

Medicare physicians will face a 30-percent pay cut. Imagine that. Today many Medicare patients already are being denied the care and personal choice they deserve because the AMA, the American Medical Association, has said one in three primary doctors is limiting Medicare patients, and more than one in eight of those doctors is forced to deny Medicare patients altogether.

Our seniors already face the pain of a broken Medicare system. Yet the Democrats remain ostriches with their heads in the sand because they have no Medicare solutions they want to offer.

Perhaps I am being too hard on the Democrats. President Obama—perhaps speaking for the Democrats or perhaps not—has put an option on the table for addressing Medicare spending. He did it in a speech at George Washington University on December 13. Of course, we will not be able to vote on that here today because, as Senator MCCONNELL said yesterday, you cannot vote for a speech. But at least we should consider the option the President put on the table.

In his speech, President Obama suggested we should control costs in Medicare by tasking the Independent Payment Advisory Board that was set up under ObamaCare to do even more than what we proposed a year and a half ago when the bill was passed.

You might ask, What is the Independent Payment Advisory Board in ObamaCare? Well, it was created by the Democrats' health care bill. It is a 15-member panel of unelected advisers who would make binding recommendations on how to reduce Medicare spending when spending is projected to exceed a certain level. Effectively, their recommendations have the force of law without congressional intervention to replace the cuts they might suggest and that under the law would take a 60-percent majority. And you know it is very difficult to get 60 votes in this body for any one thing.

That law says the board cannot make decisions that directly relate to premiums, deductibles, or copayments that Medicare beneficiaries pay. It says the board cannot change the eligibility criteria for Medicare benefits. So then, what can the board do, you may ask? Well, it is going to zero in on provider payments, doctor payments.

I want to repeat a statistic I quoted earlier because after the payment review board gets done, you are going to have more than the one in three primary doctors not taking Medicare patients that presently is the situation. We have one out of eight doctors denying Medicare patients altogether. In other words, they are not going to see Medicare patients; and that is today. It is going to get worse when this payment review board gets done.

According to the Joint Economic Committee, today Medicare allows medical providers to collect 89 percent of the cost of services provided to seniors. Under the President's proposal, by

2022, Medicare providers will only be allowed to collect 66 percent of the cost of services provided to seniors. Reductions will clearly restrict seniors' access to quality health care.

Let me sum up what we do know about the Democrats' actions on Medicare because it is already on a path to destruction. So, of course, I get a little bit upset when I hear people on the other side of the aisle saying Republicans want to do away with Medicare, when it is part of the social fabric of America and we want to keep it as part of the social fabric of America and we want to do it not only because it is a Federal program, but we want to do it because it is tied in with a lot of corporate retirement health plans where it becomes a primary payer and the corporate health plan becomes a secondary or additional payer.

I sum up by saying, they have enacted already \$500 billion worth of cuts to fund a new entitlement called ObamaCare. Many of those cuts are described by the independent CMS Actuary as unsustainable. They have yet to find a way to fix the doctor reimbursement formula called the sustainable growth rate. And still, the President has proposed further reducing payments to providers.

Of course, what is that going to do for seniors in America? It is going to reduce access. This will make it harder for seniors to find providers willing to treat them. This will drive some providers out of the business of providing services to seniors. In other words, they cannot afford it.

There is one simple word to describe this approach, and it is a word I do not take lightly. The word is "rationing" of health care for seniors in America. It may not be direct overt rationing, but you have to have your head buried very deeply in the sand not to realize that is going to be the outcome of policies already put in place by this President through ObamaCare. And then they want to accuse us of destroying Medicare?

So I get back to what today's debate is all about. I think we ought to seriously be having a legitimate floor debate rather than a series of political show votes today. I will vote for the Senate to begin debate on the Ryan budget and the other Republican budgets as they are offered because I do not have a chance to vote on anything from that side of the aisle because, see, it is a blank sheet of paper. There is nothing there that the majority party—not the minority party; they are the majority party—has suggested. I will vote to begin debate, not that I support any of their budgets in their entirety. I will vote to begin debate because our fiscal situation demands serious efforts or giving serious considerations, and in no area, as I have made clear in my remarks today, is this more critical than in Medicare because Medicare is on a path to bankruptcy.

People who support the Medicare Program and care about those who will

count on that program today and for many years to come are willing to put serious plans on the table for debate. It is our responsibility to ensure Medicare's survival for future seniors. Doing nothing is worse for Medicare. The surest way to kill Medicare as we know it is the Democrats' do-nothing plan. Demagoguery is irresponsible. So I would suggest: Pull your head out of the sand and join a real debate to save Medicare for the future.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that following my remarks, Senator MCCASKILL be recognized to speak for up to 15 minutes, and following her remarks Senator SESSIONS be recognized to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to concur in the House amendment to S. 990, an Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 347, of a perfecting nature.

Reid amendment No. 348 (to amendment No. 347), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid amendment No. 349, to change the enactment date.

Reid amendment No. 350 (to (the instructions) amendment No. 349), of a perfecting nature.

Reid amendment No. 351 (to amendment No. 350), of a perfecting nature.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, 50 years ago on this day, President John F. Kennedy addressed a joint session of Congress, and he presented to our Nation a bold challenge. He said:

I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

It was and remains a memorable challenge. To meet it would require long-term commitment and unprecedented resources. It had great risk, and it had no simple solution. But President Kennedy put his faith in the talent and dedication and discipline of America. He believed his challenge could mobilize our country to meet this challenge and succeed. And he was right.

President Kennedy's goal to put a man on the Moon and return him safely in 10 years was clear, was direct, and was accountable. The result was a vast mobilization of public and private resources that collaborated in innovative ways to achieve that singular purpose. And we did.

I come to the floor today to call for a similar challenge to reform our health care delivery system. While the goal now is different, the urgency and the need to mobilize both public and private sectors toward a common and vital purpose is the same. Our massive budget deficit poses a real threat to our economic and national security. The Chairman of the Joint Chiefs of Staff identified it the other day as the single greatest threat to our national security, our Nation's debt.

There is also common ground that the skyrocketing costs in our health care system are at the heart of our Nation's fiscal problem. I do not agree much with Congressman PAUL RYAN, but we do agree on that point. He has said if we are to be honest about our debt and deficit, at its heart is a health care problem. So now is the time for our country to set out a clear challenge, as President Kennedy did, that will address our health care cost problem.

That challenge must stand on two facts: One fact is that our health care cost problem is a system-wide problem. Republican proposals to end Medicare as we know it fundamentally misdiagnose the problem. Most everybody in America knows it does not matter who our insurer is, whether we are insured by Medicare or Medicaid, the VA or TRICARE, United or Blue Cross, in the last decade, costs across all insurers have gone through the roof. Indeed, just today in the news, Secretary Gates is reported to have said—about his Defense Department budget—everybody knows we are being eaten alive by health care. We have a system-wide health care cost problem, not a Medicare problem.

Health care expenditures are nearly 18 percent of our gross domestic prod-

uct. The next least efficient country in the world spends only 12 percent of its GDP on health care. We would have to go far down the list of our competitor nations before we find a country that has as poor health outcomes as America has, even though we spend vastly more for our care. We have a system-wide health care cost problem and a system-wide health care quality problem.

The second fact is, the health care cost problem and the health care quality problem are related. We have at our disposal an array of health care reforms that will reduce the cost of health care while improving the quality of health care. These types of reforms—new models of care coordination, quality improvements in hospitals, paying for quality not quantity to our physicians, and reducing overhead costs in the system—all have one liability; that is, they do not lend themselves easily to estimates of cost savings. Because of this, there is less attention than there should be to the great potential of these reforms. Bowles and Simpson, Domenici and Rivlin have all conceded this in our Budget Committee hearings.

The promise of these reforms is immense. The President's own Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system without hurting the quality of care. That is about \$700 billion a year. The New England Health Care Institute said it is \$850 billion a year. The Lewin Group has estimated the potential savings at \$1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill. The savings are there, and they are considerable.

The question is, How do we get at them? Well, let's first look at the affordable care act that we passed. The affordable care act's delivery system reforms provide many of the tools that we need to drive down costs and improve the quality of care.

As we were working on that bill, I had a regular meeting in my office of experts from around the country, from the business community, from the labor community, from the NGO community, who really were dialed in to the delivery system reform problem in this country.

We met regularly, we met early in the morning, and every time we asked the same question: What more can we put in this bill to make sure it has the tools to get these reforms done? By the time that bill passed, we were in agreement that everything we could want was in that bill.

It provides a tool box with five major strategies we need to deploy. The first is quality improvement, which will save the cost of medical errors, of misdiagnosis, of disjointed and uncoordinated care.

The clearest and simplest example is reducing hospital-acquired infections which affect nearly 1 in every 20 hospitalized patients in the United States.

They cost us about \$2.5 billion in unnecessary health costs every year.

The tens of thousands of deaths that are associated with these hospital-acquired infections are tragic. It is made all the more so by the fact that they are essentially preventable. Simple reforms, such as following a checklist of basic instructions—washing hands with soap, cleaning a patient's skin with antiseptic, placing sterile drapes over the patient—result in huge reductions in rates of infection and in costs.

So, first, quality improvement. The second strategy is prevention. The most inexpensive way to deal with disease is to prevent it in the first place. More than 90 percent of cervical cancer, for instance, is curable if the disease is detected early through Pap smears.

The third strategy is payment reform. We must pay doctors for better outcomes, not for how many tests and procedures they order. Rhode Island has a promising "medical home" primary care payment strategy already underway.

The fourth strategy is simplifying administrative processes to reduce overhead costs. The insurance industry in this country has developed a massive bureaucracy dedicated to delaying and denying payments to doctors and to hospitals.

So to fight back, the doctors and the hospitals have had to hire their own billing departments and expensive consultants. All of that, the entire war over payments between insurers and hospitals and doctors, adds zero health care value. It only drives up costs.

Finally, the fifth strategy is a robust, secure health information infrastructure. Health information technology was, years ago, estimated by the Rand Corporation to save \$81 billion a year. Savings may very well be higher as the system builds itself out. Not only is a robust health information infrastructure a good end in itself, but those four other delivery system strategies are empowered and advanced and expanded by robust health information infrastructure.

These five delivery system reform strategies hold the promise to deliver the enormous savings we need to extract from our health care system, and to do so in the most humane way, by improving the quality of care. The debate we need to have on our health care cost problem must focus on delivery system reform, on how we can implement these delivery system reforms from the recent health care reform bill as quickly and as effectively as possible.

This is what brings me back to President Kennedy's speech on space exploration. President Kennedy did not say: I am going to see to it that America bends the curve of space exploration. Had he said that, the speech would have been consigned to oblivion, and we would likely not have put a man on the Moon on time. Instead, he made a memorable challenge with a clear objective: Put a man on the Moon, bring

him back safely, within a decade. Everybody could know whether that had been done. It was a clear and accountable purpose, and it galvanized the entire Federal bureaucracy toward that common purpose.

We can and must do the same with health care delivery system reform. We can and must have a clear challenge to strive toward.

It is not enough to talk about bending some health care cost curve. Our country has the talent and discipline to accomplish extraordinary things. We can significantly bring down costs in our health care system. I notice that the junior Senator from Minnesota has just taken the chair in the Chamber. Minnesota knows well what can be accomplished through these kinds of delivery system reforms because companies such as Mayo, Gundersen Lutheran in Wisconsin, Intermountain in Utah, and Kaiser in California are all doing this kind of work effectively already. We can significantly bring down costs in our health care system. We don't have to be last or the least efficient country in the world in providing health care to our people. We can do this while improving the quality and the experience of health care for Americans.

I will conclude by saying that tackling these issues won't be easy. But to go back to President Kennedy's speech, he said:

We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard. . . .

I urge my colleagues and the administration—we cannot afford to fail. Let's raise the stakes. Set a hard challenge. The future of our Nation's fiscal health certainly depends on it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Missouri is recognized.

MISSOURI DISASTER

Mrs. McCASKILL. Mr. President, this is a place that runs on words. The Senate is a place where there is always a great deal of speeches given and words spoken. Every once in a while, something comes along in life when words are completely inadequate. What happened in my State in the last few days is very difficult to express in words. I did want to take a few moments to recognize an incredible occurrence in the southwest portion of my State.

Having been there all day yesterday and arriving very early in the morning and spending time with the people of Joplin—with Missourians who have come to Joplin from every corner of our State, with Federal officials, I do want to take a short amount of time to recognize the tragedy and to rejoice in the response.

So many parts of this response, in fact, are the kinds of things we should celebrate. But the loss of life is staggering. An F-5 tornado, we now know, is the strongest tornado classification—in fact, this is the most devastating tornado we have had in this

country in almost 60 years. The loss of life is staggering—122 lives. It is, unfortunately, a reality that that toll will probably continue to rise—I hope only slightly—in the coming days. But yesterday, there were another five or six confirmed deaths.

The loss of property—over 8,000 buildings were damaged; 2,000 homes are gone. When I say gone, I mean gone. I have responded to many natural disasters in Missouri during my time as a public official—a lot of tornadoes and flooding. I have never observed a scene that even comes close to what I observed yesterday. Walking among the rubble, you realize that what you are walking through is people's lives that have been spread far and wide, and that, in many ways, cannot be recovered, cannot be made exactly as they were before. From the air, the swathe of damage was incredible. We were able to get up there—because the weather finally cooperated—to look at the damage from the air. Governor Nixon and Mr. Fugate, the Administrator of FEMA, and I, with other officials, went up in helicopters yesterday morning. As you look down upon Joplin, from the air it looks like a stove mill. Through the middle of Joplin, miles and miles long and wide, surrounded by green, it looks like a massive amount of toothpicks. The trees are all gone. Many hundred-year-old trees are lying on their sides. The trees—what is left standing of them—have most of the bark ripped off by the force of the wind that swept through Joplin shortly before 6 p.m. on Sunday evening.

The emotional toll of this devastation is one you can't calculate. But you see it on people's faces. What I observed yesterday was friends and neighbors who were standing by hoping for a miracle, and firefighters dug under the rubble at the Walmart hoping they would find someone there who was alive. I witnessed other people going through the rubble of their homes. In talking to them, I think the initial reaction for the people of Joplin was intense gratitude that they were alive. Now it is being replaced with the reality of their loss and what they have lost—from schools, to churches, to a hospital that employs over 2,000 people in a community of just 50,000. This is an incredible loss. But the pain is palpable on these people's faces, and that is why it is so important that we don't lose sight of what they are going to need over the coming weeks, months and, yes, even years.

