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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 15, 2012, at 12 noon.

## Senate

MONDAY, MAY 14, 2012

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, strengthen our Senators for today's challenges. Empower them with the courage of obedience so that in doing Your will they will find peace. Give them such trust in You that they may experience setbacks without ever doubting Your providential leading. In all of their strivings, energize them with perseverance to bring each task to its appointed end. Lord, as they try to make good decisions, give them the light to see what they ought to do and the resolve to do it. May they ride out the storms of difficulties and discouragement with the knowledge that You will sustain them.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 14, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2012—Motion to Proceed

Mr. REID. Mr. President, I move that the Senate proceed to Calendar No. 396, H.R. 2072.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to calendar No. 396, H.R. 2072, a bill to reauthorize the Export-Import Bank of the United States, and for other purposes.

Mr. REID. Mr. President, we are now on the motion to proceed to the Ex-Im

Bank bill. We are working on an agreement to begin consideration of the bill. I don't know if we can reach that, but we are trying.

At 4:30 today the Senate will proceed to executive session to consider two U.S. district judges from Maryland and Illinois. At 5:30 there will be up to three rollcall votes. The first two will be on confirmation of George Levi Russell and John J. Tharp, and the third will be on cloture on the motion to proceed to the Ex-Im Bank bill.

There was a time when legislation that would reduce the deficit and support hundreds of thousands of jobs would fly through the Senate with bipartisan support but not so anymore. Instead, a worthy measure that would support 300,000 American jobs—the Export-Import Bank—may stall in the Senate this evening. The holdup is more Republican obstructionism.

Tonight the Senate will vote on whether to end the filibuster of reauthorization of this most important legislation. The bank helps American companies grow and sell their products overseas. Last year this bank financed 3,600 private companies and added almost 300,000 jobs in more than 2,000 American communities.

The last time the Senate considered this in legislation, it was offered by a Republican Senator and it passed by unanimous consent. What that means is it comes to the floor, sponsored by a Republican, and everybody agrees and we don't even have a vote here. It is done by unanimous consent. So it is unfortunate that I had to file cloture again. I have filed cloture, cloture, cloture on so many different things. We

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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shouldn't have to argue over bipartisan proposals such as this one. It should just pass as it has in the past. But I remain hopeful that we can find a way to work together on it.

The Export-Import Bank has the support of two groups that rarely see eye to eye—the chamber of commerce and labor unions. Today I got a letter from the National Association of Manufacturers, as did every other Senator. It says: The National Association of Manufacturers—we refer to it as NAM—the largest manufacturing association in the United States, representing manufacturers in every industrial sector in all 50 States, urges us to support the Export-Import Bank Reauthorization Act.

The Export-Import Bank of the United States—referred to as the Ex-Im Bank—is one of the only tools manufacturers in the United States have to counter hundreds of billions of dollars of export financing foreign governments offer to their exporters. In 2010 Canada, France, and India provided 7 times and China and Brazil 10 times more export assistance as a share of GDP than did the United States. The Ex-Im Bank levels the playing field for U.S. exporters by matching credit support other nations provide, ensuring that our Nation's manufacturers can compete based upon the price and performance of their products. It also enables small and medium-sized manufacturers to capture new markets in emerging economies abroad. In 2010 the bank supported more than \$41 billion in export sales from more than 3,600 companies, supporting approximately 290,000 jobs here—rather than the 300,000 I said—export-related American jobs.

Denying Ex-Im reauthorization will hurt manufacturers of every size and threaten thousands of U.S. manufacturing jobs. Small and medium-sized companies are particularly vulnerable and those that receive direct Ex-Im Bank support as well as those who supply larger companies. So manufacturers urge your support of H.R. 2072, which authorizes the bank through September 2014 and provides a modest increase in its lending authority and enhances congressional oversight over the bank.

That letter was signed by one of the officers of the bank.

This legislation has Republican cosponsors. Why do we have to go through this endless procedural process? Why can't we just pass it, as we have done in so many years past? They are saying: We want amendments. Amendments to kill the bill after saying they support the bill?

The House passed this bill without amendment—I repeat, without amendment—on a 330-to-93 vote last week. But that 93 kind of says it all. Ninety-three is the mainstay of the tea party caucus in the House. They are opposed to everything, just as almost 50 percent of the Senate Republicans are against everything. That is what we have here.

Even though there is outward support for this legislation, they want to kill this bill. They don't want the government to have anything to do with our lives—period, nothing—which is unrealistic in this modern world and, in fact, in any world.

This legislation is exactly the kind of smart investment Congress must make to keep the economy on the road to recovery, and it is the kind of consensus proposal that shouldn't require Democrats to have to try to break a filibuster.

When Senate Democrats brought this reauthorization to the floor previously—in fact, in March—we assumed it would pass by a strong bipartisan vote. Surprise was here—the Republicans voted against it. Nearly unanimously they voted against it in March despite their public confessions of support for it. Then a day or two after they voted no, they sent me a letter saying: We have to get this done. So they voted against it in March, and now they are threatening to do it, for different reasons this time: They don't have enough amendments. They want amendments. So they are once again forcing us to run out the clock on this measure, which expires at the end of this month.

Frankly, the behavior of my Republican colleagues over the last week has been a little baffling. They say they support our efforts to keep interest rates on Federal loans from doubling for 7 million college students. They voted the proposal down. Now, a few days later, they say they support the Ex-Im Bank, but they voted it down once and they are threatening to do it again.

With Republicans willing to use every obstructionist tactic in the book—even some that are not in the book, even on bills they support—it is a wonder the Senate gets anything done at all.

Further delay would allow the bank's lending authority to lapse, putting jobs at risk. But there is still time for my colleagues on the other side to reverse course. There is still time to work together to pass this measure.

I understand my Republican colleagues want to offer amendments to the bill. I have already said so. Their amendments generally would just eliminate the bank—not make it stronger, not lessen it a little bit, just gut the Export-Import Bank, and some just eliminate it altogether. Even if those amendments weren't egregious, changing this legislation now would only waste more time. And we have been told the House isn't going to accept any amendments. But why would we accept any amendment that gets rid of the bank?

The process of reauthorizing this bank has taken months already. There is really no reason to waste more time. American exporters are counting on us to get something done this week. So I hope my Republican colleagues will consider the consequences of yet an-

other filibuster and join Democrats to reauthorize this Export-Import Bank without delay.

Would the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At 4:30 p.m., under the previous order, the Senate will proceed to executive session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Mr. President, I ask I be permitted to speak as in morning business.

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

#### ARREST AND DETENTION OF NAMBARYN ENKHBAYAR

Mrs. FEINSTEIN. Mr. President, for about the past week I have been very concerned and involved in a situation involving Mongolia. It is a small country. It has been a democratic country for the past 20 years. At one time it was part of the Soviet bloc but no longer.

I have talked to many people at the State Department, the Vice President's office, the chairman of Brookings, the former Ambassador to Mongolia. I come to the floor to address the situation of Mr. Nambaryn Enkhbayar, the former President of Mongolia from 2005 to 2009.

I was in Mongolia when he was President and had the opportunity to get to know him as a distinguished international statesman who, sadly, is facing so-called allegations of corruption in the country he led so well and so long. Mr. Enkhbayar, in addition to being President of the country, was previously Prime Minister and has held many other leadership positions in government over the years. As President, he designed and effectively executed Mongolia's "third neighbor" policy of diversifying its diplomatic and economic relations beyond the strong ties with its immediate neighbors, China and Russia.

Specifically, Mr. Enkhbayar personally emphasized relations with the United States; with our Asian allies such as Japan, Korea and Australia; and with Europe.

At the request of the Bush Administration, he dispatched Mongolian troops to fight alongside Americans in Iraq and Afghanistan, held two summits with President Bush and concluded Mongolia's Millennium Challenge pact in 2007.

