

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

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to S. Con. Res. 22.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 22) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (S. Con. Res. 22) was agreed to, as follows:

S. CON. RES. 22

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, August 1, 2013, through Sunday, August 11, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, August 12, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn; and that when the Senate recesses or adjourns on Monday, August 12, 2013, it stand adjourned until 12:00 noon on Monday, September 9, 2013, or such other time on that day as may be specified by its Majority Leader or his designee, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, August 2, 2013, through Friday, September 6, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, September 9, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

PROMOTING ENERGY SAVINGS IN RESIDENTIAL BUILDINGS AND INDUSTRY—MOTION TO PROCEED—Continued

EXPRESSING GRATITUDE FOR COOPERATION

Mr. REID. Mr. President, for this session, this work period, we have done a

lot of work, and it has turned out quite well. None of us got what we wanted, but we all got something. I appreciate the cooperation of Democrats and Republicans this afternoon. It is always during the last few hours before a recess that problems come up, and this is an adjournment, so it is even more difficult. So I am grateful to everyone for their participation and their cooperation.

As for Senator GRASSLEY, he has left the floor, but I wish to express my appreciation to him. He had an issue that took us a while to work through, and it all worked out for the better for not only he and Senator LEAHY but, most importantly, for our staff.

Mr. FLAKE. Mr. President, I ask unanimous consent to enter into a colloquy with Senator STABENOW.

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

THE FARM BILL

Mr. FLAKE. Mr. President, as the two Chambers prepare to go to conference on the farm bill, I rise to request a commitment from the distinguished chairwoman of the Senate Agriculture Committee to protect the Senate farm bill's vital provision to end direct payments outright.

While I commend the chairwoman for her leadership in facilitating the full and immediate elimination of direct payments in the Senate-passed farm bill, many of my colleagues may be surprised to learn that section 1101 of the House-passed farm bill contains a carve-out that would actually continue direct payments to cotton farmers at a rate of 70 percent in 2014 and a rate of 60 percent in 2015.

According to the Congressional Budget Office, this House-passed extension of direct payments would cost taxpayers an estimated \$823 million.

Already a poster child for Federal largesse, direct payments have more recently become synonymous with waste, fraud, and abuse. As the Washington Post put it, recent analyses of the program have found that it subsidizes people who aren't really farming: the idle, the urban, and, occasionally, the dead.

Investigations have uncovered taxpayer-backed direct payments being paid to billionaires, to New York City condo dwellers, and to nonfarming homeowners who happen to live on former farmlands.

Direct payments have also been the target of a series of scathing reports published by the GAO, the most recent of which went so far as to question the purpose and need for direct payments, stating that they did not "align with principles significant to integrity, effectiveness, and efficiency in farm bill programs." The report went on to recommend that Congress consider eliminating direct payments outright.

I ask the distinguished chairwoman, was the unsustainable cost and the pattern of waste, fraud, and abuse associated with direct payments the impetus for the chairwoman to ensure that this

subsidy was fully and immediately eliminated in the most recent Senate-passed farm bill?

Ms. STABENOW. I thank my colleague from Arizona for his passion on this issue.

Yes, it has been my goal from the beginning of this farm bill process to end unnecessary subsidies and to clean up areas of waste, fraud, and abuse starting with the direct payment program. The program is indefensible in this current budget climate. It makes absolutely no sense to pay farmers when they don't suffer a loss and to pay people who aren't even farming.

That is also why we included the strongest reforms to the commodity programs in the history of the farm bill, eliminating payments to people who are not farming and tightening the AGI requirements and the amount any single farmer can receive.

We even have reformed the crop insurance program. The No. 1 thing we have heard from listening to farmers all across this country is that they need market-based risk management tools.

Farming is an extremely risky business. Farmers plant seeds in the spring and hope that by the time the harvest rolls around there will have been enough rain and the right temperatures to give them a good crop. That is why we strengthened crop insurance and made that available to farmers growing different kinds of crops—because we want farmers to have skin in the game. As I have always said, that is about farmers paying a bill for crop insurance, not getting a check from the direct payment program.

Mr. FLAKE. To the chairwoman's credit, the Committee on Agriculture, Nutrition, and Forestry has maintained a sustained effort to eliminate direct payments. In fact, between the 2012 and 2013 Senate farm bills and the majority's sequester replacement legislation, 76 current Members of the Senate—76 current Members of the Senate—have voted for the full and immediate elimination of direct payments.

Does the chairwoman agree that even the limited \$823 million extension of direct payments found in the House-passed bill would be at odds with the recorded votes of a supermajority of the Senate?