The response I witnessed, in terms of what was on the ground, was remarkable—from Federal, State, first responders in local communities, and obviously the officials of Joplin, Missouri, all working together seamlessly as a team. The Federal Government—unlike many disasters where they wait several weeks to declare a disaster—obviously understood that the flexibility and the immediacy of the response was incredibly important in this instance, and they declared a disaster within 18

hours. FEMA had people on the ground. Within 12 hours, the National Guard deployed. They had National Guardsmen there before midnight. Since that moment on, more and more people have been responding with more and more assets to help the people of Joplin and the recovery effort.

I want to call out particularly the fire chief in Joplin and the city manager there who have done remarkable work. The fire chief lost his home. As I walked through the firehouse going to the command center, I heard barking in one of the rooms. I said, "Is that a K-9 unit?" They said, "No, the fire chief is living here with his family because his home is gone. That is his dog." So as he lost his home, he obviously had to turn to the important job of initially fighting fires, and then, obviously, participating in an unprecedented effort of search and rescue over the following 48 hours.

I am very proud of our National Guard. We have over 200 guardsmen there as we speak. They have done, as always, remarkable work. I talked to one man who had just finished duty in Poplar Bluff, with the flooding, and immediately came over to help in Joplin with the tornado response and recovery.

The State of Missouri Governor Nixon has been on the ground for much of the last 72 hours, along with his team. He is bringing his cabinet heads to Joplin to work on various parts of this over the next 48 hours, along with subcabinet members from the Federal Government, housing, HHS, to be of assistance.

Let me take a minute to talk about the first responders. I am so proud of the police and firefighters I encountered yesterday. I am so proud of these men and women. As I looked around, I realized there were search and rescue teams from every corner of our State. Task Force 1 from central Missouri and almost 100 Kansas City firefighters were there. I had an opportunity to visit with many of them as they were attempting a rescue on the scene yesterday afternoon. At 3 o'clock in the morning—yesterday morning—a caravan from St. Louis of over 100 firefighters and all of their equipment and assets rolled down I-44 to get to Joplin to help their brothers and sisters, in terms of this effort. St. Francis County, Camden County—you name it—from all over the State, police and firefighters and public safety officials responded to Joplin.

Frankly, people need to realize that the assets spread all over Joplin today, the emergency vehicles, K-9 units, HAZMAT teams, mobile rescue units that allow people to do very difficult rescues in very difficult circumstances—the vast majority of those assets were bought with Federal dollars. The vast majority of that equipment that came to these Missouri departments came from Federal grants. A lot of these guys worked without sleep for days. As I talked to them and

thanked them, it was almost as though they resented being thanked because, to them, this is what they do.

I tell you, one thing yesterday gave me was an incredible passion to fight for these folks' pensions and salaries. These are not the people who are causing economic chaos in this country. These are not the people who deserve to be diminished in public discussions about what they receive for their work. These are the best we have, and they deserve every dime of pension they have bargained and fought for.

I am so proud of Joplin for its response. This is a community of great faith. This is a community that will come together, as a lot of Midwest communities do in circumstances when their neighbors are in trouble. Everywhere I have gone—in fact, our phones are ringing off the hook—people are saying: What do we need to do to help Missourians?

The most important thing people can do right now is give blood, donate to the Salvation Army and Red Cross, and wait to hear from the officials from Joplin about when volunteers are needed. Right now, too many volunteers swarming into Joplin could cause more problems than it could solve. People need to check with the local Red Cross in Ozarks, and they need to check in with the city Web site. When there is a call for volunteers, it will go out, and those volunteers will be needed. But for now, the most important thing people can do is give money and blood.

The other thing I think we can do for all of the people who lost their lives in this tragedy is to have a plan when there is a tornado warning. Many families—and I think we are guilty of it in the Midwest maybe more so than other places in the country because we hear sirens and tornado warnings a lot. I grew up with that in Missouri. I will be honest, I probably have never taken it seriously enough. But that will not happen again in my life. My family will have a plan. My family will know where to go and what to do if, in fact, there is a tornado warning. Don't ever assume a tornado warning is not serious. These sirens rang at approximately 5:17 in the afternoon, and the tornado touched ground at approximately 5:41. So there was 20 minutes there.

By the way, the weather people here deserve a great deal of credit. Nobody visually sighted this tornado. It was all done through radar. The fact that they were able to identify this tornado and make that warning 20 minutes ahead of time was very important. I cannot imagine the loss of life we would have had if it hadn't been for that 20-minute warning. Having said that, there were people who were not taking it seriously. There were people who didn't know exactly where to go or what to do. So, please, have a plan for your families as a tribute to all those who lost loved ones in Joplin on Sunday night.

We will survive this, with God's grace and determination. Joplin will roar

back because of the values that are held so dearly in that part of our State—in fact, in our entire country.

We will come together, and we will do this. But make no mistake about it, the satellite cameras are going to pack up sometime in the next 48 hours. All those satellite trucks are going to go back from where they came. This will fade from the front pages. Just like the junior Member from Minnesota who is presiding right now, at the point in time the bridge collapsed, there was a great deal of attention, and then the attention goes away.

In this instance, we are going to need to sustain the support to this community far beyond the headlines, far beyond the satellite trucks going home. We have to get these schools open in September. We have to get this hospital rebuilt. We have to make sure this community is not left stranded without the assistance it needs.

There is no question that we have to be careful about the way we spend Federal money. But with all due respect to Congressman CANTOR, I have a hard time believing that if this were in his congressional district, he would be talking about how additional disaster relief would not be available unless we found some other program from which to take it. It must be available. This cannot be a political football. We must provide the assistance. That is what Federal tax dollars are for, to provide assistance when there is no assistance available for communities and for States because of the wrath of Mother Nature. We must be there for them. We all must stand with Joplin. All of America must stand with Joplin. And we will.

My heart goes out to the families for their losses. I congratulate the people of Joplin for their response. I say "bless you" to all those first responders. Through the greatest tragedy sometimes comes the greatest strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

MR. SESSIONS. Mr. President, I appreciate the fine remarks of my friend from Missouri. Seeing the damage that was done by the tornadoes in Alabama, they have far exceeded anything I have seen before. I appreciate more than most the damage and difficulties the people of Missouri are going through. I know there will be emergency funding for that. There is a legitimate question as to whether we ought to not find that emergency spending someplace in our budget where it can be recovered that is not so important. But I know we will process that as we go forward.

UNSUSTAINABLE BUDGET PATH

I truly believe our Nation is facing an economic crisis, but it's not so much what I believe but what every expert we have heard from believes and has testified to. Mr. Erskine Bowles, who cochaired the debt commission, who was appointed by President Obama, said, along with Senator Alan

Simpson, his cochair, in a written statement to the Budget Committee, that this Nation has never faced such a predictable economic crisis. In other words, the deficit levels we are operating with are so high and they create such danger to the economy that we have to get off this path. Every expert has said we are on an unsustainable path.

Many people have thought the problem we are dealing with today places a burden on our children and our grandchildren; therefore, it has removed to some degree the immediacy of the problem. But that is not what Mr. Bowles said. In his testimony before the Budget Committee just a month or two ago, he said that we could have a financial crisis. When asked by the chairman when, he said 2 years, maybe less, maybe more. Senator Simpson said it could be 1 year.

We are taking a risk with the American economy. This has been echoed by Moody's bond ratings, and it has been echoed by S&P, which warned that our debt rating for our government debt could be downgraded. Alan Greenspan has made similar comments. Alice Rivlin, former OMB Director under President Clinton, made those comments. Pete Domenici, who cochaired a debt commission with Alice Rivlin, former chairman of the Budget Committee in the Senate, said to us with real passion: I have never been so afraid for my country. That is what Pete Domenici said.

We know we have to take action, and now we are heading today to 756 days since the Senate has passed a budget. We have not passed a budget. I say with confidence that in terms of a real, long-term threat to the American future, this Nation has never had a greater danger financially and in terms of debt because the problems we face are more severe than even in the nineties when we turned our business around and in 3 years balanced the budget. It is going to be harder to do it now.

We went through World War II. We borrowed money. But we had a vibrant, growing economy and growing population, and we promptly moved our way through that, and growth took care of us. But we cannot expect that the level of growth that according to the experts we can reasonably predict will be sufficient to get our house in order.

When you do not have enough money and the course you are on is unsustainable, you need to develop a plan that puts you on a sustainable path. How simple is that? That is grownup talk. How do you do it? What is our mechanism in the Congress?

This is a budget. This is title II, section 271 through et seq, and it has the Budget Act. We passed a Budget Act. It is law. Clever Congress did not put any penalties on it, so we can violate it and not go to jail. We do not have to personally pay fines. But it represented a serious commitment by a previous Congress that we needed a budget. They

also made as part of that budget law that it could be passed with a simple majority so it could not be filibustered. That was one of the reasons budgets sometimes failed to be passed. At a time when they were thinking about the future, they said: Let's make the budget passable by a simple majority. It also has a timeline in it. It says the Congress must pass a budget by April 15. We are long past that date—long past it. Are we going on to a third year now without a budget?

Mr. President, 1,000 days without a budget while our country is on a debt path unsustainable to a degree that threatens the future of America economically—yes, that is where we are heading.

People say: Surely, JEFF, that is not so. Surely there is some plan.

There is not any plan—not a plan to pass a budget. What there is a plan to do is not pass a budget. It is irresponsible. It is unwise. It is dangerous for our future because we are on a certain path, a predictable path, as the debt commission told us, to financial ruin. Our debt-to-GDP ratio will reach 100 percent by September 30 of this year. That is above the level that economic experts tell us puts our country at risk. Indeed, when we passed a 90 percent debt-to-GDP ratio, economists Rhinehardt and Rogoff, who completed a massive study of national defaults of economies around the world by sovereign states, warned that at that level you reduce the growth in the economy by at least 1 percent of GDP. The average was higher than that. They said on a median level, it is 1 percent of GDP, and they used that number—1 percent growth that we don't get. Well, some think we may not get 2 percent growth this year. Would we have gotten 3? If we get 1, would we have gotten 2? One percent growth in GDP is a large thing in an economy the size of ours. It increases tax revenue significantly. It increases jobs. According to experts, 1 percent of GDP growth means 1 million more jobs. A decline of 1 percent in our economy represents a loss of 1 million jobs. This is not a little-bitty matter.

On Monday, I objected. I realized what is going on in the Senate, that there is no plan to deal with this situation, that there is a gimmicked-up scheme to bring up a series of budget votes that the majority leader knows will not pass. Indeed, he intends to bring up a vote on a budget that he and all his colleagues intend to vote against—the most responsible one out there, the House budget, passed by the Republican House. That is what they want to bring up for a vote and vote against. But the Budget Act does not say bring up a House budget. It says each House—the Senate and the House—should bring up its own budget and pass it on the floor. It should go to committee. None of the budgets we will be voting on have gone through committee. We have had no markups in committee. We never even had a markup on the budget. Why? What is this? What is going on?

Let me share with my colleagues why we are not having a legitimate process to produce a budget at the most critical financial time in our history. It is about politics. Does that surprise anyone? This is what Democratic staffers were quoted as saying in a Wall Street Journal article a few days ago. What did they say about it? Did they say: We have a plan to solve America's future. Did they say: We have a plan to reduce our debt and get us on a sound path. Did they say: We understand the future of the country is endangered by unsustainable debt growth. No, they did not say that. This is what they said:

As a political matter, Senate Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

They do not want to produce an honest budget, a budget that would make a difference, because it would have some unpopular items in it. I ask, is that responsible leadership? I suggest it is not.

It goes on:

Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes . . .

What does that mean? It means their budget, if they produce one, would call for higher taxes, and they do not want to do it. They do not want to propose a budget that reduces spending. They do not want to produce a budget that has higher taxes. Why? Because they are playing politics rather than serving a national interest. That is just plain as day. I wish it were not so, but there is no other explanation for why this Senate preparing to go into recess Friday for Memorial Day without having even commenced hearings on a budget.

This is what they decided to do. I am quoting from the article:

Senate Democrats plan to hold a vote on the Ryan plan—

The House budget—

hoping to force GOP senators to cast a vote on the Medicare overhaul that could prove politically difficult.

Give me a break. Is that what it is all about? Is that what we are here for? It is not what many of my Democratic colleagues tell me. They tell me they know we are on an unsustainable path and we have to do something. But why are we going through this charade, to bring up one, two, three budgets and vote them all down and then say: Well, we tried. Maybe we will have some secret talks over here and we will plop something down right before some emergency date and demand everybody vote for it, not having a chance to read it. Is that what the process is going to be instead of an open process where the Budget Committee has open hearings, amendments are offered, a budget is voted out of committee, it comes to the floor, and there is a guaranteed 50 hours of debate? But the process comes to an end. The Budget Act states that we cannot filibuster it. There is only

limited time of debate, but there is an opportunity to debate, an opportunity to offer amendments.

We are told Senator REID does not want his members to have to take tough votes. None of us like to take tough votes. None of us likes to take tough votes. Isn't that what we are paid for here? Isn't that why they send us—to vote on important, tough issues that impact the future of our Nation? I am telling you, we are so far off path it is stunning to me.

I quoted his staffer earlier, but what about Senator REID himself, the Democratic leader of the Senate? Anybody who has worked with Senator REID likes him, and I enjoy working with him. I respect him. I know he has a difficult job, but at some point one has to stand and lead. He is not leading and neither is President Obama. But this is what Senator REID said just a few days ago—I think Friday.

There is no need to have a Democratic budget, in my opinion.

Well, there is a need, a statutory legal requirement that we send a budget out of the Senate.

Then, he said:

It would be foolish for us to do a budget at this stage.

Why does he say it would be foolish? I think my good friend, Senator REID, has taken his eye off the national interest. He has taken his eye off the crisis our country faces, and he has his eye on politics. He means it would be foolish politically. He has a scheme, and this is what his scheme is. He is going to bring up the House budget—the Ryan plan. In all honesty, it is the only plan I have seen in my time in the Senate that comes close to providing a long-term alteration of the unsustainable fiscal path we are on. It deals with it. It makes some tough choices, but they are not unbearable and I think most of them will actually work.