Under his leadership, the Mongolian Government strengthened its international peace-keeping role with the United Nations, joined and then took a leading role in the Community of Democracies, provided humanitarian transit for North Korean refugees through Mongolia, and developed important intelligence exchanges with American counterparts.

Domestically, Mr. Enkhbayar contributed to Mongolia's political maturation with his graceful concession and cooperation after he lost his re-election bid in the 2009 presidential election to Mr. Elbegdorj, the current President of Mongolia. This smooth transition of the presidency from one party to another at that time did much to solidify the foundations of democratic politics in the country.

Sadly, the atmosphere in Mongolia has become less conducive to such fair play this year, as Mongolia approaches an important parliamentary election in June.

After retiring from politics with the end of his presidential term in 2009, Mr. Enkhbayar re-entered the public arena again this year with the formation of a third major party and the fielding of a slate of candidates, including for himself, for the parliament.

Just as the campaigning for this election was starting in earnest a month ago, Mr. Enkhbayar was arrested under charges brought by the Anti-Corruption Agency of Mongolia, an organization established while he was president.

It is important to say that building practices of good governance and challenging corrupt practices form an important benchmark of achievement for any developing democracy. We should applaud vigorous efforts to combat corrupt practices in the country. That is needed.

But it is equally important that those fighting corruption avoid a sense of involvement in such practices themselves. Certainly, to say the least, the bringing of charges against a political leader in the midst of an important election campaign is unusual.

As extraordinary as the timing of the charges, the process of Mr. Enkhbayar's subsequent arrest and incarceration was of even more concern.

Mr. Enkhbayar was ostensibly wanted for questioning, but on the evening and early morning of April 12-13, he was forcefully removed from his home by several hundred law enforcement officials and without any resistance on his part and then spirited away for confinement in a remote prison where all access was severely limited.

In incarceration, Mr. Enkhbayar suffered further indignities and irregularities of due process.

He had inadequate access to family and counsel. He reportedly received abusive verbal treatment. After initiating a "dry hunger strike" without liquids to protest these circumstances—which is his right under international law as a prisoner—he was

denied adequate medical treatment and endured attempts to force feed him.

Only after his health was at risk, Mr. Enkhbayar was released on bail this morning so he could receive the medical treatment he so desperately needs.

It is my hope he will be well enough to continue with his campaign for parliament.

Yet I am deeply concerned that he still may be charged with corruption, allegations that have been deemed by one of his attorneys to be "insubstantial, stale and petty."

Our concern now should be, in the first instance, Mr. Enkhbayar's health and even his physical survival of this ordeal.

Secondly, we need to press for due process in the adjudication of his case and ensure he is afforded his full rights to a speedy, transparent and fair hearing of the charges, with full legal assistance with his defense.

We cannot be sure at this time that either of these considerations, the minimum that is owed any citizen or any human being under the rule of law in a democracy, can be secured. So I call upon the authorities of Mongolia to announce that the procedures and schedule for adjudication of his case will proceed and that President Enkhbayar will be accorded full due process rights to which he is entitled. To do less would be to reinforce fears the process employed here is politically driven and meant exclusively to remove Mr. Enkhbayar from participation in the parliamentary election now underway.

Finally, this brings me to a larger issue concerning fears for the fate of Mongolian democracy and for the now strong relationship between Mongolia and the United States. Mongolia has been rightly acclaimed for the extraordinary progress it has made in building democratic practices and institutions since the collapse of the Soviet Union 20 years ago. Indeed, Mongolia is the only successful, functioning democracy from the Pacific Ocean to Eastern Europe through the entire expanse of inner Asia. A small country, due to its achievement, has become a country of large significance on the world stage—the best argument that a free and brave people can move their country from authoritarianism to democracy in a relatively short period of time. Having done so, Mongolians have enjoyed an extraordinary degree of support and attention from the outside world, led by our country, the United States.

The Mongolian-American relationship now encompasses Mongolia's impressive economic potential as it develops its rich mineral resources with the help of foreign partners, many of them American companies with a strong interest in investment there. However, all this promise could be negatively impacted by the emergence of the practices we have seen in the case of Mr. Enkhbayar.

The chill of intimidation is felt by every Mongolian citizen, for if such treatment can be applied to a former

President and still popular leader, no one is safe. And then such harsh treatment tends to bring reciprocity, and the country is in danger of falling into a vicious cycle of political score settling. For the sake of Mongolia and the future of its people, the country's leaders must step away from this risk immediately.

It is equally true that once having lost one's good reputation, it is almost impossible to restore it. There is still time for Mongolia's authorities to correct a dangerous turn of events probably no one expected or wanted. There are many friends abroad, including this Senator, who pray they will do so. Should the troubling circumstance of Mr. Enkhbayar's case continue, it would thereafter be impossible for Mongolia's friends in America and around the world in other democracies to continue speaking with the hope, promise, and optimism for the country's future with which we have for the last two decades. Much is at stake in Mongolia now. Its political leaders and people have been wise and skillful in choosing the right course in many times of challenges and crises in the past.

I call upon our friends there to help their country, their supporters, and themselves by taking the humane and lawful actions that are needed now to reclaim their reputation at the forefront of the communities of democracies. I hope it has been obvious that I speak as a friend—a concerned friend—but one who wishes Mongolia well.

Thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Before I give my remarks, let me compliment the Senator from California not only on what she just said but on the remarks she made on television yesterday concerning the danger to our country when people leak information relating to our effort to defeat terrorists, which makes it all the more difficult for us to accomplish our job, and it undercuts the mission of the many men and women in the military, our intelligence services, and the civilian forces of government and, frankly, in the governments of allies that are working very hard to identify and prevent terrorism from occurring. When leaks such as this occur, it undercuts that effort tremendously. I thought the Senator from California did a very good job of pointing out how that is so and why we have to go after the people who are responsible.

Mrs. FEINSTEIN. I can't thank the Senator enough. I am very worried about this leak. I was reading the London news clips, and as the Senator knows, I chair the Senate Intelligence Committee. I believe I can speak for the leadership of both committees in saying we have not been briefed. This has been very closely held because of the seriousness of the operation. And to see what is now in the papers, which

essentially endangers the asset, puts him in fear of his life, tells our allies we cannot be trusted to carry out a mission without leaking that mission and also thereby alerting al-Qaida in the Arabian Peninsula that they need to increase their security to prevent penetration—it is, I think, the most serious leak certainly in the time I have been chairman of the committee.

I thank the Senator for raising it and for the Senator's solidarity in that belief.

Mr. KYL. I compliment the chair of the committee for her very wise remarks. I know the ranking member, Senator CHAMBLISS, is in full accord. This is a very bipartisan effort. I hope we can succeed in getting to the bottom of it.

#### UNEMPLOYMENT

Mr. President, I wanted to talk today a little bit about unemployment and the economy. There have been a lot of news stories—some very serious, as the one we just discussed, and some a little bit more frivolous—that I think are distracting from what I believe is the top domestic problem in the United States today, the lagging unemployment. I wish to focus on that today and what we could do about it versus what we are or are not doing about it. There are troubling economic trends, and I think maybe we can make some recommendations to the President about how we can help to get out of the ditch we are in.

Unfortunately, the administration has been claiming that the economy is continuing to heal and touting the latest jobs report, and I think that misleads the American people, and here is why: It is true that by their measure the unemployment rate has declined from 8.2 percent to 8.1 percent, but that doesn't represent progress if you look behind the numbers. If you look behind the numbers and the actual employment data, employers added only 115,000 jobs last month. That is less than the 180,000 Wall Street was expecting and, more importantly, it is less than the 150,000 jobs that have to be created each month to keep up with the new entrants into the workforce, for example, the kids graduating from college and high school who are entering the workforce. In order to keep up with that number, about 150,000 per month, the private sector has to create that many jobs to stay at zero, and if it doesn't, then we are actually getting behind.

The fact that we have had several straight months where there has been an actual increase in the number of jobs created doesn't measure the success properly. We have to measure those months where job creation was above 150,000, and in that case less than half of the months since the President has been in office have met that criteria. So we are actually sliding backward, not moving forward.

