

Cowan	King	Reed
Donnelly	Klobuchar	Reid
Durbin	Landrieu	Rockefeller
Feinstein	Leahy	Sanders
Fischer	Levin	Schatz
Franken	Manchin	Schumer
Gillibrand	McCain	Shaheen
Graham	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Heinrich	Mikulski	Udall (NM)
Heitkamp	Murkowski	Warner
Hirono	Murphy	Warren
Isakson	Murray	Whitehouse
Johanns	Nelson	Wyden
Johnson (SD)	Portman	
Kaine	Pryor	

NAYS—34

Barrasso	Enzi	Paul
Blunt	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Scott
Chambliss	Heller	Sessions
Coats	Hoeven	Shelby
Coburn	Inhofe	Thune
Cochran	Johnson (WI)	Toomey
Corker	Kirk	Vitter
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

NOT VOTING—2

Lautenberg	Rubio
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. ROBERTS. I ask unanimous consent to proceed as in morning business for 15 minutes.

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

The Senator from Kansas is recognized.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 677 are

located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

STABBING AT LONE STAR COLLEGE

Mr. CORNYN. Madam President, I have a couple matters I wish to discuss, but before I get to that, we have been advised—through the news media—that there have been multiple victims who have been injured during a stabbing attack at the Lone Star College CyFair campus in Texas. One person has been taken into custody.

Unfortunately, this is the second time, in a short period of time, that the Lone Star College campus has been struck with acts of senseless violence, and I think it is appropriate to say here and now that our thoughts and prayers are with the victims and their families. We hope law enforcement does its typically good job and finds those responsible to make sure those who are responsible are prosecuted to the fullest extent of the law.

BORDER SECURITY

Madam President, I wish to remind my colleagues that if they don't know where they are going, then they will probably never know when they get there. Stated another way: If you don't measure the size of a problem, you will never know how close or how far you are away from solving it. It seems like common sense. But since 2010, the Department of Homeland Security has used the metric or the measuring stick of operational control to determine how successful it is about detaining those who cross our southwestern border illegally. This is a matter of basic public safety since we know drug cartels, human traffickers, and other criminals regularly exploit this porous southwestern border in order to do their dastardly deeds.

For some reason, the Department of Homeland Security has dropped this metric or measuring stick of operational control altogether, and so far they have yet to replace it with some other measuring stick or some other way to determine how successful or unsuccessful they have been. It has literally been 3 years since the Department of Homeland Security has had a functional measurement of border security.

Again, this is about public safety. This is about deterring and stopping criminals and others who come across the border to deal in drugs or in human lives. During this same time period, the Government Accountability Office has reported that the Department of Homeland Security had achieved operational control—this was about 3 years ago—of less than 45 percent of the southwestern border.

The Los Angeles Times wrote a story recently that showed between October 2012 and January of 2013, the Department of Homeland Security failed to apprehend at least 50 percent of the people who attempted to cross the bor-

der without proper paperwork; in other words, illegal border crossers.

I think, by any measure, whether one is a Democrat or Republican, Independent, no matter what your political stripes, this is unacceptable, and we need to do better.

Earlier today, I introduced legislation that would require the Department of Homeland Security officials to verify how much operational security we actually have along our borders. The Border Security Results Act of 2013 would also require the Department of Homeland Security to develop a comprehensive strategy—something we have been missing for a long time—for achieving operational control of every single border sector.

My State has 1,200 miles of common border with Mexico. We know that much of the illegal activity does not even start in Mexico but comes up through Central America. People around the world know that if they can get to Central America and pay the human smugglers enough, they can make their way into the United States. Even though we have beefed up the Border Patrol, the Department of Homeland Security, and applied new detection techniques so our border is more secure than it was, last year alone 360,000 people were detained by coming across the southern border. If we believe the Los Angeles Times story, which I think rings true, at least twice that many people actually tried—half were detained, half made it across.

This bill would define operational control as a threshold in which U.S. authorities in a given sector are apprehending at least 90 percent of the people who are coming across, and it would require the Department of Homeland Security to gain full situational awareness through technology, boots on the ground, and results-based metrics.

Metrics is just a fancy word. It is a measuring stick. It is a yardstick. Not only do we need to talk about the numbers, we need to talk about the very human tragedy associated with these numbers and inadequate border security.

As I said, a porous United States-Mexican border also encourages drug and sex traffickers, including all sorts of criminals who prey on children, the weak, and the vulnerable. By gaining operational control of our borders, we can save lives and protect innocent human life.

We can also safeguard the basic property rights and civil rights of people who live along the border while we respect those who play by the rules and who are now trying to pursue their American dream as legal immigrants to the United States. This is not designed to deter people who want to play by the rules and who want to enter this country to work and provide for their family according to the law of the land and seek to achieve their American dream.

This is also not an alternative to fixing our broken immigration system, but it is complementary of the work being done of the so-called Gang of 8—four Republicans and four Democratic Senators—as well as House negotiators who are trying to work out just exactly what border security actually means, how to measure it, and how to know if the Department of Homeland Security is doing the job. Even as we debate the larger issue of Homeland Security, everyone, Democrat and Republican alike, believes this is an essential component of a comprehensive bill.

In short, we should be doing everything possible to encourage the type of legal immigration that benefits our economy and our broader society while discouraging and deterring illegal entry into the country, which unfortunately, is being exploited by drug cartels, human traffickers, and other criminals.

The United States-Mexico relationship is about far more than just immigration security. This is not limited to just Mexico. This is very important. Mexico is our third largest trading partner. There are 6 million jobs in America that depend on cross-border traffic and trade with the country of Mexico. By the way, their economy is growing at a much faster rate than ours. It is something we can look at and be envious of and hopefully we can ultimately emulate.

The health and success of Mexico's economy is important to the economy of the United States for the reason I just mentioned. There are now millions of jobs which depend on trade with our southern neighbor, including hundreds of thousands of jobs in my State of Texas alone. Unfortunately, our land ports of entry along the United States-Mexican border have not kept pace with the rapid expansion of bilateral economic ties, and they are suffering from both inadequate infrastructure and inadequate staffing. Wait times at the border for people who are playing by the rules and trying to enter the country legally have grown unacceptably long.

The Border Security Results Act would help mitigate this problem by requiring the Department of Homeland Security to devise a plan to reduce the wait times by at least 50 percent. I might add, when we think about security and the economy, these go hand in glove because the very same people who are working to provide security from illegal entry are the very same ones often facilitating legitimate trade and commerce. By reducing wait times at the United States-Mexican border, we would facilitate greater bilateral trade and faster job creation on both sides of the Rio Grande River. That is just one additional reason that the Border Security Results Act deserves to become law as soon as possible.

Again, on this point, this is entirely complementary of the work and negotiations that are taking place now in the Senate among the Gang of 8, who

will report to us any day now on their framework and how they think we ought to move forward on the immigration issue. But until we regain the public's confidence that the Federal Government is doing its job at this international border in terms of legitimate trade, deterring common criminals, and drug and human traffickers, then I doubt our chances for success on the larger issue are very good.

PRESIDENT OBAMA'S BUDGET

Before I conclude, I wish to say a few words about President Obama's budget request. As we all know, the due date for the President's budget was February 4. One might say: February 4 has long passed. That is correct. It was the day after the Super Bowl. But here we are 2 months later, and the President has defied the requirements of the law which says the President must submit his proposed budget the first Monday of February.

Unfortunately, he is the first President in modern history not only to have failed that deadline but to see the Senate and the House actually move forward with our respective budgets before the White House releases its own.

If the President, who is obviously the leader of the free world and Commander in Chief of the United States military, wants to be relevant to the largest, most important domestic issue facing this country, which is how to get control of our debt and deficit and how to get the American Government to live within its means, I cannot think of anything more likely calculated to lead to his irrelevancy than to wait until the House and the Senate have already dealt with our budgets and submit his budget. That is what has happened.