It is not perfect. I don't promise that I would vote for everything in it. But it is a historic plan to put America on a sustainable financial course. I thought they could have reduced spending more in some areas, frankly. But it puts us on a sustainable course. It was produced by the House Budget Committee. They had public hearings, the committee voted on it, they brought it to the floor, and it passed in the House of Representatives, in the way the Congress of the United States is supposed to operate.

What does our leader in the Senate and his colleagues who support him do? They make a decision to do something political, not responsible. They are not putting forth the vision they have for the future, but they are going to bring up the Ryan budget so they can all vote against it. I don't think that is responsible. I don't think it is responsible at all.

I am not going to participate in this scheme to have a series of votes. Count me out. I am not supporting it. I am not going to give my consent to it.

That is the way I see it and I don't think that it makes sense. If I did, I would change my mind. But as I see it, it makes no sense for me to, in any way, consent to a process that is designed to fail. The whole process is designed to fail. With a simple majority in the Senate, our Democratic colleagues can pass any piece of legislation. They have 53 Members. They can win the vote. If they put up a good budget, they might have some Republicans—maybe all the Republicans, if we reached a bipartisan agreement. But there is nothing close to that. We have not approached this in any realistic way, and I am concerned that we are off track.

Senator SCHUMER, who once headed the Democratic Senatorial Campaign Committee—he designed all that—is a Senator who is considered to be a guru of politics around here. He is good, and there is nothing wrong with being a smart politician. But at some point politics goes too far. This is what he said on May 23 regarding the Ryan budget.

We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It is that simple.

That is an open statement of raw politics. Where is the national interest? Where is the response to Mr. Bowles, a leading Democrat, to Alice Rivlin, a leading Democrat, and their principled cries that we do something about the debt crisis we now find ourselves in? Nowhere.

My colleagues want to go home, and they intend to go home—go home Friday. Our soldiers are out there, and they are not getting to come home from Iraq and Afghanistan. They are going down roads where bombs might be planted and they are putting their lives at risk. They do not get to come home. Their business isn't finished yet. But we plan to go home, apparently, not having done anything but having gone through a political exercise that is an embarrassment to the Senate at a critical time in our Nation's financial history—a very critical time.

President Obama utterly ignored, in his completely irresponsible budget, the fiscal commission that he himself created to seek a national consensus on funding. I have to say the President's budget is nowhere close to what is necessary to avoid our fiscal nightmare. That is not a JEFF SESSIONS quote. That is a quote from Erskine Bowles, who cochaired the Commission, when he saw the President's budget plan that was submitted a couple months ago. He said it is nowhere close to where the Administration will have to go to avoid our Nation's fiscal nightmare.

So that is what the President has done, and the Senate has done nothing. They will not even hold a markup and propose a plan. Why? They think it is politically unwise. They think they

can gain more politically by refusing to produce a budget, by attacking the House Members who produced a budget—as they are required to by law—that is honest and would make a huge long-term difference in America. It would put us on a sustainable path, not leave us on an unsustainable path.

I will conclude with a quote from the preamble to the fiscal commission's debt report. This is what they wrote to us. Remember now, Senator RED's plan is to bring up the House budget and have all his Members vote it down so they can attack Republicans for having the audacity to propose any changes in Medicare—and not even in the 10 years of the budget. It is the out-years they are complaining about, and it is not law. Any change will not become law until it passes both Houses of Congress. But it is a vision that could work to make Medicare sound and actually save it.

They think they can scare people by saying we are going to end Medicare, so they are going to vote on it. That vote, in the minds of our Democratic politicians, shows that they are defending Medicare and that all the Republicans oppose Medicare. But the American people are getting too smart for that. I don't believe they are going to buy that story any longer. They know Medicare is on an unsustainable path and that it cannot continue.

The Medicare actuaries and trustees have reported today that it is going to go bankrupt a number of years sooner than was originally expected. But this is what the debt commission said about the need to have a plan to fix our future:

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from the shared sacrifice and common purpose. The national interest, not the special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

Isn't that a reasonable request—don't shoot down an idea unless you are prepared to present a better one in its place? That is exactly the opposite of what our Democratic leadership is proposing. They are proposing to bring up a budget they say they do not like. They are going to vote it down without producing anything in its place. That is not responsible leadership, it is not respectful of the budget process, which is required by law, and it is not in the national interest. It is not in the national interest.

Yes, we are going to have to deal with tough issues. We find ourselves in a fix, a deeper hole than we should ever have been in, and the American people punished Congressmen and Senators last year because they were unhappy, and they were right to be. There is no way any Member of this Congress can stand before their constituents and justify a deficit this year of \$1.6 trillion

and defend or justify a spending program in which 40 percent of every \$1 we spend this year is borrowed. How can that possibly be called sanity? It is insanity. That is why every one of these people is telling us we have to change and why PIMCO, the largest bond company in the world, has said they are not buying any more American debt. They believe we need to get serious and make some serious changes.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. SESSIONS. I thank the Chair.

I will just wrap up by saying that is why I think the process planned for this week is unacceptable and I do not intend to support it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent that at 2 p.m. today, Senator PAUL be recognized for up to 1 hour for debate only; that following Senator PAUL's remarks, the Senate then proceed to a period of morning business for debate only until 5 p.m., with the time equally divided between the two leaders or their designees; further, that the final 5 minutes be reserved for the majority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I reserve the right to object and I will object at this time and would like to review that unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, under the unanimous consent request propounded by the Senator from Oregon, I will remove my objection. I will not object.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I and Senator CANTWELL be recognized now as in morning business.

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

OIL AND THE COMMODITY FUTURES TRADING COMMISSION

Mr. WYDEN. Mr. President, Senator CANTWELL and I were joined on May 11 by 15 other Senators who wrote to the Commodity Futures Trading Commission to request that agency, which has a key role in consumer protection, take immediate action to impose position limits on crude oil futures. We asked that they would act by Monday, May 23.

Position limits are limits on the number of contracts that a financial speculator can buy or sell at any given time. It is extremely important that consumers have this protection so we do not see these speculators increasingly dominate the market. As the Presiding Officer knows, we have a lot of folks who need gas to get to work and

get to school. We have trucking companies that depend on affordable fuel. We have restaurants that need fuel. They are all getting clobbered today.

Financial speculators who do not buy oil or consume oil are constantly pulling more of the oil out of the commodities market. What is so troubling about the approach of this key agency is they pretty much said they are not going to do anything soon. We have no sense of urgency. It is not a priority for them to try to tackle this issue. In fact, they are not even going to use their interim authority. They will not even use the interim authority they said they were going to use last year to protect the consumer at this crucial time.

This is particularly unfortunate because somehow they have reached the judgment that the only thing they ought to be moving on is to try to set limits as they relate to commodities generally. I can tell you, my phone is not ringing off the hook about the question of cocoa prices. The American people are not up in arms about what is going on in the cocoa market today. They are concerned about the fact they are getting clobbered on gas pricing. The fact is, 40 percent of the oil futures market is now dominated by financial speculators, and it is way past time for the Commodity Futures Trading Commission to act to tamp down excess speculation and its impact on higher prices.

Senator CANTWELL serves with me on the Senate Energy Committee. She has been a leader on this issue. She has constantly tried to blow the whistle on this practice of speculation. It is not the only reason gasoline prices are so high, but it clearly is a significant factor. If the financial speculators are taking so much of the oil and future oil out of the market to essentially hold this dominant position, that means there is going to be fewer opportunities for that person who is trying to get gas at the pump, the person who runs the restaurant, the trucking company, and why it is so important that we have position limits.

This is a crucial consumer issue. The Commodity Futures Trading Commission's refusal to act quickly is especially upsetting because this agency knows better. They know better. Yet they wrote to Senator CANTWELL and me and Senator COLLINS and colleagues that they were not going to do much of anything anytime soon.

In January of 2010, after holding three public meetings on fuel prices, the agency proposed to set position limits on four key energy commodities: crude oil, natural gas, gasoline, and heating oil. At the time, crude was around \$75 a barrel.

Congress was so concerned about the need to control financial speculation that it expanded the agency's authority to set speculation limits last July as part of the financial reform legislation. That legislation specifically directed the agency to set limits on non-

agricultural commodities such as crude oil within 180 days of enactment. That date has long passed. So rather than getting started on crucial protections for American consumers and businesses, the agency withdrew its January 2010 position limit proposal for energy commodities and basically started all over. It is inexplicable, in my view, that they would not even use their interim authority to take steps to help the consumer who is certainly going to be concerned about gasoline prices as we move into this Memorial Day weekend.

This past January, instead of issuing a final rule within the 180 days called for by the financial reform legislation, they issued another proposed rule. While it is certainly true Congress gave the agency expanded authority to set limits on multiple speculation holdings in the financial reform bill and not just future contracts, the result is there is not any limits at all. That is the bottom line for the consumer today.

Under the schedule proposed by the agency in January's recent proposed rule, final position limits are not going to be imposed until the first quarter of 2012, almost a year from now. That is what it is going to take based on the signals the agency is sending today, and at least one of the Commissioners at the agency, Bart Chilton, has pointed out that this is really contrary to the deadlines in the financial reform law.

We know most Americans walking on Main Street have not heard of the Commodity Futures Trading Commission, but that certainly does not diminish its role in overseeing the commodities markets. That is why I have been pleased to join with Senator CANTWELL and other colleagues to continue to press this agency to get out of the regulatory swamp and take steps to go to bat for the consumer and wring the excess speculation out of the oil market sooner rather than later. The agency was directed by the Congress to set speculation limits on more than two dozen commodities.

As I have indicated, I am sure setting position limits on commodities such as cocoa is important, but cocoa is not driving the American economy the way oil is every single day. Americans use about 19 million barrels of oil a day, and two-thirds of the price of a gallon of gas is the cost of the crude oil used to make it. So setting limits on speculation on crude oil is going to have an impact on the price at the pump. The American people and our economy cannot afford to pay the hundreds of millions of dollars a month in additional fuel prices that come out of their wallets while they wait for the Commodity Futures Trading Commission to act. The agency ought to get about doing what it proposed more than 16 months ago, and that is rein in speculation, the speculation that is driving up the prices at the pump. The agency ought to do it now, before more Americans face financial hardship.

The country is obviously entering into the peak summer driving season. That is why I and Senator CANTWELL and Senator COLLINS urged the agency to move, and move now. I wanted to outline the agency's history of foot dragging.

I see we are joined now by Senator CANTWELL, who has been our leader in this cause. I say to my colleague, I so appreciate her leadership. This most recent response that we received from the Commodity Futures Trading Commission shows once again no sense of urgency, no sense of priority, not even a willingness to use the interim authority that they could use to go to bat for the American consumer.

I want it understood I am going to do everything I can to be the Senator's partner in this cause until we get these position limits set and get these basic protections that our consumers deserve.

Mr. President, I yield the floor now that Senator CANTWELL is here.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Oregon for his stalwart attention to energy markets and to the concern that many west coast residents have over high energy costs. Senator WYDEN has long been a vocal critic of what's happened in some electricity markets, and trying to figure out what has happened with the oil markets and why the west coast pays higher gas prices than any place in the country. We still wanted to know why. People say we were an isolated market, and that is why we were paying the highest gas prices. Then Hurricane Katrina hit and our prices still went up, even though we were supposedly an isolated market.

So Senator WYDEN has long been a person coming to the Senate, fighting for the consumer, saying we should not be gouged by higher prices on energy.

Energy is the lifeblood of any economy. We know what manipulation looks like in the Northwest because we saw it with Enron. When our electricity markets were manipulated, everybody said it was the environmentalists not allowing us to construct new generating facilities. Well, when we finally exposed the audiotapes, we realized that it was just pure market manipulation. In fact, what we found out is that people were taking the futures market and basically making plays in the futures market while they also had the ability to affect the physical supply market and spot prices for electricity. So by combining those schemes with different things such as "Get Shorty" and "Fat Boy" and all of these names they came up with, Enron was able to convince utilities and various customers that the supply was tight and that they were going to have to pay more for electricity in the future and consequently they ought to keep paying these high prices. Well, thanks to a lot of hard work by a lot of individuals and ultimately the Department

of Justice, the Enron schemes were called for what they were—just out-and-out market manipulation.

My colleague, Senator WYDEN and I, screamed loudly about that situation and said we wished the Federal Energy Regulatory Commission would have acted a lot sooner on that issue, and if they would have acted sooner, we would have saved a lot of jobs in the Northwest. We would have saved a lot of industries. A lot of people lost their jobs, their retirement, their homes over those high electricity prices.

Thank God the result was such that we were able to pass new legislation in 2005, making it a Federal crime for anybody to manipulate natural gas or oil markets. I should say FERC has used that authority over the last several years to recoup millions of dollars from violations by industry officials who continued to perpetrate the same kind of scheme of going into the futures market and holding positions in the futures market and then taking physical supply and being able to affect the physical supply and demand.

So this is something that is amazing to us from the west coast. I know my colleagues, including Senator FEINSTEIN, Senator BOXER, Senator MURRAY, and I have all been on the same page. Senator MERKLEY has been a loud voice on this issue. We have been through this nightmare. That is why I have to say first and foremost that we find it appalling that someone would propose H.R. 1, or the Ryan budget, that would take away policing ability from the Commodity Futures Trading Commission on the type of activity that would allow them to properly regulate these markets.

We saw what happened. What we are so appalled about is it seems as though it is now happening again in the oil markets. In fact, we see today on the front page of the New York Times “U.S. Suit Sees Manipulation of Oil Trades.” So the commodities commission is finally saying now: Yes, we are looking at this case. And it should be no surprise what they actually see because it is the same shenanigans that happened in electricity, the same shenanigans that happened in natural gas, and, yes, the same shenanigans are happening in the oil markets.