Ms. STABENOW. My friend from Arizona is correct. The Senate has repeatedly voted to end direct payments.

Mr. FLAKE. To that end, I respectfully request that the distinguished chairwoman make a commitment that she will protect the Senate's vital provision and work to ensure that any conference report brought before the Senate achieves a full and immediate elimination of direct payments.

Ms. STABENOW. Yes, that is my intention. I strongly agree we should not be spending taxpayer dollars to fund these direct payment subsidies, and I will do everything I can to make sure the conference committee adopts the Senate version on this issue.

I would also say to my friend from Arizona that if we do not get the farm bill signed into law by September 30, then direct payments are scheduled to continue. So I hope we can count on the Senator's support to make sure we can pass the farm bill in time and eliminate direct payments.

Mr. FLAKE. I thank the chairwoman for her commitment. To be frank, I believe the Senate farm bill leaves much to be desired. In fact, to gain my support, the farm bill will need to undergo dramatic changes to reduce the taxpayer cost of Federal crop insurance, remove market-distorting price supports, and limit the scope of the Federal Government in U.S. agriculture.

That said, the chairwoman is right to point out that as uncertainty continues to surround the farm bill, Congress appears poised to pass yet another extension of the 2008 farm bill and, in turn, continue direct payments.

With regard to direct payments, such an outcome would be a costly regression in light of the Senate's bipartisan efforts to eliminate this multibillion-dollar subsidy.

After 17 years, three extensions, and more than \$92 billion paid out, it is time for direct payments to come to a full and immediate end. On this point, the chairwoman and I are in full agreement.

To that end, the chairwoman has my commitment to do everything I can to ensure that any legislation that should come before the Senate containing an extension of direct payments will be met with my fierce opposition.

I thank the chairwoman again for her commitment and for her attention to these concerns.

Mr. President, I yield the floor.

Ms. STABENOW. Mr. President, I thank my colleagues who have been patiently waiting. I know there are many Members who wish to speak.

I thank my colleague from Arizona.

Mr. FLAKE. I thank my colleague as well.

The PRESIDING OFFICER. The Senator from Illinois.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the chair be authorized to appoint conferees on the part of the Senate; that following the authorization, two motions to instruct conferees be in order from each side: motion to instruct relative to the debt limit and motion to instruct relative to taxes/revenue; that there be 2 hours of debate equally divided between the two leaders or their

designees prior to votes in relation to the motions; further, that no amendments be in order to either of the motions prior to the votes; all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. RUBIO. Mr. President, reserving the right to object, I would ask the Senator from Illinois if he would consent to a modification of his request that it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection to the modification has been heard.

Is there objection to the original request?

Mr. RUBIO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I am sorry we are ending this session and going home for August with this. This is an attempt to go to a conference committee with the House of Representatives to agree on how much money we as a government will spend next year.

Each Chamber has passed a budget resolution. The Senate passed one. The House passed one. The basic constitutional approach to this is to bring the two together, work out our differences. This is, in fact, the 18th time we have asked the Republicans for their consent to go to this conference committee to resolve the differences between the House and the Senate and the 18th time that a Republican Senator has stood and objected.

We have heard speech after speech about how bad it was that the Senate never passed a budget resolution. I bet you heard it too. So we passed one. We did not get any help from the Republicans in passing it, but we passed it. Then, when it came time to try to work out our differences with the House of Representatives, Republican Senator after Republican Senator stood and said: No, we do not want to meet with the House of Representatives, even though it has a Republican majority.

Well, what difference does it make if we agree on this number? Can life go on? It makes a big difference. You see, earlier this afternoon we had this bill on the floor, S. 1243. It is a bill for the Departments of Transportation and Housing and Urban Development. Senator PATTY MURRAY of Washington chairs that appropriations subcommittee. Senator SUSAN COLLINS of Maine is her vice chairman on the Republican side. They worked long and hard on this bill.

It is a \$54 billion bill. It pays for the basics when it comes to transportation

in America; TIGER grants so that communities can build the roads they need; money to rebuild bridges that are falling down; airports in Massachusetts, Illinois, and Florida. It has the Housing and Urban Development Program in it as well, housing for poor people, housing for veterans.

Well, it came to a procedural vote today on the floor. It was a dramatic moment. The Senator from Maine, the Republican Senator who has worked on this for so long, stood and begged her colleagues on the Republican side to join her in moving this bill forward. She put in a lot of work, and she went through this long list of 85 different amendments that have been considered on this bill, how everybody has had their chance if they wanted to change it. Senator MURRAY of Washington said the same thing.

Then the Republican leader Senator MCCONNELL came to the floor and said: I am asking all the Republicans to vote no. Vote no because we have not reached an agreement on the budget resolution; we have not reached an agreement on the total amount of money we will spend next year.