Here is another way to look at the unemployment picture: There are so many people who have given up look-

ing for work under the Obama economy now that they don't show up in the unemployment statistics. That is why this number, 8.2 percent, actually goes down to 8.1 percent, not because there are a lot more people finding work but, rather, a whole lot more people have stopped looking for work so they are not counted in the unemployed looking for work.

In March, for example, there were about three people dropping out of the system for every one job created. Think of that. In April the rate was 4.5 dropouts per new job. So each month we are finding more and more people are simply not looking for work. They are dropping out of that group of people who wish to be employed and who are looking for work. They have stopped so they don't show in the unemployment numbers.

In fact, in the month of April, 522,000 people dropped out of the labor force. Remember, last month 115,000 jobs were created and some people thought that was great. Well, it is nice that it was 115,000 and not none, but the reality is if 522,000 people dropped out of the labor force that same month, it shows there is not much to cheer about. What that meant in terms of overall statistics was that a number that the Labor Department calls the labor force participation rate, which is how many of the people who could be working here are actually working, dropped to 63.6 percent, which is the lowest level since 1981 when we were headed into a big recession at that time. In other words, we have fewer people actually working in this country as a percentage of those who could than at any time since 1981.

James Pethokoukis of the American Enterprise Institute said:

If the size of the labor force as a share of the total population was the same as it was when Barack Obama took office—65.7 then versus 63.6 today—the unemployment rate would be 11.1 percent.

That is why you hear people say the real unemployment rate is not 8.1 percent, it is 11.1 percent. What that means is the more people who give up looking for work, the better the official unemployment number gets, but it doesn't tell the real story. Pethokoukis also noted—and I am quoting:

If the participation rate just stayed where it was last month, the unemployment rate would have risen to 8.4 percent!

So the unemployment rate is primarily a factor of how many people are still looking for work. And if they have given up, then they don't show in these statistics anymore. This is very troubling because it also shows that Americans do not see their situation bettering; they don't have a sense of optimism that things are getting better. There is a resignation beginning to be created here that things are not going to get better and there is no point in trying to look for work, and of course that has ramifications up and down the economy, a couple of which I will mention here.

Because there is this view that the economy is not continuing to heal, as the President said, we have got very sluggish economic growth. Back at the very same point in the Reagan recovery, the very same point that President Obama is at right now, at that time economic growth was 6.1 percent. Today it is 2.4 percent under the Obama economy.

Social Security disability claims are rising, and they are rising dramatically. What it shows is that instead of people continuing to look for work, they are filing for disability, and a lot of them are getting on disability. We have had a tremendous increase in disability claims and determinations of disability in this country. More Americans are using food stamps than at any other point in our history. One out of two recent college graduates cannot find a job or is underemployed for their skill.

I gave a commencement address on Saturday and talked to some of the students about what they were going to be doing. Most of them had something to do, but a lot of kids do not have a job even though they have spent 4, 5, or 6 years and untold thousands of dollars getting a college education.

Senator THUNE recently noted that the poverty rate among women has reached a 17-year high, and that there are nearly 700,000 fewer women working today than when President Obama took office. I don't mean to divide this into gender or any other kind of group, but the reality is that groups in this country suffer when we have poor economic growth and are not creating enough jobs. If you want to get it right down to what kind of people are having a problem, here is a situation: 700,000 fewer women working today than when President Obama took office. There are 22.8 million Americans who remain unemployed or underemployed or who are only marginally attached to the workforce. These are 22.8 million Americans who could be working productively, and if they were, our economy would be doing much better. Guess what would also be happening. People would be earning income and paying income taxes, the government would have more revenue, and we would be better able to afford all of the things the American people expect of the government.

The number of long-term unemployed has increased by 89 percent under the Obama administration. These are the people who have been out of work for a long period of time—at least 6 months and many of them more than a year. And all of this as the cost of living for middle-income Americans soars. For example, worker health insurance has gone up 23 percent, even after ObamaCare. Gas prices are now about \$4 a gallon. They have doubled since President Obama took office. Home values nationwide have plunged by 14 percent in my State of Arizona, and in many places it is by 50 percent.

So instead of creating a to-do list for the Senate, as the President has done

just 6 months before the election—asking us to vote on what a lot of people call show votes and dividing the country by pitting one group against another—I urge the President to make some real steps to steady the economy and reassure the job creators.

Let me give four specific examples of what the President could do to lead and what I think Congress would be willing to do to follow.

First of all—and a couple of these things are to stop doing something that is bad. A lot of people say government can usually do best by just getting out of the way because we have a very robust private sector if it is not too tied down with government regulation and taxation. So the first suggestion I have is let's stop the largest tax increase that will automatically occur—it is the largest tax increase in the history of our country—on January 1.

Someone may say: What? I didn't hear about that.

I am speaking about the so-called Bush tax cuts. Ten years ago Congress passed these tax cuts, but they had a limit of 10 years. Actually, it was a shorter period than that. They were extended 2 years ago because the President said it would be bad for the economy if these tax rates were allowed to go up, and he was right. He was right then, and he is right today. It would be bad for the economy. It would be bad for businesses, especially small businesses. It would be bad for the American family. Yet, automatically, if Congress does not act and the President does not act, every one of the marginal income tax rates will go up. Things such as the marriage tax penalty, the child tax credit, the capital gains rate, dividends tax rate, the death tax rate—all of these combined will go up, resulting in the largest increase in the country.

When we consider economic growth, when we talk about a wet blanket or when we talk about something that will kill economic recovery, that kind of a tax increase, which means taking money out of the private sector and giving it to government, is about the worst medicine one could think of. So my hope is that the President will lead and Congress will provide the support necessary to extend our current Tax Code and to ensure we don't have the biggest tax increase in the history of the country.

I mentioned taxation and regulation. Well, regulation is No. 2. Over 28,000 pages of new Federal regulations have been added to the books in just this calendar year. Think about that—28,000 pages. We think of going to the store and buying a book of 200 pages, or 300 pages if it is a really big one. How about 28,000 pages of new Federal regulations just this year.

Bureaucracies such as the National Labor Relations Board and the Environmental Protection Agency continue to churn out rules and regulations that confuse job creators and hamper their

ability to expand and hire. One example: Because of a public outcry, it was finally decided that the Department of Labor won't issue regulations basically saying that kids couldn't work on the family farm. Many of us worked on family farms. Maybe we didn't like it at the time, but we all agree it did us a lot of good. The reality is that it is not something the Federal Government ought to be poking its nose into. So there was finally enough political push-back from the FFA and the 4-H Clubs and the Farm Bureau and really everybody who was sensible about looking at it that they pulled it back. But unless the American people apply pressure and push back against this stuff, bureaucrats and the Federal Government are going to continue to figure that they can run our lives better than we can do it ourselves.

One of the biggest burdens in terms of regulations is ObamaCare. It has made the regulatory state much bigger and much more expansive. It has resulted in an estimated 58.5 million annual paperwork hours, according to the American Action Forum—58.5 million annual paperwork hours. I have talked to businessmen and I have talked to medical offices and so on, and they are going nuts trying to figure out how to deal with all of these new regulations.

The House of Representatives has passed numerous bills that would reduce the regulatory burden Washington imposes on the economy, but the President and the Senate Democratic leadership have refused to bring those to the Senate floor. So that is the second thing we could do.

It all boils down to this: We should rely more on the power of freedom than on the power of government. If we do, the American people will do the rest. So let's stop this biggest tax increase in the history of the country. Let's stop issuing these burdensome regulations.

How about the third thing: American energy. We could be one the most energy-wealthy countries in the world—if not the most—just taking advantage of our own resources. We would no longer have to be dependent on the Middle East for our sources of energy. But unfortunately, here, too, the President and Senate Democrats have repeatedly pursued tax increases on the oil and gas industries, raised the cost of gasoline, and increased our dependence on foreign oil, according to the Congressional Research Service—the non-partisan entity that looks into these things when we ask them.