That is the commodity agency that says in this case there was a close relationship between the physical oil price and the price of the financial futures which moved in parallel. So basically what happened is that in the oil futures market, these individual companies and traders took large positions. In fact, their positions were so big—and that is what Senator WYDEN has just described. If this agency would come in and set position limits, people wouldn't be able to come in and move the market in such a significant way. But at the same time, it is alleged that these companies actually had millions of barrels of physical crude oil and they actually had no commercial use for the oil. So here we have people buy-

ing the physical supply—again, to manipulate and help tie it into the futures market—when they don't have any commercial need for it. That is why it is so important to have the CFTC do its job and to interpret who are legitimate hedgers, such as airlines, farmers, people who actually need the physical supply, juxtaposed to these large institutions that are just coming in and moving the market.

So what is amazing is that at one point in time, what they had as far as physical supply—for somebody who didn't even have a commercial use, at least according to this New York Times article—was two-thirds of the excess barrels available at Cushing. So here is somebody who had the physical supply and was controlling two-thirds of marginal oil supply and then controlling the futures market. So they were basically making money on the upside and they were making money on the downside. That is what the CFTC is alleging in its case. I think it is one of the first cases in which a small group of traders are being charged in the potential role of manipulation of gas prices.

I don't have to tell the Presiding Officer how critically important this is. I have been home recently and paid \$4 a gallon for gasoline. Many people are starting what is soon going to be the summer driving season, and they are outraged at the price of gasoline. It is hurting our economy. People who have to commute to work every day, people whose businesses depend on reasonable fuel costs are getting gouged with these prices, and we have Federal regulators who need to be more aggressive at investigating these cases.

I will say I am very happy the Obama administration and the Department of Justice appointed a task force. That is exactly what we need. We need every Federal agency that has oversight of these markets, whether it is the physical market with the FTC or the CFTC and the commodities market, to work together with the Department of Justice to make sure these schemes are not continued to be perpetrated on the American public.

Our economy is too important to have this kind of activity continue to wreak the kind of havoc it has on our system. When we think about it, it is not as if we don't know what the scheme is. We have seen it time and time again with these other energy markets. So the question is whether we are going to be aggressive and make sure the CFTC has the tools it needs, which means not cutting its funding as the Ryan budget or H.R. 1 wants to do, and that it actually takes seriously its role and responsibility and starts setting position limits, starts the day-to-day activity, because the value Senator WYDEN and I are down here talking about, instead of this case that now is going to be investigated—how many days, months, and years did we live with the potential of higher fuel costs?

If this case is correct, how many days did we live with the higher cost, and

how long will the investigation take, versus if the CFTC was actually implementing the law and the rules we gave them and enforcing position limits? It would be policing the market on a day-to-day basis and preventing consumers from paying one dime or one penny more than they needed to pay for high fuel costs.

It used to be that these oil markets were for legitimate hedgers.

My colleague and I represent a very robust agricultural community. We grow lots of different products in the Northwest, probably over 200 different agricultural products. We depend on the commodities markets to hedge for the future. But that market was created, after the Dust Bowl devastated so many farmers, to give them a chance to legitimately hedge. Now, all of a sudden, it has been captured by these large financial institution players. It used to be that those who really needed to hedge, such as farmers and airlines, controlled 70 percent of the market. Now they are only 30 percent of the market. Seventy percent of the market is these large players, just as was described in this article—people who are out there basically using their financial weight to move the market in a direction that then they can sell on the futures market and benefit from it. It is outrageous. It is outrageous that our economy has to put up with this, that individuals have to put up with this.

I know my colleague from Oregon and I are going to be out here, and we are going to be loud and consistent until we have the rules and regulations in place to make sure these markets are properly policed. We don't have to wait another day. We don't have to wait 1 more day. The commodities commission could be doing this job. They don't need another legislative bill from us. They don't need another vote from anybody on the commission. They can use their emergency authority. They can implement these rules today and help consumers save on high fuel prices.

So I hope my colleagues will help us in this effort to bring up the issues and make sure the American public understands what is going on so we can bring the pressure to bear on getting proper regulation in place.

I thank the Chair.

Mr. WYDEN. Would my colleague yield for a question?

Ms. CANTWELL. Yes.

Mr. WYDEN. My colleague has made a very eloquent case with respect to how this hammers the people who need oil on a daily basis—farmers and truckers and restaurants. The Senator from Washington juxtaposed their position compared to the speculators. Those people have a lot higher tax rate, for example, than do the speculators. So there is one advantage after another that the speculators have over the people about whom my colleague and I are concerned.

Is it the understanding of my colleague that the next best step to help

those people and small businesses who need oil on a daily basis is to get the CFTC out of the regulatory swamp and to enact these position limits?

Ms. CANTWELL. Well, when we are paying \$4 a gallon for gasoline, we are affecting and impacting everybody who moves a product for business or anybody who commutes to work for any kind of distance. I know my colleague has probably heard, as I have, from a lot of small businesses that when fuel costs become the second largest expense, it is hard for them to continue to do business.

So my colleague is right. The CFTC could basically address this by just implementing the authority we gave them under the financial regulatory reform legislation we passed. That is all they have to do. Now, I would say to them that they already have the emergency authority. They have so many tools at their disposal.

I am glad they are investigating this case. I think this case is illuminating of the type of scheme that might include the details which are so familiar to my colleague and me of prior schemes and how people work them. But I would say that an investigation of these schemes is only going to go so far in helping the American consumer. If they take another 6 to 8 months to investigate these schemes, a lot of people are going to lose their jobs. So why not implement the rules they have right now, put them in place so we can protect consumers, and certainly don't pass legislation here in the Senate or in the House that is going to take away the ability to stop the kinds of activities that drive up higher gas prices by manipulation.

We want enforcement, we want it now, we want protection of consumers, and we will continue to be vocal about this issue. I thank my colleague from Oregon for joining me today to talk about this issue.

Mr. WYDEN. I thank my colleague. I think it is critically important that the Senate know we are going to keep the heat on, on this issue. Senator CANTWELL and I have tried to point out that the agency is dragging its feet. They could use their existing authority. We think the kind of shellacking the American consumers and our small businesses are taking is not right. We are going to continue this fight until they get the consumer protections they deserve.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. BARRASSO. Mr. President, as you well know, I come to the floor each

week with a doctor's second opinion, and it specifically relates to the health care law, the law that was passed now over a year ago, with many promises made by the President, one of which was that if you like your coverage, you can keep it. We now know that is not the case, as he had promised. He also talked about this driving down the cost of health care. We have seen the cost of health care going up.

Last week, I came to the Senate floor and talked about something that is not known very well. It is a part of this law. It is called the so-called Independent Payment Advisory Board. I gave five specifics as to problems with this board. So today I wish to give another five specifics, and I think these are things every single American needs to know about the mandates that are part of this health care law and what is going to happen to them as more and more components and parts of this health care law are implemented.

People refer to this board as "IPAB"—not "iPod" but "IPAB"—and it stands for the so-called Independent Payment Advisory Board. But I will tell you, this is a Washington board. It is not independent. I believe it is going to be very harmful in terms of the health of the American people.

This board often goes unnoticed, and one of the reasons is it actually does not become operational until after the 2012 elections, until 2013. But it is an extremely powerful and extremely dangerous part of the President's health care law. It is a Washington board. It empowers 15 unelected and unaccountable bureaucrats, 15 full-time Washington bureaucrats, who will decide how Medicare's dollars are spent. These Washington bureaucrats will use basically price controls, and they will use price controls to ration medical care and services all across the country.

You remember, Mr. President, when then-Speaker of the House NANCY PELOSI said first you had to pass the bill before you got to find out what was in it? Well, now, as more and more Americans learn about this rationing board, they will again voice their opposition to the President's health care law.

I will tell you, I want to pick up today where I left off last week. I want to share with the American people an additional five things they need to know about this board.

The No. 1 thing today is the President wants to keep this board under the radar. He and his administration simply want to disguise the long-term impact this board's price controls will have on our seniors on Medicare. If he does so successfully, the patients on Medicare will be the big losers.

He wants to promise the American people that the board will achieve great Medicare savings, but he does not want to explain to the American people exactly what those Medicare cuts will do and how the American people will ultimately pay the price in their health care.

The President and Washington Democrats have historically supported policies giving government the power to set health care prices. Make no mistake, the President is using this Washington board as a Trojan horse to accomplish that goal. This is exactly why this board is not going to be set up until after the 2012 elections. The American people will not face the true impact of this board and the cuts it is going to have on their loved ones until after the Presidential election next year. The President's plan depends entirely on keeping the true purpose of this rationing board well below the radar.

Here is a second concern; that is, the opposition to the President's payment advisory board, interestingly enough, is bipartisan. Even members of the President's own Party know that creating a Washington board to cut Medicare payments and ration medical services is bad policy when it comes to our seniors.

Even Representative PETE STARK of California, the ranking member of the House Ways and Means Health Subcommittee, said in an April 19, 2011, New York Times article:

In its effort to limit the growth of Medicare spending, the board is likely to set inadequate payment rates for health care providers, which could endanger patient care.

There you have a statement by a member with ranking stature of the Democratic Party in the House.

Now let's take a look at what someone else said. She announced her support for legislation which would repeal the President's Payment Advisory Board. This is Representative ALLYSON SCHWARTZ of Pennsylvania. Actually, she is a strong champion for the health care law. She is also vice chairman of the New Democrat Coalition. She had a statement that came out on April 15, 2011—income tax day—saying:

Congress is a representative body and must assume responsibility for legislating sound health care policy for Medicare beneficiaries, including those policies related to payment systems. Abdicating this responsibility . . . undermines our ability to represent our constituents. . . . I cannot condone the implementation of a flawed policy that will risk beneficiary access to care.

Third, the President's payment advisory board sets prices and it gives Washington more power, not patients. In most cases, Medicare payments to doctors—and Members of the Senate from both parties understand this—are already well below market rates. That is why doctors often limit the number of Medicare patients they see. In more severe cases, doctors stop treating new Medicare patients.

Allowing a rationing board unlimited power to control Medicare prices is only going to drive Medicare payments lower, and it is going to drive more doctors away from seeing Medicare patients. My concern is the prices are going to be driven so low by this rationing board that the government will force doctors, hospitals, and other medical providers to stop offering any care to Medicare patients.

Random and punishing cuts to Medicare provider payments will not make this program any more efficient. It will not make people's health care better. But it will reduce the supply of medical care to our seniors on Medicare.

The Washington board's ability to set prices gives it unprecedented control over personal medical decisions, and that is wrong. Those decisions should be left to the patient and his or her doctor alone, without the interference of 15 Washington bureaucrats.

No Washington bureaucrat should ever have the right to stand between a patient and his or her doctor. At its core, the debate about the President's Independent Payment Advisory Board centers around a few questions: Do the American people want a Washington board of unelected people whom they do not know making their personal health care choices for them or do they want to have the freedom and choice to make their own health care decisions? Do they want Members of Congress, the people whom they send to Washington, to be able and to be held accountable—do they want those Members of Congress to explain exactly what spending cuts are being discussed and need to be made to ensure Medicare's solvency?

As we know, we all heard just last week, Medicare is going to be bankrupt even 5 years faster than it had been thought in the past. Interestingly enough—this is No. 4—President Obama doubled down on this, on the President's Independent Payment Advisory Board.

In his April 15 spending speech to the Nation, he doubled down on his commitment to this Washington rationing board. In the speech, he said he actually wants to give the Board more power to slash Medicare payments to providers. Apparently, expanding his rationing board is one of the only tangible proposals that the President has to reform Medicare and reduce the debt.

The American people sent us to confront our financial and fiscal crisis head on and to come up with solutions to solve the problem. They did not send us to cower behind boards and commissions and empty promises. They asked us to come to Washington with the courage, the strength, and the political will—the political will—to make tough spending decisions. Rather than stand up to the challenge, the President chose to go all in, placing his bet on 15 bureaucrats yet to be identified.

He asked the American people to trust him that this rationing board will squeeze out Medicare savings, at the same time, not impacting—he says—our seniors' access to medical care. But I do not think this is a bet our Nation's seniors should take or should be willing to take.

Finally, No. 5, members of my party, the Republicans, are working to repeal the President's Independent Payment Advisory Board. Senate Republicans are taking a stand against this rationing board, against more government

control. Senator JOHN CORNYN of Texas has introduced S. 668. It is the Health Care Bureaucrats Elimination Act. This bill repeals the President's Independent Payment Advisory Board, ensuring Medicare patients can get the care they need from the doctor they choose. I am proud to be a cosponsor, an original cosponsor of this piece of legislation.

That is why I come to you again on the floor with a doctor's second opinion, as somebody who, for a quarter of a century in Wyoming, has taken care of patients on Medicare—many patients on Medicare—to provide a doctor's second opinion that this health care law is bad for those patients. It is bad for providers, the nurses, and doctors who take care of those patients, and it is bad for the taxpayers.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

THE BUDGET

Mr. CORNYN. Mr. President, I am glad I was on the floor to hear the distinguished Senator from Wyoming's comments about the Independent Payment Advisory Board, which is Washington, DC, gobbledegook, which translates into a rationing board which is going to limit seniors' access to care, as he so ably described. I appreciate him talking about that. It is a topic I will raise in a moment as part of my remarks. But I wish to express my appreciation to him for his remarks.

My larger concern is about our budget, the Federal budget. As one of our colleagues across the aisle told the media this week, he said he looks forward to voting on the Republican budget. That may seem a little odd because this is the Senate and, actually, the Senate does not have a budget. The Budget Committee on which I serve has not met to consider a proposal by the chairman of the Budget Committee and we have not had a chance to offer amendments to vote on it and then for it to come to the Senate floor so we would have a Senate budget to vote on.

Of course, what he was talking about is, he is looking forward to voting on the House budget. But I would say the Senate has not considered a budget for 750-plus days. No family, no business, no one in America, certainly no State can operate in this sort of fiscally irresponsible manner, only the Federal Government.

Now where are we? We are spending 43 cents out of every \$1 in borrowed money—borrowed from our kids and grandkids. The fact is, a newborn baby, born into this world today, inherits \$46,000 in debt because we have not had the courage to meet this challenge as we must.

My colleague also said that is going to be one of the defining issues of 2012, which, by the way, is an election year. I guess what he means is, this is going to be an election issue. I think he is right but not for the reasons he suggested.

First, I wish to refresh everyone's memory. It was just in December of

last year that the President's own bipartisan fiscal debt commission gave us a report, and truly a blueprint, for what I think would be a responsible start to dealing with this debt crisis we find ourselves confronted with.

