

18 of this year directing agencies to re-evaluate the regulatory requirements they impose to be sure they are tailored to impose the least burden, less prescriptive, and justified cost-benefit analysis, we have yet to see any regulatory relief from any agency.

Speeches will not save America, action will. The President can say he wants to get things done, and if nobody does them, we are in worse shape than we were before, not better shape.

I had hoped the entire administration would take this directive on looking at all of the regulations seriously, particularly because regulatory burden falls most heavily on small businesses whose hiring will pull us out of this ongoing recession. Small businesses represent 99.7 of all employer firms. They employ over half of all private sector employees. They pay 44 percent of the U.S. private payroll. They generated 64 percent of the net new jobs in this country over the past 15 years.

I owned and operated a small business. I can tell you that if I had thousands of pages of regulations from a health care law hanging over my head, I would hesitate before creating any new position that increased my exposure. The key is to stay under 50 employees. There is less regulation under 50. I know of some companies that already were at 52, 54, 56. They said: Do you know what we are going to do? We are going to reorganize so that we are under 50 employees.

Although reorganization is always good—we should take a little dose of that here in the Federal Government, but we don't. Everything is based on what we had before plus inflation—no reinventing, no doing things differently. I am seeing that in Wyoming as they are trying to close down some of the small post offices without any new ideas for them, without even covering the costs. But that is another story, and I will cover that later.

As the Senator from Tennessee said earlier, we are here and we are not getting anything done. I think that is part of the strategy. There was no budget—647 days with no budget and bills left undone. We get to this process here where, to keep us from doing amendments on this side, we just keep the floor open like this for days. Then we have a cloture vote, and because we have not had an opportunity to put any of our amendments in, we vote against cloture, and that keeps cloture from happening, and the leader then pulls the bill, and that ends the process. We go to another bill on which we are also going to do the same thing. Some of these are good ideas and ought to be passed, but we don't make it to that point. I am sure that is for the next election, saying: Those darn Republicans just held up everything. That is not how we ought to be operating.

Reducing the regulatory burden that is imposed by the Federal Government would be an important step, but we also need to make sure the administration's independent boards and agencies

get the message. So far, it is clear they have not.

An extraordinary effort is underway at the National Labor Relations Board to deter Boeing from expanding into a right-to-work State, where it would create work for over 1,000 employees. Those thousand employees have already rejected a union, but they have the right to do that. Now, this would be 1,000 more people employed in a billion-dollar-investment facility.

So what has happened in Washington State that might have the people there upset? Well, I am not sure. Boeing has also hired 2,000 additional employees out there, so it obviously has not hurt their employment. There will be seven of the planes built in Washington State and three of them built in South Carolina per month. But the case has drawn a great deal of attention not because Boeing is a big company but because the agency's fact-twisting and publicity-seeking reveals a strongly biased agenda. Our economy cannot recover when this administration's policies result in exporting jobs rather than airplanes.

The wisdom of the National Labor Relations Act is to defend the right of employees to collectively bargain when they choose to do so, not stepping in to limit employees' ability to exercise their right not to form or join a union.

At the National Mediation Board, we have seen rulemaking to change the way election results are counted in order to favor organized labor.

When that did not work and the majority of employees still voted against the union, the agency launched multiple investigations trying to smear the employer. These government-sponsored efforts to increase union density have done nothing to create jobs. In some cases, the Federal Government has been counterproductive to that goal and should get out of the way.

Pending before the Senate and being held hostage under political pressure are three free-trade agreements—South Korea, Colombia, and Panama. These pacts have been negotiated for years, and they will open markets to our producers. Yet this administration has failed to submit these agreements to Congress and is refusing to consider a reasonable compromise. That is wrong and it is hurting over \$1 billion worth of U.S. beef exports to Korea which would help ranchers all across the United States, including my home state of Wyoming. The Korea agreement not only helps grow U.S. agricultural exports but would also open the door for future trade with China which is an even larger market for U.S. farm products. And that is just one industry. The Korea agreement, as well as the Columbia and Panama deals would also help our service manufacturing and finance industries just to name a few.

In the committee on which I now serve as ranking member, the majority scheduled three hearings on the middle class and job growth. I am concerned about the middle class. The first hear-

ing asked the question of whether the American dream is slipping out of reach. I made the point then that I am repeating today. The American dream starts with a job. The focus on pay, benefits, and organizing does nothing to create a job. We are going to have another one of those hearings next week. I am not sure where it is going. We have not proposed any legislation yet to deal with these issues. We are just getting press. That doesn't get jobs. Stalling the growth of the domestic energy production industry or increasing the regulatory burden on American businesses doesn't increase jobs either and neither does blocking free-trade agreements with our partners around the globe. An unelected, unconfirmed general counsel at a small agency is getting in the way of business management decisions that create jobs.

The American dream is not out of reach, but it is suffering from needless hand-slapping threats. Those should be changed to hand-clapping progress. But this administration has to stop getting in the way of job creation so Americans can have jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

MEDICARE

Mr. CORNYN. Mr. President, last month, the Medicare trustees warned that Medicare will go bankrupt in 13 years, which is 5 years earlier than they had previously calculated. You heard me right. One of the most important programs that the government actually runs—the Medicare Program—designed to provide health care to seniors, is going to run out of money in 13 years, 5 years earlier than projected just last year.

The Medicare trustees noted that Medicare's unfunded liabilities—that is the number it is responsible for—are more than \$24 trillion, but that is also growing. Stated another way, this is a \$24 trillion gap between Medicare's future benefit costs and the future taxes of premiums that are expected to be collected to pay for it.

Today, I am, along with nearly all my Republican colleagues, sending a letter to the President of the United States, insisting he comply with the law. What law would that be? Well, the law that was passed in 2003 that, under these circumstances, requires the President to propose a plan to deal with this funding crisis for Medicare. President Obama has said he is willing to make some tough decisions. Yet he refuses to provide concrete, constructive, and meaningful proposals to deal with this impending insolvency of one of our most important government programs.

The Medicare trustees have issued a Medicare funding warning in their annual report every year since 2006. They are required to do so under the Medicare Prescription Drug, Improvement,

and Modernization Act of 2003. In response to this warning, as I said, the President is required by Federal law to submit to Congress proposed legislation that would address this funding crisis. President Bush, in 2008, in response to the 2007 Medicare trustees' warning, did exactly what the law requires. He submitted legislation to address this funding crisis. Both the House and the Senate, in compliance with the law, introduced legislation, but, unfortunately, it never went anywhere—kicking the can down the road once again.

The Medicare trustees have, in fact, issued a funding warning every year since 2006, as I mentioned, including all 3 years President Obama has been in office. However, for 3 years now, President Obama and his administration have failed to comply with the mandatory requirement of the law. Congress has never received a proposal from President Obama's administration to address this funding crisis. This failure I wish I could tell you was the result of an oversight but apparently not.

On Tuesday, in an e-mail to *The Hill* newspaper, on behalf of the administration, they said they believed this law was "advisory and not binding."

The law itself states—passed by both Houses of Congress, signed into law—that the President "shall" submit legislation to Congress, not that he "might," or "if it is convenient," or "if he finds time," or "if it advances his political posture leading up to the next election." It says he "shall" submit legislation.

Thank goodness we live in a country where no one is above the law. We are a nation of laws, where the law applies to the President of the United States and it applies to the most humble members of our society.

Medicare is going bankrupt. Unfortunately, the voices of reform—people are stepping forward to try to solve this problem and make meaningful suggestions so we can actually do what we are supposed to do in Congress, which is debate ideas and come up with solutions, where we can have a vote and we can send legislation to the President and he can sign it or not. That is the way the process is designed to work, but so far the voices missing from the reform debate are those of our friends on the other side of the aisle.

There is no House Democratic plan to save Medicare. There is no Senate Democratic plan to save Medicare. There is no plan for President Obama to save Medicare. Unfortunately, their plan appears to be not to step up and do what the law requires, to offer a proposal to save Medicare but, rather, to try to take a cynical political advantage leading up to the next election by attacking the very people who are making constructive proposals.

No one suggests that any single proposal is perfect. The Ryan plan is not perfect. The Domenici-Rivlin plan offers a different approach. The President's own fiscal commission's report

is entitled "Moment of Truth." They reported back in December 2010. It was a bipartisan commission appointed by the President himself. It makes constructive suggestions on how to solve our spending crisis and to address the unsustainability of our entitlement program. But it appears that rather than embrace any of these constructive ideas, rather than do his duty, as the law requires, the President seems content to scare seniors into opposing responsible reforms, while watching the program go bankrupt over the next few years.

By refusing to propose needed reforms to this important program, President Obama is not only abdicating his responsibility to lead as a President of the United States, he is violating Federal law.

Mr. President, I ask unanimous consent that a copy of the letter I referred to earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 15, 2011.

PRESIDENT BARACK H. OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: We write to urge you to submit a legislative proposal to Congress in response to the Medicare funding warning issued in the 2010 Medicare Trustees' Report. Such a proposal would help prevent the bankruptcy of this vital program for America's seniors and keep the federal government from going further into debt. Furthermore, such a proposal would put your Administration back in compliance with federal law.

Your Administration is currently in violation of section 802 of P.L. 108-173, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA). The MMA required the Medicare Trustees to include in their annual report an estimate of whether general fund revenues will finance more than 45 percent of total Medicare expenditures in any of the following six years. If the Trustees estimate in two consecutive years that the 45-percent limit will be breached within a seven year timeframe, the Administration is then required to submit a legislative proposal that would address the funding crisis within 15 days of submitting its annual budget proposal to Congress.

The Medicare Trustees have complied with federal law and have issued funding warnings every year since 2007. In 2008, the Bush Administration, in compliance with Section 802 of the MMA, submitted a legislative proposal to Congress, which was never acted upon. Your Administration, however, has failed to submit such a proposal for the last three years.

This not only defies federal law but also abdicates your Administration's responsibility to lead. As you know, mandatory spending is currently projected to grow at an average of 5.4 percent per year over the next 10 years, growing from \$2 trillion in 2012 to \$3.3 trillion by 2021. The largest claim on the budget over the next 75 years is Medicare, estimated at \$35 trillion.

We ask you to comply with the law and submit to Congress the Administration's legislative proposal addressing the Medicare funding warning included in the 2010 Annual Report of the Boards of Trustees of the Fed-

eral Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds.

Sincerely,

John Cornyn; Mark Kirk; John Thune; Lindsey Graham; John Barrasso; Roy Blunt; Lisa Murkowski; Mitch McConnell; Daniel Coats; Lamar Alexander; Kelly Ayotte; Michael B. Enzi; Richard Burr; James Inhofe; Pat Roberts; Jerry Moran; Rob Portman; Marco Rubio; Ron Johnson; Rand Paul; Saxby Chambliss.

Mike Crapo; Bob Corker; Tom Coburn; Chuck Grassley; Johnny Isakson; John Hoeven; Jeff Sessions; Michael E. Enzi; Patrick J. Toomey; James E. Risch; Kay Bailey Hutchison; Mike Johanns; Jim DeMint; John McCain; Orrin Hatch; Jon Kyl; Dean Heller; Richard C. Shelby; Thad Cochran; Richard G. Lugar; Roger F. Wicker.

The PRESIDING OFFICER. The Senator from Georgia.

THE ECONOMY

MR. ISAKSON. Mr. President, last night, between 6 and 7 o'clock, I did a telephone townhall meeting in Georgia. We had a little over 3,000 people on the call, and I was able to handle 16 questions. As I listened to the answers I was giving to the questions, I was struck by what a real problem we have in Washington. Washington is making things worse. Georgians are frightened for their jobs, the value of their homes, and the education of their children. They are uncertain about everything. As you give answers about what is happening in Washington, you realize Washington is making it worse.

I wish to give a couple of examples based on my experience. First of all, let's talk about legislation for a second. We have high unemployment—9.1 percent. We have people without jobs or underemployed. We have a law called the Workforce Investment Act or WIA. I am on the subcommittee that oversees it and the Education Committee. We have basically had an agreement on expansion of the reauthorization for the Workforce Investment Act for months, but it still languishes in committee because there are arguments over labor provisions that some want to be added to it.

Here we are, a nation in trouble, and we cannot pass the Workforce Investment Act, which is intended to help the very problem we have.

Secondly, I am on the Health, Education, Labor, and Pension Committee, which does the reauthorization of the Elementary and Secondary Education Act—the fundamental foundation of training and improving our kids for the jobs of the 21st century. It has gone 4 years without reauthorization, and it languishes in committee because of a lack of willingness to bring it forward. Our children remain educated and taught and motivated under a law now expired for 5 years. That is not right, when we should be educating our children and training workers.

We in Washington are doing nothing. On the Commerce Committee, on which I serve, we are over the FAA