,

and what can be done," but to not "debate the increase in electricity prices. Instead pivot to health and clean air messages."

In other words, don't admit the truth; that is, overactive, unilateral regulation will do nothing more than increase electricity prices and unilaterally shut down our economy by imposing EPA regulations on every single industry and dramatically expand the Federal Government's role in our lives without doing anything to reduce global emissions. This is all instruction coming from the White House.

I have to repeat this. If it were done by legislation or by regulation, we have already shown clearly it would not reduce CO<sub>2</sub> emissions, even if that were your goal, because that is what Obama's Administrator of the EPA said. In answering the question, "Is this going to reduce CO<sub>2</sub> emission," the answer, "No, it won't."

Richard Lindzen and other scientists have talked about:

Controlling carbon is kind of a bureaucrat's dream. If you control carbon, you control life.

So keep that in mind. All this effort is being made, and we have made it very clear that it is not going to accomplish anything they want to accomplish in terms of reducing CO<sub>2</sub> emissions worldwide.

The last thing I will mention from the memo is that it says to "discuss modernizing and retooling power plants and innovation that will create green jobs" but to not "try to suggest net job increases."

In other words, don't mention this is going to shut down every coal, oil, and eventually natural gas powerplant we have in this country and kill thousands of jobs at manufacturers around the Nation. We don't want to talk about the job loss. The President only wants to talk about the benefits of his regulatory actions and not about the costs.

But what we have to remember is that even the benefits are overstated because they do not rely on the true costs of the regulations. But we should not be surprised, this coming from an administration that thinks more regulations means more jobs. These are talking points, but the mechanics of these new and future EPA greenhouse gas rules will be done by the EPA.

The reason I am here today is to first demonstrate in the speech he made how that relates now to the current EPA and perhaps the confirmation hearing vote that will be coming up.

Gina McCarthy is currently being considered to take the top job at the agency. Remember, I said Lisa Jackson had that job before and how much I thought of her. I like Gina. I like her very much. I have worked with her. She has had a different job for several years. She was the Assistant Administrator of the EPA for air issues.

It is very important people understand what we are looking at. We have a good personal relationship, but she is the one who is responsible for all of the

worst regulations that have come from the EPA in the last 4 years under Lisa Jackson's leadership. Lisa Jackson was the director, but Gina McCarthy was the air director. It is from the air office, the Assistant Administrator for Air and Radiation, where she has the most expertise and where all of the worst regulations will come from in the future.

After President Obama's speech on global warming, it became clear that Gina McCarthy would be used as the tool of the administration for all these regulations that will destroy the American economy. I have listed these up here, and it is worth looking at.

In the last 4 years, we have had Utility MACT. MACT means the maximum achievable control technology. That means what technology is out there to control emissions. She was able to get that through, and \$100 billion and 1.5 million jobs were lost. The next is Boiler MACT, \$63.3 billion and 800,000 jobs lost. Regional haze—another regulation regulating the air—will increase the cost of Oklahoma's electricity bills by over \$1.8 billion. These are all figures that are incontrovertible, so people don't disagree with.

In the next few years, even worse regulations are likely to come out. Greenhouse gas regulations may be the worst, but there are also the others listed. Greenhouse gas is the one we have been talking about, but you also have the ozone NAAQS regulations. Adjustments to that rule will put 2,800 counties out of attainment, including all of them in Oklahoma.

We have 77 counties in the State of Oklahoma. I can remember when I was the mayor of Tulsa, they came out with new regulations that put Tulsa County out of attainment. When you are out of attainment, that means you can kiss any energy development, new manufacturing opportunity, any other business expansion goodbye. They will not be able to get a permit from the EPA.

Gina McCarthy is the face of President Obama's overregulatory agenda that is threatening our energy independence and putting our economic future in peril. We can't allow these regulations to move forward. I think the key to that is the person who is responsible for all the regulations, all the costs, all the jobs I just enumerated, both during her tenure as the air boss of EPA and then these that would come in the future, that would be in her goal. She would be the tool that is being used by the administration.

Yesterday was kind of interesting because Heather Zichal is President Obama's climate czar and she was on the Hill huddling in a secret meeting with some of the chief alarmists such as BARBARA BOXER and the rest. In the meeting, they talked about the President's plan and presumably this memo—with wordsmithing talking points from the memo we talked about before. So the one we had up before is



the same thing they talked about yesterday: This is how you are going to have to word all this stuff.

