

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m., to hold a hearing entitled, "A Hearing on S. 980, The Embassy Security and Personnel Protection Act of 2013."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Pooled Retirement Plans: Closing the Retirement Plan Coverage Gap for Small Businesses" on July 16, 2013, at 2:30 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 16, 2013, at 3:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 16, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Financial and Contracting Oversight be authorized to meet during the session of the Senate on July 16, 2013, at 9:30 a.m. to conduct a hearing entitled, "Implementation of Wartime Contracting Reforms."

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

SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 16, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

MAJORITY PARTY APPOINTMENTS FOR THE 113TH CONGRESS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 196, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 196) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, JULY 17, 2013

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 17, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the two leaders, the Senate proceed to executive session to consider Calendar No. 178, the Hochberg nomination, and the time until 10 a.m. be equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. BROWN. Tomorrow at 10 a.m. there will be a rollcall vote on the motion to invoke cloture on the Hochberg nomination.

ORDER FOR ADJOURNMENT

Mr. BROWN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator THUNE.

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

The Senator from South Dakota.

HEALTH CARE REFORM

Mr. THUNE. Madam President, last week a letter was sent to majority leader HARRY REID and minority leader NANCY PELOSI of the House of Representatives, and I wish to read a few quotes from that letter. It says:

When you and the President sought our support for the Affordable Care Act, you

pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you—

Directed at the majority leader and the minority leader in the House—

and the Obama Administration enact an equitable fix, the ACA—

Or the Affordable Care Act, which some people refer to as "ObamaCare"—will shatter not only our hard-earned health benefits, but destroy the foundation of the 40 hour work week that is the backbone of the American middle class.

The letter goes on to say:

Since the Affordable Care Act was enacted, we have been bringing our deep concerns to the Administration, seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of non-profit health plans. As you both know firsthand, our persuasive arguments have been disregarded and met with a stone wall by the White House and by the pertinent agencies.

This is a letter that was, as I said, sent last week to the leaders in the House and in the Senate. I wish to quote a few more passages from that letter.

We have a problem; you need to fix it. The unintended consequences of the Affordable Care Act are severe. Perverse incentives are already creating nightmare scenarios.

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is twofold: fewer hours means less pay while also losing our current health benefits.

The summary of the letter at the end says:

On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and wellbeing of our members along with millions of other hardworking Americans.

So when we look at this letter and the tone of the letter and some of the statements made in the letter, we see that it talks about destroying the health benefits of employees. It talks about nightmare scenarios being created by perverse incentives in the Affordable Care Act. As I said before, it says the Affordable Care Act will shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

If my colleagues are wondering who sent the letter—one might think it came from the National Federation of Independent Business or perhaps the National Association of Manufacturers, the chamber of commerce, or some business group that obviously has major concerns and issues with the implementation of ObamaCare. But that letter came from Mr. James Hoffa, who is the general president of the International Brotherhood of Teamsters; it was cosigned by Joseph Hansen, the international president of the UFCW, and by D. Taylor, the president of UNITE-HERE—three major union organizations that are very concerned

about ObamaCare and its implementation and what it is going to mean to the health care benefits many of their members already enjoy, as well as what it will do to wreck the 40-hour work-week that is, as they describe, the backbone of the American middle class.

So the list goes on of those who have deep and abiding concerns about the adverse and harmful impacts of ObamaCare as we approach the implementation stage the first of next year.

As we know, last week the administration announced they were going to delay the implementation of the employer mandate. I think many of us received that news as welcome news because we have argued that many of the penalties associated with the legislation and its implementation are going to be very harmful to job creation and to economic growth and that we are going to see more and more employers starting not only to not hire people but actually to reduce the size of the workforce. In fact, a survey of employers around the country suggested that 40 percent of them were, in fact, doing that. They were not hiring new people. Also, 20 percent of the employers in this country were actually reducing—laying people off—because of the concerns about the mandates included in ObamaCare.

So the administration reacted to that by saying: OK, we have been listening to you. We hear you. We are going to delay the employer mandate.

That is the penalty attached if employers don't offer a government-approved health plan with lots of bells and whistles and things in it—things that they didn't believe they could afford. So we get the 1-year temporary relief from that.

