

power that give the Secretary discretion to shape and reshape the law. Like an unending series of blank checks to the bureaucracy, Obamacare contains 700 instances of the ultimate *carte blanche*—"The Secretary shall . . ."—to give the Secretary wide latitude to "develop standards," "award grants," "establish committees," "make adjustments," etc.

This kind of massive delegation of authority is justified—especially by those who see it as a convenient way to avoid the difficulties of lawmaking—on the theory that Congress will retain and exercise some degree of oversight.

And it is true that both chambers of Congress have the ability to hold hearings in which we subpoena executive officials to testify and answer questions about laws, rules, and regulations under their jurisdiction. But as we have seen over the past few years with the implementation of Obamacare, this power is significantly impeded if those executive officials refuse to answer our questions.

These facts raise the central question that ought to guide the Senate's consideration of Ms. Burwell's nomination—namely, how will Ms. Burwell exercise the expansive authority delegated to HHS *vis-à-vis* the powers and responsibilities of Congress?

Much of the job of the next HHS Secretary will be to facilitate Congressional oversight of the Department, especially in its implementation of Obamacare. Therefore, the Senate's decision should be contingent upon Ms. Burwell's record of engaging with Congress.

Sadly, Ms. Burwell's tenure as the Director of the Office of Management and Budget, as well as her performance in the Senate committee confirmation hearings, gives me concern that she will continue in the pattern of obfuscation and evasion established by outgoing Secretary Kathleen Sebelius.

I therefore respectfully submit that we should proceed cautiously in consideration of this nominee. More cautiously, indeed, than we have up to this point.

For over the past 6 weeks, since the President nominated Ms. Burwell, many in this body have neglected our end of the constitutional division of power—preferring to act as if Ms. Burwell's appointment was a fait accompli.

This state of affairs is troubling—and not simply because questions remain unanswered, and information undisclosed, about Obamacare. The problem is more fundamental than any one law.

The Senate's reluctance to protest against the equivocation and distortion seen in this confirmation process undermines the separation of powers and the system of checks and balances upon which our constitutional order depends.

Respecting and upholding these principles of our Constitution is not a matter of adhering to some arcane formality or following some outdated tradition of the 18th century.

At issue here is whether or not this institution still believes in the reason our Constitution divides power in the first place. Do we still believe, as Madison said, that "power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it"?

If we do, then we must employ the tools at our disposal to assert our institutional prerogatives. Doing so will demonstrate to the other branches that the power of government is not simply up for grabs.

Here again Madison's insights are instructive: in the famous Federalist 51, he says, "the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. [ . . . ] Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place."

But if we disagree with Madison about the encroaching nature of power . . . if we are undisturbed by the great accumulation of power in the executive branch, which predates and will outlive Obama's presidency . . . if we prefer to elevate policy preference and party allegiance over love of liberty and the constitutional rights of Congress . . . then we must not be surprised when—not if—our government takes on the character and the spirit of tyranny.

Let me be clear: the kind of tyranny that threatens us is not of the Saddam Hussein or Bashar al-Assad variety. The tyrannies of Saddam's Iraq and, today, Assad's Syria are barbarous, murderous dictatorships that extinguish every semblance of freedom and maintain their power through violence and brutality.

What I am talking about is the kind of soft despotism that arises when power is consolidated under the auspices of a paternal, benevolent government.

At the end of his study of democracy in 19th-century America, Alexis de Tocqueville explained how this kind of tyranny could emerge within a democratic republic such as ours. Standing as a kind of warning for us today, Tocqueville envisioned "an immense and tutelary power" that "extends its arms over society as a whole," covering it "with a network of small, complicated, painstaking, uniform rules through which the most original minds and the most vigorous souls cannot clear a way to surpass the crowd." It does not "break wills," he said, "but it softens them, bends them, and directs them; it rarely forces one to act"—even Tocqueville didn't foresee the individual mandate—"but it constantly opposes itself to one's acting; it does not destroy, it prevents things from being born."

This is certainly a dark image. But we cannot forget that Tocqueville was bullish about America. He believed

that American democracy had the right attributes needed to avoid descending to these depths.

Chief among these attributes were our constitutional structures that divided power and, more importantly, the spiritedness, courage, and love of freedom that animated the American people and transformed the mere "parchment barriers" of the Constitution into true limits on governmental power.

