knowledgeable about all of the matters I have talked about—propose such a wrongheaded idea and one they know will never become the law of the land?

Well, unfortunately, this is part of an effort to intimidate and stigmatize people from participating in the political process. We know the majority leader comes out to the floor and talks daily about the Koch brothers, whom he happens to disagree with, and he disagrees with their right and ability to participate in the political process and to affect elections. He doesn't talk about other political actors, such as organized labor, which has essentially been carved out of the limitations on political contributions and political spending. He doesn't talk about people such as Tom Steyer, a former hedge fund manager who says he will spend $100 million against anyone who supports the Keystone Pipeline or anyone who opposes his views on climate change.

This cherry-picking in terms of trying to intimidate people and to squelch political speech is pretty apparent. It becomes apparent because obviously the majority leader is very worried about the upcoming midterm election and what might happen when we see the pushback from voters in the Senate races all across the country over the last 5 years, and this great, huge growth in government and its intrusiveness in their lives.

Here is the bottom line: Free speech is free speech, period. To quote a recent Supreme Court decision:

> There is no right more basic in our democracy than the right to participate in electing our political leaders.

As they said, there is nothing more basic.

As I mentioned a moment ago, thankfully the Founders were wise enough not only to give us the Bill of Rights and our Constitution but to make it very difficult to amend it in the first place, so we know the majority leader's amendment has no chance of actually passing. Yet its mere introduction, the fact that a major political party and a majority in the Senate apparently believes in shrinking the First Amendment in order to weaken their political opponents, should be a cause of broadspread concern in the country. People ought to ask the question: Why in the world would you propose to do something as draconian and as damaging as that?

Well, it is the kind of amendment we would expect to see not in the greatest deliberative body in the world, and certainly not in the Senate, but maybe some banana republic or some country that does not have our experience or our foundation in constitutional self-government. Therefore, it is not merely enough to reject this amendment and then quickly move on to something else. We need to send a clear, unambiguous message that the Bill of Rights is not up for debate. We need to send a clear, unambiguous message that our First Amendment freedoms represent the bedrock of American democracy, and we will not agree to undermine that, damage it, or otherwise impair it on our watch.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if my friend from Wyoming wishes to speak, we will go through the process for 3 or 4 minutes, and we will put the Senator on what we call automatic pilot if he cares to speak.

Mr. BARRASSO. I will be less than 2 minutes.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, on Thursday at 1:45 p.m., all postcloture time be expired and the Senate proceed to vote on the confirmation of Calendar No. 798; further, that following the vote on that nomination, which is Burwell, the Senate proceed to the consideration of Calendar No. 519, and the Senate proceed to vote on the confirmation of the nomination; further, that if confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nomination be printed in the RECORD, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. With this agreement, there will be two rollcall votes beginning at 1:45.

Mr. President, we are moving this up because we have 10 or so Senators who are going to the 70th anniversary of Normandy.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to morning business with Senators being allowed to speak up to 10 minutes each.

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

STUDENT LOAN

Mr. LEVIN. Mr. President, in the fall of last year, Adrian College in Adrian, MI, made an announcement that received national attention. Adrian, one of the finest private liberal arts colleges in America, made a promise to prospective students: Beginning this fall, incoming students who graduate from Adrian carrying student loan debt and are unable to find a job that pays above a set income will be eligible for support from the college to pay part or all of that student's loan payments. The program, known as AdrianPlus, will ensure that students who are not able to find good-paying jobs after graduation will still be able to begin their work careers without facing crushing debt payments all alone.

This announcement was notable for two reasons. The first is that it represents a visionary choice on the part of President Jeffrey Docking and the rest of Adrian's leadership. I am grateful to them for showing the kind of leadership that makes Adrian a proud example of my State's outstanding higher education institutions. Adrian has long been recognized not just for the quality of its instruction, but for its efforts to make that education accessible and affordable, and this is just the latest example of the school's forward thinking.

The second reason this announcement was so notable is that it was so necessary.

As President Docking said in announcing the program, ''Student debt load continues to be a national concern.'' That is surely the case. According to the Project on Student Debt, nearly two-thirds of graduates from Michigan colleges and universities leave school with student debt. They owe an average of more than $28,000. The rising tide of student loan debt threatens to overwhelm the financial futures of these graduates before they can even get their working lives started. And the looming prospect of heavy loan debt threatens to keep many young people from even reaching a college campus.

Adrian College's program will not completely erase this problem, but it is a good start. Likewise, no single piece of legislation will make college more affordable, increase access to education for middle-class families, or eliminate the mountain of debt many students carry. But it is time for us to start taking some steps in the right direction. A number of Senators have introduced or are working on student loan legislation, including legislation allowing students to refinance their debt at lower interest rates. I believe the Senate should take up, debate and pass legislation to lighten the all-too-formidable load. We should explore other ways to ensure that college education is indeed affordable to all.

Study after study shows that a college education makes an enormous difference in allowing Americans to pursue rewarding careers. But if we can not ensure that all Americans have access to higher education, we shut off access to the American dream. We cannot let the disturbing trends in student debt and college costs continue unabated, and I hope that, inspired by the Adrian College example, we will act to halt and reverse those trends.

VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, due to unavoidable family commitments, I was unable to cast votes relative to rollcall vote Nos. 164 through 170 on Monday, June 2, and Tuesday, June 3, 2014. Had I been present, I would have voted yea in each instance.

MASTROIANNI CONFIRMATION

Ms. WARREN. Mr. President, earlier today, the Senate confirmed Mark Mastroianni to fill a judicial vacancy in Western Massachusetts on the District Court for the District of Massachusetts.