So they all voted no—all except Senator COLLINS. Every one of them voted no because we did not have an agreement on the budget resolution.

So I just came to the floor and said: Why don't we sit down and try to reach an agreement on the budget resolution? And a Republican Senator said: No, I object to that.

Where does that leave us? They will not pass the bills—appropriations bills—for something as basic as transportation and infrastructure because we do not have an agreement on a budget resolution, and they will not give their consent for us to sit down and agree on a budget resolution.

The games politicians play. When we had this press conference outside, there were people from the construction industry—iron workers, transportation workers, some of them in hard hats—and one of them got up to the microphone and said: I don't know what is going on inside those rooms with all that wrestling, but we need more jobs in America. Why can't you pass a bill to create more jobs in America?

I think most Americans, wherever they live, would agree with that ironworker. Most of them would not understand what just happened today—how the Republicans, except for one, all voted against that bill for transportation, saying we had not reached an agreement on how much we were going to spend, and then they turned around and objected when we came forward and said: Then let's try to reach an agreement. They objected. You just heard it on the floor.

I respect my colleague from Florida. And do you know the reason for the objection? He is afraid we may resolve the issue about our debt ceiling. Do you know what the debt ceiling is? The debt ceiling is America's mortgage. When we vote for spending bills, we

have to borrow some money to cover what we are voting for.

Many on the Republican side say: We want to vote for spending bills, but we do not want to be held responsible for the money you have to borrow to pay for it.

If we fail to enact a debt ceiling at the end of this year, America will default on its debt for the first time in history. The economic recovery we are seeing now will disappear. Jobs will be lost. Businesses are going to contract, some will fail. It is totally irresponsible to say: I just hope we never extend that debt ceiling.

We need to do that. We did it 16 times under President Ronald Reagan—16 different times under President Reagan. This is not a Democratic or Republican issue. It is an issue of responsibility and fiscal responsibility.

I am saddened that we had such a good run for 2 weeks where we were working together and we end on such a sour note. I am saddened we could not pass this good, basic bill—a bill which had bipartisan support coming out of the committee. I am saddened that the Senator from Maine was the only Republican Senator who would vote for this bill today. And I am saddened that we will end this session with an objection to the House and Senate trying to sit down together and work out their differences.

If you wonder why the approval rating of Congress is at rock bottom, I am afraid we have seen today in the proceedings of the Senate exactly why that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise this afternoon to discuss the Energy Savings and Industrial Competitiveness Act, which is also known as Shaheen-Portman. I am very pleased to be here with my cosponsor Senator ROB PORTMAN. He has been a partner in developing this legislation. I thank him for being such a great partner and because he has to go catch a flight, I am going to defer, yield to him for his remarks, if I could. I will yield to him for a question so he can speak to this bill and get to his flight on time.

Mr. PORTMAN. I thank the Senator for yielding. I appreciate that and I will yield back to her in a moment.

First, I want to say that I appreciate her working with me over the last couple years on this legislation. This is the kind of legislation we ought to be doing around here because it has a lot of benefits. It reduces our trade deficit. It helps encourage job creation. It actually makes our environment cleaner. I think it can be helpful in a renaissance to our manufacturing in America. It is called the Energy Savings and Industrial Competitiveness Act.

I also want to thank the ranking member and chair of the Senate Energy Committee—that is Senator WYDEN and Senator MURKOWSKI—for their consistent support of this legisla-

tion. We got it through the committee with a strong vote, and we need to get it to the floor when we come back in September with a strong vote.

I am told this is going to be the first substantive Energy bill on the floor since 2007. It is about time. I hope it will have support from both sides of the aisle, and I know it has support on both sides of the Capitol. It is going to help job creators all over the country. It is the right thing to do.

On this side of the aisle, we focused a lot on an “all of the above” energy strategy. We believe we ought to be producing more energy, particularly domestic sources of energy in the ground in America, and I support that strongly. We also, though, talk about embracing smart, economically viable policies that let us use less energy. So it is producing more and using less. There is a lot of focus on producing more but less on this part about using less, and that is what this bill does.

It is supported by more than 250 businesses, trade associations, advocacy groups—the National Association of Manufacturers, the Sierra Club, the Alliance to Save Energy, the U.S. Chamber of Commerce—so it is a group that does not normally come together to support legislation. They like this bill because, again, it has these benefits for the environment, but also benefits for the economy and for our energy policy in this country.

It passed the Energy Committee with a strong bipartisan vote of 19 to 3. Simply put, Senator SHAHEEN and I have a bill that I think makes good environmental sense. It makes good economic sense, and it makes good energy sense.