Their goal is not to protect the American people; it is to control them. They want top-down control, and carbon dioxide regulations will give them this tool. Their talking points memo proves they are doing all they can to craft their message in a way that convinces Americans they are not trying to crush our economy but instead trying to help. But the truth is, their regulatory agenda will only cause more unemployment, lower economic growth, and lower take-home pay for the American people.

President Obama delivered a beautiful speech on global warming. That is how I started this. It was well thought out, and he is very gifted. He had a beautiful speech, and he is embarking on the most devastating surge in regulation that will cost hard-working Americans millions of jobs and tax increases to accomplish this.

Keep in mind, if you do all these things it is not going to lower CO<sub>2</sub> emissions. That is proven. No one has denied it. That even came from the Administrator of the EPA. It is going to be devastating to the American people.

This is big. It has a lot to do with the confirmation hearing of the very fine lady who has been a good friend of mine for a long time, but the one who is responsible for these air regulations that are killing jobs in America, and we cannot let that happen.

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

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

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the controlled time be extended until 7 p.m., and that all the provisions of the previous order remain in effect.

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

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

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

Mr. BROWN. Mr. President, I come to the Senate floor from time to time to share thoughts from people in my State. All of us are hearing comments from college students, people who have finished college, and often from the parents of those who face a massive debt from going to 2-year and 4-year

private-public schools. This situation can sometimes be even more tragic at for-profit schools where they haven't gotten much help in their job search. It can be even more tragic if they have not finished school and still face this debt.

My wife Connie Schultz graduated from Kent State University some number of years ago. Her father was a utility worker and carried a union card for more than 30 years. Her mother was a home care worker. She was the oldest of four and the first in her family to go to college. Her two younger brothers and sister also went to college.

Connie graduated from Kent State University 30-some years ago with a debt of only \$1,200. That so starkly illustrates the difference from today and then. She had little privilege, little money, and parents who couldn't really put much money out, but with lower tuition, Pell grants, a few scholarships, Stafford loans, and working, she was able to get through school with little debt.

The stories we hear today are so different from that. I plead with my colleagues that we freeze interest rates at 3.4 percent. I know that will not solve anything close to all the problems of college tuition and costs of room and board, but it will help. We need to do much more than that.

Every year I convene 50 or 60 college presidents from Ohio's 2- and 4-year private and public schools, community colleges, and 4-year State universities. I invite all of them to come and discuss these issues. We have done it for 6 years in a row. It is helpful to try to find ways to keep higher education costs in check, but, again, it is not nearly enough.

I am hopeful that in the next 24 hours or so we can freeze interest rates at 3.4 percent and then get serious about what we are going to do about the \$1 trillion aggregate debt that students, or former students, have in this country. We need to focus in part on the \$150 billion of the \$1 trillion which 2.9 million students are burdened with. That is debt from the private market for the \$150 billion of the \$1 trillion. Fifteen percent is in the private market where interest rates sometimes are as high as 12 or 15 or 16 percent. Few private banks are willing to renegotiate and refinance those loans.

My legislation with Senator HEITKAMP will help with a carrot-and-stick approach to encourage the private institutions—banks and private lenders—to refinance these loans.

Let me share a couple of letters from students and families because I think that speaks volumes better than I can.

This is a letter from Daniel from Centerville, OH. Daniel has been at the University of Dayton.

He said:

I currently have \$100,000 in outstanding loans. Last summer (2012) I graduated with a Masters Degree in Middle Child Education and the previous summer I graduated with a Bachelors in Middle Child Education as well

from Wright State University in Dayton, Ohio.

Starting in July of 2013, because of the high interest rates, my average monthly payment for all my student loans will be \$600 a month.

I recently got one of my payments lowered; otherwise that total would be over \$800 a month.

I have consolidated all I can, and even deferred (and still made payments while in deferment) other loans which will be due in February 2014; adding to the \$600 a month payment.

I teach in a school in Cincinnati and LOVE THE WORK THAT I DO.

It was impossible to find a job in Dayton, so now I spend \$200 a month in gas traveling over 40 miles (one way) to work.

Even though I have a part time job in the summer, while school is out, I still find myself struggling to pay bills.

Further down in the letter he says:

Afterall, I will be well over 65 years old before I am able to pay all of my college loans off.

This country needs to rethink its priorities.

That was Daniel from Centerville, OH.

Melinda, from Canton, OH, in northeast Ohio, writes:

After graduating from college, I had roughly \$23,000 in student loan debt. My payments are \$276 a month until I'm in my 30s, and I am very tightly budgeted.