Tomorrow is the big day when we finally get to see the President's budget proposal. According to some press reports, we already have an idea of what is in it. For one thing, the President's budget will not balance. It is not a balanced budget. The President likes to talk about balance when discussing economic matters. Well, the President's budget doesn't balance in 10 years or in 20 years or ever. What it will do, we are told, is increase spending by hundreds of billions of dollars—money we simply don't have. Right now the Federal Government is spending roughly 25 cents out of every dollar, of money we have to borrow from China or other creditors, just to pay to keep the government operating at its current level.

We are also told the President's budget would impose hundreds of billions of dollars in new taxes—this is after, on January 1, the President signed into law a \$600 billion tax increase as a result of the fiscal cliff negotiations. Meanwhile, the President's budget would make it harder for Americans to save for their own retirement. I find that bewildering. Why in the world would the President want to discourage the American people from saving for their own retirement, particu-

larly at a time when he has done nothing to shore up Social Security or Medicare, which seniors rely upon. So if the Federal Government is not going to do that—in other words, not going to do its job of shoring up Social Security and Medicare—why in the world would we further discourage people from saving on their own?

Indeed, from what we have heard, this budget is filled with the same sorts of tax and spend policies the President has been promoting since day one. I will give him credit—the President has been consistent throughout. Our country can't afford that kind of policy, not when we are suffering from the longest period of high unemployment since the Great Depression and not when millions of Americans have been jobless for more than 6 months.

I would remind colleagues that President Obama has presided over an economy where half a million Americans left the workforce last month, bringing our labor force participation rate down to a 34-month low. What does that mean? Well, it means people have given up. People have been out of work so long—even though the unemployment rate has hovered around 8 percent, then 7.7, 7.6, the only reason it has come down is because hundreds of thousands of Americans have given up looking for work, so they have taken them out of that calculation, which actually gives a false impression of the unemployment rate decreasing. But we all know the economy is growing very slowly—.6 percent the last quarter. It needs to grow 3 and 4 percent for our economy to take off and create the private sector jobs that are important to get Americans back to work.

The President of the United States may truly believe his proposed budget represents a compromise, but in the real world it does absolutely nothing to address our biggest long-term fiscal problems, including Medicare, which, for every dollar a typical Medicare beneficiary has put into the system, they draw down \$3. That is unsustainable. The President's proposed budget contains, again, another massive tax increase even though President Obama has already presided over a Federal Government that has raised taxes on the American people by \$1.7 trillion.

Last week White House Press Secretary Jay Carney said the President's budget "is not what he would do if he were king." Well, we haven't had a king in a long time—never in this country—and I can only assume Carney meant President Obama would like to raise taxes even more if he could and increase spending even more if he could and do even less if he could to reform our vital programs, such as Social Security and Medicare.

In so many ways this budget sounds more like a PR stunt than actually being designed to address the Nation's biggest challenges. It may help the

President secure favorable media coverage, but it fails to offer serious solutions to America's biggest long-term challenges.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. DURBIN. Mr. President, I know that pending is the firearms legislation, which America is watching very closely, and which we will speak to at length as we proceed to this measure. I, of course, will come to the floor at that time to address some of the issues which were brought up in the Senate Judiciary Committee. One of the bills that is being brought forward under this firearms act is one related to straw purchases—purchases by an individual who can legally purchase a gun so that firearm can be given to someone who could not because of a felony conviction, for example, or perhaps mental instability.

Those third-party purchases—straw purchases—have become the scourge of many communities. One of them is the city of Chicago, IL, which I represent. We found that about 9 percent of the crime guns confiscated in Chicago over the last 10 years came from the State of Mississippi—Mississippi. So how did those guns get from Mississippi to the mean streets and alleys and backways in Chicago? Well, some people decided they could make some money by filling up the trunk of a car with easily purchased guns in Mississippi, driving up to Chicago, and selling them to gangbangers and thugs and drug kingpins in some dark alley late at night. That is a profitable business for some, but it has proliferated firearms and weapons in the city of Chicago to a level that many people find incredible.

Our superintendent of police, Garry McCarthy, came to Chicago from the New York City area. He learned that the per capita possession of firearms in the city of Chicago—per capita—is roughly six times what it is in the city of New York—six times more firearms. We are awash, flooded with these firearms, and most of them, virtually all of them, are coming in from outside the city—9 percent from Mississippi, 20 percent from one firearms dealer in the suburbs of Chicago.

Well, I can tell you these guns are not being purchased by end users in most instances. They are being purchased by girlfriends, by partners, those who could clear a background check and buy a gun and hand it over to someone else who commits a crime.

One of the provisions in the firearms bill that I authored with Senator KIRK, Senator COLLINS, GILLIBRAND, and, of course, our chairman, PATRICK LEAHY, relates to whether we are going to throw the book at those who purchase guns with the knowledge or reasonable belief that they are going to prohibited purchasers or to be used in the commission of a crime; and we do. The penalty starts at 15 years of hard time. In Chicago at a press conference we said: Girlfriend, think twice. Is he worth it? Is he worth 15 years behind bars for you to go buy that gun in the suburbs, hand it over to that gangbanger who kills somebody that night?

That is what folks have to put into their calculation of whether they are going to take that risk. That is one of the provisions in this firearms bill. I would like to think everybody would agree with this provision. Unless one happens to be in that rare group of Americans who believe selling firearms in volume, no matter whom they are sold to, is the best thing for our country, then they have to agree that clamping down with Federal hard time for those who make straw purchases is a good idea. I think it is. It is the lead measure in this firearms bill that will come before us.

There are other measures in there that have been somewhat more controversial, and we will come to them during the course of the debate. But I have asked for this time as in morning business to speak to two unrelated issues, not to diminish the importance of the firearms bill, which I have spoken to already, but to speak to two other issues which I hope will be taken up seriously by the Senate soon.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 673 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, I have come to the floor many times to talk about for-profit schools. It is another consumer issue. It is a very serious one. I come to the floor to describe to my colleagues and put on the record of the Senate some of the things that are taking place across America today that I think are nothing short of outrageous, things that we can stop—we have the power to stop in the Senate.

Let me tell the story of Sharon LoMonaco. Sharon is a 65-year-old woman who is on Social Security and in debt because of her student loans. Sharon attended the Art Institute of Pittsburgh, a for-profit college owned by Education Management Corporation. Sharon saw a commercial and was attracted to the school and called them. Then the recruiter at the school kept calling and calling her until she finally agreed to sign up. Sharon says the recruiter acted as if he were her best friend, told her everything would be great, and then practically filled out her financial aid forms for her. She ended signing up for \$55,000 in loans, to the Art Institute of Pittsburgh.

She started the program and started to question almost immediately the quality of the education she was receiving. But she stayed in school—that is, she stayed until her money ran out. Sharon received a Pell grant, which is a grant given to low-income individuals in America to go to college, but she had also exhausted her Federal student aid eligibility. She was borrowing money even while she was putting the Pell grant into the cost of her education. She could not get any more Federal loans and could not qualify for private student loans. She had no choice—she had to drop out of the Art Institute of Pittsburgh. She now attends a community college and is trying to finish her degree there. For now her loans are deferred, but every day, she wakes up and worries about what will happen when the day comes and she will have to start to pay them back.

Unfortunately, Sharon is not alone. Every week, former for-profit college students who attended one of the schools like the Art Institute of Pittsburgh that are run by the EDMC corporation find they are drowning in debt and contact our office. We have invited them to tell us their stories.

Let me talk a little bit more about the type of business EDMC runs—that stands for the Education Management Corporation. It received over 77 percent of its total revenue from Federal student aid programs. However, according to a 2012 HELLP Committee report Senator TOM HARKIN filed, if all Federal aid is included—that means counting GI Bill funds, Department of Defense tuition assistance money—EDMC receives 80 percent of its total revenue from the Federal Government. This is not a business, this is an outlet for Federal taxpayers' dollars to subsidize a private company. Eighty percent of its revenue comes in the form of a check from the Federal Government.

It is only 20 percent away from being a total Federal agency, but, believe me, the salaries that are paid and the profits that are taken by this so-called private sector company would not even be considered at the Federal level.