I have visited with businesses and job creators all over Ohio, and they tell me pretty much the same thing. They are competing in a global marketplace. They are competing with companies in Indiana but also in India, and their ability to compete depends on their costs. They go up against companies and countries where the cost to produce goods tends to be lower. We are never going to compete on wages in developing countries, nor should we. We are not going to be able to reduce the quality of our goods, nor should we. We want to be sure we are not cutting corners.

One thing we can do is reduce the costs to our manufacturers on energy because it is a big input, particularly with heavy manufacturing. This enables us to do that through energy efficiency technologies.

What we can do as the Federal Government—through research, through disseminating best practices, through supporting skills training—is help the private sector develop the energy efficiency techniques of the future. We can make it easier for them to use efficiency tools to reduce their costs, which enables them to put those savings toward expanding their companies and hiring more people.

The proposals contained in the bill are commonsense reforms we have

needed for a long time. The bill has no mandates on anyone in the private sector. In fact, many of our proposals come as a direct result of our conversations we have had with people in the private sector about how the Federal Government can best help them to become more energy efficient, save money, and create more jobs by reinvesting in their businesses and communities.

Here is a brief overview of what the legislation does.

First, it helps manufacturers by reforming what is called the Advanced Manufacturing Office. This is an office at the Department of Energy. We need to provide clear guidance to this office that its responsibilities ought to include and ought to be prioritized to help manufacturers develop energy-saving technology for their businesses. Frankly, they have gotten a little bit off track and have focused more on helping manufacturers of clean energy, which other Departments and agencies do, including at DOE. This office ought to be focused on energy-saving technology.

It also requires the Department of Energy to assist with on-site efficiency assessments for manufacturers. It facilitates the already existing efforts of companies around the country to implement cost-saving energy efficiency policies by streamlining the way the government agencies in this area work together.

It increases partnerships with National Labs—the National Laboratories, which are a great source of research and technology—and energy service and technology providers together to leverage private sector expertise toward energy efficiency goals.

The legislation also strengthens model building codes, so that builders in States that choose to adopt them will have the most up-to-date energy-efficient building codes that are available—again, no mandates, but best practices.

It also establishes university-based building training and assessment centers, building on existing industrial assessment centers located around the country. We have one in Dayton, OH, that does a great job. We want to make sure they can also do energy efficiency work.

These centers will help train the next generation of workers in energy-efficient commercial design and operations through this legislation. Not only will these programs save energy but they also help provide our students and unemployed workers with the skills they need to compete in what can be a growing field, which is the energy efficiency field.

Again, this bill is not about forcing companies to become more energy efficient or imposing mandates, it is about giving these companies the help they are asking for. We can do that at no additional expense to the taxpayer because the cost of this legislation under our bill is fully offset.

In fact, I believe this bill will save the American people a bunch of money. Why? Because the legislation takes on the largest user of energy in the world. That is the U.S. Government. The Federal Government needs to practice what it preaches. By requiring it in this bill to adopt energy-saving techniques that make its operations more efficient and less wasteful, we are doing just that.

The bill directs DOE to issue recommendations that employ energy efficiency on everything from computer hardware to operation and maintenance processes, energy efficiency software, power management tools. It also takes commonsense steps toward allowing the General Services Administration to update building designs that are out. Some of them have been out there for years. They have developed these designs over time. They are going to be permitted finally to update these efficiency standards, again with the latest energy efficiency technology. The government has been looking for places to tighten its belt. This is certainly one. Energy efficiency is a darn good place to start.

All this adds up to a piece of legislation that Americans across the spectrum can support. It is fully offset, contains no mandates on the private sector, and requires the Federal Government to become more efficient.

According to a recent study of our legislation and its impact, by 2020, using the tools of Shaheen-Portman, the private sector can create 80,000 new jobs, lower CO₂ emissions by the equivalent of taking 5 million cars off the road, and save consumers \$4 billion a year in reduced energy costs. A vote on the Energy Savings and Industrial Competitiveness Act is one more step toward achieving the goal of a true “all of the above” energy policy that produces more energy at home while using less. I urge my colleagues to support it.

Again, I commend my colleague from New Hampshire for working with us. I yield to her after having answered her.

Mrs. SHAHEEN. I assume the question is, will this bill pass the Senate?

Mr. PORTMAN. Will this bill pass the Senate is a question that I pose to my colleague from New Hampshire.

Mrs. SHAHEEN. I would say absolutely it will pass the Senate. It will do that because it represents almost 3 years of meetings, negotiations, and broad stakeholder outreach in an effort to craft the most effective piece of legislation with the greatest chance of passing not only the Senate but the House as well so it can be signed into law.