While I am able to make this payment, which is my largest and most important bill each month (aside from rent), it puts me in a vulnerable situation when it comes to emergencies.

I recently had to have surgery for a chronic medical problem. I was in an auto accident and had to visit the ER.

Making that loan payment every month leaves very little extra to be saved for unexpected expenses.

I understand it's my responsibility to pay it, and I loved every minute of my education so it was well worth it, but at the end of the day a hike in my interest rates may be the difference between me saving a little money each month or saving no money each month.

Also, I fall asleep each night knowing that I am 24 years old and have yet to begin saving for retirement which will be a very important issue for my generation.

We are not getting into the issues of retirement, Social Security, and the effort by some of our colleagues to privatize that system—I will not even go into more detail there.

Christie from Ashtabula, the community where my wife grew up, writes:

As a low-income individual, I was forced to decide on going to college by a measure of a few things—who could give the best education, and the most financial aid.

But there was a catch—I couldn't leave Ohio, and I couldn't live far away from home because I didn't have access to a car and my single parent mother (who works two jobs), would have no way to get me if there were any emergencies.

I chose Case Western Reserve University, a renowned university [ranked] at 37th in the country.

My financial aid package was hefty.

If I paid full tuition (\$52,000) each year, I would be at an insane \$200,000 by graduation.

Luckily, by the end I will only owe a quarter of that. Yes, that's still around \$60,000—\$60,000 in student loan debt. That's pretty much a house and a car.

The last letter I will read is from Linda, who is from my hometown of Mansfield, OH.

I have two children who are currently attending state colleges (Cleveland and Akron). We are a middle-class family working hard to make ends meet, and help our children to the best of our ability. Even after saving for them, and thinking we had plenty for them to get through without much debt, the market crashed in '08, and more than HALF of our hard-earned college savings for them disappeared. They have had to take out loans in order to be able to attend.

We do not have the money for them to "borrow" from us, or to pay the thousands that their college savings doesn't cover. Both of them are on the Dean's list every semester.

My son is an environmental science major, and my daughter minored in Spanish, and her major is exercise physiology and physical therapy. They are bright and intelligent and have worked extremely hard to get where they are. I implore you not to leave them with ridiculous amounts of debt by doubling the interest rate.

These stories are pretty consistent. These students are struggling. They already are thinking about buying a house, starting a business, and saving for retirement even though they are in their twenties. They know the challenges are greater in this generation than in previous generations.

Also, what is obvious from these letters is the impact this has on families and not just the student who is 25 or 22 or 19 or 28, facing years of paying off student loans. It has an impact on the family who maybe takes a second mortgage on their house to help their son or daughter, the family who faces foreclosure because of financial problems, the family who simply can't help their student—as broken-hearted as that makes a parent, they can't help their son or daughter because of their financial situation, to help them with their college education.

Again, I am hopeful we can freeze interest rates at 3.4 percent for 1 year and get serious about what we need to do about access to college and affordable higher education for our young people.

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. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that the Senator from Tennessee and I be allowed to engage in a colloquy and speak as in morning business.

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

#### HOUSING FINANCE REFORM

Mr. WARNER. Mr. President, it is a pleasure to be here today with my friend the Senator from Tennessee to talk about legislation that we and eight—actually now nine of our colleagues—bipartisan legislation that has been recently introduced to reform our housing finance system.

I came into office a couple of years later than the Senator from Tennessee, but I got here in January of 2009 when the entire future of our financial system was uncertain. We members of the Banking Committee rolled up our sleeves and tried to work together to prevent future crises. Well, history will determine whether we accomplished that goal.

The Senator from Tennessee and I worked strongly together on a couple of titles of what has subsequently become known as the Dodd-Frank legislation. While there are problems in that legislation, while there are problems still within our financial system, I think no independent observer would not say that our financial system today, in 2013, is stronger than it was after the crisis.

But one area that did not receive very much attention was the question of housing finance. We also know that in many ways our housing finance system, both from lack of underwriting, the process that then ended up allowing a lot of mortgages to get packaged off, securitized, with the assumption that there would never be a decline in housing prices or a significant decline in housing prices and that these securities would never be in jeopardy, in many ways led to part of that financial crisis. At the end of the day, those institutions—Fannie and Freddie—that had been the core of our housing finance system ended up acquiring \$188 billion of taxpayer support to shore up those institutions so that the whole housing system would not collapse.