Instead of basing an energy strategy on punitive tax hikes, we think it would be better if the President would just work with us and work with the House of Representatives to expand the development of domestic resources offshore, on our Federal lands, in Alaska. We have plenty of oil and gas and we have plenty of other kinds of reserves of energy that could make this country not just no longer dependent on the Middle East but much wealthier than

we are today. Part of that is just simply approving the Keystone Pipeline. This isn't even American resources; it is in Canada. They meet all of their environmental requirements. It doesn't damage the environment here in the United States. They have already done the environmental reviews for the pipeline. There are thousands of pipelines crisscrossing our country. This pipeline is not going to create an environmental problem. The President has said that the part that goes from Oklahoma down to Texas is fine with him but not the part that requires EPA's go-ahead.

So that is the third thing. Let's have an energy policy that takes advantage of what we have, including approving the Keystone Pipeline.

Finally, what the President and our Democratic friends here in the Senate could do is to join the House of Representatives and clear the deck of all of the legislation that has been piling up here on the Senate floor that isn't getting done that we all know has to get done before the end of the year. These are not optional. This is our homework. This is stuff we have to do, and it is all being put aside for the lame-duck session.

The lame-duck session is the time in between the election when new Members of Congress have been elected and the time they are sworn in—essentially at the end of the first week in November to the first week in January. I will be a lame duck; I am not running for reelection. I would rather the new Senator from my State make the decisions about the future of the country, but because all of these things are piling up, I will be one of the people here making these decisions for the future of our country. I don't mind being here, but it will be very bad for the country to pile up all of these things and expect to get them done smartly in the 5 or 6 weeks that surround Thanksgiving and Christmas.

What are some of these things? First of all, just funding the government—the appropriations bills. Nobody expects we are going to complete work on all of the appropriations bills to run the government, as a result of which we will have to, at the end of the year, pile a whole bunch of bills into what have been called Omnibus appropriations bills—"omnibus" meaning we throw everything into the same pot. The problem with that, coupled with the fact that the Senate hasn't approved a budget in 3 years and won't approve a budget this year, presumably, is that nothing is prioritized; it is just basically a continuation of the spending from years past. So we are not making the critical decisions about dropping this and adding this that would provide more sensible funding of our Federal Government. So that is the first thing we ought to be doing, and that leads me to the second thing.

We have been borrowing so much money that it is very clear we are going to once again run up against the

debt ceiling. We have borrowed so much that we have to increase the debt ceiling in order to pay the money we have borrowed. Nobody likes to do it. Nobody likes to say they voted to increase the debt ceiling. Well, then, why vote to incur the debt in the first place? Oh, we have no trouble doing that—at least some Members in this body and in the House don't—but the reality is that when those people have incurred that much spending, we have to pay the debt, and that means the debt ceiling has to be raised. When will this come to pass? Right after the election. We wouldn't want to take it up before the election. It might remind the American people about how much—too much—we are spending. Forty cents on every dollar we spend in this country we had to borrow. So the debt ceiling is something we are going to have to deal with.

Here is one of the biggest of all: sequestration. We agreed in the Budget Control Act last year that we would save about \$1 trillion over 10 years on discretionary spending and we would try to save another \$1.5 trillion in mandatory spending—the so-called entitlement programs that are really costing us big bucks, including Medicare, Medicaid, and Social Security, and there is a whole variety of other programs that are included in entitlement spending. Nobody is talking about ending these programs as we know them. What politician is going to call for an end to Social Security or Medicare? That is not what we are talking about. We are talking about effectuating savings. There is a huge amount of waste and fraud and abuse that everybody acknowledges. We could save billions of dollars in all of these programs, and we need to do that.

We need to save \$1.2 trillion, which is the actual amount required by law, over 10 years. When we subtract interest, that comes out to about \$908 billion or \$918 billion—I have forgotten which—each year. So some of us have introduced legislation to pay for this \$900-plus billion for next year, to offset with spending reductions the cost of this sequestration. "Sequestration" is a fancy word for across-the-board spending cuts. Half of them go directly to the Department of Defense, and the other half are spread all across the other programs in our budget, from education, housing, you name it. Well, does it make sense to just take a meat ax and lop off the top 10 percent or top 12 percent or whatever it might be of the spending in all of these different programs? Would we want to buy four-fifths of an airplane in the military? Does that make sense or does it make more sense to save \$10 here so we can spend \$10 over here? Obviously, it makes more sense to do that.

Everybody assumes that somehow we are going to avoid sequestration in the lame-duck session of Congress. Who is doing anything about it? Well, some of us have introduced legislation. Also, we hope that this week in the House of

Representatives they will be able to amend the Defense authorization bill by adding a provision that says the numbers in that bill assume we have resolved this sequestration problem as a way to begin negotiations so we can find a solution that both Houses will agree to and both political parties will agree to. This shouldn't be partisan. Everybody loses if sequestration occurs. So let's solve that problem, and let's solve it before we get to the lame-duck session. That is the third thing we can do.

Everybody familiar with our Tax Code knows there is a fourth thing. We have something that happens each year. There are 60 provisions in the Tax Code that expire every year. We have to renew them, and we do, so let's get about it. They have already expired. These are the so-called tax extenders—extending certain provisions of the Tax Code that everybody wants to see extended. They have already expired. We need to do it retroactively the first of the year. Everybody knows we are going to extend most of them; maybe we won't do all of them. We need to do that, so why not? Let's get that done.

We know there are other things that are occurring. There is something called the doc fix. Each year we have to figure out how to pay the doctors who take care of Medicare patients. It costs a lot of money. If we don't pay them, we are not going to have any doctors who will take care of Medicare patients. So it is always a dance: Well, we have to figure out how to pay the doctors. The reality is that if we don't pay them, then we only have ourselves to blame when our senior citizens can't find a doctor to take care of them when they need that care.

There are others as well. The payroll tax holiday expires, and there are many others we need to do as part of our business as Representatives and Senators. This isn't optional. These have to be done to keep the government running, the things we promised our constituents in legislation that we would do.

So another suggestion is let's start working on these big problems. Many of us who will be in a lame-duck position are putting a letter together to our leadership asking them to please tackle these big problems. We should not be voting on a lot of these things. We should be done as of the end of the year. But if we have to, we will. It is not that we are not ready for the work. It is that these things should be done before the election.

This is my last point. You ask, why, if these are things we are supposed to do—the appropriations; dealing with the Tax Code, because it will automatically have a big tax increase if we do not; the sequestration; the debt ceiling; paying the doctors—if we have to do all of these things, why are we putting them off?

Well, here is the dirty little secret. Because if we actually tackled them, we would have to make some tough de-

cisions. If we made tough decisions, we would have to take votes. If we take votes, those votes are going to be on the record. And if those votes are on the record before the election, our constituents will know what we think and how we act, and some of them may not like it.

So we do not want to be on the record, some of my colleagues say. Again, it does not bother me; I am not running for reelection. We do not want to be on the record before the election. It is a little bit like when the President leaned over to then-President of Russia Dmitry Medvedev and he said: Look, after my last election, I will have a lot more flexibility to deal with these issues. You tell Vladimir.

Well, after the election it is too late. The people have cast their ballots. Shouldn't the politicians be willing to say before the election what they stand for? And instead of making campaign promises, how about taking votes on real issues so the American people know where they stand? Then they can make an informed judgment: I like this person over that person because I like the way this person voted or I do not like the way that person voted.

That is what democracy is supposed to be all about. You make the tough decisions. You stand for election. The people either say yes or no. Then, by the way, they hold you in account. After you are elected, they continue to watch how you vote to decide whether they want to vote for you again. But in this day and age, we are playing hide the ball from the American people: Let's do not bring anything up until after the election. That way the American people will not see how we feel about these things.