That report—again a bipartisan report—proposed \$4 trillion in deficit reduction over 10 years. The report said: Federal health care spending represents our single largest fiscal challenge over the long run. As the baby boomers—people such as me and the Presiding Officer—retire and get older, health care costs will grow faster than the economy. Federal health care spending threatens to balloon.

As if on cue, the Medicare trustees issued a report just this last month with even a starker warning. Medicare's trust fund will be insolvent in 2024—about 13 years from now—and the gap between the promises Medicare has made to seniors and its funding—or ability to fund or pay for those services—is about \$24 trillion. That is the so-called unfunded liability of Medicare.

Those estimates are, according to the Chief Actuary, an optimistic scenario, although it is hard to be optimistic about a \$24 trillion unfunded liability. But we also know there have been other ominous warnings both here at home and around the world. The International Monetary Fund, in a working paper last month, noted our potential debt crisis.

The S&P rating agency downgraded its outlook for American debt—in other words, our ability to repay those bills—from stable to negative. PIMCO, the world's largest bondholder, no longer is purchasing American bonds, choosing to purchase other types of investment. That ought to be a warning to us.

If we needed any reminder, even the Chinese Communist Party has given an earful to visiting Senators about our debt, of which they happen to own about \$1 trillion. But they are worried about the value of their own investment and, hence, as Admiral Mullen said, we ought to realize that because of that situation, debt is the single largest national security issue facing America today.

Despite these ominous warnings and even reports from the President's own fiscal commission and a bipartisan one at that, the majority—Senator REID—our friends across the aisle, simply are not taking the fiscal situation seriously. In fact, the majority leader was quoted recently saying: It would be foolish, foolish for the leadership of the other party that controls the agenda on the floor and in committees, it would be foolish for them to propose a budget.

The White House has shown twice this year so far that it is not truly serious about fiscal discipline. In February, the President proposed a budget that completely ignored his own deficit commission. It had \$8.7 trillion in new spending, \$1.6 trillion in new taxes, and an additional \$13 trillion in debt.

At the time the President released his proposed budget, there were a number of my colleagues who were very impressed by it. Some called it responsible, others credible, others said it was a balanced approach, a good blueprint, a step forward, a careful evaluation, a solid starting point, and many other compliments as well. President Obama was so pleased with his budget proposal that he called it “our Sputnik moment.” But, of course, we know his Sputnik failed to launch. None of my colleagues who heaped praise on the President’s proposal were willing to pass a budget resolution or even take up one and have it be considered and voted on.

So President Obama tried again in another big speech in April, when he was finally brought, unwillingly, to the debate on our budget and on our debt crisis. In that speech at Georgetown in April, he called for higher taxes as well as automatic tax increases that would kick in if certain conditions were met. He called for deeper cuts in defense spending. He invented a new 12-year budget window to disguise the large deficits that would otherwise appear if it were the traditional 10-year budget window.

Then the President, I think beneath the dignity of his office, verbally abused the very people who had the courage to propose an alternative. Then, of course, we have heard the attacks he started, which have continued, the false attacks that Republicans want to “end Medicare as we know it.” Well, I will say Republicans do not want to end Medicare as we know it. That is an intentional falsehood. That is a lie. Republicans do not want to end Medicare as we know it. We are simply trying to inject some cold, hard reality, as observed by the President’s own debt commission, by the Medicare trustees, and everyone else who has taken a responsible look at the problem.

What is that reality? Well, the reality is that Medicare as we know it will end unless we do something to fix it and to save it. My colleagues want to talk about ending Medicare as we know it. They have short memories because it was these very same colleagues who took \$½ trillion out of Medicare to fund ObamaCare. They injected the rationing commission that my colleague from Wyoming just got through talking about and which I will mention again in a moment.

Many seniors found out, as a result of the health care bill that passed only along a party-line vote—only Democratic votes in the Senate—that many seniors have already lost their access to Medicare Advantage.

Other retirees are seeing that their former employers have canceled their health care plans and found themselves dropped into the Medicare system. It has never been explained to me how we can possibly cut \$½ trillion out of Medicare which, as I said earlier, already has \$24 trillion in unfunded li-

abilities. So we are exacerbating—we are making those liabilities worse, not better—to fund a new entitlement program.

I would ask: Who has changed Medicare? Who has made it impossible for us to continue, under the present course, to keep that promise to our seniors? Why is it so important that we work together to try to come up with a solution to fix it? Just when we think the debate could not stoop any lower and people could not act any more irresponsibly, we are confronted with political ads already about Republicans rolling a senior off a cliff in a wheelchair.

I know the American people are smart enough to figure that out. They realize this is just an attack ad, and they are smart enough to look at the substance. But what we need is a real debate and a discussion and try to work together to try to solve our problems, not just sort of “gotcha” politics, the sort of thing people have come to loathe about Congress and Washington, DC—not people working together to solve problems but people playing “gotcha” and focusing only on the next election, not on the next generation.

My colleague from Wyoming talked about the Independent Payment Advisory Board, and I realize that is a mouthful. But it is bureaucratese, Washington speak, for an unelected, unaccountable group of bureaucrats—15 of them—appointed who will actually have the job of cutting payments to doctors and hospitals, which will have the practical impact of limiting seniors’ access to Medicare benefits. What good is providing coverage to our seniors if they can’t find a doctor or hospital to treat them?

Well, this is good old-fashioned—I should say bad old-fashioned—price controls, and they don’t work. We have seen that already in Medicare. In my State of Texas alone, about a third of the doctors already limit their new Medicare patients, according to the Texas Medical Association. So if you live in the rural parts of the State, it is hard to find a doctor. We know the price controls of this rationing board will make this trend worse and accelerate it, leading to longer wait times and harder-to-access treatment.

If the board forces our seniors to wait longer for the life-saving treatments they need, does that change Medicare as we know it? Well, it surely changes Medicare as people have come to expect it and deserve it. Yet the President has done nothing but double down on this rationing board. You heard in the speech he made in April—the one I referred to a moment ago—at Georgetown. He said we are going to extract, in the first 10 years another \$½ trillion in savings from Medicare, and in the second 10 years, another \$1 trillion—\$1.5 trillion sucked out of Medicare. I have to ask, what do you think that is going to do to people’s access to a doctor and a hospital?

That is the President’s framework. It is not a budget. It is not the numbers

we are accustomed to considering and voting on, but that is his proposal. If the President’s proposal to cut \$1.5 trillion out of Medicare in the next 2 decades doesn’t change Medicare as we know it, then I don’t know what does.

We know the House of Representatives has labored mightily to produce a budget—the so-called Ryan plan. Many colleagues on the other side relish the fact that they have stood back and waited for House Republicans to act responsibly to try to wrestle with these problems and confront them, to tell the truth to the American people about the problem, and then they tried their dead level best to meet those challenges and deal with them like responsible adults. What did they get? A kick in the teeth—attack ads on TV.

Well, this will allow us, under the House proposal, to fix Medicare and to save it. Right now, it is on the road to bankruptcy and oblivion and, for the reasons I have observed, and others, it will not work. There are some on our side of the aisle who may have some problems with the details of the proposed House budget. But the responsible answer to that is, let’s take up and pass a budget in the Senate and give Senators on the Budget Committee an opportunity to offer amendments that would improve it, if they can, and then bring it to the Senate floor and do what we get paid for—take on these hard problems, confront them, debate them, and then make the best decisions we can on behalf of the people we work for in our States and across the country.

I think some elements of the House budget have an awful lot of appeal. In fact, we have seen, based on the experience with Medicare Part D, the prescription drug plan we passed earlier in the last decade, by injecting some market forces and competition and transparency, we can bring down prices and increase the quality of services. In fact, the Medicare prescription drug plan has come in 46 percent below what it was originally expected to cost. That is an example we can learn from and can begin to implement in trying to bring down costs and yet not ration access to care.

Indeed, the premium support model is advocated by many Democrats and Republicans and is similar to how the Federal Government provides health insurance for Federal employees, including Members of Congress. If it is good enough for Congress, why isn’t it good enough to consider for American seniors? Do Republicans want to “change Medicare as we know it”? We want to save it, we want to fix it, and we want it to be there as a promise that we can keep, as opposed to one we cannot keep, because it is on a path to bankruptcy and oblivion.

Our friends across the aisle say: No, trust us, we are from the government, we will fix it. The way they want to do it is with Draconian cuts to doctors and hospitals that will limit people’s access to health care. We believe the

transparency and choice and competition that has worked in Medicare Advantage and the prescription drug program can work here as well. If people disagree with me, I respect their right to do that. But why aren't we having a responsible debate on the floor and voting on a budget, as opposed to the irresponsible rhetoric, attack ads, and the campaign already begun for 2012? I am talking about from the White House to the Congress.

I think some of my colleagues firmly believe in their heart of hearts—they have been listening to political consultants, and they say the way to win the next election is to scare the living daylights out of our seniors. I think that is irresponsible. People should resist the temptation to do that to win an election and keep their job. Indeed, I find myself in agreement with some of the comments made by President Obama himself last summer. He said:

We're not going to be able to do anything about any of these entitlements if what we do is characterized—whatever proposals are put out there—as the other party is being irresponsible; the other party is trying to hurt our seniors; or the other party is doing X, Y, Z.

I agree with that, but that is not what we are hearing across the aisle and on the airwaves of America. That was the President's message in 2010. It obviously has changed since 2012, since he began his own personal attack on the only responsible budget proposal that has been made in April.

Unfortunately, I think it is a prematurely begun election campaign for 2012. It is an abdication of our responsibility to engage in this sort of "gotcha" politics, without trying to take on and confront the problem. I don't think it is responsible to try to scare seniors for political points. But also I don't think Republicans should allow ourselves to be merely punching bags and let the other side negatively characterize our motives or the seriousness of the problem our country faces.

What we need is to resist the temptation to engage in this sort of gamesmanship and to try to do our dead level best to fulfill our oath and do our job as representatives of the American people. I think they would welcome that. But all we have seen so far is the attacks and the "gotcha" politics, which I think will do nothing but earn their contempt, and deservedly so. We can do better and we need to try.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

THE BUDGET

Ms. KLOBUCHAR. Mr. President, I rise to discuss the budget. I have long believed we need to get serious about the deficit. I have been listening to my colleagues across the aisle, and I be-

lieve we have to be responsible in the way we do it. That is why a year ago I was one of a handful of Senators who fought for the creation of the fiscal debt commission. In fact, a number of us came together and said we are going to get this debt commission or we won't vote for the debt ceiling increase. As a result, while we could not get the statutory fiscal debt commission, we got the debt commission. A lot of people thought it would result in a report that would sit on a dusty shelf, but it has been well received, and it is the blueprint for a group of Senators who are negotiating a bipartisan plan for the budget.

Like everybody, I don't agree with every single recommendation in that report. But I have, in fact, supported the bipartisan effort. I think there are a lot of good things in that report and a very strong way to reduce the debt in the long term.

This week, we are scheduled to vote on the Ryan budget. If it wasn't already crystal clear, this vote will show that a comprehensive solution to our fiscal challenges cannot be achieved by drawing ideological lines in the sand.

When the Ryan budget was first rolled out, some hailed it as courageous. But I have to ask how it can be called "courageous" when it protects the \$4 billion a year we give to oil companies, it fails to address some of the military defense spending that even Secretary Gates has said could be cut. Instead the House passed its budgets on the backs of the middle class and seniors. In Minnesota, we don't call that courageous.

Before we get into the policy, we should step back and look at the numbers. According to the CBO, our debt is currently projected to reach 67 percent of GDP in 2022, but under the Ryan plan debt would actually reach 70 percent of GDP by 2022.

So despite \$4.3 trillion in drastic and painful cuts—two-thirds of which would come on the backs of the middle class—the plan barely reduces deficits at all over the next decade.

Despite the fact that the budget doesn't achieve what it sets out to accomplish in deficit reduction, leaders in the House continue to try to frame the debate in terms of numbers. That is because when you take their plan to the American people and ask them, "Are these your priorities?" and, "are these your values?" the resounding answer is, "no." The American people want a reasonable, bipartisan plan that addresses our serious challenges. That House Ryan budget is not the answer. What this debate boils down to is not where we need to get but how we will get there.

I believe we need to reduce this debt. I believe we can reduce that \$4 trillion in the next 10 years. I believe there is a much better way to do it than what we have seen in the Ryan budget.

It may look like this plan to end Medicare that they passed in the House is reducing health care costs, but it

only does so by ending Medicare as we know it.

This plan would gradually replace Medicare with a system of vouchers that seniors could use to help buy private health insurance. This would put private companies in control of health benefits and cause seniors to pay more for their health care or get fewer benefits.

Because the voucher will fail to keep pace with increases in the cost of health care, the Congressional Budget Office estimates that seniors and the disabled would pay sharply more for Medicare coverage under the Ryan plan—an average of \$6,359 more in the first year, more than double the cost under current law.

Defenders of this plan say it won't affect anyone who is over 55 and that Medicare will be available for them. Unfortunately, this isn't true. The Ryan plan would repeal the part of the health care reform law that closes the Medicare prescription drug "doughnut hole." This is the gap in coverage where seniors have to pay all of the costs of their prescription drugs. Currently, that number is a little over \$3,600. This would mean seniors would have to pay much more out of pocket for prescription drugs. In Minnesota, that would cost our seniors \$40 million in 2012 in additional drug costs alone.

I believe we must do all we can to rein in health care costs. Minnesota has always been a leader in providing low-cost, high-quality health care, and I believe we can be an example of how we can reduce health care spending, while still delivering excellent care to patients.

For instance, if the spending per patient with chronic diseases everywhere in the country mirrored the efficient level of spending in the Mayo Clinic's home region of Rochester, MN, Medicare could have saved \$50 billion over 5 years. Medicare could have saved \$50 billion over 5 years by using the Mayo model—some of the highest quality health care in the world. So, yes, there are ways we can better deliver health care not only for less cost but also for better results.

Medicare must continue to institute further reforms including the creation of the accountable care organizations, reductions in payments to hospitals with high readmission rates, bundled payments, and a focus on fraud. These reforms are meant to incentivize doctors and hospitals to provide high-quality, efficient care.