Well, it is now 5 years later, and we believe it is time to transform the failed model of Fannie and Freddie into a smarter, sustainable system with more private capital. We believe we can better protect the taxpayer and maintain broad access to affordable mortgage credit. But we need to act soon to prevent this issue from falling victim to election-year politics. And everyone—from the administration, to many of us here on the floor of this Senate, to many housing experts—knows the status quo is not sustainable.

So we have two important questions before we get into some of these principles about which I will engage my colleague the Senator from Tennessee: 1. Why do we need to take action now, and the second question is, why does Congress need to act?

I will take the first question. Why is the time now? Well, over the last 5 years since the housing and the overall financial crisis, we have seen—slowly, albeit—the housing market come back to life. Obviously this has been supported by a low interest rate environment that has permitted more refinancing and loan modifications. Rising home values have brought many home owners out from underwater mortgages. Housing prices have been a significant factor in Fannie's and Freddie's recent record profits. But now those very profits have somehow

been wrapped into at least some of our colleagues' discussions about our debt ceiling debate.

I speak for this Senator and I think the Senator from Tennessee and, candidly, I think many Senators are not even engaged with us on this debate right now. The last thing we want is for Fannie and Freddie to virtually serve as a piggy bank for the pet projects of either side of the aisle. If we are not careful, that could happen.

Fannie and Freddie have been in conservatorship for 5 years. Before we become even more dependent upon this broken system, it is time for us to move forward. So I would like to ask my colleague the Senator from Tennessee, if now is the time, if he might share with us some of the ideas he feels and we feel about why it is important that Congress be involved in this process and not simply allow this conservatorship to go on ad infinitum into the future.

Mr. CORKER. Mr. President, I wish to thank the Senator from Virginia. I have thoroughly enjoyed working with him on this issue. We have been working on it since last fall. We spent a lot of time talking to various groups to try to get this right. We know that every bill can be improved, but we have done our best to present something to the Senate that we hope will be marked up in the Banking Committee, something that, as the great Senator from Virginia mentioned, has attracted numbers of people on both sides of the aisle. I again thank Senators TESTER, JOHANNIS, HEITKAMP, HELLER, MORAN, HAGAN, and now KIRK for joining us in this effort. This is a diverse group of folks from diverse places around the country who have come together to solve this major problem.

All during the Dodd-Frank debate—and we were certainly in the middle of that—all people talked about it seemed was the fact that Fannie and Freddie were not included. Yet Fannie and Freddie were two of the biggest failures that occurred during that time. As the Senator from Virginia rightly mentioned, \$188 billion of taxpayer money had to go into these entities.

We have dealt with most of the issues around the crisis. I know there are still some rules that are being promulgated. We had some that came out yesterday. But this is the last piece.

As the Senator mentioned, the housing sector has been growing and coming back. We understand the importance of the housing sector; therefore, we have designed a bill that transitions over time and moves us to a model that we hope and believe strongly is far more sustainable.

First of all, let me mention the five things we have worked on together. I know each of us is going to stress a lot of different things as we move through. I know we plan to come down here at multiple intervals as we move ahead. But No. 1, what does this bill do? First and importantly, it breaks up the GSEs and liquidates them. It does it over time, but our bill does that.

Secondly and very importantly—this is something we have talked about a great deal with industry and certainly people from all sides of the aisle—this bill puts 10 percent private capital in advance of any kind of government reinsurance. I want to say to the Senator that one of the reasons we looked at it this way is that if Fannie and Freddie just had 5 percent capital, there would have been no taxpayer losses. But putting this much capital in advance really is a buffer against the taxpayer needing to be involved in it. It fully privatizes a number of functions that are currently performed by Fannie and Freddie. It gets the U.S. Government out of the business of pricing credit, which is something we both have thought needed to occur.

It modernizes our system of mortgage-backed securities. But I think the thing we began with—and I so appreciate the Senator's involvement. We realized that one of the major flaws in our housing finance system in the past and even—well, it is not today because the government owns these two entities, but in the past has been private sector gains, public losses. I mean, when you have a situation where you have shareholders, you have the private sector doing well when times are good; they had an implicit guarantee; people figured that the government would come in and backstop these entities if they failed. Obviously their underwriting standards got really terrible. The organizations failed. What happened? The taxpayers came to the rescue, unfortunately, with \$188 billion, which has not been paid back. We still have these entities in conservatorship. One of the flaws both of us, coming from the private sector, saw was that this is not right; there is no way we should have entities where there is private sector gains when things are going well and public sector losses.