Some of these are tough votes, I acknowledge. It is hard to figure out how to effectuate savings. If you have to come up with \$100 billion in savings over 10 years, something has to go. So you cannot promise everything to everybody. You actually have to find \$100 billion in savings somewhere.

Senator MCCAIN and I and Senators CORNYN and AYOTTE and RUBIO and GRAHAM and some others have introduced legislation to say: Here is how we would do it. If somebody has a different way of looking at it, tell us.

I will tell you the way we would do it. You can save \$100 billion by doing two things. When people leave government employment, instead of hiring somebody to replace them, we would hire two people for every three who leave. The Bowles-Simpson Commission says only hire one for every three who leave. So we are being a lot more liberal than Bowles-Simpson. We say, every time three people leave the government, let's only hire two back. I bet we could get by as a country doing that. The other thing is, the President froze increases in Federal salaries, and we would simply extend that freeze through the middle of 2014.

There are other ways to do it. There are hundreds of billions of dollars to be

saved. If you have a better idea, we are all for it, but at least come up with something and do not be afraid to vote. The American people are pretty smart. They get this stuff, and they know there is no free lunch. They know that government costs money, and they know you cannot save money by continuing to promise everything to everybody.

I urge my colleagues on both sides of the aisle, the leadership in both the House and the Senate, let's get serious about this. First of all, let's not raise taxes. Let's reduce regulations. Let's have a real energy policy. Let's get our work done—the work we know has to be done. And let's get it done as soon as we can. That would give families and businesses the knowledge of how to plan for the future. That would help them understand what they have to deal with and not have to incur this huge uncertainty, which is so much of a drag on our economy today.

These are four constructive suggestions. There is a lot more we could do. But when our economy is in as bad a shape as it is right now—and it is not getting much better; we have this many people not even looking for work anymore—we need to do something more than be out on the campaign hustings talking small ball and trying to blame it on the other side.

Let's get to work, follow these four ideas, and I think we could make tremendous progress to get our country moving again. Frankly, if we did, I think the American people would reward us. They would say: Thank you. Thanks for finally doing something. That is what we sent you there for, and we will reward you for it. So ironically, good policy turns out to be good politics. I think we need a little bit more good policy.

I 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. JOHNSON of Wisconsin. Mr. 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. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues for up to 30 minutes.

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

#### THE BUDGET

Mr. JOHNSON of Wisconsin. Mr. President, by now, it should come as no surprise that the Senate has not passed a budget in over 3 years. I believe it has been 1,111 days. When I go to back to Wisconsin—and I think it is probably true of my colleagues—the people of Wisconsin, and I think the people all over America, want us to work together and solve our debt and deficit issue. Since I have been here, the Re-

publicans have fulfilled the responsibility to show what the plan is for stabilizing our debt and deficit. The House passed a budget in the last 2 years, but the Democrats in the Senate have not. It is because they simply refuse to be held accountable. That is a real shame.

I realize the American public wants us to work with each other, but my suggestion is that the first individuals who need to work with each other, the first compromise that needs to be done is with our Democratic colleagues in this Chamber. They have 53 percent, and they only need 51 to pass a budget. They need to get together and work together, and they need to hammer out a compromise and pass a budget. The way that we get together and compromise in the entire process is the House budget would be presented with the Senate budget, we would do a conference, and we would have a process for being able to compromise. That is the basic minimum of what I think needs to be done in the Senate.

One point I want to make is that President Obama has made a number of promises during his administration, and one I will talk about now is on February 23, 2009. In his opening remarks to the fiscal responsibility summit, the President stated:

Today I am pledging to cut the deficit we inherited in half by the end of my first term in office. This will not be easy. It will require us to make difficult decisions and face challenges we have long neglected. But I refuse to leave our children with a debt that they cannot repay, and that means taking responsibility right now in this administration for getting our spending under control.

I point out that when he made those remarks, the most recent estimate for what the deficit would be in fiscal year 2009 was put forward by CBO on January 7, 2009. They were estimating that the deficit for that year would be \$1.186 trillion or 1.2 rounded up. Half of that amount would be \$593 billion. That is the promise President Obama made to this Nation in terms of the work he would put in and what he would deliver to our Nation in terms of deficit control.

The facts are far different. In 2009, largely because of the very partisan stimulus package the President passed, the deficit wasn't \$1.2 trillion, it was \$1.4 trillion. That was followed in 2010 by \$1.29 trillion. Then in fiscal 2011, it was \$1.3 trillion. The latest CBO estimate for deficit for this year will be \$1.253 trillion, almost \$1.3 trillion. That is double what the President promised he would be delivering to the American people in terms of deficit control.

Moving forward, this President in his budget is projecting increasing our debt from \$15 trillion to over \$25 trillion. I am not sure that is believable. The other quote of his was on September 26, 2011, in remarks at a DNC fundraiser in San Diego when he was trying to sell his Americans Job Act. He said the following:

What I have said is that this is a very simple principle that everybody should understand. Warren Buffett's secretary should not

pay a lower tax rate than Warren Buffett. A teacher making \$50,000 a year, or a firefighter making \$50,000 a year, or \$60,000, should not be paying a higher tax rate than somebody making \$50 million a year. And that basic principle of fairness, if applied to our Tax Code, could raise enough money that not only do we pay for our jobs bill—

And here is the key quote:

—we would also stabilize our debt and deficits for the next decade.

Mr. President, I don't know what you call that last statement, but I think it could be called a doozy. I think the President has a very serious responsibility not to mislead the American public. I think that statement was a gross violation of that duty.

I have one chart here, a simple one. It shows the 4-year deficit figures for the last 3 administrations. Here's Bush's first 4-year administration, which is a \$.8 trillion total deficit in 4 years. In the second 4 years, it is \$1.2 trillion in deficit spending. This President will accumulate \$5.3 trillion in deficit spending in his 4 years. Four years of the Buffett rule—that tax President Obama said would stabilize the debt and deficit—would be \$20 billion. I realize the people in the gallery probably cannot see that line on the chart, but it is obviously not enough to stabilize the debt and deficit.

I think the President has the obligation and duty not to mislead the American public. That is what he did in this case.

Senator CORKER has been a real leader on this issue in terms of being a real hawk in trying to get our Nation's fiscal house in order. I wonder if he has any comments.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I appreciate the Senator's comments, and I see the Senator from Texas and the Senator from Wyoming here also.

Look, I think the No. 1 responsibility we have in the U.S. Senate is to pass a budget and to lay out for the American people how we are going to spend the resources that come in. The last time we passed a budget was 1,111 days ago, and we spent over \$10 trillion of the U.S. taxpayer money during that time.

To be honest, I have quit voting for any spending bills—any spending bills—until we come to a point in time where we at least lay out for the American people how much of their money we are going to spend and what we are going to spend it on.

Again, each year we have \$3.5 trillion to \$3.6 trillion being spent by the Federal Government with no plan. I am embarrassed for this body, candidly, that we have not even tried to take up a budget. I know that the committee itself began to take one up a few weeks ago, and the chairman was asked not to do it because it made no sense to do a budget at this time. Thankfully, the Parliamentarian ruled in this body that it was appropriate for us to take up a budget. Again, I cannot imagine a greater shirking of our responsibility than to not lay out to the American



people exactly where their dollars are going.

What worries me most is that this is the greatest transference of wealth from these pages—from their generation to my generation—that has existed in modern history in this country. There is a tremendous transference of wealth as we do not deal with the issues of Medicare, Medicaid, and Social Security. What we are doing is actually piling up tremendous amounts of indebtedness so that the people of America will like us more as politicians, as we don't make difficult decisions and don't have to wrestle with the fiscal issues that we have as a Nation.

This is the thing that is ailing Western democracies around the world. We are seeing this play out, obviously, in Europe right now, as citizens are rising up in protest over having to deal with the tough issues of the day. There has been this grand bargain in Western democracies—ours being one—where politicians have given citizens what they wish without asking them to pay for it.