This bill, as has been explained so well, is a bipartisan effort that is designed to boost the use of energy efficient technologies. It will help create private sector jobs. It will save businesses and consumers money. It will reduce pollution. It will make our country more energy independent.

This legislation will have a swift and measurable benefit to our economy and

our environment. As Senator PORTMAN said, a study by experts at the American Council for an Energy-Efficient Economy found that last year's version would have saved consumers \$4 billion. This may be a little hard to read on the chart, but you can see it reduces energy costs. In doing so, it saves consumers \$4 billion a year. It would create about 80,000 jobs, if it were passed, by 2020. It would also be the equivalent of taking 5 million cars off the road.

The United States needs a comprehensive national energy policy. We are too dependent on foreign oil. We are overly reliant on an outdated energy infrastructure. We need to utilize a wide range of energy sources, including natural gas, oil, nuclear, and renewable such as wind, biomass, and solar.

But we cannot just focus on the supply side. We also need to think about how we consume the energy once we have it. Efficiency is the cheapest, fastest way to reduce our energy use. Energy-saving techniques and technologies lower costs, they free up capital that allows businesses to expand and create jobs and allows our economy to grow. We can start by improving our efficiency now by installing ready and proven technologies, things such as modern heating and cooling systems, smart meters, computer-controlled thermostats, and lower energy lighting, to name a few.

There are substantial opportunities that exist across all sectors of our economy to conserve energy, to create good-paying private sector jobs. In fact, there are countless examples of energy efficiency success stories in the private sector that I have had the good fortune to see as I have traveled around New Hampshire.

I visited small retail businesses, manufacturing companies, ski areas, apartment complexes, and municipal buildings throughout New Hampshire. They are all using energy-efficient technologies to lower costs, to improve working conditions and, most important, to stay competitive.

Not long ago I had the opportunity to visit a company on the seacoast in New Hampshire called High Liner Foods. It is a seafood processing plant. It requires a lot of energy to operate. In fact, at one point the 180,000-square-foot facility consumed roughly 2 megawatts of power at any given time during normal operations. So next to the core costs of personnel and fish, because it is a fish processing plant, energy was their biggest expense. But by installing efficient lighting, new boilers, various demand-response techniques such as adjusting its lighting to dim when no employees are in the area, establishing HVAC setpoints, High Liner Foods is making great strides in reducing energy consumption. It has allowed them to expand their footprint in the State and to be more cost-effective in their production.

This week I had the opportunity to visit the first LEED-certified auto

dealership in New Hampshire. It is the first Toyota auto dealership that is LEED certified in New England, which I know the Presiding Officer will appreciate, being from the neighboring State of Massachusetts. They have implemented a number of effective energy-efficient initiatives to cut their energy cost, including the installation of solar panels, efficient lighting, and an impressive energy dashboard to monitor energy use throughout their entire service. Their customers can come in, they can touch this interactive dashboard, they can see what is going on throughout the physical plant.

I have also visited some great New Hampshire companies that also are producing energy-efficient technology. We have a company in New Hampshire called Warner Power, which has made the first breakthrough in transformers in over 100 years. Studies show that inefficiency in transformers results in a loss of about 5 percent of all electricity generated in the United States. With the wide-scale use of Warner Power's innovation, the Hexaformer, and their control system technology, the company estimates that 1.5 percent of all transformer energy losses could be eliminated. This would save the country 60 terawatts of electricity a year. That is equal to about five times New Hampshire's entire annual electricity consumption. So energy efficiency is an excellent example of a bipartisan and affordable approach that can immediately grow our economy and improve our energy security.

In addition to being affordable, efficiency is widely supported because its benefits are not confined to a certain fuel source or a particular region of the country. It is clearly one of those areas where we can all come to some common agreement, whether we support fossil fuels or whether we support alternatives such as wind and solar. So it is no wonder, as Senator PORTMAN said, that this legislation enjoys such a broad, diverse coalition of support. It has received more than 250 endorsements from businesses, environmental groups, think tanks, and trade associations, from the U.S. Chamber of Commerce and the National Association of Manufacturers to the National Resources Defense Council and the Painters Union. These are the types of non-traditional alliances that have helped us to get this bill to the floor.

The legislation provides a roadmap to create and implement a national strategy to increase the use of energy efficiency technologies in the residential, commercial, and industrial sectors of our economy.

It provides incentives and support, not mandates, for residential and commercial buildings in order to cut energy use. This is very important because buildings consume about 40 percent of all energy in the United States. The bill strengthens voluntary national model building codes—I would emphasize that these are voluntary—to make new homes and commercial

buildings more energy efficient, while working with States and private industry to make the code-writing process more transparent.