I wish to thank the Senator for joining in, for all of the hours he and his staff have put into this to try to make this bill as good as we can possibly make it to bring it to the floor.

I look forward to the input of the entire Senate. I hope we have an opportunity for a markup and a presentation later this fall. But I could not be more grateful to the Senator for his efforts and his willingness to do this and obviously his willingness to work hard to see this go across the finish line.

Mr. WARNER. Mr. President, I wish to return the same compliments to the Senator from Tennessee. He brought a greater breadth of background in housing finance and the public finance sector than I did. But together, working with our other colleagues, I think we have all built a series of critical points.

Again, echoing what the Senator from Tennessee said, there are always ways to improve on legislation, but the first and foremost point was that we need to make sure there is taxpayer protection. We need to make sure the taxpayers are fully repaid that \$188 billion. We need to make sure as well—

and we spend a great deal of time working with industry and others—that there continues to be broad access to market credit.

I think one of the challenges we both felt with Fannie and Freddie was there was not only a combination of a private sector gain, public sector loss with this kind of hybrid model, but layered on top of that was a social purpose. I, for one, believe very strongly that we have to make sure there is affordable housing, that there is good access to market credit. But when you layer that on a quasi-private entity, as we did for years with Fannie and Freddie, you end up where you are not sure whether those entities are performing that necessary securitization and financing purpose to maintain the overall housing financing sector or whether they are allowing certain loans that maybe shouldn't have gone into this process because of the social purpose.

So we have said: Well, we have to make sure there is the appropriate private sector taxpayer protection: 10 percent capital—very important. We also said: Let's go ahead and split off that public sector role, clearly identify it, make sure that for those loans that get securitized, a small transaction fee—not a tax, a small transaction fee—is charged. Those funds are then set aside to promote rental housing, access to credit, low-income housing. Have that audited, stand alone, perform that important function.

As we said as well, doing this, as the Senator from Tennessee has mentioned—he has been quite strong on this—we are going to make sure the government role is clearly defined but much more limited. There are some who say we can do this totally on the private sector side. Well, we hope there can still continue to be the 30-year fixed-mortgage product that I think the American public has come to expect. We can privatize more, but not having the ability to have the government backstop would remove that very essential component of our current housing financing system. So a more limited government role but still the ability for our American consumer to have the kind of access to the financial products they have come to expect. Again, it has been mentioned—making sure that we expand private sector capital and make sure that they take care of that underwriting and credit assessment that, quite honestly, the old model did not really provide.

I would like to ask the Senator from Tennessee this because this is one on which we went around and around. I again thank him and his staff and my staff and the staff of our now nine cosponsors of this legislation. One thing that was quite important to us was that if you are going to create this new model, how do we make sure that—while we want more competition, private sector competition, while we want institutions to be able to go ahead and provide this important issuance and

securitization function, how do we make sure that those small banks—that community-based bank or that credit union, that small bank in Knoxville or that small bank in Martinsville, VA—still gets access to the same kind of ability to issue mortgages, have those mortgages securitized, and not be at a disadvantage of some of the mega-institutions?

So I would ask my colleague, the Senator from Tennessee Mr. CORKER, why doesn't the Senator speak to that issue because it did take us a lot of work to try to get this right, and there may be even further refinement. But I think this is an area—again, with the reaction we have seen from the credit unions, the community-based banks—where I think we have made a great first step.

Mr. CORKER. One of the things, no question, that many banks and credit unions around our country have been concerned about, even though Freddie and Fannie are 90 percent of all home mortgages today—and very dominant, obviously, because of what has happened but also because of the tremendous market share they have had—is if we are going to wind these down, are they going to be assured access into this market. So we have created mechanisms for them to be able to come in through issuers to do this.

One of the things so many of the community banks and credit unions have complained about as a tremendous disadvantage with our system was that there was volume pricing. In other words, if you were a big user of Fannie and Freddie, they gave you a big volume discount—Wells Fargo, Bank of America, JPMorgan. As they tried to process loans through Fannie and Freddie and this whole system, they got big volume discounts, so they were more competitive.

These organizations I mentioned are, obviously, important, but the community bankers who mean so much are the ones who drive things back home. The community bankers are members of the Rotary Club, the Lions Club, and are involved in our communities, and they were constantly at a disadvantage as it relates to housing finance. So one of the components of this bill is not only to ensure they get equal access to the system—and we do that very eloquently in this bill—but in addition to that we ensure there is no mechanism that allows for volume pricing.