I think we all understand that this is up now. We have a dilemma in this Nation. We have a dilemma around the world right now because of our inability to deal with this issue. So in the process, what we are doing is basically transferring wealth from that generation to my generation. It is absolute generational theft. I think it speaks to the greatest vulnerability we have as a Nation.

If you speak to all of our national security analysts or you speak to anybody in this body, we know our greatest threat is not what is happening in China, it is not what is happening in Iran, it is not what is happening in Syria, but the greatest threat to this Nation is us, ourselves. For some reason, this body has chosen to totally shirk our responsibilities as they relate to dealing with this issue.

I know over the next couple of weeks we are going to have the opportunity to vote on some budget resolutions. I agree with the Senator from Wisconsin. I hope there will be at least some way this body can come together and present a budget for debate. If not, I know there will be alternatives put forward. Again, this is the greatest threat to our Nation; that is, our inability to show the kind of discipline we need to show as a Nation. Our country's greatness is dissipating as we continue to shovel this under the rug and not deal with it. I do hope the Senate at some point soon will rise and deal with the major responsibilities we have in this Nation, and that is putting our country on sound footing.

I will close with this. I don't think there is anything we can do that would cause our economy to lift off more quickly than for people in this Nation and around the world to know that we actually have dealt with progrowth tax reform and entitlement reform, and passing longer term budgets and discretionary caps that would put this Na-

tion on sound footing. I believe the economy would take off. I hope that is what we rise to do before the end of this year.

I yield the floor for my colleague and great friend from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Tennessee. It is interesting, because there are four of us on the floor right now—the Senator from Wisconsin, the Senator from Tennessee, the Senator from Wyoming, and myself. We have one thing in common. Every one of us has run a business. Every one of us was in business before we came to the Senate. So we know when we are talking about new taxes—which is all we hear from the administration—that is not going to help this economy grow, because our small businesses are scared to death out there.

I know because I have heard the Senator from Tennessee and the Senator from Wisconsin, who came straight out of a business and who ran for the Senate because he was so frustrated in business—we know that small business people out there today are looking at the increased taxes that are already in place with the Obamacare added taxes and surtaxes that have already been passed by the Democrats in Congress, without one single Republican vote. Those taxes are already on board to increase, plus you have the fines they are facing if they don't have the government-prescribed plan for the Obama health care plan. They are going to have to pay fines on top of the surtaxes to pay for the bill they are not going to be able to use. Then they are looking at the regulations that are coming out of this administration and saying: And Congress wants to spend another trillion dollars this year?

Every one of us knows we are looking at hitting the debt ceiling again—over \$16 trillion—this fall, because this administration will not even consider lower taxes and lower spending levels. So I look at all of us on the Senate floor right now who have been in business, who have run a business, who have met that payroll, who have met the regulatory environment, and I think: Why on Earth don't we listen to the small businesspeople of this country and in this body and do what they do every year—pass a budget?

The Senator from Wyoming is here, and I would just ask if he has an idea of when was the last time the Senate passed a budget resolution.

Mr. BARRASSO. Well, I would tell my colleague from Texas, who has been a leader in this fight asking for a budget, demanding a budget, as of today it has been 1,111 days since the Senate passed a budget, in spite of the law that says they must do so by April 15 of each year. So April 15 came and went this year, as it did last year and the year before, and yet there is no budget.

So I look to the leadership of the Senator from Texas, who knows how the hard-working families in her State

and the hard-working families of my State resent the fact that Washington refuses to be accountable. The Democrats in this body refuse to be accountable to the American people.

All the American people are asking for, in my view, is value for their money. They want to make sure the money they send to Washington is being spent effectively and efficiently, and they are actually getting value for their money.

I assume that is what my colleague is hearing from Texas as well.

Mrs. HUTCHISON. Well, of course. And the spending issue is very interesting. I look to my colleague from Tennessee, who is really one of the deficit hawks in the Senate, and when I look at the statistics that are being put out about the entitlement spending, the entitlement spending today is over 50 percent of our spending every year—mandatory spending. In 10 years it is going to be 75 percent of the spending in this country.

So I would ask my friend from Tennessee—because he has been pure on this issue, being the deficit hawk he is—how would we be able to solve the spending problem of this country without addressing Social Security, Medicare and Medicaid—mandatory spending—which will be at 75 percent of the budget in 10 years if we continue at this rate?

Mr. CORKER. I know the Senator from Texas spends a tremendous amount of time on appropriations issues and knows a great deal about this, and she knows more than me if we wiped out all discretionary spending—which this year will be capped at \$1.47 trillion—we still wouldn't wipe out the budget deficit.

So the Senator is absolutely correct. We could do away with all defense spending, all educational spending, all research and development, and we could still not cause our budget not to have a deficit. Let me give a stat—and I talk about this a lot back home, and I am so glad the Senator has given me this opportunity.

The average American worker earns \$43,500 today. So in a two-wage-earner family, that is \$87,000. Over their lifetime, in today's dollars, that family will pay into the Medicare Program \$119,000, and that includes the part the employer pays on their behalf. So between what they pay in and the employer—and the Senator from Texas has been an employer before and knows about paying the Medicare taxes into the system—that combined amount of money for the average American family is \$119,000 in today's dollars. That same family, if they retired, would take out of the system, over their lifetime, \$357,000. Now think about that. That is in today's dollars. Again, \$119,000 going into Medicare on their behalf and \$357,000 coming out of Medicare.

I think most people in this body—even people who haven't been in business—realize we cannot make that up



with volume. Yet volume is on the way. There are 20 million more Americans over this next decade who are going to be part of that same formula—\$119,000 in and \$357,000 out.

I have been quoting these stats every year, and the numbers get further and further apart every quarter.

Mrs. HUTCHISON. I want to ask the Senator from Tennessee, because he brought this up, not only is it so clear there is more going out than coming back in, what would he say to the fact we also—not we, because he, along with myself and the Senator from Wyoming—voted against the Obama health care bill, but interestingly, with those numbers the Senator just quoted, that bill cuts \$500 billion more out of Medicare to pay for that overdraft the Senator is talking about. He was talking about a generational change as well. Oh, my goodness.

Mr. CORKER. Mr. President, \$529 billion, to be exact. The Senator from Wyoming has brought out over and over the unsustainable growth problem we have, meaning every year we come to this cliff with physicians—and he is a physician and used to practice on a daily basis—and instead of dealing with that issue over a decade, which would have cost about \$300 billion, instead, we swept that issue under the rug and took the full \$529 billion to help create this entitlement.

I think most people in this body know there is no way this bill is going to work the way it is laid out; that the costs are going to be substantially more because in a free enterprise system, people act on their own behalf, in their own self-interest. The subsidies are so high for families up to \$88,000 a year, the penalty is so low, what is going to happen is we are going to have millions and millions of people out on this program far beyond the projections that have been laid out.

So anyway, because we are talking about Social Security and Medicare, all of us want it to be solvent. That is what we want to see. We want to make sure Medicare and Social Security are here for generations down the road. But we all know—the Medicare trustee has said so—it is going to be insolvent by the year 2024.

One way to do deal with it is to put our heads in the sand and just let it happen in the years after we are gone, let it happen to the good citizens of this country. Another solution is to recognize: Hey, this is a big ship, and we need to turn it a little in another direction so these young people sitting in front of us don't have to carry the tab.

Mrs. HUTCHISON. I am so pleased the Senator from Tennessee brought that up because there is a way for us to at least fix one of the entitlements in a relatively painless way, and that is Social Security. It is going to have a few changes that some people will not like, but it could be so gradual if we do it now. We could simply raise the age 3 months a year.

In the bill I have proposed—and there are others that are equally as good, although none of them have been taken up—it would say: If you are 59 years old, you wouldn't have any change at all. If you are 58, you would retire 3 months later. So it would be very gradual. If we do that, and adjust the cost-of-living increase, we would not have to raise any social security taxes, we would not cut the core benefits at all, and we could gradually ease into a system that would be solvent for 75 years. Then our elderly, who need Social Security, will have it there.