It also trains the next generation of workers in energy-efficient commercial building design and operation. The legislation also assists our industrial manufacturing sector, which consumes more energy than any other sector of the U.S. economy. It directs the Department of Energy to work closely with the private sector industrial partners to encourage research, development, and commercialization of innovative energy-efficient technology and processes for industrial applications.

It helps businesses reduce energy costs and become more competitive by incentivizing the use of more energy-efficient electric motors and transformers. It establishes a voluntary program called SupplySTAR, which is modeled on the successful ENERGY STAR Program, to help make company supply chains more efficient.

Finally, the legislation requires the Federal Government, the single largest user of energy in the country, to adopt more efficient building standards and smart metering technology. It requires the Federal Government to adopt energy-saving technologies and operations for computers. It allows Federal agencies to use existing funds to update plans for new Federal buildings using the most current building efficiency standards.

The best part, as Senator PORTMAN said, is the cost of this legislation is fully offset. It reallocates funding that has not been used from existing programs.

I thank Chairman RON WYDEN and his ranking member LISA MURKOWSKI from the Energy and Natural Resources Committee for their great support in getting this bill to the floor. This is a bipartisan, affordable, and widely supported piece of legislation. Most importantly, it is an effective step in addressing our Nation's very real energy needs. I thank Senator PORTMAN, Senator WYDEN, and Senator MURKOWSKI for all of their help with this bill. I look forward to debating the bill on the floor of the Senate, to listening to amendments, and to passing this bill out to the House and finally having it signed into law. I hope my colleagues will join me in this debate.

The PRESIDING OFFICER. The Senator from Utah.

IRS INVESTIGATION

Mr. HATCH. Mr. President, I wish to talk about the status of the ongoing Finance Committee investigation into the targeting scandal at the Internal Revenue Service.

As you can tell, my voice is a bit hoarse this afternoon. I am feeling a little bit under the weather. With the Senate about to go into recess, I thought it was important that I say a few words about this investigation, particularly with some of the statements we have heard coming from the administration this week.

In May, when the news broke that the IRS had been targeting conservative organizations applying for tax-exempt status with additional scrutiny, President Obama promised his administration would fully cooperate with Congress in its investigations. He also stated he directed Treasury Secretary Lew to follow up on the IRS inspector general audit to get more information as to how this happened, who was responsible, to make sure the public understood all of the facts.

I was encouraged by this initial response. As you recall, I worked to clear the way for Secretary Lew's confirmation in this Senate, even though many of my colleagues had expressed legitimate concerns about his nomination. I did so, in large part, because I believed him when he promised to be fully transparent and cooperative with Congress. When the President said he had ordered the Secretary to get to the bottom of this, I expected him to live up to his promises to do so and to work with us as we tried to do the same.

Imagine my surprise then to hear both the President and Secretary Lew state over the past week, with our investigations into the IRS targeting, Congress was creating a "phony scandal."

It started with the President who said:

With this endless parade of distractions and political posturing and phony scandals, Washington is taking its eye off the ball. And I'm here to say, this needs to stop.

That is what the President said.

That was followed by Secretary Lew stating on last Sunday's shows this past weekend that "there is no evidence that this went to any political official" and that congressional investigators' efforts to find evidence is "creating the kind of sense of a phony scandal."

In essence, they are saying our efforts to look into this mess are illegitimate and that the American people should simply ignore them. That is a far cry from the position the President and his administration took when this scandal was made public. As I said at that time, they were contrite. Officials were even apologizing for what went on at the IRS.

Today, however, it is a "phony scandal." It is not worthy of the public's attention, they say. I have to wonder what they are basing their dismissal on, certainly not a thorough review of all the relevant documents, that is for sure.

In a letter to congressional leaders on June 4, Danny Werfel, the Acting IRS Commissioner, stated that the IRS had collected some 646 gigabytes of raw, electronically stored information, which is equal to 65 million pages' worth of documents relevant to this investigation.

Let me repeat that. The man in charge, Danny Werfel, stated that the IRS had collected some 646 gigabytes of raw, electronically stored information, which is equal to 65 million pages'

worth of documents relevant to this administration. However, to date, only about 21,500 pages have been given to us—21,500 pages of documents. Those are the only documents produced to the Finance Committee to fulfill our comprehensive document request from May 20 of this year. The pace at which documents have been provided to our committee has been slow and often with long delays in between document productions.

Despite their initial pledges to be cooperative and responsive, the Obama administration has been slow-walking the Senate Finance Committee. We aren't the only ones being slow-walked.

Only last week, my colleagues on the Ways and Means Committee, chairman DAVE CAMP and ranking member SANDER LEVIN, wrote to Danny Werfel, who is currently the principal Deputy IRS Commissioner, that at the rate the IRS is producing documents, a full and responsive production will take months. It is actually much worse than that.

Let me refer to this pie chart. Look at the documents we received from the IRS, 6,000 pages of, guess what, training materials. Come on, give me a break. There were 500 pages of Steven Miller, Douglas Shulman, and William Wilkins, and 15,000 pages of nonpriority custodians. That is what we have gotten from them since May. It is pathetic.

As that chart illustrates, given the intermittent document production and the very small number of priority documents we have received thus far, it could be 2016 before we ever would be able to draw any conclusions about what happened at the IRS. That is pathetic. I have a feeling that is exactly what this administration wants, and that is what I call slow-walking.

Since the initial report confirming the inappropriate targeting released by the Treasury Inspector General for Tax Administration, or TIGTA, on May 14, this "phony scandal" has evolved from what the IRS first claimed was a couple of rogue employees in Cincinnati to direct IRS involvement from high-level officials in Washington, DC, including, at the very least, individuals in the IRS's Office of Chief Counsel.

I should note that the IRS Chief Counsel is also an Assistant General Counsel in the Treasury Department, and he reports to the Treasury's General Counsel. Clearly, much more needs to be learned about who was involved, why decisions were made, and what motivated these decisions.

This is why the Senate Finance Committee has been conducting a thorough, balanced, and fact-based bipartisan investigation that carefully examines every aspect of this in order to get to the truth.

We are not interested—

Mr. ROBERTS. Would the distinguished ranking member yield for one quick question? I know the Senator has prepared remarks, and I know he is not feeling well, but I am stunned by this. I am a member of the committee, as the Senator well knows.

Mr. HATCH. Yes.

Mr. ROBERTS. You have been promised full cooperation by the Deputy Commissioner, Mr. Werfel. I have been present when he has tried to inform the committee of full cooperation. Now we find out what full cooperation is, more especially as the President has indicated these scandals are so-called phony scandals and repeated by Mr. Lew.

The Senator stated there are 65 million pages that should be available to the committee, which is stunning—stunning—in the job we would have to do. But out of those requested, only 21,500 documents have been presented. Of the 21,500, only 15,000—well, 15,000 pages, but those are nonpriority documents.

Thereby, if you try to figure out when this would be done, it would be in 2016; is that correct?

Mr. HATCH. That is right.

Mr. ROBERTS. I am stunned by this.

Mr. HATCH. It may be beyond that. It may actually go beyond that.

Mr. ROBERTS. I would imagine, if you do the math—and if you know how much time we have to actually do this—but I am stunned. This isn't what we were promised. This wasn't the understanding of the full committee and the bipartisan effort.

I don't know what we are going to have to do. We are going to have to do some drastic action if this is any indication of what we are taking.

The Senator pointed out that we have been thorough, we have been bipartisan, and we have kept absolute integrity with this. The key word was "painstaking." If we have this information, there is a lot of pain, but there is no take.

Mr. HATCH. You got that right.

Mr. ROBERTS. I am extremely upset about it. I thank my colleague for bringing this to the attention of the Senate.

Mr. HATCH. I thank my colleague from Kansas. All I can say is: Look, we were promised full cooperation, and we are not getting it.

I don't blame Mr. Werfel for this, although he is a very close friend of Mr. Lew's. I think he has wanted to be more cooperative. When I chatted with him today again, he indicated the attorneys are going over everything. Let me just say, are we going to get the right papers? Are we going to get the truth?

We are not interested in some perceptions of the truth based on limited documents and limited facts. We wish to know precisely what happened, and we are going to find out.

Today, in addition to the small number of documents we have been able to review, the Finance Committee investigators have interviewed 14 individuals from IRS offices in both Cincinnati and Washington, DC. So far those interviews have yielded more questions than answers. In fact, the list of additional questions keeps growing as the investigation wears on.

After more than 2 months of investigation, here are just a few of the questions I have. I will not take too much of the Senate's time tonight, but I have a lot more questions than this, and I am going to ask these in a bipartisan manner.

Why did IRS Commissioner Shulman visit the White House 157 times? That is the number we have been given. That is unheard of. It has never happened before.

I admit ObamaCare has taken some time, but you can't justify 157 times. It sounds to me as if there is something fishy going on.

Why is it that the unions get tax-exempt status under 501(c)(5)? There was a surge in the 501(c)(5) applications in recent years. Why weren't they subject to some of the scrutiny?