Everybody is treated the same, as it should be, because in this particular case we end up with an explicit government guarantee that is very different. We don't have a situation where we have private shareholders doing well when things are doing good and the public doing bad. But one of the reasons we felt confident in moving in this direction was the tremendous amount of upfront capital.

So we dealt with the smaller institutions. As a matter of fact, we sat down and worked through the many issues they have brought up. We know how

important they are to everyone here and everyone in the country. We dealt with that, but we also created enough upfront capital, as the Senator has mentioned, to protect the public.

I know, again, that every bill can be improved. We saw that most recently with the immigration debate. As a matter of fact, I think that is a good model. We have introduced something that I hope the Banking Committee will take up soon. It is almost unprecedented to have nine members of the Banking Committee cosponsoring a piece of legislation. Hopefully it will have the opportunity for a markup, for improvements, and we know the chairman and ranking member, obviously, are going to want to put their stamp, as will many members on the committee, on anything that occurs. But I think we have done some of the work that is important to establish a very good beginning place.

We tried to address, as the Senator mentioned, the many community banks around our country that are in here constantly and that are so important to the States we represent. We have done that. Again, I know to the Senator and his staff, and many of the cosponsors, that was something that was an ultimate threshold for them, was to ensure the community bankers and credit unions around our country had the appropriate access, and I think we have hit that good place in this bill.

Mr. WARNER. Mr. President, I know our time is about up, but I want to close and then I will turn it back over to the final comments of my colleague, the Senator from Tennessee.

I want to say to my colleagues and their staff and those interested in this issue that this was the one piece of unfinished business in our financial system reform. While there are some today who say: Well, things have gotten better, we should allow the status quo to continue—well, I don't think, from the administration on down, there is anyone who thinks the status quo simply continuing—with private sector gain and public sector losses—is the right model.

We ought to take the lessons we have learned over the last 5 years—some of the very good work in terms of the standardization that is being done at the FHA right now—and set up a new model. As the Senator from Tennessee said, make sure we get that taxpayer protection.

I would simply add that housing is a critically important part of our overall economy, and on any piece of legislation—and let me not say all these groups have endorsed this legislation but they have all been generally supportive, they all have had areas they wanted to see improvement in—when you have realtors and homebuilders and mortgage bankers and large and small banks and community organizations and groups who are concerned about low-income housing and rental housing all saying we are in the ballpark in an area that is so important to

our economy and so complex, I think we have taken a great first step. So I would urge colleagues to join with us.

The Senator and I will be happy to come and make presentations. We have found, as we have sat down with many Members and walked them through all the processes and all of the kinds of protections we have built into this legislation, that the presentations have been one of the reasons we have had such success with nine members of the Banking Committee—almost half of the Banking Committee, without all of them even having had a full presentation—pledging their support.

I again thank my colleague, the Senator from Tennessee, for his great work and leadership. He has been the lead sponsor. I am proud to be his wing man on this as we continue to work through it.

My sense, though, is this is the time. It is my hope the Banking Committee will take up this piece of legislation and make their improvements on it. It would be a huge mistake, with interest rates at this kind of record low, with this housing market coming back, and with us putting in place a 5-year appropriate transition time, not to act now. If not now, then when would be the right time to do the kind of meaningful housing finance reform that I think so many experts across the ideological spectrum have all called for?

I look forward to working with my colleague, the Senator from Tennessee, and I thank him for his good work, and I am happy for him to close out our comments today.

Mr. CORKER. I thank the Senator again for all the hours that have been spent. I think we have both realized this is a beginning point, meaning this is a piece of legislation that has a lot of bipartisan support among talented and wise Members—excluding the two of us—and I thank him for joining in and helping make this bill better. Obviously, this is something we think may be taken up sometime this fall, and I do hope we will have the opportunity to make presentations to people throughout the Senate very soon.

I want to make two points. The Senator from Virginia, because of his background, was probably more involved in the banking issues than most people here because he brought a lot of background and expertise. I felt fortunate to be involved in some way during that time, and he and I both remember—and I hope Members of this body will remember—back to the big issue that people felt during that time was not addressed were the two GSEs, Fannie and Freddie. Candidly, it was a pretty complex undertaking. There were a lot of other things happening. It was a fair criticism, but at the same time, there was a lot being dealt with. Time has gone by now, the housing market has improved, but we still haven't finished our work.