For-profit colleges received \$32 billion in Federal student aid funds in the 2010–2011 academic year. This might seem like a good investment for the Federal Government to make—that is, if students were actually learning, graduating, and getting jobs in their chosen fields and paying off their loans. They are not. Over 23 percent of the students who attended the Art Institute of Pittsburgh are going to default on their student loans within 3 years.

Sharon LoMonaco is not alone. More and more older Americans are in debt either because they went to school later in life or, in a gesture of kindness, cosigned costly private student loans for their children or grandchildren. According to the Consumer Financial Protection Bureau, outstanding student loan debt now tops \$1

trillion in America. These are people who were retired and planning to live a life of comfort. They cannot anymore. A grandmother cosigns a granddaughter's student loan for her, the granddaughter defaults, and they are now collecting and garnishing grandma's Social Security check. In Sharon's case, she worries her Social Security check will be garnished in the future.

While other types of household debt continue to decline, there is one that does not: student loan debt. Between 2004 and 2012, there was a 70-percent increase in the average amount being borrowed for college. Borrowers like Sharon, clearly over the age of 30, make up 67 percent of the total outstanding student loan debt.

There are some for-profit colleges that are doing the right thing—educating students to succeed in the workforce—but there are other bad actors, such as EDMC, that continue to spend a large portion of their revenue on marketing rather than educating. This committee report from the HELP Committee in the Senate found last year that for-profit colleges spent an average of 22 percent of their revenue on marketing and recruiting. One particular school we looked at today is trying to hold out that it is educating and training members of the military. It turns out they have hundreds of recruiters trying to get military families to sign up and 1 job placement counselor. You know what their priorities are: Sign them up and get their money.

Congress needs to raise the standards for for-profit colleges and stop this unrestricted flow of funds to these schools that are failing their students.

I have been giving these speeches on the floor for some time now. Senator HARKIN of Iowa, who is the chairman of the HELP Committee, has had extensive investigations of these for-profit schools. Some of them are struggling. Their share value has gone down. They are not making money the way they used to. But they are still very much in business.

What we should remember is what I have told folks are the three most important numbers:

Twelve. Twelve percent of all college students go to for-profit schools. University of Phoenix, Kaplan, DeVry, EDMC—12 percent go to these for-profit schools. These for-profit schools take out over \$30 billion a year in Federal aid to education. Twelve percent of the students, and they take 25 percent of all of the Federal aid to education. They know where the money is. They are grabbing it as fast as they can. Forty-seven is the third number you ought to remember. Forty-seven percent of the student loan defaults are students and their families from for-profit schools.

Many of these schools are just plain worthless. Some of the students could never tell.

They say: Well, Senator, wait a minute, if you are giving Federal Pell

grants to these schools, then isn't the Federal Government acknowledging the school is a good school?

Sadly, that is an inescapable conclusion, a wrong one. They are not good schools. Yet we continue to allow them to tap into Federal funds. Oh, there are exceptions. Some of them do train people for good jobs. But too many of them are worthless.

These poor students, high school students are inundated with all of this advertising and marketing to go to those for-profit schools. They are lured into it. There was a commercial that used to run on television here in Washington. I think they finally pulled it off the air. It showed this lovely young girl. She was in her pajamas in her bedroom with her computer on the bed. She said: I am going to college in my pajamas. It was an advertisement for a for-profit school.

I do not want to suggest that online education is a bad thing. I think it can be a good thing. But this notion that you can go to school so easily and come up with a valuable degree is one that people ought to stop and think about. What we know now is that many students who do not know which way to turn coming out of high school would be well advised to go first to a community college. It is local. It is affordable. It offers a lot of options. You can learn a lot about yourself and what you might want to be when you grow up and do it without going deeply in debt.

What we are discovering is more and more students are signing up for debt they do not comprehend well. What does it say when a student has to borrow \$20,000 a year to get an undergraduate degree, or \$80,000 in debt for 4 years? Is it worth it? Many students are starting to ask this question.

When I grew up college was a given. Go to college; it is the only way to succeed.

Now students are asking the hard questions. Is it worth that much debt? Will it really help me that much? There are questions which need to be asked and answered. Sometimes these questions are being answered by young people who have had no experience in the world. They have not yet borrowed money for anything. Perhaps their parents never attended a college or any institution of higher education. They are excited about going to college and sign on the paper because they don't want to miss a class. The next thing they realize is they are stuck in these schools.

After a period of time, possibly 4 or 5 years later, some may actually finish in these for-profit schools only to discover their diplomas are worthless and cannot help them secure a job.

A young lady went to Westwood College, one of the most notorious for-profit schools in the Chicagoland area, for 5 years. She completed a law enforcement degree from Westwood. There wasn't a single employer who would recognize her degree when she went out into the real world.

Where is she now? She is living in her parents' basement. This is the only place she may reside because she is \$85,000 in debt to Westwood College for a worthless diploma. This isn't fair.

We need to do a better job at the Federal level in accreditation to ensure these schools are worth their tuition. Secondly, we need to demand full disclosure in terms of how much their education costs. What kind of debt obligation is the student incurring? What is the likelihood they will get a job? How many of these students are dropping out and defaulting on their loans long before graduation?

These are important questions which need to be asked and answered. It is tough. This is an industry which is politically well connected and put themselves in a favored position in the bankruptcy court—through friends in the U.S. Congress. They wish to protect their profitmaking, even at the expense of a lot of these students and their families.

We can do better. We need to establish standards which restore the confidence of American families and these future students in the institutions they attend.

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

The PRESIDING OFFICER. 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 (Mr. MURPHY). Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as if in morning business.

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

OBAMACARE

Mr. BARRASSO. Mr. President, I come to the floor as someone who has just traveled around my home State of Wyoming for the last couple weeks, talking to people, listening to what they have to say. I do it as a doctor as well as a Senator, but people there know me as a doctor because I practiced medicine in Wyoming for 25 years, taking care of families from all around the State. So it is not surprising that in every town I visit, people ask me what is happening with regard to the President's health care law.

People around Wyoming continue to be very worried—worried that there is going to be a new layer of Washington between them and their doctor. People don't want anyone between them and their doctor, not an insurance company bureaucrat, not a Washington bureaucrat. So families are worried they are not going to be able to keep the insurance they have now and maybe insurance that works pretty well for them—insurance they like, they want, and they can afford. But they are concerned they are not going to be able to keep what they have.

Employers are also worried. They are worried they are not going to be able to afford the health care mandates under the President's health care law.

That is what I heard as I traveled around the State. I will be back in Wyoming again this weekend, traveling to a number of communities, and I expect I will hear the same thing this weekend. I am sure Members of the Senate have heard concerns similar to this from people all around their home State, as they visited around and listened to the voters over the last couple weeks.

While we were out hearing from folks and families back home, there has actually been a lot in the national news the last couple weeks making the very same points I was hearing in Wyoming, and that is what I wish to talk about today.

We have had one headline after another about the dangerous side effects of the health care law. For one thing, employers in Wyoming aren't the only ones who are worried about how much the law is going to cost, how it is going to have an impact on them and their businesses and their ability to hire more people.

According to a news survey by the U.S. Chamber of Commerce, the health care law's expensive new mandates are now the No. 1 concern of small businesses across the country. Seventy-one percent of small businesses say the law makes it harder for them to hire new workers. One-third say they plan to actually reduce hiring or cut back hours because of the employer insurance mandate. Twenty-two million Americans are out of work or are working less than they would like, and that is what we saw in the dismal jobs report just this last Friday.

You say, why is that? The Federal Reserve's Beige Book came out last month, and companies all around the country are saying: We are not going to hire because of the uncertainties and mandates in the President's health care law.

The recession ended 4 years ago, but the only way our economy is going to get back on track is if we free the private sector to start hiring in far greater numbers than they are willing to do right now. But the President's No. 1 signature accomplishment, his law, makes it actually harder for businesses to hire more people. One would expect the President would want to make laws that would make it easier for employers to hire more people.