That is a proposal on the table now. But what is happening in Congress? And where is the leadership from the White House? Nothing. Nothing.

I am going to turn to the Senator from Wyoming because he is one of the two actual physicians in the Senate, and he knows more about the Obama health care system. When we look at what the Obama health care system is doing to Medicare—cutting it  $\frac{1}{2}$  trillion—and then this Social Security issue we have discussed, the overall Medicare issue the Senator from Tennessee addressed, and what the Senator from Wisconsin has brought out in his charts—and he has been the real hands-on, most recently experienced small businessperson—I would ask the real doctor in this body: What is going to happen if the Supreme Court doesn't save America by throwing out the individual mandate on constitutional grounds and we actually have the implementation of ObamaCare, with the taxes and fines that are going to come in on January 1 of next year if we don't act? Where are we going to be in health care in this country?

Mr. BARRASSO. I would tell my colleague and friend from Texas, who is a wonderful student of this as well, this health care law is bad for patients, it is bad for providers—the doctors and nurses who take care of those patients—and it is terrible for taxpayers, who are going to get stuck footing the bill. So it is not a surprise this administration doesn't want to come to the Senate, is embarrassed to come to the Senate with a budget, because they know the American people would be so offended by the irresponsibility and the nature of such a budget.

That is the situation we find ourselves in now. As both my colleagues have said, they took \$500 billion from Medicare—and not to save Medicare, not to strengthen Medicare—to start a whole new government program for someone else. That is why when I travel the State of Wyoming and I talk to seniors, they say they don't like this health care law. It is why the health care law is even more unpopular today than it was the day it was passed.

But I do notice our colleague from Wisconsin has a new chart I am trying to read from here, and so I will ask if he could share with us what is on that chart so that everyone gets a chance to see it and hear the explanation.

Mr. JOHNSON of Wisconsin. I thank the Senator from Wyoming. I came pre-

pared with charts, and a number of things that have already been mentioned by my colleagues I am ready for.

We are talking about the true cost of the health care law. When this was passed—and I actually grossed up these figures because they actually netted out—the savings of Medicare with new spending in Medicare, the way ObamaCare was originally going to be paid for was about \$1.3 trillion to cover about \$1.1 trillion in outlays. That was split up in basically two ways: about \$590 billion in taxes, fees, and penalties, and then \$665 billion in reductions in Medicare, Medicaid, and Medicare Advantage.

Now, we have not imposed the \$208 billion of the doc fix, the sustainable growth rate formulas, because even Washington realized if we reduce payments to providers, there will be less access for seniors. So I guess I don't have any reason to believe those cuts in Medicare will actually occur.

If we move the budgetary window forward to the timeframe when ObamaCare truly kicks in—because, initially, by the way, we had 10 years of revenue and only 6 years of outlays. But really we only had 4 years of full outlays. If we move the budget window forward, the true cost of ObamaCare over a 10-year window is \$2.4 trillion, and that is a very minimal estimate. That is very conservative. If we don't impose Medicare cuts, and we only grow the taxes, fees, and penalties—about \$816 billion—that leaves a \$1.6 trillion deficit risk over 10 years.

We are talking about these deficits now that for 4 years have been \$1.4 trillion, \$1.3 trillion, and \$1.3 trillion, \$1.3 trillion. We are trying to close a \$1.3 trillion deficit with about \$1 trillion worth of discretionary spending. The other graph I had—and this plays into what the earlier part of the conversation was—reflects the 1960s, when 68 percent of our expenditures were appropriated. They were under some control in Congress. And 32 percent were the mandatory programs and interest. Currently, about 36 percent of government expenditures are appropriated and 64 percent are basically off-budget, on automatic pilot.

As the Senator from Texas pointed out, 10 years forward, only about 25 percent of our Federal budget will be appropriated—will be discretionary spending. Everything else is on automatic pilot. That is simply not sustainable.

The last graph I want to put up—and we haven't talked about this yet—reflects what I really fear. If we take a look at the average borrowing costs for the United States from 1970 through 1999, when we were a far more credit-worthy nation, our debt's GDP ratio ranged from about 40 percent to 67 percent. Our average borrowing cost as a nation was 5.3 percent. Over the last 3 years, from 2010 to 2012, our average borrowing cost has been 1.5 percent because we have held rates artificially low.

If we just revert to that mean, that would actually be a 3.8-percent differential. Applied to our debt, that would be \$600 billion to \$700 billion per year in additional interest expense. Compare that to \$1 trillion worth of discretionary spending, and that would totally wipe out the defense budget, for example, or if we maintain the defense budget, it would wipe out all discretionary spending.

That is what we need to be concerned about. That is the day of reckoning I am concerned about: when creditors from around the world take a look at the United States and say: You know what. I am not going to loan you any more money. What is more likely to occur is they will say: I will loan you more money but at a far higher interest rate.

I know the Senator from Tennessee is fully aware of these types of figures.

Mr. CORKER. I would say to the Senator from Wisconsin and everyone, that is an outstanding chart, and I like the one before it even better. But the fact is that it is so easily known, the illumination is so bright that we have a major fiscal issue in this country, and we are watching how that can play out and be so destructive to people's lives right now in Europe as they try to deal with these issues.

Our Nation is so large and the economy is so big that there will not be anyone to come to our rescue such as we are seeing play out in some of these other countries. And for us to see what is happening and to know we are participating in this—we are participating in this because spending here in America is on auto pilot. We are going to spend \$45 to \$47 trillion of the American people's money over the next decade. We have not a single document in place to lay out how that is going to take place. I think it is incredibly irresponsible.

It would be an embarrassment to me if I had some ability to run this place and to know that we had no budget and yet we know the calamity that is going to occur if we do not deal with this issue. We understand it full well, and we are doing nothing about it. Instead, we are dealing with all kinds of issues that are all about elections and whether one side can make the other side look bad and is this going to make a tough vote for somebody else, instead of dealing with our No. 1 responsibility.

I am hoping that somehow at least 60 folks in this body will be willing to pass a budget to then create a conference between the House and Senate so we can take a major step toward living up to our financial obligations as a country.

I thank the Senator so much for organizing this today.

I yield the floor.

Mr. JOHNSON of Wisconsin. The Senator from Wyoming looks as though he might have another concluding comment.

Mr. BARRASSO. I just want to thank my colleagues who are here today shar-

ing their time and their insight. They have a lot of insight because they have run businesses, they have worked to actually meet a budget and live within a budget, have dealt with government regulations. And the Senator from Texas was talking about these regulations. They are burdensome, they are expensive, and they are time-consuming. It is hard to budget when you don't know what to expect. That is what the American people who create jobs and who work jobs need—some predictability and some certainty so they can make wise decisions. And when you have a Congress led by the Democrats in the Senate who do not pass a budget, the predictability isn't there, the certainty isn't there. There is so much confusion and uncertainty that people have a hard time making the longer term decisions.

To my colleague from Wisconsin, I know that is what I saw in my medical office, and as I talk to my colleague, I know they have the same situation in Wisconsin.

I thank my colleague from Wisconsin as well as my colleagues from Texas and Tennessee for their leadership and their continued efforts to try to get the Democrats in this body and this administration to pass a budget, which by law they are mandated to do. Yet, even today, now we are at 1,111 days without a budget. To me, that is inexcusable.

Mr. JOHNSON of Wisconsin. I appreciate those comments.

I will conclude.

There really are two plans on the table right now. One is from the House Republicans. It actually passed the Chamber. Republicans were willing to put their votes to a budget. Republicans are willing to be held accountable. Of course, the other plan would be the President's budget, which last year lost in this body 0 to 97, and his current budget lost in the House 0 to 414. So I guess you can say that is a plan that doesn't sound like a particularly serious plan.

So I join my colleagues, and I thank the Senators from Texas and Wyoming and Tennessee for joining me. I would join them in asking this body to please exercise your responsibility, own up to your duty, and let's pass a budget.