I think most people here understand that this last crisis brought such hardship to so many people across this

country, with trillions and trillions of dollars of household wealth going down the tube because we had a system that wasn't stable, a system that was making bets on things it shouldn't have been making. It was excessive. As the Senator has mentioned, between the regulators and some of the rules that have been passed, the system is stronger now, but we still have not dealt with this.

I would ask my colleagues to consider later this year looking at something to finish that work so we can shore up the housing market and do everything we can to keep that from happening again. Because again, we know how important the housing industry is to us.

Secondly, I think the window is closing. For what it is worth, there are a lot of people throughout our country who have a personal stake in trying to keep the status quo in place, to keep the situation where we have, again, private shareholders the public believes have the government standing behind it and no matter what they do they are going to be bailed out or whatever, placed in conservatorship. People are beginning to see that maybe even though these entities haven't paid back a single dime yet, they haven't reduced the \$188 billion—not one penny of capital for the indebtedness has been returned. Certainly, there have been dividend payments. But people are coming out of the woodwork now to try to reinforce the old system.

Next year we are going to be moving into an election cycle again. It happens every 2 years around here. We have had a pretty productive year this year so far. I am proud of a lot of work the Senate has done. This is a big and important piece of work, as we have mentioned, that is undone. The timing is right because of a lot of forces out there that, again, would like to keep the status quo. So I want to again thank the Senator from Virginia for his thoughtfulness, the other Members who have cosponsored this and gone through a complex issue and come up with a very elegant solution to this problem, and I hope we will have the opportunity to work together to actually do something that makes our country stronger and causes our housing finance system, which is so important to our economy, to be more sustainable.

I thank the Senator. I look forward to coming to the floor with him again and continuing the many meetings we are having with Senators on both sides of the aisle and, hopefully, with a lot of input from others, coming up with a solution the entire body addresses.

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 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.

#### MORNING BUSINESS

Mr. REID. Mr. President, I now ask 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.

#### REMEMBERING WILLIAM H. GRAY III

Mr. REID. Mr. President, I rise to pay tribute to a colleague, a leader, a statesman, and a humanitarian, but most of all I rise to pay tribute to my friend, Bill Gray, who passed away last week.

Bill Gray and I served together in the House of Representatives during a time that was much different than the world we see today. From his early days in Congress, Bill Gray sought to aid and unify an extremely diverse caucus. This collaborative work ethic, along with a comprehensive understanding of the congressional budget process, helped him earn the respect of his colleagues. Bill Gray rose through the ranks to become the first African American to chair the House Budget Committee. Later, he would serve as chair of the House Democratic Caucus and go on to become the House majority whip, the first African American to do so in each position, and at that time, the highest ranking African American in congressional history.

From his first day in Congress, through his rise to leadership, Bill Gray fought for the people of Philadelphia as a tremendous advocate for fairness, equity, and democracy. Bill was willing to compromise to get to a balanced budget because he knew it was good for the entire country, both the rich and the poor. He once said, "A balanced budget is good for the country, the affluent and poor alike. I seek a budget that doesn't sacrifice programs for the poor and minorities, one that is fair and equitable." Gray's advocacy for fairness was also evident at the international level, as he was an early leader in the drive to end U.S. investment in the apartheid government of South Africa.

Bill Gray's commitment to humanity and public service did not begin or end with his time in Congress. Prior to serving in the House of Representatives, Bill was pastor of Bright Hope Baptist Church in North Philadelphia and still ministered to his congregation while serving in Washington. After retiring from Congress, he served as president of the United Negro College Fund, and was later appointed by President Bill Clinton to serve as Special Envoy to Haiti.

Despite all of Bill Gray's historic achievements, he still managed to remember his friends. A few years ago, Bill and his son, Justin, visited my

home State of Nevada. The people he met in Las Vegas knew all too well of his service to this Nation and, even more, they just appreciated him for coming to visit our town. I appreciated him, too.

I will always remember Bill Gray, not only as a trailblazer or public servant, but as my friend. My thoughts are with his family and I hope fond memories offer comfort during this time of grief.