The radical changes to Medicare that are proposed in the Ryan budget are not solutions to our long-term debt. There is a way to get the country on a better fiscal path, one where you are not doing it on the backs of our seniors. You would think that if you were going to take such a drastic step as any Medicare as we know it, you would put most of the savings toward deficit reduction. Instead, the Ryan budget uses its \$4.3 trillion in savings for \$4.2 trillion in tax breaks that would disproportionately go to the wealthiest

Americans. Again, instead of putting that money into deficit savings, it disproportionately puts the money in the pockets of the wealthiest Americans. At the same time the House Republican budget is disproportionately targeting seniors and the middle class, it leaves the Pentagon—which makes up 20 percent of the budget—virtually untouched. Defense Secretary Gates himself has mapped out several smart cuts and alternatives we can make to the Defense budget to save a net \$78 billion over the next 5 years. In the spirit of shared sacrifice, I agree we should include commonsense cuts to defense spending to reduce the Federal budget.

Those are just some of the ideas. This basically comes down to value. Look what we can save. We can save \$240 million—\$240 million—simply by negotiating prescription drug costs under Medicare Part D—\$240 million over 10 years. We can save \$4 billion annually—that is \$40 billion over 10 years—by taking away the tax breaks of the oil companies. We can save \$78 billion with the defense cuts I just discussed. We can bring the tax rates back to the Clinton levels for people making over \$1 million. Even if we set it at \$1 million, we save \$360 million over 10 years. That is real money. That is a budget that is based on values that protect the middle class.

When I talk to the people of my State, they want a plan that has shared sacrifice, that is reasonable, and that is bipartisan. They want a balanced and reasonable approach. They want us to come together on a plan that will strengthen our country. I look forward to continuing to work across the aisle to make this happen. Unfortunately, that is not what this Ryan budget is about.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

CHANGE OF COURSE IN AFGHANISTAN

Mr. BAUCUS. Mr. President, I rise today to call for a change of course in Afghanistan. On May 1, a targeted strike by U.S. forces achieved a central goal of the war that began in Afghanistan nearly a decade ago.

The death of Osama bin Laden by no means ends the threat posed by al-Qaida or other terrorist groups. However, bin Laden's death provides an opportunity for Congress and the White House to assess a new strategy for keeping America safe and defending our interests around the world.

Today, I am calling for three changes to our strategy in Afghanistan. First, we must begin handing responsibility over to Afghan forces and bring most of our troops home by the end of next year. Second, we should focus on fighting terrorism, not nation building. Third, our efforts to keep America safe from terrorism should center on where

most terrorist threats come from, Pakistan.

The United States should not be doing the work the Afghans should be doing for themselves. The Afghans need to stand up and take responsibility for the security of their own country.

The President has announced this July will mark the beginning of a transition of security responsibility to Afghan forces. However, in my view, the transition plan is too slow. We need to begin handing responsibility of security to Afghan forces immediately and aim to have most U.S. combat troops out of Afghanistan by the end of next year.

We should leave behind only a small force necessary to hunt down and kill terrorists in Afghanistan and help the Afghan military perform their duties.

We Americans are fortunate to have the best military in the world. These brave men and women continue to do everything we ask of them. They have spent almost 10 years fighting in Iraq and Afghanistan. Many of our troops have spent multiple years deployed overseas, hiking over frigid mountains, traversing hot deserts with heavy loads on their backs, and spending years apart from their families. But we don't hear these troops complain. These Americans continue to serve and to fight and to die for a country we all love.

Seeing these troops in action during my visit to Afghanistan last year was truly remarkable, very impressive. Their unwavering commitment has come, however, at a great price. As of today, 1,219 troops have been killed in Afghanistan, 11,411 have been wounded, 9 Montanans have died, and 50 Montanans have been wounded fighting in Afghanistan.

These Montanans hail from small towns such as Hungry Horse, Darby, Shepherd, and Troy. Behind each of these fallen warriors are dozens of broken hearts in their families and communities. Thousands more will suffer their entire lives with post-traumatic stress disorder or traumatic brain injuries that have thus far gone undetected.

These brave troops continue to fight because we ask them to and because they love their country. I receive letters from their families all the time, like this one from Janice Roberts from Malta, MT. Janice writes:

Our 27-year-old son is being sent on a third combat deployment to Afghanistan. This is his second ordeal in less than a year. Our son has not even recovered emotionally or mentally from the last two deployments. Truthfully, the only people who care about what is happening to our young troops are the military families.

This letter is a reminder we have a sacred obligation to our troops and their families. Any mission we ask them to accomplish must be vital—absolutely vital—to America's national security.

It is time we demand the Afghans shoulder more of the load. Afghan po-

lice forces stand at 285,000. In 2010, the Afghan National Security Force grew by 70,000. We have spent 10 years training them. It is time for the Afghans to do the job we have trained them to do.

As we draw down in Afghanistan, the Afghans will have to step up. As we withdraw, they will have the task of governing their own country. The Afghans will develop Afghan solutions to Afghan problems, and that is the way it needs to be.

Second, we need to invest more in killing terrorists and less on nation building. The raid that killed bin Laden relied on years of perseverance by intelligence officers, expensive surveillance technology, and the best special operations forces on Earth. We need to continue to make investments in these capabilities to see that other terrorists face the same fate as bin Laden.

As we invest more in counterterrorism capabilities, we do so knowing full well we are facing enormous challenges at home. The U.S. Government's total debt exceeds \$14 trillion.

Mr. President, I ask unanimous consent to proceed for another 5 minutes, and I will not ask for another extension.

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

Mr. BAUCUS. I thank my good friend for being so helpful.

The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, described the U.S. debt as the "biggest national security threat." Since September 11, 2001, we have spent over \$1.2 trillion in Iraq and Afghanistan. Just think of that—\$1.2 trillion. Every month we spend \$10 billion in Afghanistan. This is roughly \$1 out of every \$7 we spend on defense. This level of spending is simply not sustainable. We should focus on the core mission that led us to Afghanistan to begin with, and that is keeping America safe from terrorism.

Finally, and most important, our fight against global terrorism must begin to focus on Pakistan. In 2008, then-CIA Director Michael Hayden said:

Let me be very clear today. Virtually every major terrorist threat that my agency is aware of has threads back to the tribal areas of Pakistan.

A State Department report last summer reiterated this assessment and found that "al-Qaida's core in Pakistan remained the most formidable terrorist organization targeting the U.S. homeland."

We have invested enormous sums to build an effective partnership with Pakistan to fight terrorism. Since 2002, the United States has provided over \$18 billion in foreign assistance to Pakistan—the highest of any other country in 2009 except Iraq and Afghanistan. Yet it is no secret that Pakistan plays a double game. Osama bin Laden's hideout location raises serious questions.

I recently called upon Secretary of Defense Gates and Secretary Clinton to

take a hard look at whether Pakistan is doing enough to find and kill terrorists in its own country. I will not support providing funding to Pakistan until I view this assessment. I am gravely concerned about the commitment of Pakistan's military intelligence services to fighting terrorism.

During a visit to Pakistan last year, I made it clear to President Zardari and General Kayani that Pakistan must do more to eliminate safe havens within their own borders. We cannot accept excuses; we need results. Without progress in Pakistan, we cannot succeed in Afghanistan. But the sad irony is that our large troop presence in Afghanistan actually makes it harder to press Pakistan to crack down on terrorists and militants.

Most of the fuel, food, and ammunition for our troops in Afghanistan is imported through Pakistan. As long as we depend on the Port of Karachi for our supplies, we have limited leverage on Pakistan to force an end to this deadly double game. To effectively defend our Nation against terrorism, we need to begin withdrawing from Afghanistan and focus more on Pakistan.

Our military can do almost anything we ask it to do, but it can't do everything. To meet the growing challenges around the world, we need to start bringing our troops home from Afghanistan this July and complete the withdrawal by the end of next year. We need to work together to make the 21st century the American century—to focus on jobs, improving education, rebuilding roads and bridges, and making the American economy the best place to do business in the world.

The death of Osama bin Laden marks a turning point in history. We must take advantage of this opportunity to chart a new course in Afghanistan. I salute the brave men and women who made this day possible and who continue to serve overseas.

My thoughts are with the hundreds of Montanans serving in the Armed Forces. May God bless America and may He keep our brave troops safe.

Mr. President, I again thank my friend for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 1 hour.

Mr. PAUL. Mr. President, I come to the floor today to speak about the PATRIOT Act. I think it is a shame we are not going to be debating or having any votes on this act, particularly since it was promised by our leadership.

I would like at this time to yield the floor to my good friend, the Senator from New Mexico, if he would like to make a few remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me just say to my colleague from Kentucky, Senator PAUL, I very much appreciate his yielding a little time, and I am looking forward to

hearing some of his statements on the PATRIOT Act. I know this is an issue that is close to his heart.

I served with his father in the House, and I know he was very passionate on this issue. I know it is an issue on which the Senator from Kentucky campaigned and about which he has great passion, and he has brought that passion to the Senate floor. So I very much appreciate that and would like to work with him.

First of all, when we call it the PATRIOT Act, I put that in quotes and call it the so-called "PATRIOT Act." This is not a patriot act. Patriots stand up for the Constitution. Patriots stand up for the freedoms and liberty that are embodied in the Constitution. I think true patriots, when they are public servants, stand up and do what is right, even if it is unpopular.

One of the things I talked about a little earlier today was how the PATRIOT Act became law. I was over in the House of Representatives, serving with the father of the Senator from Kentucky, and I remember well what happened on 9/11 when the planes went into the Twin Towers in New York, and then shortly after a plane was coming into the Pentagon in Washington, and how we were all horrified at this incident and what had happened. What transpired on this legislation, this bill that later became law, the so-called PATRIOT Act, is everybody became so concerned that they decided we, the institution, the Congress, could not debate it; we had to just pass legislation we had not even read. So we did not have committee hearings. We did not bring in all the people who normally would be brought into the process, who understand the Constitution. We didn't do any of that. Within a matter of weeks after 9/11, we brought a bill to the floor of the House of Representatives without the normal preparation, and basically everybody was told we just need to pass this.

I remember one Senator—one Representative at the time—waving a piece of paper and saying: There is only one copy of this on the floor, and it is hot off the press. He had a piece of paper from the Xerox machine that was still hot. Those were the circumstances in which we voted, and that is how we got the so-called PATRIOT Act.

What has happened since then? Senator BAUCUS, my colleague here from Montana, talked about the capture of Osama bin Laden. We have been in Afghanistan, we displaced the Taliban government, we eliminated the training camps, we decimated al-Qaida, we captured bin Laden. We have done all these things, but one thing we have not done is come back and revisit the PATRIOT Act, taken a really hard look at it to say is it working or is it not and allow all the Senators here the opportunity to offer amendments.

I know the Senator from Kentucky has several amendments he would like to offer. I have an amendment that really focuses on what has happened

here today—in the last couple of days. We had an extension. We thought we were going to have debate. Because of the gridlock and everything that goes on here, we got jammed up. My amendment would say, let's not extend this for 4 years without open debate. It would say, let's take 3 months, do another extension, and really focus on the idea that when that 3 months is up, we are going to be allowed the time to have debate, to have discussion, to have very knowledgeable individuals who serve on the Judiciary Committee—I believe the Presiding Officer serves on the Judiciary Committee, others serve on the Judiciary Committee and have the expertise—with all that expertise come to the floor. I am on an amendment with Senator LEAHY which is a good, solid amendment that has to do with various aspects. I hope we can get that to the floor. We all have amendments, but we are jammed up in this process now. The amendment I would propose is that rather than 4 years, for 3 months what we do is organize ourselves so we can come back, we can have the debate, we can have an open amendment process and then move on to whatever we move on to. But at least the Senate will have worked its will.

We are told over and over—and I always heard it in my civics class—that the Senate is the greatest deliberative body. If we are a great deliberative body, we have not focused that deliberation on one of the most important aspects of our society; that is, our liberty and our freedom that is enshrined in the Constitution.

I find it a little ironic, in a way, the contrast we have today with the situation in the Middle East. We have many of these countries where the people of those countries are striving for more freedom, striving for more democracy, and we are supporting that effort. President Obama and many Members of the Senate, many Members of Congress are saying we think this is a good idea, that there is a striving for more freedom. But here on the floor of the Senate, we are not willing to analyze what this so-called PATRIOT Act has done to our freedom in the United States.

This is not just my view. There are some independent views as to why the PATRIOT Act needs to be examined, why the PATRIOT Act needs this open debate, needs deliberation. In March of 2007, the Justice Department inspector general came out and took a look at the PATRIOT Act process and the national security letters. As the Senator from Kentucky knows, a national security letter doesn't have court supervision. The FBI can issue a national security letter—an official in the FBI—without that kind of supervision. The inspector general concluded there was some serious abuse within the Department of Justice as to how the FBI and other officials were using national security letters. I put that information from an inspector general in the RECORD earlier this morning. It highlights serious problems. We have not

looked at that. We have not debated that. We have not allowed amendments on that national security letter. I think the Senator from Kentucky has one on that, which he is going to be talking about in a little bit.

Second, an independent branch of our government—the courts—has looked at the PATRIOT Act. Several courts have found provisions of the PATRIOT Act unconstitutional in terms of the fourth amendment, in terms of the first amendment, and many of those decisions are working their way up through the courts. It is only prudent that we, as the Senate, take a look at those rulings, analyze what the courts are saying, and then come back to this so-called PATRIOT Act and see whether we need to make changes based on what the courts have told us. We have those rulings. We have not taken a look at them.

We are at a point where we need deliberation. I very much appreciate the Senator from Kentucky speaking out on this issue.

Benjamin Franklin used to talk about our freedom and liberty that was in the Constitution, and I am paraphrasing here, but he would say that those who would sacrifice liberty for security deserve neither. That is a very powerful statement by one of the Founders of our democracy.

With that, I thank the Senator from Kentucky for yielding me time, and I look forward to hearing his comments on the floor and look forward to working with him so we can get an open, deliberative process here that will really serve America and move us toward the deliberative process I think we all want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. PAUL. I thank the Senator for his comments. I think what this shows is that it is a bipartisan effort that says we should protect our Constitution. Those on the left and those on the right who believe in the Constitution believe it should be protected. That brings together some of us who may not necessarily agree on all other issues, but when it comes to the Constitution, when it comes to the basic Bill of Rights, we are concerned both on the right and left, on the Democratic and the Republican side. The problem is that those of us who are concerned with the Constitution are in the minority of both sides, so we are being quieted down, we are being told to sit quietly in the back of the room and don't make waves. We want to have a debate over the PATRIOT Act because we are concerned about our liberties. We are all concerned about terrorism too, but we don't think you have to give up your liberties in order to combat terrorism.