There was another headline on how the President's health care law is hurting small businesses. Here is what the New York Times says: "Small Firms' Offer of Plan Choices Under Health Law Delayed."

What they are talking about is the promise the President made that his health care law would help small businesses find affordable health care plans. Of course, that is a desirable goal. The problem is the law doesn't bring out what the goals may have

been. The law was supposed to create a new insurance market for small employers. That is what they are promised. Their workers would then have a variety of choices so they could pick the plan that worked best for them.

The New York Times article says:

The promise of affordable health insurance for small businesses was portrayed as a major advantage of the new health care law, mentioned often by White House officials and Democratic leaders in Congress. . . .

That is what the New York Times says that the President of the United States was telling the American people:

The promise of affordable health insurance for small businesses was portrayed as a major advantage of the new health care law, mentioned often by White House officials and Democratic leaders in Congress. . . .

So what is going on? The administration admits things haven't worked out the way they had promised.

They can't meet the law's deadline, so it is going to delay the entire program for a full year to 2015. Of course, the Obama administration says it will not delay the mandate until 2015. So you have to provide the health insurance now, in 2014, but: Sorry. We made some promises, but they are not going to happen until 2015. You still have to pay right now and do this.

So small businesses are going to get hit with the higher costs of providing the insurance, but they don't get the program that was supposed to help them in the first place—the program promised by the Democrats in this body who voted for it and promised by the President of the United States who in many ways went on to deliberately deceive and mislead the American people as a result of what we are now finding is in the health care law. I am happy to see the national press reporting it because we are sure hearing it from people around the country.

What we see now is that if a business wants to offer its workers insurance through an exchange, it has to pick one plan for all the people. The workers are going to get none of the choices they were promised. According to Washington and this administration and this President, now one size has to fit all.

Even in a business where the employees now currently have several choices, they are going to lose their options. They are not going to be able to pick the insurance plan that is right for them and for their families. That is what is happening to Zachary Davis.

Zachary Davis owns a couple ice cream shops and a restaurant in Santa Cruz, CA. He has 20 full-time workers and today he offers them health insurance.

Isn't that the goal? Workers—offer them health insurance. These workers range in age from college students to seniors, so they have different needs at different ages, different fears, different concerns, different needs. What the younger ones prefer are lower premiums and then higher out-of-pocket

costs if they happen to get sick. That is because they are healthy and they do not really go to see a doctor very often. The older workers who work in the same company visit doctors more frequently, as would be expected, so they are more interested in a position where their policies maybe have higher premiums but lower deductibles. People want to make choices.

Right now the employees who work for Zachary have actually three different plans that fit their needs. They get to choose. But what Zachary Davis has told CNN is that limiting his workers to a single plan would be a deal breaker and it would keep him out of the exchanges. He said:

That would not be a good fit for us. For a business like ours—and a lot of businesses I deal with on a regular basis—I can't see that making sense.

He is right. It doesn't make a lot of sense. But that is what President Obama's health care law has given the American people—something that doesn't make sense and another broken promise, another hurdle to get in the way of job creators, another failure of the Washington bureaucracy, and another burden on workers who like the insurance they had before and now are not going to be able to keep it.

During the 2 weeks we have been traveling our States and traveling the country, there has been headline after headline. Here is one more headline from an Associated Press story. This headline says: "Health Overhaul to Raise Claim Cost 32 percent." That is a 32-percent average increase in claim costs. This is a new report by the Society of Actuaries.

The Wyoming Tribune Eagle in Cheyenne—this is Wednesday, 27, 2013: "Health Overhaul Bumps Up Claim Cost 32 Percent. And If Insurance Companies Have To Pay More, You Can Bet We Will, Too."

"And If Insurance Companies Have To Pay More, You Can Bet We Will, Too."

On average, insurance companies will have to pay out 32 percent more for medical claims on individual health policies because of the health care law, so that is going to drive up premiums for all of us. It drives up how much hard-working Americans have to pay to get medical care and to buy insurance. Why? The President's health care law.

Here is how the Associated Press summarized it. It said:

Obama has promised that the new law will bring down costs. That seems a stretch now.

This is not me, this is the Associated Press: "That seems a stretch now." I would say it is actually an understatement. Costs will not go down because of the health care law because the law does nothing to help costs go down or make them go down. In fact, it does many things that actually cause costs to go up. All of the mandates, all of the new expenses, all of the new taxes—that is all going to add to the average increase of 32 percent. But that is just

the average. When we look at the increases in some States, we really start to see how much worse off a lot of people are going to be. In Ohio, we see an increase of 81 percent; in Wisconsin, up 80 percent; Indiana, up 68 percent; right next door to us in Maryland, up 67 percent; Idaho, up 62 percent. In my own State of Wyoming, people are facing a 32-percent increase. It is right at the national average.

This article in the newspaper, when you go to it, it says, "Overhaul increases could top 50 percent for certain States." Here we see in many States that is the case. They have a list, State by State, of each of the State's claims—change in claims cost in health overhaul. That is what the American people are facing. These are terrible numbers, but they are absolutely predictable. In fact, some of us did predict that is what would actually happen. The American people cannot afford for health care costs to go up by 81 percent, as we are seeing in Ohio, or even by 32 percent, which is the national average. That is not what the President promised.

Finally, I want to point out just one more headline, one more broken promise the President made. We all remember when the President said that if you like your insurance plan, you can keep it. He said, "No one will be able to take that away from you." The President of the United States said, "No one will be able to take that away from you."

Now we have another story from CNN. It says, "Most Individual Health Insurance Isn't Good Enough For ObamaCare." This article talks about a University of Chicago study—talking about Chicago, the President's hometown. The study reported—from CNN—the University of Chicago reported that more than half of the individual insurance plans currently on the market will not be allowed to exist under the President's health care law—more than half. Fifteen million Americans buy individual plans, and half of those plans are going away. Even if these people like their coverage, the President says: Too bad. His health care law is taking it away from them.

Not only will the law eliminate more than half of the plans, most of the ones that remain are going to cost more next year. Why? It is because of what the administration calls the essential health benefits. These are specific individual mandates that require insurance plans to cover a wide range of services. For most consumers, it is going to mean a more extensive and a longer list of benefits. These higher benefits, of course, mean higher costs.

So people cannot just get the insurance that they and their family want, the insurance that is right for them as a family and the insurance that they can afford. No. They have to buy Obama administration-approved health insurance. That is insurance that is going to be much more expensive than what they might want, they might need, or they can afford. It may not

even do them any good. So despite what the President has promised to the American people, they are not going to be able to keep the insurance they have. The options that are left to them are going to cost more.

These are just a few of the headlines—a few of the headlines we have seen just since we went out a couple of weeks ago and traveled the States. These are all fresh, new headlines from the last 2 weeks, but every day we get more and more information about the bad side effects of this terrible health care law. The President's health care law is unraveling before our eyes.

The American people knew what they wanted from health care reform. They wanted the care they need from a doctor they choose, at lower cost. That is what the President promised the American people they would get from his health care law, but all the people of the country have seen are rising costs, less choice, and a larger Washington bureaucracy.

It is time for President Obama to finally admit that his health care law is dragging down the American economy. It is time for Congress to repeal this terrible law and replace it with the kind of reform that works.

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 South Dakota.

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

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

THE BUDGET

Mr. THUNE. Mr. President, I come to the floor to discuss the President's budget, which we understand will be released tomorrow. The budget comes out at a time when there is a lot of economic news floating around. The jobs report came out last week and indicated that job growth had been much slower than expected. There were about 190,000 jobs that were expected to be created, but there were only 88,000 jobs created, according to that report.

Although the unemployment dropped a little to 7.6 percent—if we factor in the number of people who had quit looking for jobs, which was half a million people—we had a labor participation rate which is literally the lowest since 1979. We have to go back to Jimmy Carter's Presidency to find a time when the labor participation rate hit that low number where 63.3 percent of the people who are eligible to work are actually out looking for work. There a lot of people who have completely quit looking.

