

we are equal in our rights. We own ourselves, and no one else may own us. We own the government, and the government does not own us. We are entitled to our lives with the talents that God gave us. Any form of government that interferes with these rights is wrong.

But in the world today are rogue nations that are growing in strength and violate these principles. They constitute a menace to our freedom and to civilization itself.

At home, our government grows ever greater in its size, in its reach, and in its expense. The law is flouted increasingly by high authority. And our people say with increasing intensity that they mistrust and even fear their government. It may be for the people, but it is less and less “of and by” the people.

On this 150th anniversary of Lincoln’s death, let us be here reminded and dedicated to that cause for which Lincoln himself gave the last full measure of devotion. Let us dedicate ourselves, in Lincoln’s words, “to finish the work we are in,” so that we “may achieve and cherish a just and lasting peace among ourselves and with all nations.”

Mr. President, I yield the floor.

#### RECESS

**THE PRESIDING OFFICER.** Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. FLAKE).

#### CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2016—Continued

**THE PRESIDING OFFICER.** Who yields time?

If no one yields time, the time will be charged equally.

The Senator from Vermont.

#### MOTION TO INSTRUCT

**MR. SANDERS.** Mr. President, I send to the desk my motion to instruct conferees.

**THE PRESIDING OFFICER.** The clerk will report the motion.

The bill clerk read as follows:

The Senator from Vermont [MR. SANDERS] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the resolution S. Con. Res. 11 be instructed to insist that the final conference report include a deficit-neutral reserve fund for legislation related to retirement benefits, which may not include legislation cutting benefits under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, increasing the retirement age, or privatizing the old-age, survivors, and disability insurance program.

**MR. SANDERS.** Mr. President, as I mentioned earlier, I happen to believe the Republican budget we will be discussing today moves us in exactly the wrong direction. At a time when the

middle class is in decline and the gap between the very rich and everybody else is growing wider, what the Republican budget does is make ferocious attacks on programs desperately depended upon by working families while at the same time providing outrageous tax breaks to the very wealthiest of the wealthy. That makes no sense to me at all.

One area where the Republican budget is negligent—one of many areas where the Republican budget is negligent—is in the issue of Social Security. Social Security is perhaps the most important and successful Federal program that was ever initiated. It is life and death to millions of seniors and people with disabilities in this country, and it has a history of enormous success. Before Social Security was established, about half of the seniors in this country lived in poverty. Today, while too high, that number is somewhere around 10 percent.

Unfortunately, in recent years what we have seen is an increase in senior poverty. We have seen many seniors struggling to pay their bills, to heat their homes, and to buy the medicine they need. It seems to me that in this moment, not only should we not be talking about cutting Social Security, as many of our Republican colleagues are, we should be talking about expanding Social Security benefits. I have introduced legislation to do just that. But today I rise to bring forth legislation—bring forth a motion to instruct the budget conferees to include a deficit-neutral reserve fund to protect retirement benefits by not cutting Social Security benefits, by not raising the retirement age, and by not privatizing Social Security. So in essence, what this motion to instruct says is that we go on record as Members of the U.S. Senate that we will not cut Social Security benefits, that we will not raise the retirement age, and that we will not privatize Social Security.

At a time of massive wealth and income inequality, when 99 percent of all of the new income generated in this country is going to the top 1 percent and when over half of the American people have less than \$10,000 in savings, the last thing any Member of the Senate should be thinking about is cutting Social Security. Today, the average Social Security benefit is just \$1,328 a month—not a lot of money.

Now, 20 percent of senior citizens are living on an average income of just \$7,600 a year. Frankly, I don’t know how anybody lives on an income of \$7,600 a year. I don’t know how you buy food. I don’t know how you buy the medicine you need, how you take care of your basic needs. But that is the reality. More than one-third of our senior citizens rely on Social Security for virtually all of their income. In other words, Social Security for them—more than a third—is not just a small part of their total income, it is virtually all of their income. Two-thirds of American

seniors depend on Social Security for more than half of their income.

The reality is, despite some of the rhetoric we hear around here or see on TV, we do not have a Social Security crisis. America has a retirement crisis. Given this reality, our job is to expand Social Security benefits, not cut them.