#### HONORING OUR ARMED FORCES

##### CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, today I wish to pay tribute to 21 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since I last entered names into the RECORD on September 11, 2012. This brings to 402 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 18 percent of all U.S. deaths in Afghanistan:

CS2 Milton W. Brown, 28, of Dallas, TX, died August 4, 2012, from a non-combat related incident in Rota, Spain. Culinary Specialist Second Class Brown was assigned to Strike Fighter Squadron (VFA) 137, Lemoore, CA;

Sgt Camella M. Steedley, 31, of San Diego, CA, died October 3, 2012, while supporting combat operations in Helmand Province, Afghanistan. Sergeant Steedley was assigned to Combat Logistics Regiment 17, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA;

SGT Thomas R. Macpherson, 26, of Long Beach, CA, died October 12, 2012, in Andar District, Afghanistan, from small arms fire while on patrol during combat operations. Sergeant Macpherson was assigned to the 2nd Battalion, 75th Ranger Regiment, U.S. Army Special Operations Command, Joint Base Lewis-McChord, WA;

SGT Clinton K. Ruiz, 22, of Murrieta, CA, died October 25, 2012, of wounds suffered when his unit was attacked by small arms fire in Khas Uruzgan, Oruzgan Province, Afghanistan. Sergeant Ruiz was assigned to the 9th Military Information Support Battalion (Airborne), 8th Military Information Support Group (Airborne), Fort Bragg, NC;

SPC Daniel L. Carlson, 21, of Running Springs, CA, died November 9, 2012, in Kandahar Province, Afghanistan. Specialist Carlson was assigned to 3rd Battalion, 25th Aviation Regiment, 25th Combat Aviation Brigade, 25th Infantry Division, Wheeler Army Airfield, HI;

SSG Kenneth W. Bennett, 26, of Glendora, CA, died November 10, 2012, in Sperwan Gar, Afghanistan, from injuries sustained when he encountered an improvised explosive device during combat operations. Staff Sergeant Bennett was assigned to the 53rd Ordnance Company (EOD), 3rd Ordnance Bat-

talion (EOD), Joint Base Lewis-McChord, WA;

PO1 Class Kevin R. Ebbert, 32, of Arcata, CA, died November 24, 2012, while supporting stability operations in Uruzgan Province, Afghanistan. Petty Officer First Class Ebbert was assigned to an east coast-based Naval Special Warfare unit in Virginia Beach, VA;

Sgt Michael J. Guillory, 28, of Pearl River, LA, died December 14, 2012, while conducting combat operations in Helmand Province, Afghanistan. Sergeant Guillory was assigned to 1st Marine Special Operations Battalion, Camp Pendleton, CA;

SSgt Jonathan D. Davis, 34, of Kayenta, AZ, died February 22 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Davis was assigned to Headquarters Battalion, 32nd Georgian Liaison Team, Regimental Combat Team 7, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA;

CPO Christian Michael Pike, 31, of Peoria, AZ, died March 13 in Landstuhl, Germany, as a result of combat-related injuries sustained on March 10 while conducting stability operations in Maiwand District, Afghanistan. Chief Petty Officer Pike was assigned to a west coast-based Naval Special Warfare unit;

SFC James F. Grissom, 31, of Hayward, CA, died March 21 at Landstuhl Regional Medical Center, Germany, of wounds suffered from small arms fire March 18 in Paktika Province, Afghanistan. Sergeant First Class Grissom was assigned to the 4th Battalion, 1st Special Forces Group (Airborne), Joint Base Lewis-McChord, WA;

SGT Deffin M. Santos Jr., 24, of San Jose, CA, died April 6 in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his unit in Zabul, Afghanistan with a vehicle-borne improvised explosive device. Sergeant Santos was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Armor Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA;

Capt Reid K. Nishizuka, 30, of Kailua, HI, died April 27 near Kandahar Airfield, Afghanistan, in the crash of an MC-12 aircraft. Captain Nishizuka was assigned to the 427th Reconnaissance Squadron, Beale Air Force Base, CA;

SSgt Richard A. Dickson, 24, of Rancho Cordova, CA, died April 27 near Kandahar Airfield, Afghanistan, in the crash of an MC-12 aircraft. Staff Sergeant Dickson was assigned to the 306th Intelligence Squadron, Beale Air Force Base, CA;

SPC Trinidad Santiago Jr., 25, of San Diego, CA, died May 2 in Camp Buehring, Kuwait, of injuries sustained in a vehicle accident. Specialist Santiago was assigned to 4th Battalion, 42nd Field Artillery Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Carson, CO;

Capt Victoria A. Pinckney, 27, of Palmdale, CA, died May 3 near Chon-Aryk, Kyrgyzstan, in the crash of a