Mr. Mastroianni came highly recommended by the Advisory Committee on Massachusetts Judicial Nominations. The advisory committee is comprised of distinguished members of the Massachusetts legal community, including prominent academics and litigators, and is chaired by former Massachusetts district court judge Nancy Gertner. Their recommendation reflects the strong sense of the Massachusetts legal community—and in particular the legal community of Western Massachusetts—that he will make an excellent district court judge.

Mr. Mastroianni is a true son of Western Massachusetts—born in Springfield and a lifelong resident of Hampden County. Prior to his confirmation, he served as the elected district attorney for Hampden County—a position he has held since 2011. He graduated with honors from the American International College in Springfield, MA and went on to earn his law degree from Western New England College School of Law—also in Springfield, MA.

Mr. Mastroianni began his career in the Hampden County district attorney's office. He served there as an assistant district attorney for over 5 years, gaining prosecutorial experience in a wide variety of district and superior court matters. He then moved into private practice, where he built a significant career as a defense attorney representing clients in criminal and civil matters. Over the course of 16 years, he represented clients in matters before the Massachusetts State trial courts and appeals courts, as well as the district court to which he has been nominated.

In November 2010, Mastroianni ran as an independent and was successfully elected to serve as the district attorney for Hampden County in the western part of Massachusetts—a position that returned him to lead the office where he began his career. As district attorney, he was responsible for managing the prosecution of all cases in the 23 cities and towns that make up Hampden County.

Aside from the impressive qualifications of this candidate, the fact of Mark's nomination is particularly important because the seat he has been nominated to fill has been vacant for far too long—since U.S. District Court Judge Ponsor took senior status in 2011. The vacancy has strained the Federal judicial system in Western Massachusetts, causing cases to be postponed, forcing judges from Boston to travel to Springfield to hold hearings, and impeding the ability of citizens to get their day in court. Filling this vacancy as quickly as possible has been a top priority for me since I arrived in the Senate last year, and his confirmation will significantly improve the administration of justice in Western Massachusetts.

I am proud to have recommended Mark Mastroianni to President Obama. He is an independent-minded district attorney whose diverse litigation experiences, both as a top prosecutor and as a top defense attorney, will enrich the Federal bench in Massachusetts. I have no doubt that he will have a long and distinguished career as a member of the judiciary.

• Mr. LEE. Mr. President, on April 11 of this year President Obama nominated Sylvia Burwell to be the new Secretary of the Department of Health and Human Services—HHS—a position that was vacated that same day by former Secretary Kathleen Sebelius.

Article II, Section 3, Clause 2 of the United States Constitution grants the President, as the chief executive, plenary power to nominate members of his cabinet. But that same clause reserves the power of appointment—that is, the power to accept or reject the nominee—exclusively to the Senate.

The Constitution explains this unique division of power as follows: the President ''shall nominate, and''—this is important—''by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other officers of the United States.''

Far from a perfunctory practice, the responsibility to review the fitness of presidential nominees is one of the essential mechanisms in our Constitution's system of checks and balances.

And for the Members of this body who took an oath to ''support and defend'' the Constitution, this is one of the most solemn duties incumbent upon those occupying the office of United States Senator.

I urge my fellow Senators to demand that prior to confirmation Ms. Burwell provide concrete, specific, and forthright answers—in writing—to the questions that have been asked of her by Members of this body.

I refuse to sit idly by and witness the same Washington charade in which stated commitments to transparency are more important than actual demonstrations of candor.

If we do not insist that Ms. Burwell's appointment be contingent upon the transparency of her confirmation process, we will have established a dangerous precedent for the future of this body.

Let's not forget: much of the authority that resides in HHS ultimately derives from the delegation of authority from Congress. And whenever Congress delegates power to the executive branch, we do so based on the premise that we retain the power of oversight.

Therefore, we cannot, in good faith, hand over the reins of one of the most important executive departments at a time when questions remain unanswered and information is still undisclosed. Doing so would undermine the institutional prerogatives of the Senate.

When we only partially carry out our constitutional duties to check and balance the other branches, we alone are to blame for the continued accumulation of power in the executive, where unelected bureaucrats are not always as wise or as impartial as their proponents claim them to be.

The unprecedented accumulation of power in the executive today is a demonstrable fact. But it remains an open question whether we in Congress care enough to do anything about it.

At this point, there is good reason for pessimism—if the kind of acquiescence demonstrated in this confirmation process is any indication.

But I remain optimistic, because I know that the American people still get it. Outside the beltway, Americans still instinctively understand the universal truth articulated by James Madison, the father of the Constitution, over 200 years ago—that ''The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.''

This is precisely the type of accumulated power possessed by executive departments such as HHS.

This power cannot be curtailed or dispersed overnight. But it will continue to expand inexorably toward tyranny unless Members of Congress—exercising our powers as officers of a separate and coequal branch of government—don't push back.

We can begin by subjecting this nomination to the close scrutiny it deserves.

The first thing we must recognize is that this is not the average presidential nomination. We are not talking about the next secretary of the Department of Motor Vehicles. Quite the opposite: Ms. Burwell has been nominated to preside over one of the largest and most important departments in the Federal Government. No matter who the nominee, this is a job that should be filled with caution and circumspection.

By way of illustration, the HHS Secretary oversees an annual operating budget of about $1 trillion—that is nearly 25 percent of all Federal spending—as well as 11 separate operating divisions, including the very important Centers for Medicare and Medicaid Services—CMS—and the Food and Drug Administration—FDA.

Moreover, the next HHS Secretary is going to assume the helm of an executive leviathan in the midst of implementing the Patient Protection and Affordable Care Act. Obamacare is not only the most complex—and controversial—law in recent memory, but it delegates an unprecedented amount of authority to the HHS Secretary.

Often this delegation comes in the form of sweeping, open-ended grants of