I have been distressed that in three out of the four major Budget Committee hearings held this year, Republicans invited witnesses who testified in support of cutting Social Security. John Engler, the head of the Business Roundtable, representing the CEOs of some of the largest corporations and Wall Street banks in this country, was one of the Republican witnesses. Mr. Engler and the Business Roundtable are the leaders of corporate America. These are the guys who make millions of dollars a year in salary. These are the guys who have huge retirement benefits. They are asking Congress to cut Social Security COLAs for senior citizens and disabled veterans and to raise the retirement age to 70 years of age.

Imagine that. People who are multi-millionaires and have huge retirement benefits are coming to Capitol Hill and telling Members of Congress to cut Social Security. It turns out, in fact, that the CEOs of the Business Roundtable have retirement benefits of their own of some \$88,000 a month. So we have the heads of large corporations who have retirement benefits of \$88,000 a month—\$1 million a year—and they are telling the Congress to cut benefits for people who are trying to survive on \$14,000 a year. That is an outrage.

I am getting a little bit tired of being lectured by CEOs of large corporations who want to cut the Social Security benefits of elderly people. That is wrong.

I am also tired of hearing folks on TV say that Social Security is going broke. Well, the truth is Social Security is not going broke. Social Security has a \$2.8 trillion surplus and could pay out every benefit owed to every eligible American for the next 18 years. Now, is 18 years a terribly long time? No, it is not. Should we develop legislation to extend Social Security for decades after those 18 years? Yes, we should, and I have done that. But, please, I hope that my colleagues will not stand up here and tell us that Social Security is going broke because it is not.

I believe the American people feel very strongly that in these difficult times Social Security is a major safety net for so many of the elderly and disabled. When we vote tonight, our job is to send a very, very clear message that the Senate is not going to cut Social Security, it is not going to privatize Social Security, and it is not going to raise the age at which people get those Social Security benefits.

With that, I yield the floor for the Senator from Hawaii.

**THE PRESIDING OFFICER.** The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I thank the ranking member of the Budget Committee, the Senator from Vermont.

MOTION TO INSTRUCT

Mr. President, I ask unanimous consent to set aside the pending motion and call up my motion to instruct, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the motion.

The bill clerk read as follows:

The Senator from Hawaii [Mr. SCHATZ] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the resolution S. Con. Res. 11 be instructed to insist that the final conference report include the deficit-neutral reserve fund relating to ensuring all legally married same-sex spouses have equal access to the Social Security and veterans' benefits they have earned and receive equal treatment under the law pursuant to the Constitution of the United States in the concurrent resolution as agreed to by the Senate.

Mr. SCHATZ. Mr. President, 3 weeks ago, the Senate held an important vote on an amendment to the budget resolution, and 56 of our colleagues, including 11 Republicans, joined me in affirming the need for legislation to ensure that all legally married spouses, including gay couples, have access to Social Security and VA benefits that their families have earned.

This amendment passed with bipartisan support because it is fundamentally about fairness.

Imagine a veteran who served his country for decades fighting for equality and freedom around the world and he gets married in a State that allows gay marriage. If he is permanently disabled from his service, his spouse is eligible for veterans' spousal benefits. They have earned these benefits. But if they move or if they drive over the border from Florida into Georgia, for example, they lose those benefits. The same scenario applies to our seniors and their right to Social Security spousal benefits.

Why does this happen? Simply because the Federal right to these benefits happens to be defined in law with respect to the State of residence rather than the State of celebration of the marriage. In other words, eligibility for these Federal benefits is based on where you live, not where you were married. So we have one Federal right and two unequal outcomes based on the person's residence. This is the definition of unequal treatment under the law.

No one is denying that Americans earned their Social Security and veterans' benefits regardless of whether they are gay or straight. And since the Supreme Court's decision in the Windsor case struck down parts of the Defense of Marriage Act, no one can deny that the Federal Government is required to recognize all legal marriages.

For almost all Federal agencies, this went into effect right away. Gay married couples can now file joint taxes. In

legal proceedings before the Federal Government same-sex spouses are given the same legal rights as all other spouses. Under the Family and Medical Leave Act, an employee can now take leave to care for a same-sex spouse. These are just a few of the ways that the Federal Government brought its policies into line with the law.

The Social Security Administration and the VA, however, are tripped up by an old wording in their authorizing statutes. Working together, we can fix this. We can pass legislation to ensure that all legally married couples receive equal treatment under the law regardless of where they live. The amendment that the Senate voted to include in the budget affirms the need for this legislation.