It is precisely this spirit of freedom that the Senate must recover if we are going to fulfill our constitutional obligations in this confirmation process. Once we recognize the need to assert and defend our interests as a separate and coequal branch of the government, we will begin to focus on what is really at stake in our consideration of this nominee.

The main issue here is not Ms. Burwell's character or credentials—both of which are first-rate—but whether or not her appointment will improve or further deteriorate the legislature's oversight over the executive departments to which Congress has delegated vast amounts of authority.

The question is not whether Ms. Burwell deserves to be HHS Secretary, but whether the HHS, under Ms. Burwell's management, will continue in the pattern of obstinate autonomy and limited cooperation established under her predecessor.

If the answer is no, we cannot possibly vote to confirm this nominee. ●

#### IN REMEMBRANCE OF D-DAY

Mr. HELLER. Mr. President, I wish to remember and honor the brave Nevadans and all Americans who risked their lives defending our liberty on the beaches of Normandy, France 70 years ago. The sacrifices our brave soldiers made on this day set America and the world on a path to peace, freedom, and liberty that all Americans enjoy today.

At dawn on June 6, 1944, the Allied powers stormed the beaches of Normandy and started their march across Europe to defeat Hitler. It was one of the most important days in American history and one the biggest tests our Nation has ever faced. What is known as D-day marked the beginning of the demise of one of the worst enemies that the United States has ever had to face. The brave men that stormed Omaha Beach that day sacrificed their lives, their ambitions, and their relationships with loved ones to liberate those who were enslaved by the Nazis. Their courage demonstrated that America would not sit idly by as countries across the Atlantic suffered, reaffirming America's belief that violations of basic human rights will not be tolerated. Their unwavering service is what has made this country so great and a beacon of democracy. These men believed that freedom was worth fighting for and that reflects what is most inspiring about the United States of America.

## ADDITIONAL STATEMENTS

## TRIBUTE TO COMMANDER ROBERT ADAMS HATCH

It is an honor to be able to commemorate this day on behalf of my fellow Nevadans as we remember those who made the ultimate sacrifice and died to defend freedom. Our soldiers' commitment to this country, as well as their dedication to their families and communities, exemplified why the legacy of all World War II veterans must be preserved for generations to come. These heroes truly are the "greatest generation"—selflessly serving not for recognition, but because it was the right thing to do. As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals, but to ensure they are cared for after their return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation.

I ask that we remember the Americans who stood against tyranny and persevered. The brave men and women who risked everything to come to the aid of others deserve our respect and appreciation, and I am both humbled and honored to recognize them here today. May we never forget the brave actions by these heroes that allowed the Allied troops to defeat tyranny.

## THANKING SENATE PAGES

Ms. HEITKAMP. Mr. President, I want to express my gratitude to the Senate pages that have served the Senate these past few months. The job of a Senate page is very important to the operations of the Senate and it comes with many responsibilities. These young high school students dedicate their time and talents to serve the Senate and help us carry out our duties while at the same time attending classes. I am grateful for the hard work they do each day to help make the Senate run smoothly and efficiently. Their willingness to serve their country and this body is deeply appreciated.

I want to express my personal thanks to each one of these pages: Olivia Alvarado, Alaska; Alexis Berry, Michigan; Peyton Cuzzart, Kentucky; Cally Decherd, Texas; Jim Devers, Oklahoma; Sonja France, Montana; Seth Glidewell, Alabama; Cole George, Alaska; Ammishaddai Grand-Jean, Georgia; Brandon Greene, Rhode Island; Susie Hawthorne, Montana; Jack Hostager, Iowa; Ashton Hunter, Nevada; Kathryn Jason, Alabama; Isaac Karlan-Mason, Vermont; Bowie Lam, Maine; Jason Lin, Hawaii; Layton Little, Mississippi; Dorothea Mosman, Oregon; Jody Ostrander, Nevada; Lucas Reed, Kentucky; Michael Regard, Kentucky; Riley Sanborn, Virginia; Grace Schaub, Pennsylvania; Adele Schenk, Illinois; Jordan Shub, Pennsylvania; Madeline Toy, Tennessee; Colton Williams, Utah; and Miriam Young, Connecticut.

I am so very proud of each and every one of them and commend them for their dedication and commitment. I, along with the entire Senate, wish them all the best in their future endeavors.