On February 15, we extended the PATRIOT Act for 90 days. During that time and on the Senate floor on February 15, we were promised a week of debate, and we were promised an open

amendment process. We are now amidst a process where we will have no debate and no amendments. Do we fear terrorism so much that we will not have debate? Do we fear terrorism so much that we throw out our Constitution and are unwilling and afraid to debate our Constitution? I think it is a sad day that we can't do that. Are Senators afraid to vote on the issues of the day, afraid to debate the Constitution, afraid to have an open forum and debate whether the PATRIOT Act is constitutional? I think this does a great disservice to the voters.

They talk about this being the world's most deliberative body. We are unwilling to deliberate. We are unwilling to have questions broached as to whether the PATRIOT Act is unconstitutional. We have had 99 days since we extended it, 43 days in session, and we have had 56 votes. What does that mean in the context of things? We are setting a record for the least amount of votes ever to occur in the Senate. There are some important questions we should be debating, but unless it is a forgone conclusion, unless they have counted the votes and decided the outcome before we have the debate, we are precluded from debating.

Wendell Phillips, the great abolitionist, wrote, "Eternal vigilance is the price of liberty." The PATRIOT Act is a perfect example of how a lack of vigilance leads to loss of liberty.

In the aftermath of 9/11, we amended the Constitution with the PATRIOT Act. You say: Whoa, we didn't have an amendment to the Constitution, did we? We did not do it the way we are supposed to, but we did in reality amend the Constitution with the PATRIOT Act. How did this happen? We were fearful. Mr. President, 9/11 had happened, and we wanted to stop terrorism. All of us want that, but do we have to give up our constitutional liberties in order to do that?

How did the PATRIOT Act change the Constitution? How did the PATRIOT Act change the fourth amendment? In the fourth amendment, it says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The PATRIOT Act changed this. The PATRIOT Act changed the standard from probable cause, which is a long-standing position and standard within the courts which limits the police from coming into your house unless there is probable cause that you have either committed a crime or are in the act of committing a crime—we changed this to a standard we now call relevance. But that is changing the Constitution.

How do you change the Constitution by majority vote? It is supposed to be a supermajority in both bodies. Then it is to go back and be ratified by three-

fourths of the States. It is supposed to be difficult to change the Constitution, difficult to amend the Constitution. Why? Because we thought some of these rights were so important that we should not allow a majority to change them. Those of us who own guns and believe in gun ownership think the second amendment is protected from a simple majority taking away the second amendment. Likewise, the first amendment—those of us who prize the ability of the press to print and to respond and to hold beliefs, however unpopular, those of us who wish to have a country in which religion is not hampered and we can say what we believe and not have it hampered by the government, we don't believe a majority should take away these rights.

But a majority did take away part of the fourth amendment because we changed the standard of the fourth amendment from probable cause to relevance. So if they want to look at your records, they just have to say it is relevant. They don't have to say you are a terrorist. They don't have to say you are a foreigner. They don't have to say you are conspiring with anyone. They just have to say they have some interest in your library records.

How often is this going on? There is something called suspicious activity reports. Some of this was started before the PATRIOT Act, some of it is separate from the PATRIOT Act, but much of it was emboldened by the PATRIOT Act. The suspicious activity reports are where your bank spies on you. You may not know this is happening, you may not even know if they have spied on you, and they probably won't tell you. But if you made a transaction that involved more than \$5,000, you could well have been spied on by your bank and reported to the government.

Some people say: I am not doing anything wrong; I don't care if they look at my records. Here is the thing: If you look at my visa bill, you can tell what doctors I go to. If I see a psychiatrist and I don't want everybody to know it, that may be on my Visa bill these days. What magazines I read is on my Visa bill, what books I order from Amazon or another bookseller from the Internet, whether I drink alcohol, whether I gamble. There is a lot about your life that is involved in your financial records, and I think they do deserve protection and we do deserve a standard where we don't say, well, it might be relevant, or, we might just want to troll through all these records to see if anybody might be committing a crime.

This one is even worse than many of the other aspects because the suspicious activity reports do not begin with the government asking any questions. They tell your bank to watch you. Your bank is to watch you and to watch all of your transactions and to report to the government. So they have force.

You say: Maybe they are only reporting terrorists. Since 2001, since 9/11, 8

million suspicious activity reports—8 million—have been filed. Over 1 million of these are filed a year. The thing is, you could well ask for a Freedom of Information Act inquiry and ask whether you have been investigated by your government for your transactions.

My point is this is an invasion of your privacy. It does not have any judicial restraint upon it. And the other thing is, it may not even be good for finding terrorists. It may be they are getting so much information they cannot even read or listen to all the information. It is kind of like what they are doing at the airports. Because they insist everybody be searched and everybody be patted down, we are patting down 6-year-olds. A little girl in my town—her dad is a physician and practiced with me at my same practice—was patted down where they are putting their hands inside her pants. This is absurd—6-year-old girls.

The thing is, by doing that, they are wasting time on people who will not be attacking us and spending less time on people who will be attacking us. It is the same with banking records. If they are looking at your banking records, they do not have the time to spend looking at records of people who possibly would be attacking us. Eight million records have been looked at—no judge's order, no judicial review. This one is not even reviewed by anybody in government. They are giving this power carte blanche to banks, and they are telling the banks: If you do not spy on your customer, you will be fined. They estimate that \$7 billion a year is spent by banks complying with this order to spy on their customers.

The thing is, we are having trouble in our economy. The banks are struggling. The economy is struggling. We are having trouble with jobs. And yet we are going to add \$7 billion of costs onto the banks to spy on their customers.

Might there be an occasion where a bank transfer or bank activity could be a terrorist activity? Yes. If we are investigating those, let's ask for a warrant. You say: It will be too slow. We never get it. Warrants are almost never denied. There is a special court set up for the investigation of intelligence. It is called the FISA Court. It has been around since the 1970s. Before the PATRIOT Act, the FISA Court never turned down a warrant.

You say: These people are awful; we have to get them off the street. It doesn't matter, I don't want any restraint; I just want it done.

Unfortunately, that has been the attitude of the people up here and a majority of people after 9/11. The people were so frightened that they said: Do anything, I don't care.

The problem with that attitude is, even if you want to argue that has not been abused yet, what happens when people are elected to your government who decide they do not like your religion or you believe in a certain kind of marriage, and you want to say this and

they want to investigate you? There is no step to stop that. There is no step to say: Your church believes in this unorthodox belief or this belief that we do not call politically correct or it is no longer acceptable, but we want to investigate the banking records of the church and see if we can take away their IRS number or tax exemption. If you do not have any restraint to these activities, someday we will get a government that has no restraint and then goes forward to say: We want to get that church shut down because that church is saying something we disagree with or these people are reading these books we do not like.

This goes across the party aisle. The Library Association is concerned with this also, that people's books are being looked at. Think about it. Do you want the government to know what books you read? Do you want to be on a watchlist because of the books you read?

They say: Oh, there are provisions. We have made provisions. That will not happen.

The only way you have a real provision or protection is if you have procedural steps that say someone must review this before it happens.

If we have someone who we think is terrible and they need to be off the streets, if they are accused of rape, accused of murder, accused of robbery, accused of the most heinous crimes we can think of, and it is 2 in the morning, we call a judge and we get a warrant. It is almost never turned down. But it is one step removed from the police breaking down every door of every person they suspect and not having any kind of discussion with someone who has a level head, who is not part of the investigation.

Many up here will say we are in grave danger. If the PATRIOT Act expires, all things could happen and terrorism could break loose. What they are arguing, though, is that there is a scenario where we would not get warrants to investigate terrorism. That never existed. Before the PATRIOT Act, we were not turning down these warrants.

Some have argued that Moussaoui, the 19th hijacker—he was captured a month in advance of 9/11—many have said that if we only had the PATRIOT Act, we could have gotten him. That is untrue. There is a provision called the lone wolf provision in the PATRIOT Act, but we did not get Moussaoui because we did not do our job. We did not communicate well. The superiors to the officers and the FBI agents in the field did not even ask for a warrant. They turned down a request for a warrant without even asking the FISA Court for it.

We have the 19th hijacker a month in advance. We have his computer. When we do look at his computer on 9/12, we link him very quickly, within a matter of hours, to all the other hijackers. It is easy in hindsight to say we could have stopped 9/11, but to tell you the

truth, we have to look at the rules and say: Could we possibly have gotten that information? The answer is yes.

The FBI agent in Minnesota wrote 70 letters to his superiors. The FBI was told that Moussaoui was possibly an agent of terrorism. The French Government confirmed it. That was all we needed. With that information, had they gone to the FISA Court, they would have gotten a warrant. When the 9/11 Commission report came out, they acknowledged as much. Moussaoui's warrant, in all likelihood, would not have been turned down, and there is a possibility we would have stopped it.

The suspicious activity reports are particularly galling because they are businesses that are forced to spy on their citizens. There is another form of spying that goes on as well. These are called national security letters. These are like warrants. They go after your banking records, such as the suspicious activity reports, but they are a little more targeted in the sense that the government is asking for an NSL. But it is not a judge who asks for an NSL. The person who asks for an NSL is an FBI agent, essentially a police or law enforcement agent. The danger here is that we have removed the step where the police officer or the FBI agent would then ask for permission from a judge. That is my problem with these national security letters.

Some say: We are not doing that many of them. Initially, we were not. Now we have done over 200,000 national security letters. One of my reforms, if it were to take place, would be to ask judges to review these. I see no reason why they should not review them.

Some have said: You have no expectation of privacy. The courts have already ruled that you have no expectation of privacy in your papers or electronic records. This is the way it has been interpreted, but I think it has been misinterpreted. I think it has been interpreted that your banking records do not deserve privacy when they are not in your house, and I think it is an incorrect interpretation of the fourth amendment. The fourth amendment says that in your papers, you are to be protected. It does not specify those papers are in your possession or in someone else's.

At this time, I yield the floor to my good friend from South Carolina.

Mr. DEMINT. Mr. President, I thank Senator PAUL. I came down to the floor to thank him for bringing up a number of issues of concern and being willing to stand here and tell America what those concerns are.

I also respect his demanding the opportunity for debate and for amendments of such an important bill. It is extraordinary, particularly after the majority leader had promised in February that the PATRIOT Act renewal would get a week of debate with the chance to offer amendments. After a couple of weeks of doing absolutely nothing on the Senate floor, Senator PAUL and others were denied the opportunity to offer amendments that would

have brought up legitimate debates about the PATRIOT Act.

There are a number of things a lot of us would have liked to have learned more about, heard some of the arguments we have heard from Senator PAUL today. Unfortunately, that has been limited to a relatively small amount of time. It is, frankly, stunning to me that the majority is actually willing to let the PATRIOT Act expire rather than give Senator PAUL a few amendments. That is an extraordinary situation for the Senate that considers itself the world's greatest deliberative body when one of the most important pieces of legislation we could consider is jammed up against a break with no opportunity for amendment.

I do not want to interrupt Senator PAUL's flow because I think a lot of the things he is talking about are important that we consider. Unfortunately, they will not be considered. It does not sound as if his debates will be allowed and for the amendments to be considered. It sounds as if what they are going to try to do is blame him for us voting late or early. But I commend Senator PAUL for standing for good judgment and common sense on a matter of this importance. Whether we agree or disagree with all the amendments is not the point. It is too important to be handled this way.

I will allow Senator PAUL to continue, and I yield the floor. I thank him for what he is doing.

Mr. PAUL. Will the Senator yield for a question?

Mr. DEMINT. Yes, I will.

Mr. PAUL. Mr. President, not only are we not debating the PATRIOT Act, but does the Senator from South Carolina think we have given sufficient floor time to amendments and proposals as to how to deal with the debt problem?

Mr. DEMINT. Mr. President, I think the Senator from Kentucky knows the answer to that question. Some of us have reserved time between 2:30 p.m. and 3:30 p.m. for some give-and-take and some debate on the floor about the budget votes that will be this afternoon. But that time was canceled by the majority.

We have an impending debt that everyone in the world, except for those inside this body, seem to understand. We are in trouble as a country. The majority has not produced a budget in over 700 days, I think it is. At the same time, we are trying to negotiate how we will move forward on this huge important point of raising the debt ceiling which none of us want to do. We are avoiding the subject of balancing the budget. The majority leader has said these kinds of issues are off the table.

It is very frustrating, whether it is the debt ceiling, whether it is the PATRIOT Act and our homeland security, that we are spending weeks doing nothing, bringing up, in some cases, controversial judges who should not have been nominated in the first place,

spending day after day of floor time and not bringing up important issues. We are all concerned. I know America is concerned.

Again, I thank Senator PAUL very much for the willingness to bring out the point that we have something here that is very important to our security, to the privacy of every American. It needs to be vetted, debated, and amendments need to be offered. Yet this has been denied after a promise. I certainly encourage the Senator to continue. I thank him for his courage.

Mr. PAUL. Mr. President, one other question is, we will not all agree necessarily on the PATRIOT Act. The thing is, even for those who feel it is important it not expire, why would they not consent to some debate? I have asked for three amendments, three votes. We could do them in the next hour. We could debate and have this time and there would be no expiration of the PATRIOT Act for those who think it expiring is a problem.

Mr. DEMINT. Mr. President, as the Senator from Kentucky knows, he has 11 amendments he wishes to have considered. He was willing to compress the time so we could do that expeditiously. They would not agree to that. Senator PAUL is willing to compromise to three amendments. It sounds as though they do not want him to offer those amendments because, frankly, they do not want to take a vote on some of them that may expose what they believe. It is a frustrating situation for Senator PAUL. As our majority friends over here like to do, they cause the problem and try to blame it on us. As the Senator said, within a few hours, this could be decided and over. We could pass the PATRIOT Act. Folks could vote for or against what they want. We could send it to the House, and it could be done. It does appear the majority is willing to let this important legislation lapse just to stop the Senator from Kentucky from offering a few amendments. That is an extraordinary situation.