We also looked at the U-6 number, which measures employment in a different way. It adds in the number of people who are no longer looking for work or who are working part time but would like to work full time. The un-

employment rate for that is about 13.8 percent. This is a very sluggish, weak economy, where there are a large number of people across this country who continue to be unemployed, who continue to try and make their way without the advantage of having a job out there to pay their bills.

It strikes me that as the President releases his budget, the fundamental question which should be asked in the context of the economic data I have just mentioned is what will his budget do to create jobs, grow the economy, and increase the take-home pay for middle-class Americans. To me, that seems to be the question we ought to use as we evaluate not only the President's budget but other budget proposals that have been made here in the last few weeks.

When I say other budget proposals, of course, the House and Senate have both adopted budgets. The House passed their budget. They have passed their budget every year on time. The Senate, for the first time in 4 years, actually adopted a budget a couple weeks ago, and tomorrow we will finally have the President's budget, which, interestingly enough, was due on February 4. We were supposed to get the President's budget February 4. Typically, his budget would kick off the debate on the budget. It would be the starting point on which the two Houses of Congress—the House and Senate—base their budgets and gives them a little information as they move forward, but this is completely in reverse.

In fact, I think this is the latest the President has released his budget since about 1920. We have to go back almost 100 years to find a time when the President has released his budget at a later date than he did this year. So his budget comes after the fact. That being said, I hope when it does become public and we begin to dig into it a little bit and look at what is in it, we will have a more definitive answer to the questions: What are we going to do to create jobs? What are we going to do to grow the economy? What are we going to do to increase the take-home pay of working Americans? To me, that is fundamentally what we ought to be focused on in light of the very abysmal jobs report from last week.

What we are hearing about it—and again we will not know the final details until we see this tomorrow—is it is going to consist of a huge new tax increase. It will be another \$1 trillion tax increase on top of the \$1.7 trillion in tax increases that the President has already signed into law. If we go back to ObamaCare—the health care bill that passed a few years ago—it included \$1 trillion in new taxes. We had the fiscal cliff deal, reached on January 1 of this year, which had \$620 billion in new taxes. If we take ObamaCare, the fiscal cliff deal, and then add in some other taxes that have been imposed since the President took office, we are now over \$1.7 trillion in new taxes and new revenue.

So when the word came out that the President's budget was going to include another \$1 trillion in new taxes on top of the \$1.7 trillion already mentioned, we need to ask the questions: At what point does this do serious harm to the economy? At what point do we get to that juncture where we have so much burden, so many new taxes and new regulations imposed upon our economy, that it becomes increasingly difficult, if not impossible, to create jobs and get the economy growing at a faster rate. In fact, what we are hearing, at least at this point, is that we have \$1 trillion in new taxes, which means overall we would have a \$600 billion number in terms of deficit reduction.

We have been told the President's budget replaces the sequester, which had \$1.2 trillion in spending cuts. If there is just \$600 billion in deficit reduction, what that essentially means is that all the deficit reduction is in the form of higher taxes. We have \$1 trillion in new taxes, \$600 billion in deficit reduction, and we are completely replacing the \$1.2 trillion in spending cuts that is currently in effect, unless, of course, as is proposed in the President's budget, at least we are told is proposed in the President's budget is going to be replaced.

My point simply is this: In this country, we have a sluggish economy, chronic high unemployment, massive amounts of debt, all of which can be, if not entirely, at least partially cured and fixed by a more robust, more expansive and growing economy, growing at a more historic rate. The economic growth we have seen since this President took office, the average is .8 percent—eight-tenths of 1 percent is the average economic growth in 4 years since the President has been in office.

The historic average over the past 60 years is about 3.3 percent, and that includes 11 recessions. We have been through 11 recessions in the last 60 years, and still we have an average growth rate of 3.3 percent. It is not terribly robust, but on average at least it is good enough to keep the economy chugging along, to keep throwing enough jobs out there to keep a majority—or at least keep the unemployment rate at a reasonable level and keep Americans employed. Yet in the last 4 years the average is .8 percent.

Last year, we looked at 1.5 percent to 2 percent, in that neighborhood, but the fact is, until we start growing at a faster rate, we will be plagued by chronic high unemployment and we will continue to have these massive deficits year over year. As we all know, when we have a growing and expanding economy, people are working, investing, making money, and paying taxes. When the economy is growing, we get more tax revenue, and that makes the fiscal imbalances look smaller by comparison as well.

The real objective we ought to have in front of us if we want to deal with the fiscal imbalance and if we want to deal with the sluggish economy out

there is policies that will promote economic growth, policies that make it less expensive and less difficult for people in this country to create jobs. We should not add more taxes, not add more costs in the form of new regulations, not impose more burdens on the economy but unleash the economy and allow it to grow and allow people in the economy to create jobs.

There are a number of reasons why that cannot happen. As I said, we have \$1.7 trillion in new taxes that have been put on the economy since the President took office. His budget, as we are told, is going to include another \$1 trillion in new taxes. We have new health care mandates that businesses—small businesses, large businesses, businesses of all sizes—are reacting to. It is something I hear more about now when I travel my State than almost anything else.

When we talk to people who create the jobs, there is uncertainty about how this is going to be implemented. There are lots of delays in terms of its implementation. We are looking at significant increases in premiums across many different age groups.

We heard the Senator from Wyoming, who was down here earlier, talking about the impacts of health care and what it will mean to the economy, what it will mean to people who buy their health insurance in the individual marketplace, people who acquire it through their employer. Obviously, there are people who might be forced into exchanges. There is just a tremendous cloud of uncertainty which hangs over our economy right now. Much of it is due to government policy generated in Washington, DC. Many of those policies come back to the budget. What is the vision we have for the future of this country?

The budget is a vision statement, as has been stated by Vice President BIDEN in the past. It sort of lays out a policy framework for the two parties and their respective ideas about how to grow the American economy, how to get people back to work, how to improve the standard of living and the quality of life and the take-home pay for middle-class Americans. Again, that is what I would argue the budget discussion we have should be focused on.

It strikes me as somewhat unusual and ironic that the President, after getting \$1.7 trillion in new taxes since he took office, would submit a budget that is several months late, filled with new tax increases, and would put even more burdens on an already fragile economy. Yet that is what we are hearing is going to be in his budget.

There are some other things which I would hope he will include in that budget. We are told he is going to propose a modest and what I think is a bipartisan entitlement reform known as chained CPI that would change the calculation in some ways and would be more reflective of cost and the economy when it comes to calculating ben-

efits for certain programs. But it is a small change in terms of what the dimensions of the problem are.

In fact, if we are going to do anything serious and meaningful to deal with the runaway spending and debt, we have to—in a structural way—reform these programs on the mandatory side of the budget that are growing at two to three times the rate of inflation and are unsustainable.

If we look at what drives Federal spending today, it is mandatory spending, Social Security, Medicare, and Medicaid—programs that are sort of on autopilot, if you will, in the Federal budget that today represent somewhere on the order of about three-fifths of all Federal spending. But according to the Congressional Budget Office, 10 years from now it will represent 91 percent of Federal spending if we continue on the path we are on today. That is completely unsustainable. That means we have 9 percent of all Federal revenue available to fund national security, fund nondefense discretionary spending, and to pay interest on the debt. That is a future we cannot comprehend.

I think what it points out is we need to deal with these programs in a way that reforms them, that saves them, that protects them not only for generations of Americans today who depend upon them but also for future generations of Americans. On the current trajectory, on the current path, we simply cannot do that, and we have to make changes and reform these programs.

So it would seem the President, in his budget, would contemplate what he might do, proposals he might make to address that. Again, we will not know for sure until we see it tomorrow, but my understanding is there will be very little in terms of consequential, meaningful change, meaningful reforms and restructuring of programs that will actually get us on a more sustainable fiscal path.

I have to say the connection when we talk about policies—and I could go into a lot of different policy areas that I think drive up the cost of doing business in this country, one of which I already mentioned; that is, the new health care entitlement program that imposes lots of new requirements and mandates on employers as well as on individuals and is filled with \$1 trillion in new taxes. But there are other areas of our economy as well.