• Mr. ISAKSON. Mr. President, I wish to honor CDR Robert Adams Hatch, who retired from the U.S. Navy on June 1, 2014, after more than 28 years of honorable service.

Commander Hatch is a supply corps/logistics officer 3105 and retired following his final assignment in Voluntary Training Unit 6767 Atlanta at the Navy Operational Support Center at Dobbins Air Reserve Base in Marietta, GA. Prior to his service at Dobbins ARB, he most recently completed a 3-year assignment in Joint Operations with Navy Reserve Joint Staff South in Suffolk, VA, supporting the Joint Chiefs of Staff. Additionally, he was commanding officer of the 50-member Operational Support Unit 0867 in Atlanta, GA, from May 2007 through April 2009.

From 1994 to 2003, Commander Hatch spent much of his career overseas with the Joint Contact Team Program military-to-military contacts program in Eastern Europe as part of the Chairman of the Joint Chiefs of Staff initiative established in 1992 to illustrate the standard of U.S.-style military under civilian control, and to promote peace, stability, military professionalism and closer ties to NATO for former Communist countries in Eastern Europe. He served on the Military Liaison Team, living and working in Albania under arduous conditions from 1994 to 1998, and was twice evacuated from Albania in March 1997 and August 1998. After the second evacuation in 1998, then-Lieutenant Commander Hatch worked at Headquarters, United States European Command/ECJ5-J, as joint contact team program desk officer for Poland, Ukraine, Georgia, Moldova, Armenia and Azerbaijan. He returned to the United States in 2003.

Commander Hatch is also a key team leader on the Atlanta Funeral Honors Team, having conducted more than 450 Navy, Coast Guard, and joint military funerals for Reserve and Active Duty veterans since 2008.

Born in Abington, PA, Commander Hatch moved in 1972 to Atlanta, GA, and grew up in that great city. His father, CAPT James C. Hatch, served in the U.S. Navy Supply Corps, and was a classmate of President Jimmy Carter at the Naval Academy. His father retired after dedicating 26 years of active service, including World War II, and in the Korea and Vietnam wars. Following his retirement, I had the pleasure of working with Jim Hatch at Northside Realty. And the family's Georgia credentials don't stop there. Captain Jim Hatch's brother, Edwin I. Hatch, was president of Georgia Power Company, and the Edwin I. Hatch Nuclear Plant, located near Baxley, GA, was duly named in tribute to his leadership.

In addition to his distinguished military career, CDR Robert Hatch has had

a meaningful civilian life, including 4 years with Coca-Cola USA. He is currently managing director and independent marketing associate of Ignite/Stream Energy, a funeral attendant with Service Corps International in Atlanta, and an actor participating in movies and television shows filming in Georgia.

Commander Hatch's military decorations include the Defense Meritorious Service Medal, four Joint Service Commendation Medals, Navy Commendation Medal, six Joint Meritorious Unit Awards, Navy Meritorious Unit Commendation, two National Defense Service Medals, Armed Forces Expeditionary Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon, nine Navy & Marine Corps Overseas Service Ribbons, Armed Forces Reserve Medal and a Navy Pistol Marksmanship Medal.

I send my great thanks to Commander Hatch for his extensive meritorious service to our proud nation, and I thank and congratulate his family and friends for supporting his service to the United States of America.●

## ROSLYN, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Mr. President, I wish to recognize the 100th anniversary of Roslyn, SD. Since its founding in 1914 the city has flourished from its humble pioneer origins to a vibrant South Dakota community. The people of Roslyn will be celebrating their centennial anniversary the weekend of June 20–22.

Named by the area's first postmaster after his native city in Scotland, the township was moved from Old Roslyn to its current location alongside the Soo Railroad. In 1914 on the same day that Roslyn's lots were first sold at public auction, a troupe of entertainers performed for the community, setting a lively foundation for the city.

Residents of Roslyn will start off the centennial celebration with an antique tractor run. The weekend will continue with musical concerts, a 5k walk/run, and many other activities. On Sunday, the festival will wrap up with a non-denominational service and a string band performance by Threshing Bee.

Small towns like Roslyn embody what it means to be a South Dakotan community. I am pleased to recognize the achievements of Roslyn and to offer my congratulations to the residents of the town on this historic milestone.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages