

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

committee and reauthorization of the Federal Aviation Administration, which is critical to economic development. That conference committee continues to languish. What are the arguments? They are about changes in labor law.

We need to get the job done in Washington and go to work. We need to understand that the American people are in trouble and are hurting. Our job is to provide answers, not to make it worse.

I wish to talk about a second feature—about regulation for a second—or strangulation, if you will. I have told this story before on the Senator floor, and I will tell it again. On January 3 of this year, I was in a cafe for breakfast and to meet with some businessmen. I walked in the front door and Steve Hennessy of Hennessy Cadillac and Land Rover in Atlanta called to me and came running across the floor. I thought he was going to give me a bear hug, but he said: JOHNNY, yesterday, I fired a salesman and hired two compliance officers. This financial regulation in the Dodd-Frank bill is strangling my productivity and raising my cost of doing business.

We have to recognize that regulation has consequences. It is not our job to eliminate risk in the marketplace. It is our job to mitigate risk so people will take risks, in terms of seeking rewards, which is what the capitalistic system is based on.

I will talk about a few other regulations that are causing significant problems in our recovery. The qualified residential mortgage rule that is being promulgated now by the six regulators will, if it goes into effect on August 1—and they have put the effective date off now—probably constrict the real estate market, which is already suppressed by 70 percent, by another 40 percent. It is going to take capital and risk capital and credit away from the Americans who are, in fact, buying homes today. In fact, in order to mitigate risk and try to eliminate it, it requires lenders to hold a 5-percent risk retention until the loan matures. It says you cannot loan anybody less than 80 percent—more than 80 percent, and if you have anything more than that, you cannot even have a private mortgage insurance policy to guarantee the money. So you are going to flood every buyer left to where? Through FHA, which is exempt from the Dodd-Frank bill, or Fannie Mae and Freddie Mac, which are going out of business, which means you will shift more of the burden of mortgage financing on people who are already overstressed.

Regulatory intent should not do that. My dairy farmers in Georgia are looking at a rule where milk is being categorized where it is going to have to be contained in tanks and reservoirs that now meet the standards of petroleum. That is higher investment and no additional profit for the country. That is protracted. Water—the EPA wants to take “navigable” from in front of the

word “water,” in terms of the Clean Water Act, so the government doesn’t regulate just navigable waters but every water.

Credit. Credit is becoming non-existent for Main Street. I am a small business guy. I was in a small business in Georgia for 33 years. A lot of small businesspeople use their credit cards to manage their cash flow over time. Because of the credit bill passed a couple years ago, they don’t have the flexibility to do that anymore. Bank credit is suspended primarily because banks are being run by the FDIC under cease and desist orders or, if they are extending credit alone, they are extending it to the extent that a borrower can put that much money in the bank. When you constrict credit, you suppress small business. When you suppress small business, you suppress 72 percent of the employment in the United States.

I commend Senator CORKER for his remarks about an hour ago on the floor of the Senate because he focused on the big problem we have; that is, debt and deficits. It is kind of disappointing to me we have spent more time on the SBA act, which has been pulled now—it was on the floor the beginning of last month—than we have spent on all the appropriations bills in the last 3 years of this Congress. We debated amendments, we protracted the debate but still nothing happened. We ought to be talking about debt reduction, about deficit reduction, and a long-term plan, over time, to amortize the debt of this country to a reasonable level.

We have a debt ceiling vote that is confronting us, and I have heard the political statements made by people in both parties that there is a game of chicken being played right now, with some saying we are going to push it right up to August 2 and force a vote. If we don’t get it, we will run the risk of America’s credit going up in cost and uncertainty happening. Others are saying we are not going to do anything on a debt ceiling increase period until we have to at the last minute.

That is not the way to run a business. That is not the way to expand credit. That is not the way to run a country. We ought to be sitting down at the kitchen table of Washington, DC, in the Senate reprioritizing the way we spend money to begin to rein in our expenditures, lower our deficit and lower our debt.

I bet in the last couple of years every family in America, as every family in Georgia, has had to sit around their kitchen table and reprioritize their expenditures. Things have changed. Their nest egg may have shrunk. Their equity may be suppressed. Their job may be in trouble. We have all had to do it. I have had to do it. Almost everybody in America has had to do that. Why doesn’t the government do it? At a crisis moment of \$14 trillion in debt, with no ceiling above it; with a deficit of \$1.5 trillion, \$300 billion more than discretionary spending, why aren’t we sitting around that kitchen table?

The questions I heard last night during my tele-townhall meeting made it clear to me Washington is making things worse. The American people want to be confident that we will address the debt and the deficit problem; that we are working on it and not that we are putting it off to a drop-dead date and then play chicken politics in the Senate.

People don’t mind regulation that is fair, but they do mind regulation that is suppressive and that suppresses jobs. They don’t mind having legislation debated in Washington on the floor of the Senate, one way or another depending on your position, but to leave it languishing in committees and not even bringing it up is not right. So my challenge—for me and for every Member of the Senate, and for this administration and for the President—is for us to lead.

We have a clock winding down on a debt ceiling increase that will be important for this country. But without substantial reform of the way we do our business and a game plan for a downpayment on our debt and deficit, and without an indication we are going to work together and have shared sacrifice, there is nothing at all we can do in this government except cause things to be worse. I don’t want to be a part of that.

My last comment is this: I was 39 years old in 1983. A report was put out by the board of the Social Security Administration saying it was going broke in 2004. President Reagan and Tip O’Neill got together and said: We can’t let that happen.

President Reagan said: I don’t want it to go broke, but I am not going to raise the tax.

Tip O’Neill said: I don’t want it to go broke, but I am not going to cut the benefit.

They went to the actuaries and said: What do we do?

The actuaries said: Put out the eligibility.

So they changed the law and said if you are an American born after 1943 you can’t get Social Security at 65; you have to wait until you are 66. I am 66. They put my Social Security off a year. I didn’t miss it. They also made Social Security actuarially sound until 2050. Only in the last 2 years has that date come down, and it has come down because of unemployed Americans at age 62 taking discounted early Social Security and putting more pressure on the system.

We could fix Social Security tomorrow just like they did in 1983 and not take a penny away from anybody. We could move the eligibility out to be more reflective of life expectancy. I know Medicare is the big political football and everyone wants to say the Republicans are trying to kill Medicare, and the Democrats love to say they are trying to protect it. Heck, I want to protect it. I have nine grandchildren. The rest of my life is about those grandchildren. I want to see to it they have a country that is as free, as productive, and safe, and that the benefits

are there for them that have been there for me. It is important we save Medicare, but we can't save it by looking the other way or by taking it off the table. We can't demonize a Democrat or a Republican for making a constructive decision to save Medicare.

Instead of trying to make it the political issue of the 2012 election, we should make it the personal issue of each Senator. We should sit around that kitchen table, work together, and try to find a meaningful solution to a problem that saves Medicare for future generations, and also doesn't cause an escalation in our debt and deficit. We are capable of doing it, but we have not demonstrated a will to do it.

I challenge my colleagues to do the same thing, and I challenge my colleagues to do one other thing—to hold a tele-townhall in the next couple of weeks. Talk to 3,500 of the citizens in your State and listen to the questions they are asking. They are scared, they are worried, and they feel threatened, and Washington is making it worse.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

NATO

Mrs. HUTCHISON. Madam President, I rise today to voice concern about the current state of the North Atlantic Treaty Organization. In 1949, more than 60 years ago, the United States joined with 11 other nations to create the North Atlantic Treaty Organization, NATO, in order to ensure the mutual security of the member nations. From the beginning, the United States has served as NATO's backbone and provided a major share of the cost in manpower and resources. We have consistently answered the call of our NATO allies when they needed us, even when there was no clear United States interest involved.

For example, in 1993 the U.S. military answered the call to participate in the NATO air action to enforce a U.N. ban on all unauthorized military flights over Bosnia and Herzegovina. After the Dayton Peace Accords in 1995, the United States stationed over 10,000 personnel in support of peacekeeping missions in Bosnia. For the following 9 years we continued to retain a large number of forces there.

In 1999 the United States again stepped up and provided a major share of the military resources for operations in Kosovo. At that time I argued that we were assuming too many commitments in areas of the world where our own interests were vague. When President Clinton announced that he intended to send 4,000 U.S. troops for peacekeeping in Kosovo, I said:

If we think the United States has the responsibility to go into all these civil conflicts, we are going to dissipate our resources and we're going to place a heavy burden on our taxpayers.

Today, after years of involvement with NATO-led operations in the Balkans, our forces are still a major component of the NATO Kosovo force, and we are still contributing approximately 800 troops to that effort.

In fact, of the 22 nations now in NATO contributing troops in Kosovo, the United States military makes up approximately 13 percent of the total force. As far as cost is concerned, the U.S. taxpayer is still footing a very large bill for our presence in Kosovo. In fiscal year 2010, the President asked for \$252 million to pay for operations in Kosovo. In fiscal year 2011 it was \$312 million. Now as part of the fiscal year 2012 Overseas Contingency Operations Transfer Fund, the President is asking for \$254 million.

With this example in mind, I am now deeply concerned that we appear to be in the same position again, this time with NATO in Libya. On March 31, NATO assumed command and control of operation Unified Protector, and was thereafter responsible for enforcing the no-fly zone over Libya. With this transfer of authority and responsibility from the United States to NATO, there was also an implicit understanding that all of NATO member states would be expected to dedicate the necessary resources to adequately enforce U.N. Resolutions 1970 and 1973. However, almost immediately after taking command, NATO requested a 48-hour extension of support from American fighter aircraft. This request for continued support from American air assets seemed to be at odds with the President's statement that coalition forces would be able to keep up the pressure on Qadhafi's forces. So, once again, our Nation is called upon to provide a large share of the resources and funding for another NATO mission that is not in the vital security interests of the United States.

Indeed, Secretary of Defense Roberts Gates stated on April 21 at a DOD press conference that "while it is not a vital interest for us, our allies considered it is a vital interest. And just as they have helped us in Afghanistan, we thought it important, the President thought it was important, to help them in Libya."

We are now on track to spend more than \$800 million of U.S. taxpayer money this fiscal year on operations involving Libya. I ask, with significant concern, how are these operations going to be paid for? Where is DOD planning to get the extra almost \$1 billion to spend on this operation? What programs will need to be cut to fund this third operation in which we are now involved: Iraq, Afghanistan, and Libya? Will the President be submitting a supplemental appropriations bill on Libya?

With the example of Libya in our minds, let us be clear as to exactly

what our allies are contributing to the efforts in Afghanistan. As part of the International Security Assistance Force, which is the command in charge of operations in Afghanistan, the United States is contributing 70 percent of the total force, with 46 nations contributing the remaining 30 percent.

As we review the landscape of American military commitments overseas, let me emphasize that with U.S. forces deployed in Iraq and Afghanistan we should not also be participating in such a major way in an open-ended conflict in Libya, where we have no clear, vital national security interests. Moreover, I believe our NATO allies who do have a vital interest in Libya should be willing to play a lead role in terms of funding as well as military resources. The fact is, NATO and the Arab League should be shouldering the brunt of the military and financial burdens associated with Operation Unified Protector, just as we are doing in Afghanistan, and have been doing in Iraq.

If we had all members of NATO contributing proportionately to the mission in Libya and also had the Arab League providing comparable financial and military assistance, the overwhelming commitment of our own U.S. forces would be lessened to a manageable degree. I am frustrated that our NATO allies continue to contribute such a small amount of resources for operations that are in the vital interest of many NATO member states. In Libya, I believe if the U.S. military were to stop providing to our allies our unique military capabilities, NATO operations for both the no-fly zone as well as the civilian protection mission would be seriously degraded and could terminate.

How have we arrived at this unfortunate state of affairs? Why is it that NATO nations are unwilling and unable to effectively operate against a weak and isolated nation such as Libya without significant military contributions from the United States? One reason we are in this position is because many NATO members are not contributing enough of their gross domestic product to defense. Instead, many NATO members simply look to the United States and the American taxpayer to pay for any gaps in defense capabilities. Because many NATO nations do not invest strategically in their military capabilities, they are heavily dependent on the United States to pay for advanced equipment such as intelligence, reconnaissance, and surveillance platforms to support their NATO operations.

I agree with Secretary Gates' recent assessment, that NATO is turning into a two-tiered alliance in which very few members except for the United States take on the hard power combat assignments. Instead, the majority of the NATO partners limit themselves to soft power work such as delivering humanitarian aid. Indeed, of the 28 NATO members, only 5—the United States, the United Kingdom, France, Greece,