Allowing unequal treatment under the law goes against American values, and it goes against our Constitution. Equality under Federal laws should not end when you cross State lines. We are not debating whether gay marriage should be legal in all 50 States. That question is currently in front of the Supreme Court. We are debating whether a Federal right should be afforded to all Americans regardless of where they live.

For those who are concerned with preserving States' rights, I understand that perspective, but we should all support fixing the statutes governing Social Security and veterans' benefits. Fixing these statutes does not impact State law whatsoever. In contrast, by not fixing these statutes, the Federal Government is ignoring the laws of States that allow gay marriage. It actually does harm to States' rights to allow this situation to continue.

This is not an ideological proposal, and I should point out that the Senator from Washington, PATTY MURRAY, and the Senator from New Hampshire, JEANNE SHAHEEN—this was originally their idea. First, Senator MURRAY provided this as a piece of legislation on the Social Security side, and JEANNE SHAHEEN, likewise, presented this on the VA side. We worked together during the so-called vote-arama to merge these proposals into one because the same principle applies for both Federal benefits, which is that equal protection under the law should not depend on which of the 50 States an American citizen resides in. This is about treating veterans, disabled Americans, and our seniors equally, no matter where they live or what their sexual orientation may be.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I yield time to the Senator from Ohio, Mr. BROWN.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank the Senator from Vermont and also the senior Senator from Wyoming for their work.

MOTION TO INSTRUCT

Mr. President, I ask unanimous consent that the pending motion be set aside and that my motion be sent to the desk.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The clerk will report the motion.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the resolution S. Con. Res. 11 be instructed to insist that the final conference report include the deficit-neutral reserve fund relating to ending "Too Big To Fail" bailouts for Wall Street mega-banks with over \$500,000,000,000 in total assets, as set forth in amendment 994 to S. Con. Res. 11 (as agreed to by the Senate).

Mr. BROWN. Mr. President, this amendment, about which I asked to instruct the conferees, passed by a voice vote, and I appreciate the acceptance of it by Senator ENZI and Senator SANDERS during the vote 2 weeks ago. We know too big to fail is still with us. We know that it is really all about those megabanks that are over \$500 billion in total assets. That is what my amendment speaks to.

In the 6½ years since Wall Street pushed our economy to the brink of collapse, the biggest banks have gotten, as we know, bigger.

Think about this statistic. Just 18 years ago, the 6 largest banks in the United States had assets equal to 18 percent of our Nation's gross domestic product. Today, the 6 largest banks have assets equal to 63 percent of our GDP, with an average of more than 5,000 legal entities operating in 57 countries.

These institutions are not just massive, too big to fail in terms of size. They are risky and complex. In many ways they are too big to fail, they are too big to manage, as we have seen from the mistakes they have made, and they are too big in many ways to regulate.

If a financial institution is too big to understand, then it is probably too complex to manage and too opaque to regulate. Dodd-Frank requires large banks to produce an annual living will explaining the bank's plan for its own rapid and orderly resolution through the bankruptcy process in the event of material financial distress or failure.

Last year, the largest 11 banks—all 11 of them—were informed that their living wills were insufficient. In other words, it was not clear to the regulators that these 11 banks would know how to go through resolution. That means they failed to show that their collapse would not cause devastating harm to our economy as a whole. It raises this question: What happens if one of these banks fails?

Today, I urge the Senate to instruct budget negotiators to create a deficit-neutral reserve fund to ensure that the largest Wall Street megabanks can be put through bankruptcy or resolution

without a taxpayer bailout. This is the amendment that Senator VITTER, my Republican colleague from Louisiana, and I spoke out about, and it was passed unanimously in the Senate a couple of weeks ago.

Congress should act on the remedies provided in the law for any bank that cannot produce a credible living will this year. We need to end the cycle that enables large, unsafe banks to enjoy government bailouts. The public is cynical about these too-big-to-fail banks. The public does not believe they are not too big to fail, if you will.

The cycle that allows Wall Street to pile up private profits while forcing American taxpayers to be ready and willing to pick up the tab for their losses and failures is outrageously bad public policy. The American people don't want Congress to wait until we are faced with another crisis. Congress needs to take action now to prevent future economic collapse and future taxpayer-funded bailouts.

As Senator SHELBY, the senior Republican who sits on the banking committee with me, told the Senate banking committee last month, if a bank is too big to fail, it is probably too big to exist.

This motion to instruct will put the Senate on record that the American taxpayer should never ever again be on the hook for risks taken by megabanks.

I ask my colleagues to vote yes.