If we look at the power of energy in this country and what it could do to unleash jobs to help get our economy growing at a faster rate, we see we have enormous opportunity out there in that sector of our economy.

We obviously have enormous opportunity if we are willing to take on our Tax Code. Our Tax Code is enormously complicated, complex beyond the comprehension of most Americans, which is why in many cases they have to turn it over to a professional tax preparer. But I believe it is fair to say if we could reform our Tax Code in a way

that broadens that base and does away with a lot of the loopholes and the special interest provisions—the exclusions, deductions, et cetera, in the Tax Code today—broadens that tax base, lowers the rates—we could unleash a period of economic growth unlike anything we have seen in a long period of time.

If we go back to the last time this was done in 1986, we know we saw a long period of economic growth because people—there was a lot of pent-up uncertainty and there is today, I might add, as well—and there is a lot of capital sitting on the sidelines that could be deployed and a lot of jobs, frankly, and opportunities we are losing to global competitors because our tax rates are, frankly, just not competitive in the global marketplace.

So I would argue that reforming our Tax Code would be enormously helpful if we are serious about growing the economy and creating jobs. That too is an area where I hope the President will engage. So far we have not heard from him on that except to say in terms of the corporate tax rate he would be willing to work with us on tax reform that would be deficit neutral. But if we look at what is coming out of his administration, these proposals, and the budget we will see tomorrow, most of it involves raising taxes—closing loopholes, perhaps, but doing it to generate new revenue to fund new Federal spending, not to reduce rates and to generate economic growth. Economic growth ought to be the goal in tax reform. It ought to be progrowth tax reform, and it would take us a long way toward that goal of getting this economy back on track and unleashing the economic growth we all want to see.

But I have to say it is also important, if we are going to get the economy growing again, that we get Federal spending under control. There is a lot of research out there, a lot of study that has been done that has looked at the relationship between high levels of debt as a percentage of our economy, GDP, and high levels of spending as a percentage of our GDP and how that impacts or translates into economic growth and jobs. The studies suggest that when our debt to GDP reaches a certain level—and ours exceeds that by 90 percent according to one of the studies—that it costs 1 point to 1.5 points of economic growth every single year. In this country that is about 1 million jobs. So as long as we continue to have a debt to GDP that exceeds 90 percent—ours is now about 104, 105 percent of GDP—we are in dangerous territory when it comes to the fragile nature of our economy and what it means to our ability to grow in the long term as we project out into the future.

If we look at many of the European nations that are strangled with high debtloads right now, a tremendous amount of leverage, we can see what is happening in their economies. How have they tried to cure that in most cases? They try to raise taxes, which

makes the problem even worse because that slows economic growth.

So what we need to be looking at in terms of a budget is one that takes on what is driving Federal spending over the long term—the mandatory part of the budget—reforms and restructures programs in a way that saves and protects them; that doesn't in any way impact people who are drawing benefits today but makes those programs more sustainable for future generations of Americans. We need a budget that brings the debt-to-GDP and the spending-to-GDP levels down to a more historic norm that are consistent with what we have seen over our Nation's history as opposed to what we are looking at today, which are extraordinarily high levels of debt and extraordinarily high levels of spending as a percentage of GDP.

We ought to think about what we can be doing in terms of reforming the Tax Code and streamlining regulations to lessen the burden and the tremendous weight we put on our small businesses and our job creators.

Those are the types of things we ought to be looking at in terms of policy. That is what the budget ought to be focused on, getting spending under control, getting it back down to a more reasonable level and a more historic norm. But until we do that, my fear is we are going to continue to see chronic unemployment, a lot of people leaving the workforce, and labor participation rates that are at historic lows. We are going to continue to see a sluggish economy that continues to stumble along at 1.5, 2 percent annual growth. We are going to continue to see take-home pay levels go down for ordinary, working-class, middle-class Americans who are out there trying to pay their bills, trying to take care of their everyday expenses and perhaps put a little bit aside for their retirement or for their children's education. Those are hard decisions that Americans are making at their kitchen tables every single day. These are kitchen table issues; they are pocketbook issues. They are the kinds of decisions that American families have to contend with. They don't have the luxury the Federal Government has of being able to go out and borrow.

Of course, today, of every dollar we spend in Washington, DC, 40 cents is borrowed. So we continue to borrow like there is no tomorrow. We continue to pile up massive amounts of debt, put it on the backs of our children and grandchildren, hand them the bill or the credit card overcharges we are making today. That is wrong. It is inconsistent with everything that has made this Nation great. Part of our Nation's heritage is we have been a country that has understood the idea that one generation sacrifices so the next generation can have a higher standard of living and a better quality of life. That is something that is very true in my part of the country in the Midwest, in South Dakota.

My grandfather and great uncle are among those who came in 1906, didn't speak English, learned the language, worked hard building a railroad, and later were able to save enough money to buy a small merchandising store and continued in their pursuit of the American dream.

That is what I think has characterized generations of Americans like them since, up until today. Today we are at a point in American history where if we don't get our fiscal house in order, if we don't deal with these imbalances that have gone on now for decades, we are going to relegate, if you will, future generations of Americans—our kids and grandkids—to a lower standard of living and a lower quality of life than what we have enjoyed.

That is why the President's budget, as much as it is late, is so important, because it really does set that tone. It really does tell us what that vision for the future of this country is. If we don't have a leader in the White House who can lay out in a systematic way what he wants to do to address the economic data—the statistics I mentioned earlier, the high unemployment, the underemployment—we consistently see these economic numbers come out from one month to the next. When there is a little improvement, we get all excited about that, and the next month it takes another tumble.

We find more and more people who are just leaving the workforce, and the labor participation rate is at a historically low level since 1979, and we haven't seen it down 63.3 percent, which is what it was for the month of March. If we are going to do something about that, we are going to have to have people who are going to demonstrate the political courage that is necessary to confront these big challenges and big decisions, and that means people in the Senate and in the House of Representatives. But awfully important to all of this is the President of the United States.

There is only one person in this country, among 307 billion Americans, who can sign a bill into law. There is only one person in this country who has the bully pulpit and the capability to rally people in the Congress and people around the country as well as around great causes. I can't think of a greater cause today than doing something to deal with runaway spending and a debt that is hurting our economy, that is enslaving future generations of Americans to a lower standard of living and a lower quality of life.

Those are issues that need to be addressed. The President's budget tomorrow could go a long way toward addressing that. I am afraid it is going to be a missed opportunity if what we hear about it is actually true. We hear it doesn't address the long-term drivers of spending and debt, it raises taxes \$1 trillion, and it does \$600 billion of deficit reduction but all in the form of higher taxes. That is not going to solve

our problem. We cannot raise taxes enough to deal with what plagues our country in terms of our fiscal imbalances. What plagues us is the fact that we spend too much, not that we tax too little; that we have a slow rate of growth in our economy, so slow we are not generating the number of jobs and the amount of investment that will get the economy growing and taking off again, but also improve the fiscal picture for our country's future.

So I hope I am wrong about this. We will see tomorrow if everybody will be pleasantly surprised and the President will take on the big issues and do away with more taxes and more spending and more regulations and more costs for businesses that are trying to create jobs. But I think that would be the triumph of hope over experience. So far what we have seen out of this administration is that very formula: more spending, more taxes, more cost to small businesses to create jobs, and higher cost from regulations. They have been consistent on that. That is not the way to get the economy growing and expanding again.

We believe we ought to be not growing the government but growing the economy. Frankly, if all of us in the Senate looked at every bill that comes before us in terms of what will it do to create jobs, what will it do to grow the economy, what will it do to increase the take-home pay for middle-class Americans, we would probably get a lot higher quality legislation, legislation that produces solutions for the American people, which is something we are not doing today.

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

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Madam President, earlier today I met with families from Newtown, CT, to discuss the legislation we are currently debating. It is obviously very emotional and not an easy meeting to have, but it is a very necessary meeting to have. When there are parents of children who were murdered, or from the families of teachers who were murdered, it is difficult for everybody.

