

I hope Members on both sides of the aisle will approach this bill in a cooperative spirit with respect to further rights of Senators to offer their amendments and get votes, and that we will not see Members drawing lines in the sand or deciding that they are going to block action going forward because I think this bill could be a model of how we should operate.

Thank you, Mr. President.

AMENDMENT NO. 1744

Mr. LEAHY. Mr. President, on Tuesday, the Senate adopted an amendment offered by the junior Senator from Louisiana, which effectively imposes a lifetime ban on individuals who have been convicted of certain serious crimes from obtaining Federal housing assistance. Today is a new legislative day, and many of us in this body may have already moved on to the next meeting, the next issue, the next vote. But as I have reflected on that amendment, I am concerned the direction these types of amendments are taking us.

I had significant concerns with the lack of notice given to Senators about the amendment offered by Senator VITTER, and the speed with which a vote was scheduled. In the span of roughly 90 minutes, the amendment was filed, made pending, and set for a rollcall vote. This amendment was never considered by the relevant subcommittee in the markup of the bill, nor vetted for unintended consequences.

I am deeply concerned about what the sort of amendment offered by the junior Senator from Louisiana says about us as a Senate, and as a Nation. Following on the heels of a similar amendment offered by Senator VITTER on the farm bill, I expect that similar amendments will be filed and offered on virtually every future bill. This has to stop.

In our system of justice, when someone is convicted of a crime and serves a sentence, I believe that person deserves a second chance and an opportunity to reintegrate as a productive member of society. That is a principle of fairness and justice that I know not only from my days as a prosecutor, but through my time as chairman of the Judiciary Committee. It is a basic notion instilled in me from an early age, and reinforced by my faith. As I have long heard from the faith community, it is our moral obligation to rehabilitate and restore people who have committed crimes. We all have made mistakes, and I challenge any Member to come to the floor and say that they haven't themselves sought forgiveness or a second chance.

We have to get past the point where we are scoring political points on the backs of those who have committed crimes but have served their sentence. We must find a way to reintegrate them into society. That is how we make our communities safer.

No one in this body should want a convicted felon to become a repeat offender. And I assume no Senator wants

to punish the family members of an offender for crimes they did not commit. Yet that would be the effect of the Vitter amendments. Such measures have the effect of extending punishment beyond the original term; they would act as a lifetime ban and make it harder for ex-offenders and their families to get back on their feet. I reluctantly supported the amendment this week because Federal regulations already give housing officials the ability to keep dangerous criminals, sex offenders, and domestic abusers out of public housing. While this diminishes somewhat the overall impact of that amendment, the mandatory draconian nature of the Vitter amendment remains deeply troubling. As the senior Senator from Louisiana stated when Senator VITTER offered a similar amendment a few years ago, such an approach is simply "mean-spirited and counterproductive."

I am concerned that this is just the first of a series of similarly mean-spirited and counterproductive amendments. Now that the Senate has moved to impose a lifetime ban on food and housing assistance for some who have served their criminal sentences, what will be next? Will we next decide to take away education or employment assistance? Should we ban ex-offenders from libraries or public parks? The aggregate effect of such efforts will be to relegate an ex-offender and perhaps his or her family to a lifetime of poverty, homelessness, and isolation. That does not make us safer. It just makes us meaner and less compassionate. I hope we will stop using this political tactic and work together to help give people a second chance.

I know many Senators here share this goal. This is a complicated issue that demands thoughtful solutions, and we must work together if we have any hope of achieving real change. Public safety is about more than lengthy prison sentences. It also requires efforts to reintegrate into our communities those who have served their time. We know that reentry efforts reduce recidivism and we must be thoughtful when we take options off the table like we did this week.

I praise groups like the Conference of Catholic Bishops, Prison Fellowship, and the Sentencing Project who have worked tirelessly to help provide opportunities for individuals who have committed crimes, and to work toward the rehabilitation and restoration of their families. At the core of their work are fundamental notions of justice and compassion—the same principles that I hope will guide the work of the Senate as we go forward.

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate go to a period of morning business, with the time equally divided between the minority and majority, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Florida.