But I think the question that has to then be asked of the administration is this: If you are going to provide relief from the employer mandate, what about everybody else? What about all of the other Americans who are going to be impacted and harmed? What about the individual mandate where we have 6 million Americans who are, when it is fully implemented, going to be faced with a tax of about \$1,200?

We have all kinds of families across this country who are seeing, because of the higher taxes and many of the mandates associated with the legislation already, higher premiums. In fact, when the President took office, he promised he was going to reduce premiums for families in this country by \$2,500. Well, according to the Kaiser study—and they track premiums—since the President has taken office, health insurance premiums for families in this country have actually increased by \$2,500. So when the President made the argument that he would lower insurance premiums for families in this country by \$2,500, just the opposite has happened. We have seen premiums actually go up. I think premiums are going to continue to go up as this becomes implemented and becomes, ultimately, the law of the land.

A lot of my colleagues on the other side have said: Why do you guys keep complaining about this? It is the law of the land. In fact, it is the law of the land, which I think begs the question of, why is the administration not enforcing it? Why has the administration been delaying implementation of ObamaCare, at least as it pertains to the employer mandate?

I think there are a lot of obvious reasons for that. They got tired of hearing about the adverse impacts it was having on the economy and having on jobs. We saw the jobs numbers from the month of June, and the number of people who have been pushed into part-time jobs was actually, in the month of June, up by 322,000 individuals.

In other words, what we are seeing is that a lot of people who were previously full-time workers and who want to work full-time in our economy are being pushed into part-time jobs. Why is that happening? Well, at least one of the reasons, I would argue, is that under ObamaCare the requirements that apply to employers apply to full-time workers. So if an employer doesn't have full-time workers—and the law defines that as 30 hours a week—if an employer doesn't have people working more than 30 hours a week, they are not covered by the mandates in the legislation. So what are many employers doing? Many employers were then cutting the hours of their employees to get under that 30-hour threshold so they wouldn't be hit with these costly new mandates.

What does that mean for the average family in this country? It means that fewer and fewer people have full-time jobs, higher take-home pay, and more and more Americans are having to do part-time work—probably finding two part-time jobs to help pay the bills. That is a crushing effect on an economy that is already struggling to recover. A lot of people who I would argue want to get back into the workforce are trying to find full-time work and are being met with resistance from employers because employers are having to deal with these costly mandates included in the Affordable Care Act.

So if we look at the effect, the net result so far of ObamaCare, which, again—we have mentioned this many times here—is 2,700 pages in terms of legislation and 20,000 pages of regulations—in fact, the size of the stack of regulations is now 7½ feet tall, so it is about a foot taller than I am. Just last week another 606 pages of regulations were issued in terms of the implementation of this law. Can we imagine average Americans trying to comply with 20,000 pages of regulations or, for that matter, businesses trying to comply with them?

There is so much uncertainty associated with this law and the impact it is going to have and fears about the impact it is going to have, and nothing is being done to make that any easier for most Americans. It was made easier for employers last week when the penalty

for the employer mandate was delayed by 1 year.

We believe that if they are going to delay the employer mandate for a year, we ought to delay the implementation of this law for everybody and not just do it for a year. Let's do it permanently. Let's start over. Let's do this the right way. It didn't take a 2,700-page bill, it didn't take 20,000 pages of regulations, it didn't take a government takeover of one-sixth of our economy to try to solve the problems and the challenges we have in our health care system today. Yet that was the solution the President and our Democratic colleagues in Congress came up with. As a consequence, we have higher taxes, we have higher premiums, we have fewer jobs, and we have lower take-home pay for many Americans.

I wish to point out in terms of the issue of premiums even the administration has acknowledged that some people are going to see their premiums rise under the health care reform law. There are estimates from the Society of Actuaries study that was released in 2013 that showed the State of Ohio's current average cost to cover medical expenses for an individual health insurance plan to be \$223.

Based on the proposals submitted to the Department, the average to cover those costs in 2014 under ObamaCare is going to be \$420, representing an increase of 88 percent when compared to—this is a study of actuaries—their study. So an 88-percent increase in the State of Ohio. That, of course, again was in the individual health care market.

There have been studies done that suggest that the Federal health care law, the Affordable Care Act or, as I said, ObamaCare could nearly triple premiums for some young and healthy men. The premium for a relatively bare bones policy for a 27-year-old male nonsmoker in the individual market would be nearly 190 percent higher.