I wish to thank them for sharing their stories of loved ones and their concerns with me. I hope many of my colleagues would consider meeting with these families as well. We are debating legislation they are supporting.

In my State of Iowa, there is a great difference of opinion on the particular legislation we might be considering. I think it is something very worthwhile to sense firsthand the emotion of these discussions. At the meeting, they called for debate on the legislation. Currently we are in the process of debate.

We most likely will move forward on this legislation. Under new procedures available under Senate Resolution 15, the majority leader may move to proceed on a measure and to vote on some amendments.

A vote against the motion to proceed does not cut off debate or votes on amendments under the new procedures in the United States Senate.

Nonetheless, we are in the unusual position of being asked to take a leap into the unknown.

We are being asked to vote to proceed to an uncertain bill.

That bill is not even the bill that we would likely consider if the motion to proceed were successful. The language on background checks would change. Remarkably, if the language changed, it would be replaced with language that does not now exist.

The world's greatest deliberative body should not operate in this fashion.

In the Judiciary Committee, four bills were considered separately. There was no consensus. Three of them have now been combined. But they are not ready for consideration. At the time, the sponsor of the background check bill said it was not ready. There are numerous problems with that bill.

Movement of firearms from one law-abiding citizen to another would be legal or illegal based on arbitrary distinctions that citizens could not be expected to know. This is true even though when this language was the subject of a hearing in a previous Congress, a witness pointed out the problems. But no changes have been made to address those issues.

Even an official with the ACLU says that criminal laws should give more guidance to citizens.

The bill operates in a way that would make gun safety efforts more difficult. That does not make any sense.

The bill requires recordkeeping for private sales. That is a step toward gun registration. Indeed, we heard testimony in the Judiciary Committee that "universal" background checks cannot be effective without gun registration. And the ACLU official is right to be concerned about the threat to privacy that the background check language presents. He notes that the government would possess information concerning gun owners that it would not be required to destroy within 24 hours, as it must for current background checks.

He also points out that the bill contains none of the restrictions in current law that prevent other parts of the government from using the database for purposes beyond why the information was supposedly obtained.

The background check provision is also not ready for consideration because of the new Federal felony that it creates.

If a law-abiding gun owner's gun is lost or stolen, he or she would be required to report that to both the attorney general and appropriate local officials within 24 hours.

At the markup, I asked a number of questions of the bill's sponsor about how the offense would work. For instance, who would pay for the additional law enforcement personnel who would take those calls? What would a citizen's legal obligation be if the gun were misplaced rather than lost? What would determine when the loss occurred that started the 24-hour period?

The sponsor said that these issues would be clarified. So far, however, they have not been. So law-abiding citizens will not know whether they are acting in compliance with the law or face a 5-year jail sentence.

The issues have not been clarified, but we are being asked to proceed to the bill anyway.

This new offense criminalizes inaction. That is a grave threat to freedom.

Except for filing tax returns or registering for the draft, we punish bad actions. We do not punish inaction. This new crime punishes failure to act. And it only applies to those who lawfully own their guns. A criminal whose gun is stolen is not required to report that fact. With this offense, law-abiding citizens can be turned into felons, but felons cannot commit a crime.

Under this new offense, law-abiding citizens might be looking at 5 years in jail for doing nothing. And all that is necessary for the gun to be subject to the reporting requirement is that the gun once moved in interstate commerce.

The Supreme Court has outlined three categories of situations in which Congress can rely on the Commerce Clause. This is not one of them. If Congress can do this, it can make people take all sorts of action simply because they owned a product that once moved in interstate commerce—Like bread or soap.

And they can face jail time if they do not do what Congress demands that they do. Even the individual mandate from Obamacare only established a penalty, not a prison sentence. I do not think 90% of Americans would support this universal background check bill if they read it.

The motion to proceed also goes to a bill that contains language on straw purchasing and gun trafficking. I voted to report that bill to the Senate floor.

Many changes were made to that bill at my behest. An amendment of mine was adopted. At the time I expressed concerns. I spoke of my desire to have those concerns worked out before the bill went to the floor. I said I would not necessarily support that bill on the floor if those concerns were not responded to. They have not been addressed so far. And those provisions were tied to the ever-changing background check provisions.

The whole process makes me wonder whether the efforts to pass a bill on this subject really are serious. It seems that if a half-baked bill is brought up, the majority can be sure that they can force Republicans not to agree to proceed to it. It seems like that may be

just what they want to happen. If so, that is a very cynical way to treat a very serious issue.

How can we responsibly proceed to a bill that contains language that even its sponsor admits is not ready for consideration?

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am back again to speak about carbon and climate and to remind my colleagues that it is long past time for us to wake up and to address the causes and consequences of global climate change. Carbon pollution is changing our world, and it is time that our national policies reflect the reality of that changing climate. We cannot pretend the change is not going to happen when it is actually already happening all around us.

Air and ocean temperatures are increasing, the sea level is rising, oceans are growing more acidic, seasons are shifting, and extreme events such as heat waves or powerful storms are becoming both more frequent and more intense. Well-established science tells us these changes are caused by carbon pollution in our atmosphere, mostly from burning fossil fuels. These changes to our planet will continue and likely accelerate, and the consequences will be dire. We had better be aware and prepared. Sometimes even little changes can have big effects.

For example, take the winter flounder in the waters of Narragansett Bay in my home State of Rhode Island. I am sure the Presiding Officer's home State has winter flounder as well. Many of our colleagues will not give a hoot about the winter flounder, but Congress always tends to care a lot about money, and the winter flounder has historically been a very popular and lucrative catch for Rhode Island fishermen.

In the 1980s, commercial landings of winter flounder averaged more than 2,500 metric tons per year, and as recently as 1989 it was still over 1,000 metric tons. Trawlers were a common sight on the bay in the winter and fishermen prospered. The most recent data from 2009 for the commercial landing of winter flounder is down to about 150 metric tons. It went from 2,500 metric tons down to 150, and today trawlers in the bay are a rare sight.

Narragansett Bay waters are getting warmer—4 degrees Fahrenheit warmer in the winter since the 1960s. Spring is coming earlier, and that is not good for the winter flounder. NOAA scientists working in Rhode Island found that winter flounder that incubated in

warmer water are smaller when they hatch than those that incubated in colder water. Smaller juveniles are easier prey when predators return with the warmer spring water.

The juvenile winter flounder used to have time to settle to the bottom of the bay and grow larger before the abundant bottom feeders, such as the sand shrimp, were present. Now warmer water brings the shrimp in earlier while the flounder is still small enough to eat. So warmer waters load the dice against winter flounder in the Narragansett Bay, and the fishermen who relied upon them pay the price. They pay a real price.

These changes to Rhode Island are not unique to Rhode Island. We can find examples all over the country. The Pacific Coast has ocean acidification—driven by the higher levels of carbon dioxide in the water—which is killing off baby oysters as they try to form their shells in the acidified water. Again, I don't know how many colleagues care about baby oysters, but oyster farming is a serious cash crop on the Pacific Coast. An oyster hatchery in Oregon has seen 70- to 80-percent losses of its oyster larvae due to the acidic waters washing in from the sea.

It is not just the oceans and coasts that are affected. In our Heartland, rivers and forests are facing the changes coming with the warming climate. The water hyacinth is an invasive species spreading rapidly across the Southern United States, blocking waterways and choking native species.

The water hyacinth has been called the world's worst aquatic weed. The pest renders a body of water unsuitable for most other plants and animals, drains water from the drinking and irrigation supply, and can clog pumping stations and hydropower infrastructures, costing local economies millions of dollars. Water hyacinths cannot survive a winter freezing, but as the average temperature warms, this species spreads further and further.

In the Rockies, pine beetles are devastating native forests. The pine beetle larvae are killed by hard frosts, and so this kept them in lower latitudes and in lower altitudes where the temperature was warmer. With global warming and winters that are not so cold, the beetle is spreading northward and upward to higher elevations.