Again, I thank the Senator for yielding. I appreciate him getting this debate out on the floor.

Mr. PAUL. Mr. President, I do not quite grasp why they are so fearful of debate and fearful of votes, that they are willing to let the PATRIOT Act expire to prevent debate and prevent votes. The sticking point turns out to be an amendment basically on preventing gun records from being sifted through under the PATRIOT Act. People say: Well, what if someone—a terrorist—is selling guns illegally? Couldn't we get them? Yes, we could get them the way we get everybody else: Ask the judge for a warrant. Judges routinely do not turn down warrants. It worked for us for 225 years, until the PATRIOT Act, when we had a process, the fourth amendment, protecting us from an overzealous government. But it also worked to catch criminals.

At this time I yield the floor temporarily to my good friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I thank the distinguished Senator from Kentucky for standing up for the fourth amendment principles he has articulated today.

This is an important issue to all Americans. Americans are at once concerned about our national security. They want to make sure we can identify and apprehend those people who would harm us. At the same time, Americans are firmly committed to the idea of constitutionally limited government—the concept that regardless of how passionately we might feel about the need for certain government intervention, we can't ever allow government to be operated completely unfettered. We have liberty in place whenever government is controlled by the people, and whenever there are certain things that are beyond the reach of the government.

Senator PAUL has helped identify some key areas of concern that have been implicated by the PATRIOT Act. He has suggested that we ought to at a minimum have a robust debate and discussion over some amendments that might be proposed to the PATRIOT Act before we proceed. Three months ago we had a discussion, we had a vote, and there were a few of us who voted against the PATRIOT Act—not because we don't love America, we do. We want to protect America. We voted against it because we love America, because we believe in a constitutionally limited government, because we want to make it better. We want to make this something that can at the same time protect Americans but without needlessly trampling on privacy interests, including many of those privacy interests protected by the fourth amendment.

Bad things happen when we adopt a law without adequately discussing its merits. Years ago, when the PATRIOT Act was adopted, there were a number of people who raised some of these privacy concerns. For that and other reasons, Congress made the decision way back then—almost 10 years ago—to adopt the PATRIOT Act and adopt certain provisions of it subject to some sunset provisions so that Congress would periodically be required to debate and discuss these provisions. It does us no good if every time it comes up we are told we have to vote for it or against it; we can't really debate and discuss it or consider amendments to it.

We were told 3 months ago that at the end of May—and we are now here—we would have an opportunity to debate, discuss, and consider amendments. That opportunity has now been taken away from us and with it the chance to address many of these important privacy implications, many of which do implicate the fourth amendment in one way or another.

Senator PAUL has referred to some of them, including some of the implications of the national security letters

which, while not directly implicated by the expiring provisions at issue right now, are inextricably intertwined with other issues that are in front of us, including those related to section 215 orders and including the roving wiretap issue that is up for reauthorization.

So I speak in support of the idea of robust debate and discussion, especially where, as here, it relates to something that is so important to the American concept of limited government and so closely related to our fourth amendment interests. We ought to have robust debate, discussion, and an opportunity for amendment.

I thank Senator PAUL for his leadership in this regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. When we look at this debate and we talk about exactly where we should go from here and why it is important, it is important to look at the PATRIOT Act and say to ourselves: How do we protect our Constitution if we are not willing to protect all parts of it? So many conservatives are avid for the second amendment. I am one of them. I want to protect the second amendment. But I tell those who want to protect the second amendment that they can't protect the second amendment if they don't believe in the first amendment. If they don't believe in the first amendment, they can't have that voice that it will take. If they want to place limitations on groups that advocate gun ownership under the second amendment, that will limit the second amendment. But, likewise, they cannot protect the second amendment if they don't believe in the fourth amendment.

There is no reason we should allow a government to look at our gun records and to troll through all of them. If a government thinks someone is a terrorist, name that person, name the place, and show probable cause. Do we want to allow government to troll through our records? The government has looked at 28 million electronic records—28 million. They are just sifting through all of our records looking for what. I want them to catch terrorists, but I want them to look at the Constitution with some restraint to say this person is a terrorist or we suspect him to be so, for this reason. We need not be so frightened that we give up our liberty in exchange for security.

Some would say our government is full of good people who would say: I have not done anything wrong, and I don't have to worry about it. We are not worried about good government; we are worried about bad government. Jefferson said once upon a time if all men were angels, we would have no concern for constitutional restraint. But there have been times in our history and in the history of other countries where unsavory characters, where despotic characters have won election.

When Hitler was first elected in the 1920s and early 1930s, he was elected popularly. The thing is, they were so mad and upset over World War I that

they basically traded. They said: We want a strong leader. Give us a strong leader. But if we have rules that allow that strong leader to grab and do things, that is the real danger. At a minimum now, the danger is—it is a great danger to us if we allow this to go on if we get a despotic government at some point in time.

We are not worried about good people in government. We are worried about people who might be elected who would abuse these powers. It has happened. Look at what happened during certain administrations where people looked at IRS records of enemies. Look at what is happening now where the executive branch is looking at donor records for those who do business with government. If you are a contractor and you do business with government, they want to know who you donate to.

There are dangers to allowing the government to snoop through our records. It doesn't mean we don't want to stop crime, we don't want to stop terrorism. It means we need to have a rule of law, and we need to pay attention to the rule of law.

We proposed several amendments. One of them went through the Judiciary Committee. It was deliberated. It was amended. It was passed with bipartisan support, but we won't get a vote on it. It disappoints me that they are afraid to debate this on the Senate floor, and we will get no vote on amendments that were offered seriously to try to reform the PATRIOT Act to take away some of the abuses of it.

We offered three amendments to the PATRIOT Act. One was on the gun records. That apparently unhinged people who are afraid of voting on any gun issues. Because of that, we are all going to be denied any debate or votes.

Some will say: Oh, you are going to keep your colleagues here until 1 in the morning. Well, I think when they are here tonight at 1 in the morning, maybe they will think a little bit about why they are here and why we had no debate and why we had the power to have the debate at any point in time. I have agreed and said we can have a vote on the PATRIOT Act in an hour or 2 hours. We could have had a vote on the PATRIOT Act yesterday. But I want debate, and I want amendments. I think that is the very least the American people demand and this body demands, that there be open and deliberate debate about the PATRIOT Act.

One of our other amendments has to do with destroying records. Some of these records they take from us through the bank spying on us, or the government spying on us, are not destroyed. I think these records should be destroyed at some point in time.

For goodness' sakes, if you are not a terrorist, why are they keeping these records? There ought to be rules on the destruction of these records if you are not a terrorist and they are not going to prosecute you.

The fourth amendment says we should name the place and the person. We have one wiretap called the John Doe. They don't name the place or the person, and they are not required to. I think we should. Now, are there times when it might be a terrorist when we say, well, we don't want to name the person? We don't have to name them in public. We could name them to the FISA commission. I do not object to them being named and the name being redacted, but the name should be presented to the judge who is making the decision. I want a judge to make a decision.

James Otis—part of our revolution—for the 20 years leading up to the American Revolution, there was a debate about warrants. They issued what were called writs of assistance. They are also called general warrants. They weren't specific. They didn't say what crime one was being accused of, and the soldiers came into our houses. They would lodge soldiers in our houses, and they would enter into our houses without warrants. The fourth amendment was a big deal. We had passed the fourth amendment, and it was one of the primary grievances of our Founding Fathers.

I don't think we should give up so easily. I don't think we should be cowed by fear and so fearful of attack that we give up our liberties. If we do, we become no different than the rest of the countries that have no liberties. Our liberties are what make us different from other countries. The fact that we protect the rights, even of those accused of a crime—people say, well, gosh, a murderer will get a trial. Yes, they will get a trial because we don't know they are a murderer until we convict them. We want procedural restraints.

People say: You would give procedural restraints for terrorists? I would say at the very least, a judge has to give permission before we get records. The main reason is because we are not asking for 10 records or 20 records or 40 records of people connected to terrorism. We are asking for millions of records.

There are people in this room today who have had their records looked at. It is difficult to find out because what happens—here is the real rub, and this is how fearful they were. When the PATRIOT Act was passed shortly after 9/11, they were so fearful that they said: If a letter, a demand letter, a national security letter asks for records, you are not allowed to tell your attorney. You were gagged. If you told your attorney, they could put you in jail for 5 years. It is still a crime punishable by 5 years in jail.

If I have Internet service and they want my records on somebody, they don't tell me or a judge. We have no idea. There is no probable cause. This person might be relevant, which could mean anything, however tangential. If I don't reveal those records, I go to jail. If I tell my wife they are asking for my records, I could go to jail.

This secrecy on millions of records, this trolling through millions of records is un-American. It is unconstitutional. They have modified the Constitution through statutory law. We have given up our rights. It should be two-thirds of this body voting to change the Constitution and three-fourths of the States. We did it by 50 percent with one bill. The bill was hot when it came here. There was one copy of it. No one read it.

I came from the tea party, and I said: We must read the bills. I propose that we wait 1 day for every 20 pages so we are ensured they are reading the bills. The PATRIOT Act was hundreds of pages long and nobody read it. Not one person read it because it wasn't even hardly printed. There were penciled edits in the margin, and it was passed because we were afraid.

But we can't be so afraid that we give up our liberties. I think it is more important than that. I think it is a sad day today in America that we are afraid to debate this. The great constitutional questions such as this, or great constitutional questions such as whether we can go to war with just the word of the President, these great constitutional questions are not being debated because we are so fearful of debate.

I urge the Senate to reconsider. I urge the Senate to consider debating the PATRIOT Act, to consider amendments, and to consider the Constitution.

Thank you. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate will proceed to a period of morning business with debate only until 5 p.m., with the time equally divided between the two leaders or their designees.

THE BUDGET

Mr. CONRAD. Mr. President, the budget circumstance we confront as a nation is clear. We are on a completely unsustainable course. The occupant of the chair knows this well as a very valued member of the Budget Committee. We are currently borrowing 40 cents of every dollar we spend. That, obviously, cannot continue.

The other side has criticized those of us on our side for not going to a budget markup. The reason we have not is this is not a typical year in which the Republicans put up a budget resolution in the body they control and we put up a budget resolution and we go to conference committee to work out the differences. Something very different is occurring this year. There is a leadership negotiation with the highest leaders of the Republican Party in the House and the Senate, the highest leaders of the Democratic Party in the House and the Senate, meeting with the Vice President of the United

States, on a plan to put in place a 10-year effort or perhaps a 5-year plan to deal with the deficits and debt.

In fact, the Republican leader has made this observation:

[T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result, in the short term. And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

It makes no sense for us to go to a budget markup at this moment that would simply be a partisan markup when bipartisan efforts are underway.

Last year, for 8 months, I participated in the President's fiscal commission—10 Democrats, 8 Republicans. At the end of that emerged the only bipartisan plan that has come from anywhere so far. Five Democrats supported it; five Republicans supported it; one Independent. Mr. President, 11 of the 18 commissioners voted for that plan to get our deficits and debt under control. We have underway this new effort, a leadership effort, with the President represented at the table. We ought to give that a chance before we pass a budget resolution that may be required to implement any plan they can come up with.

The hard reality of what we confront is simply this: This chart shows the spending and revenues of the United States going back to 1950—more than 60 years of the revenue and expenditure history of the United States. The red line is the spending line. The green line is the revenue line. What jumps out at you is that spending as a share of our national income is the highest it has been in 60 years. On the other hand, revenue is the lowest it has been in 60 years as a share of national income. So that is the reason we have record deficits.

I hear all the time the other side of the aisle: It is a spending problem. When you have a deficit, that is the result of the difference between revenue and spending. We have a spending problem, yes, indeed—the highest spending as a share of national income in 60 years. We also have a revenue problem—the lowest revenue we have had as a share of national income in 60 years.

So now the House has sent us a plan, the Republican budget plan, and the first thing they do is cut the revenue some more. Revenue is the lowest it has been in 60 years, and the first thing they do to address the deficit is to cut the revenue some more. In fact, they cut, over the next 10 years, more than \$4 trillion in revenue. For those who are the wealthiest among us, they give them an additional \$1 trillion in tax reductions. By extending the top rate cuts, by extending a \$5 million estate tax exemption, by cutting the top rate down to 25 percent from the 35 percent it is today, they are giving massive new tax cuts to the wealthiest among us.

Their average revenue during the 10 years of their plan is 18.3 percent. You can see from this chart, the last five times the budget has been balanced, revenues have been around 20 percent: 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, and 19.5 percent. The revenue plan they have would have never balanced the budget in the last 30 years.

If we look at what has happened on the revenue side of the equation, here is what has happened to the effective tax rate for the 400 wealthiest taxpayers in the United States. Since 1995, when the effective tax rate on the wealthiest 400 was about 30 percent, that effective rate declined to 16.6 percent in 2007.

Warren Buffett has said that his executive assistant pays a higher tax rate than he does. Well, how can that be? The reason that happens is because Mr. Buffett has most of his income from dividends and capital gains, taxed at a rate of 15 percent. His executive assistant is probably taxed at a rate somewhere in the 20, 25-percent range.

We have a circumstance in which we have the lowest revenue in 60 years, and the House Republicans have sent us a budget that says: Let's cut it some more. Let's cut it another \$4 trillion, and let's give \$1 trillion of that to the wealthiest among us.

If you look at what our friends are proposing, when we have the largest deficits since World War II, they are proposing to give those who earn over \$1 million a year a tax cut, on average, in 2013, of almost \$200,000. For those earning over \$10 million, they would give them, on average, a tax cut of \$1,450,000—this at a time when we have record deficits. What sense does this make? It makes no sense.

What are they doing to offset these massive new tax cuts for the wealthiest among us? They have decided the answer is to shred the social safety net that has been created in this country over the last 60 years. They have decided to shred Medicare—shred it. They have decided to shred program after program so they can give more tax cuts to those who are the wealthiest among us.

Here is what a top former President Reagan adviser said when he looked at the House budget proposal. Remember, this is not a Democrat. This is a top former Reagan economic adviser. This is what he said. His name is Bruce Bartlett. He said in his blog about the proposal from the House Republicans on the budget:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairy tale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the Tea Party. A real act of courage would have been for him to admit, as all