So I do not think many of the people who are going to be impacted have seen the full impact yet. But when it is fully implemented, there are going to be lots of other impacts on premiums, adverse impacts on people in this country, especially in the individual market. As I mentioned earlier, we have already seen significant increases in premiums with regard to families.

So if we look at this thing and sort of assess where we are today, not too far, just a few months away from what is alleged to be the full implementation of this—of course, now with the exception of the employer mandate—I think we can come to one very simple conclusion; that is, that the result has led to fewer jobs, it has led to more people being pushed into part-time work as opposed to full-time jobs, and therefore lower take-home pay for middle-class Americans. It has led to higher premiums. We are already seeing the effect of that with regard to premiums that are being paid by families and those who have to buy their insurance in the individual marketplace.

We know there are lots of higher taxes in the legislation. If we look at the impact on many people who provide health care services, the medical device manufacturers have a big tax they are dealing with, pharmaceutical companies, health insurance plans—we can go right down the list. All of those new taxes are going to get passed on, in many cases passed on to people who are not high-income earners but middle-class Americans who are trying to keep their heads above water and keep health care coverage for their family.

These are the real-world impacts of ObamaCare as we know it today. That is why I think we see, even organizations that are very sympathetic to the President, very sympathetic to his agenda, fans of his agenda, people who worked very hard to get him elected in office—the labor unions in their letter make that argument, that they worked very hard. They walked the neighborhoods. They did all of the grassroots organizing that was necessary to get the President elected. Here they are reacting to the Affordable Care Act, to ObamaCare, in the same way I think most Americans are.

That is why we consistently see public opinion polls that are very negative toward the law. In fact, there was a Rasmussen survey recently that said 55 percent of Americans disapprove of the law, 39 percent are in favor of it. But a significant and decisive majority of Americans believe this is going to be bad for them, bad for their own personal situation, finances, when it comes to covering their families but also bad for the economy and bad for jobs.

Higher premiums, higher taxes, fewer jobs, more part-time jobs, fewer full-time jobs, lower take-home pay, that is what we today know as ObamaCare. There is a better way. We could go back and start over, do this the right way; step-by-step, incrementally, deal with the challenges that we have in our health care system, and there are many of them. But it did not take a massive takeover of one-sixth of the American economy, a massive new government program, 2,700 pages of legislation, over 20,000 pages of new regulations in terms of implementation to solve the challenges we have in our health care system today.

There is a better way. I hope the feedback, if you will, the response that the President and his team are getting, not only now from those people who were opposed to it—many of us were arguing when this was being debated in the Senate that this, in fact, would be the impact. We talked about the impact on premiums because of the mandates and the new taxes. We talked about the taxes. We talked about the impact on the economy and jobs and pointed out that this was going to have an adverse, harmful impact on the ability of our economy to create jobs and to get that unemployment rate down and get people back to work in this country.

Many of us were working those arguments. Many of the organizations that were opposed to the legislation were saying the same things. Now we have those who were actually endorsing and in favor of the legislation coming out and saying it would shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour work week that is the backbone of the American middle class. Perverse incentives are already creating nightmare scenarios.

That is what is included in the letter that was submitted last week to the leaders in the Congress, written by major labor organizations in this country. Those are not rightwing conservatives, rightwing Republicans who are reacting this way to ObamaCare; these are allies of the President who have realized and come to the conclusion that this is incredibly problematic, not only for them and their members and the employees of a lot of companies out there with regard to the current health care benefits that they already have but also what it means for the 40-hour work week and what it means for the take-home pay for middle-class Americans across this country.

We can do better. We should do better. It is not too late. It is never too late to do the right thing. I hope that as more and more of this anecdotal and empirical evidence comes forward about the implementation of this legislation, we will do that.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Wednesday, July 17, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL LABOR RELATIONS BOARD

KENT YOSHIHO HIROZAWA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED.

NANCY JEAN SCHIFFER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ROGER L. NYE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KENNETH E. TOVO

CONFIRMATION

Executive nomination confirmed by the Senate July 16, 2013:

BUREAU OF CONSUMER FINANCIAL PROTECTION

RICHARD CORDRAY, OF OHIO, TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION FOR A TERM OF FIVE YEARS.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on July 16, 2013 withdrawing from further Senate consideration the following nominations:

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2013.

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2013.