Fly over Idaho or Montana and look down. What was once miles and miles of green pine forest is now standing dead on the mountainsides. These forests provided timber, hunting, clear streams, and an entire forest environment for birds and animals. It doesn't look like they are ever coming back.

Winter flounder, baby oysters, water hyacinth, pine beetles, these species pinpoint just a few of the many changes scientists are observing in nearly every corner of our country. Thankfully, we now have the beginnings of a blueprint for adapting to these changes.

Last month, the Obama administration—in partnership with State and

tribal industries—released its first National Fish, Wildlife and Plants Climate Adaptation Strategy. It is an attempt to understand and head off—or at least prepare for—the changes carbon pollution is beginning to wreak on our country's wildlife, plants, coasts, and rivers.

Jamie Rappaport Clark, president and CEO of Defenders of Wildlife, called the adaptation plan a “science-based . . . commonsense, ‘look-before-you-leap’ strategy [that] emphasizes long term planning and management for climate change on a fundamental level.”

The adaptation strategy stresses that we need research to understand the specific effects of climate change on local fish, wildlife, plants, and habitat. The faster you are driving, the better your headlights need to be, and it is scientific research that provides the headlights for us to see what is now coming at us.

We are past the point of avoiding what is coming at us. The big polluters have seen to that. With their lobbyists, their money, and their lies, they have prevented us from doing what we should have. Of course, Congress shares the blame. This institution prefers listening to self-interested polluters than listening to science or the signals of nature.

There is no avoiding it now. The National Wildlife Federation now recommends “managing for change, rather than maintaining status quo conditions,” and urges that “[f]ederal land and water management agencies should explicitly incorporate climate change projections into their resource management planning.”

A coalition of 21 groups—including American Rivers, National Audubon Society, Physicians for Social Responsibility, the Wilderness Society, and the World Wildlife Fund—have urged the Federal Government to account for climate change in all relevant programs and activities. They called this adaptation strategy “a landmark . . . strategy for making wildlife and ecosystems more resilient to climate impacts.” Clearly, they recognize that climate impacts are inevitable. Indeed, they are happening. The question is: How bad are they going to be? How much damage will we let the polluters do before we bring them to heel and ourselves to our senses?

The Natural Resources Defense Council echoed a recent Government Accountability Office finding that our current adaptation planning is inadequate and that this—for those who only care about money—increases the Federal Government's fiscal exposure to climate change.

A group of 10 outdoor enthusiasts and sportsmen's groups, led by the Wildlife Management Institute, recently urged President Obama “to stand firm on his commitment to develop and implement climate change adaptation strategies” because they know we have to adapt.

The alarm has long been sounded by the scientific community which overwhelmingly warns about the effects of our carbon dioxide emissions on our atmosphere and oceans. Our defense and intelligence communities warn of the threats posed by climate change to national security and international stability. Economists recognize the market distortion of overlooking the costs of carbon pollution.

Let me say a word of appreciation to former Secretary George Schultz, who wrote an excellent piece in the Wall Street Journal pointing out that this is, indeed, a market distortion that favors polluting fossil fuels and gives them an unfair advantage against other forms of energy that would do less damage to our planet.

Of course, government accountants list climate change as a threat to our fiscal stability. Even faith leaders appeal to our moral responsibility to shield communities—and particularly the poorest communities here at home and around the globe—from the devastating effects of carbon pollution on God's Earth.

Now the alarm is sounded by those dedicated to the conservation of America's wild spaces and living creatures. They are warning that thanks to Congress's neglect, change is coming to our planet locally by locality. They are warning that we had better understand and prepare for those changes and do what we can to minimize the eventual havoc.

The American people are not sitting idly by on this. They are demanding action. Three-quarters of those recently surveyed by Stanford University think the Federal Government should do something to reduce the effects of rising sea levels.

My Newport tidal gauge in my home State in the famous sailing port of Newport is up 10 inches since the famous hurricane of 1938. When the next big one comes, that 10 inches is going to mean a lot of additional damage. Americans believe national preparations for the climate change that is around us will more likely help the economy than hurt it, and they are right. These changes will help the economy.

Sixty percent of Americans believe that taking steps now to adapt would actually create more jobs while only 13 percent thought it would create fewer jobs. Sixty percent as opposed to 13 percent of Americans recognize that the real economic strength we will get is by addressing this problem, not by ducking it because of the pressure from the carbon polluters.

Americans clearly see the benefits of adapting for climate change. Again, for those who only care about money, Americans see the economic benefits of addressing climate change.

I will say once again it is time for us in Congress to wake up. We are sleepwalking through history. We are asleep to the urgent demands of our time. It is time to wake up and prepare our na-

tional strategy to protect our Nation's precious resources, protect our coasts and forests and plains, protect our animal and plant life, protect our people and our communities against the inexorable change that looms.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 32, S. 649, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check for every firearm sale, and for other purposes.

Harry Reid, Patrick J. Leahy, Robert Menendez, Sheldon Whitehouse, Jeff Merkley, Christopher A. Coons, Benjamin L. Cardin, Barbara Boxer, Debbie Stabenow, Kirsten E. Gillibrand, Richard J. Durbin, Patty Murray, Jack Reed, Dianne Feinstein, Richard Blumenthal, Christopher Murphy, Elizabeth Warren.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

GUN VIOLENCE

Mr. LEAHY. Madam President, 4 months after the horrific day in Newtown where 20 children and 6 educators were senselessly murdered, the Senate is posed to make further progress toward the goal of reducing gun violence. It is a goal that all Americans, regardless of political party or philosophy, should share. I don't know how any parent, any grandparent, or any relative ever gets over the horrific disaster of Newtown.

I thank our ranking Republican on the Judiciary Committee, Senator GRASSLEY. He worked with us, and he

favorably supported two of the measures reported by the Judiciary Committee last month. Senator GRASSLEY helped make sure we had hearings that were substantive and that we had a schedule so we could vote.

I commend Senator COLLINS, who has been my partner as we have moved forward with legislation to combat illegal gun trafficking and straw purchasers who obtain firearms legally but then provide them to criminals and gangs. We have been joined in that bipartisan effort by Senators DURBIN, GILLIBRAND, KIRK, KLOBUCHAR, FRANKEN, BLUMENTHAL, SHAHEEN, and KING.

Our bill is intended to give law enforcement better and more effective tools. A bipartisan majority of the Judiciary Committee voted for the Stop Illegal Trafficking in Firearms Act, S. 54. It has provisions that are included in the Safe Communities, Safe Schools Act, S. 649, which Majority Leader REID placed on the Senate calendar just before the last recess and on which he has now moved to proceed.

Straw purchasers get around the purpose of the background check system. Straw purchasing of firearms is undertaken for just one reason: to get a gun into the hands of someone who is legally prohibited from having one.

We know that many guns used in criminal activities are acquired through straw purchases. It was a straw purchaser who enabled the brutal murders of two brave firefighters in Webster, NY, this past Christmas Eve, and it was a straw purchaser who provided firearms to an individual who murdered a police officer in Plymouth Township, PA, last September. Is it any wonder that law enforcement across this country says: Stop the straw purchasing. We are losing too many brave men and women in law enforcement, to say nothing about all the others who have been killed by drug and criminal cartels.

We need a meaningful solution to this serious problem. We have included suggestions from Senator GILLIBRAND to go after those who traffic in firearms by wrongfully obtaining two or more firearms. We worked hard to develop effective, targeted legislation to help combat a serious problem. We are doing it in a way that protects the second amendment rights of law-abiding Americans.

It was an ATF whistleblower who testified in the last Congress that the existing firearm laws are "toothless." We can create better law enforcement tools, and that is what we are doing with the Stop Illegal Trafficking in Firearms Act. I urge all Senators to join with us and close this dangerous loophole in the law that Mexican drug cartels, gangs, and other criminals throughout our country have exploited for too long.

I wish to recognize the dedication and leadership of Senator COLLINS of Maine to confront the issue of gun violence. She is not a member of the Judiciary Committee, but she has been