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

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

CONGRATULATING JOHN PAUL HAMMERSCHMIDT

Mr. PRYOR. Mr. President, my colleague and I would like to extend a special birthday greetings to former Congressman John Paul Hammerschmidt. So with the President's approval, I will turn it over to Senator BOOZMAN and let him lead off.

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

Mr. BOOZMAN. Mr. President, it is a pleasure to be with the senior Senator from Arkansas discussing somebody for whom we both have a great deal of affection; that is, the former Congressman of the Third District of Arkansas, the district I used to represent. Congressman Hammerschmidt represented the district for 26 years, and he just recently celebrated his 90th birthday on May 4.

John Paul has led a life dedicated to public service. In fact, that is truly an understatement. Along with that, he served as a combat pilot during World War II and is part of the "greatest generation."

Once he returned home to Harrison, AR, he ran the family lumber business while spearheading efforts to create a two-party political system in the State of Arkansas. John Paul helped mold the political landscape of the State of Arkansas, and he never lost sight of the reason why he was doing that and why he worked so hard to provide a two-party system, that being the people of Arkansas.

By the time he was elected to Congress in 1966 as the first member of his party to represent Arkansas in Congress since Reconstruction, John Paul had a reputation of working to help others. He did that for 26 years as a Member of Congress. By the time he retired, he was the ranking member of the House Transportation and Infrastructure Committee. He served in Congress with the same enthusiasm that propelled him into office and was well respected by his colleagues on both sides of the aisle for his strong work ethic, approach to getting work done, and his responsiveness to constituent service.

Eleven years ago, when I was a newly-elected Member of Congress who also represented the district John Paul used to represent, he gave me advice that I continue to follow; that is, the key to good governing and the key to good public service is that, once elected, there aren't any more Republicans, there aren't any more Democrats—there are just the people of Arkansas and the people of America, and we need to take care of them.

His words ring as true today as they did 11 years ago. His efforts to work with his colleagues in both political parties benefitted Arkansas and America and show what it truly means to be bipartisan. Despite being in the House minority, he was able to achieve much success in Congress because he recognized that the key to good governing and good public service is that you treat everyone fairly and set aside political differences. This ideology allowed him to be influential in a variety of different areas. He is credited with securing improvements for roads and infrastructure projects, including Interstate 540 and the Northwest Arkansas Regional Airport, protecting the Buffalo River under the designation as a national river, and setting the

example of exemplary constituent service that we strive to continue today.

He is showing no signs of letting his age slow him down by any means. He continues his service on numerous boards and for organizations with the same vigor he demonstrated throughout his career. John Paul played an important role in our State's history, and he is still continuing to play an important role in our State's history. He also was an important influence on me, as he was to so many others in Arkansas. I consider him a friend and a mentor.

I recall the first time that I was in Washington being sworn in, in 2001. He took my brother and me to the Members' dining room. It was a very special time, and just his hospitality to all of us throughout the years was so gracious. I appreciate very much his advice and friendship.

John Paul is able to leave his fingerprints on projects important to Arkansas through his hard work, dedication, and commitment. He never forgot about the people he was sent to Washington to represent, and we are truly grateful for his tireless efforts to represent the people of Arkansas.

Mr. PRYOR. Mr. President, John Paul Hammerschmidt is 90. There are many colleagues here in this Chamber, who serve in this body today, who worked alongside him either during their service in the House or when they were in the Senate. He is one of the Arkansas greats. He served northwest Arkansas, which is the Third Congressional District, 26 years in the Congress. Looking back at his career, John Paul once said, "The only reason people should be in public office is to purely serve other people." Indeed, he set the bar for constituent service—from delivering a Social Security check to a senior bogged down in bureaucracy or fighting for disability benefits for a veteran. Today, each of us in Arkansas congressional delegation tries to emulate his legendary casework management.

One of John Paul's most significant contributions was preserving the Buffalo River as a free-flowing stream. According to the Pryor Center for Arkansas Oral and Visual History, John Paul first floated the Buffalo at age 12 after taking wood from his father's lumberyard to build himself a boat. Nearly 40 years later, he established the Buffalo as the first National River. This was not an easy achievement, but one that was built with persistence and through relationships within the community. Today, tens of thousands of Arkansas families, including mine, enjoy floating the Buffalo National River.

John Paul also used his time in Congress to help northwest Arkansas expand its infrastructure to keep up with the region's fast growth. It is one of the fastest growing sections of the country. As a member of the Public Works Committee, John Paul was credited with securing bipartisan support on key infrastructure legislation. We could use a little of his magic today.

You can't go far in northwest Arkansas without seeing his impact. We have the John Paul Hammerschmidt Highway, an access road to Carter Field near Rogers, an industrial park at Diamond City, JPH Plaza, the John Paul Hammerschmidt Business and Conference Center at North Arkansas College in Harrison, John Paul Hammerschmidt Lake at Fort Smith and the JPH Federal Building in Fayetteville.

Upon John Paul's retirement, former Congressman, Commerce and Transportation Secretary Norman Mineta spoke on the floor of the House of Representatives, saying:

There is no individual in the House who is more loved and respected than John Paul Hammerschmidt. His honesty, gentleness, decency, and integrity are second to none. Don't be swayed by his quiet manner, because underneath is a man with strong convictions, a sense of purpose, and a keen desire to get things done.

It is fair to say that John Paul never actually retired. He remains involved in many civic organizations, including the Northwest Arkansas Council and March of Dimes. Higher education continues to be a priority. John Paul serves on not one but two boards of trustees—the Board of Trustees at the University of the Ozarks and he is a Trustee of Arkansas State University.

John Paul Hammerschmidt has spent decades serving others and giving back to his community. I am pleased to have this opportunity to pay tribute to all he has achieved so far and to wish him a happy 90th birthday and many more years of health and happiness.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

#### NOMINATION OF GEORGE LEVI RUSSELL III, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

#### NOMINATION OF JOHN J. THARP, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland, and John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time run until 5:30 p.m. on the nominees, which would be approximately 50 minutes, but that time be divided in the usual form.

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

Mr. President, last week, 5 months into the year, the Senate finally was allowed to finish clearing the backlog of 19 judicial nominees who were needlessly stalled since last year by Senate Republicans. Today the Senate is being allowed to consider two of the 19 judicial nominees now awaiting final Senate action. George Levi Russell is nominated to fill a judicial emergency vacancy in the U.S. District Court for the District of Maryland and John Tharp to fill a judicial emergency vacancy in the Northern District of Illinois. These nominees have the support of their home State Senators and were reported 3 months ago with the bipartisan majority of the Judiciary Committee.

I hope the fact that the majority leader was able to obtain consent to move these nominations signals that the Senate is being allowed to return to regular order, and that the majority leader will be able to schedule a vote without further delay on the nomination of Paul Watford of California to fill a judicial emergency vacancy on the Ninth Circuit. His nomination was reported before those being considered today and has been skipped in the order. He is a fine nominee with outstanding qualifications and bipartisan support.

Last week, we were finally able to confirm Judge Jacqueline Nguyen of California to fill a judicial emergency vacancy on the Ninth Circuit after a needless 5-month delay. Her nomination had been reported unanimously by the Judiciary Committee and was confirmed by a vote of 91-3. It took the filing of 17 cloture petitions in March to get Senate Republicans to agree to consider her nomination.

The Ninth Circuit is still in dire need of judges. With nearly three times the number of cases pending as the next busiest circuit, we cannot afford to further delay Senate votes on the other two nominations to the Ninth Circuit. Paul Watford of California passed the Committee more than 3 months ago. Andrew Hurwitz of Arizona passed the Committee more than 2 months ago. There is no good reason for Senate Republicans to further delay votes on these Ninth Circuit nominees. The 61 million people served by the Ninth Circuit are not served by this delay. The circuit is being forced to handle more than double the caseload of any other without its full complement of judges. The Senate should be expediting consideration of Paul Watford and Justice Andrew Hurwitz, not delaying them.