#### PAID SICK LEAVE

Mr. President, for too many Americans, a sick day means a day without pay. Each day workers across the country face impossible dilemmas. Do they go into work knowing the risks to their own health and to others around them or do they stay home and lose a paycheck? Do they send a sick child to school, knowing they are risking the health of their daughter and her entire classroom or do they jeopardize their job by taking a day off? This is a choice too many families face, and it needs to end.

Guaranteeing paid sick and family leave to all Americans would protect public health and increase economic security for millions of families.

In the 20th century, unions fought for workers' rights to collectively bargain—and often one of the protections they were bargaining for was paid sick leave. But after decades of attacks on our labor movement and on our middle class, most Americans are not protected by unions. Too often they have no protection if they have to miss work because of their own illness or that of their child.

43 million workers—including 2 million Ohioans—currently have no paid sick leave. Workers earning the lowest wages are the least likely to have paid sick days and are often unable to afford to take a day off when they or their children get sick.

Not only does this affect their own health, but these workers are often working in service jobs where they risk

infecting others. They are often caring for seniors or children or working in stores, hotels, or restaurants where they risk food contamination.

Adults without paid sick days are 1½ times more likely than adults with paid sick days to report going to work with a contagious illness, according to the National Partnership for Women and Families. That's why the National Partnership for Women and Families and more than 100 employers support this legislation. And so do many business owners, who realize that healthy workers are often more productive workers.

But too many do not, and that is why I urge my colleagues to pass the Healthy Families Act. This legislation would end the agonizing choice faced by families by allowing workers to earn up to 7 days per year in paid sick time.

This plan is good for both workers and businesses. Employers already providing sick time would not have to change their policies as long as they meet the minimum requirements and businesses with fewer than 15 employees would be exempt.

We know that when workers are healthy, they are more productive, and providing sick days decreases turnover and gives employers safer, healthier, and more stable workplaces. Paid sick leave will also save precious health care resources.

When workers go in sick, they can spread illnesses like the flu, and they increase the risk of workplace injury. The American Journal of Public Health found that the lack of paid sick days contributed to an additional 5 million cases of H1N1 during the 2009 pandemic.

The Institute for Women's Policy Research found that paid sick days could decrease emergency room visits by 1.3 million each year, saving the country \$1 billion in health costs. And most importantly, guaranteeing paid sick leave will give families the peace of mind that they can protect their jobs, their families, and their health. That is why it is far past time for us to finally guarantee paid sick leave for all of our workers.

My colleagues have all seen and heard me talk about my canary pin.

Our duty to protect our workers continues and our work is not yet finished. To truly embody the spirit of this pin, we must extend paid sick leave to all Americans—not just those lucky enough to be represented by a union or wealthy enough to have a high-wage job with protections.

No parent in America today should have to choose between a paycheck and a sick child. No worker should have to choose between his job and his health.

I urge my colleagues to join me in passing the Healthy Families Act without delay.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I thank the Senator from Vermont.

#### MOTION TO INSTRUCT

I ask unanimous consent that the pending motion be set aside and that my motion be sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Massachusetts [Ms. WARREN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the resolution S. Con. Res. 11 be instructed to insist that the final conference report include a provision to make college more affordable for middle-class families by allowing borrowers with outstanding Federal and private student loans to refinance at the equivalent interest rates that were offered to Federal student loan borrowers during the 2013-2014 school year and to fully offset the cost of such a program by requiring millionaires to pay at least a 30 percent effective Federal tax rate.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent that any time under quorum calls this afternoon be charged equally, regardless of who spoke last.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### MOMENT OF SILENCE IN HONOR OF THE VICTIMS OF THE BOSTON MARATHON BOMBINGS

Ms. WARREN. Mr. President, 2 years ago today, the people of Boston came face-to-face with terror at the finish line for the Boston Marathon. The cowardly attack and its aftermath took four lives, injured many more, and forever changed the lives of the survivors and their families.

In the face of this horrific terrorist attack, Boston responded with courage and community. Our heroic first responders acted swiftly and their bravery saved many lives.

In the days, weeks, and months after the marathon, families and friends came together to lift each other up, to raise the spirit of our city, and to help us heal.

Now, 2 years later, Boston continues to move forward together. A jury just reached a verdict that is another step toward justice for victims and for their families. The strength and perseverance of survivors continues to inspire us, and our community works to keep alive the memories of Krystle Campbell, Lu Lingzi, Martin Richard, and Sean Collier.