#### FUNDING LEVELS

Mr. NELSON. Mr. President, what we have seen is a recognition that these are tough times and we need some belt-tightening. But to go back to this level of sequestration is not the right thing to do because that is taking a meat cleaver approach, across-the-board, on cutting Federal programs. It is just not a responsible way of belt-tightening. Fortunately, this motion to recommit, to in essence go to the level of appropriations for Transportation and Housing and Urban Development that was to take it to the level of the House, which is considerably lower than what has come out of our Appropriations Committee in the Senate—fortunately, this motion to recommit was defeated.

Why do we want to cut funding, as the House bill does, to critical areas such as air traffic controllers?

It is dangerous, shortsighted, and we have been to this rodeo before. As a matter of fact, doesn't anyone remember that earlier in the year we had to fix the sequestration cuts that went into effect in the current fiscal year because it was cutting out all kinds of air traffic controllers and furloughed a number of them and closed the contract towers for the small airports? We had to reverse that. The public rose and said: This is not the right nor intelligent thing to do when it comes to the public safety.

In addition to compromising the safety of the traveling public, those air traffic cuts would have increased the flight delays by hours and hours and caused a lot of cancellations. Lo and behold, when the American traveling public saw that was exactly what was happening, they rose and they said: Enough. The body politic responded. Here was an attempt to repeat that. If we reduce the top line of funding for this next fiscal year on this bill, we are going to be right back in the same situation where we were last spring: scrambling to keep our aviation system functioning safely and again delaying the next generation of air traffic controllers which we are desperately trying to set up.

This House of Representatives sequestration budget—outside of aviation—is going to mean more crumbling roads and bridges, more families unable to put a roof over their heads, and our infrastructure will continue to be falling into further disrepair. So it is our responsibility to keep our country safe and the economy moving. Thank goodness we rejected this attempt to go back to the Dark Ages, but we are going to have more and more of this.

We have a bill that is coming up next Tuesday in a markup in the Commerce Committee of the NASA authorization bill. Here is a bill that has never been partisan. It is not only bipartisan, it has been nonpartisan. We have never

had a partisan vote on a NASA authorization bill. Three years ago on the NASA authorization bill that broke a lot of new ground, we passed it out of the committee and out of the whole Senate unanimously.

I am very saddened to report to the Senate that next Tuesday we are going to have a markup of the NASA authorization bill. There is not a disagreement as to the balance we have in the bill between the big rocket called the Space Launch System, its capsule, its spacecraft, Orion, or what we balance against commercial rockets trying to get cargo and crew to the International Space Station. There is not a disagreement on that.

There is not a disagreement on keeping up the programs on our weather satellites—all of the stuff we put up for NOAA so that, in fact, we can predict our weather, and in hurricane season that becomes especially important. There is not a disagreement about continuing the exploration program with the robotic spacecraft to Mars and to other planets as well as putting up a satellite, in part for the Department of Defense, to warn us against the solar nuclear explosions on the surface of the Sun so we can get ready to save our satellites by the time that nuclear radiation gets to Earth. There is no disagreement on that.

There is no disagreement on the future of the new space telescope called the James Webb Space Telescope that is going to replace the existing one when it goes on the blink. It has uncovered all of these secrets of the universe as we peer back into time on the universe.

There is no disagreement on the substance of this bill. The partisan vote that is going to occur on Tuesday in the Commerce Committee is going to be because of the funding level. The bill Senator ROCKEFELLER and I have offered that will be voted on will be, unfortunately, a partisan vote because it takes the level of funding of the budget resolution which is \$18.1 billion. The vote will be partisan because of those who want the sequester to apply, and as such they want \$16.8 billion instead of \$18.1 billion or even lower, as the House of Representatives has done, \$16.6 billion.

I can tell everyone that little agency, NASA, can't do all of these things I just mentioned that there is no disagreement we need to do. Getting humans back into space, preparing for the next major exploration with humans in the decade of the 2030s, going to the planet Mars—there is no disagreement with that. But we can't do it if we don't provide the funds now to develop the techniques, the technology, the procedures, and build our way like building blocks to ultimately where we can send humans multiples of millions of miles away from the home planet and bring them back safely.

Sadly, I am afraid we are going to have a partisan vote because of that disagreement on the level of funding. It

will be the first time ever we are going to have that kind of vote recorded on that little agency called the National Aeronautics and Space Administration. So, just like today, here we go.

Down the road, this is going to have to be decided, and it probably will come very late in the year. It will probably come when we come to another crisis point of having to raise the debt ceiling. It will probably come to the point where we have all kinds of good and new ideas on tax reform that will be coming out—a major tax reform—of the Finance Committee. We are limping along on appropriations bills just to keep us funded and to keep the government functioning after October 1 in the new fiscal year. At some point, all of this is coming to a head, including what level of funding is it going to be.

I hope we will start using some common sense and act accordingly.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Florida.

#### THE MIDDLE CLASS

Mr. RUBIO. Mr. President, even as I speak at this very moment—or maybe he has wrapped up—the President is in Jacksonville, FL, today. He is discussing the middle-class and how to get the middle class growing again in America, and it is a very worthy topic.

I wish the President would do less talking and more listening. If he listened to the middle class—and particularly those middle-class Americans who either work at a small business or own a small business—he would hear the No. 1 concern many of them now have is about ObamaCare.

Recently, I made the statement that I don't believe we should pass a short-term budget here that pays for ObamaCare. Since that time, I have heard the comments of some that that is an unreasonable request. I wish to outline one more reason why I think it is an unreasonable request to actually fund it. It is unreasonable because of the impact ObamaCare is having on real people—particularly those in the middle class in the United States.

I wish to focus on small businesses today because they truly are the backbone of the American economy. People here throw that term around all the time, “the backbone of the economy.” It truly is.

I live within a few blocks of 8th Street, the famed Calle Ocho, where literally every business is a small business, such as bakeries, sandwich shops, you name it. They are primarily run by immigrants who are here in search of a better life and the American dream. They own these small businesses. They will be impacted by the changes this law will have, and I wish to describe some of them.

Yesterday, we had a hearing in the Small Business Committee where the administration spoke first. Basically, their take on it is that ObamaCare will be good for small businesses for two

reasons: One, we will set up these health exchanges small businesses can go to and offer health insurance to their employees on these exchanges.

Basically, the exchange is a one-stop shop. A company owner can go online—and there are theoretically 8 or 10 private insurers—and the owner of the business gets to pick a plan from one of those choices and their employees get insured from it. In theory that is not a bad idea. However, in a moment I will outline why that is not working out.

The second thing they brag about is the tax credit that small businesses will be able to use. I want to use the testimony—not just of them but of small businesses—to outline why, in fact, these things are not only not going to work, but ObamaCare is going to be deeply hurtful to small businesses and the middle class.

Let's talk first about the exchanges. The exchanges are not unfolding as they were planned. I asked the administration yesterday: Is it going to be ready about October 1? Are businesses going to be able to go on this exchange and find an insurance plan for their employees? They said they are sure it is going to happen. But the truth is it is not working out that way.

There are 17 States that have decided to go on to their own exchanges. All 17 of those States are behind schedule in one form or another. Maryland was one of the first States to embrace it. They asked for a delay in April because they couldn't get it going on time.

A recent report from the Government Accountability Office reported that all 17 States were behind schedule and that they were missing deadlines on 44 percent of the key things they had to do.

Here is the second problem: These exchanges only work if you have a lot of companies competing against each other, but that is not happening either. Insurers are not flooding to offer insurances on these exchanges.

Let me give an example. There are three States: Washington State, New Hampshire, and North Carolina where only one company has responded. There is no competition, and that is what is supposed to drive down the rates. In another State, not a single company responded until very recently when Humana came in to save the day and actually decided to jump on board.

Here is what the vice president of a consulting firm that specializes in this—it is called Avalere Health. Caroline Pearson is the vice president and she said:

Humana may have a difficult time building competitive networks in [Mississippi], so we could see higher than average premiums in this region.

Again, another reason to doubt that these exchanges are going to work and the impact it is going to have is terrible.

What about the tax credits? That is a great idea, right? We are giving tax credits to small businesses that they can use to buy health insurance for