Did the IRS give extra scrutiny to union applications for tax-exempt status? The answer to that is, no, they didn't.

I am not suggesting they should, but they certainly shouldn't have traded preelection of so-called conservative groups the way they treated them.

Everybody knows that is a scandal. Yet they call this not a scandal?

Once Deputy Treasury Secretary Neal Wolin learned from Inspector General Russell George of the TIGTA audit regarding IRS targeting of conservative groups on June 4, 2012, did he tell anyone else at the Treasury Department or the White House about his findings, including then-Treasury Secretary Geithner? Not that I can understand, because we don't know. They are not answering these questions.

When did Assistant General Counsel for Treasury William Wilkins, who also holds the title of IRS Chief Counsel, first find out that the IRS was targeting conservative groups? When did he find that out? Why can't we get a simple answer on that?

Whom did Mr. Wilkins inform about this targeting when he found out about it? What was the extent of the Treasury Department's role regarding Lois Lerner revealing, in response to a planted question, that the IRS had targeted conservative groups applying for tax-exempt status at an American Bar Association conference? When did any employee of the Treasury Department first have involvement regarding the IRS targeting of conservative groups' applications for tax-exempt status?

What was first date that any White House official was informed about the IRS targeting of conservative applicants for tax-exempt status?

It has been reported that ProPublica obtained private information from the IRS about conservative groups that had applied for tax-exempt status. In addition, it has been reported that the National Organization for Marriage alleges that the IRS illegally leaked information about its donors.

What action, if any, has been taken by the IRS and the Department of Justice with respect to any IRS employee who may have illegally disclosed pri-

vate taxpayer information in either of these cases? These are important questions.

Are there other cases where a conservative group or its members have had their private taxpayer information unlawfully disclosed?

It has been reported that the IRS attempted to impose gift taxes on donors to the conservative group Freedom's Watch. Did the IRS attempt to impose gift taxes on the donors of other tax-exempt groups? Has the IRS targeted individuals for an audit of their personal tax returns based on their membership in or donations to a conservative tax-exempt group?

It has been reported that Lois Lerner communicated with an attorney at the Federal Election Commission regarding a case before the FEC.

Did Lois Lerner violate section 6103 of the Internal Revenue Code dealing with the protection of taxpayer privacy in her communications with the Federal Election Commission? She had a right to take the Fifth Amendment, but was that why she took it if she violated section 6103?

These are questions that have to be answered. Why did Sarah Hall-Ingram, who was in charge of the IRS's efforts in implementing ObamaCare, attend a meeting with then-IRS Commissioner Steve Miller in May 2012 regarding the IRS's targeting of conservative groups' applications for tax-exempt status?

It has been reported in the media that Christine O'Donnell had a tax lien put on her property the day she declared her candidacy for the Senate.

There is something wrong here. Anybody who is fair ought to be concerned about what is wrong here—not just this but in all these questions.

As part of the IRS internal investigation the President charged Secretary Lew with conducting, has the IRS examined whether any political candidates were inappropriately targeted?

Much has been made of the employees who have been "relieved of duty" and had "administrative actions" taken against them, allegedly in direct response to the inappropriate targeting. Once again, the facts do not add up, as the administrative actions discovered thus far were against low-level employees for actions that were not directly tied to the allegations of inappropriate targeting.

So my question is, Who was relieved of duty? Lois Lerner supposedly was after she took the Fifth Amendment and refused to testify. But even she was able to log in to her computer after being allegedly relieved, and she is still being paid her full salary.

Who else has been relieved of duty? What does Lois Lerner know that prompted her to invoke her Fifth Amendment right against self-incrimination?

Former IRS Commissioner Steve Miller and Doug Shulman were both aware of the targeting of conservative groups seeking tax-exempt status and the systematic practice of subjecting those

conservative groups to intrusive and unwarranted scrutiny about their activities. Why did they both deceive the Senate by failing to inform us that these practices were going on? Why? I was disappointed in Commissioner Shulman because he came to my office long before this all came up and I was quite impressed. But I think he had an obligation to come clean.

Why did the tea party cases sit for months at the IRS, through the 2010 election cycle without activity? Why? Why did Lois Lerner direct the IRS Chief Counsel's Office—an office that was purportedly slow in its response to requests for assistance from other IRS components—to get involved in reviewing tea party cases? Why did the IRS demand that tea party organizations seeking tax-exempt status provide a list of their donors to the IRS when that was not required? Why?

These types of inappropriate actions, as I said, are just some of the many questions we have about the IRS targeting scam. These questions will simply not go away, and our investigation will not stop until all of them are answered. And we are doing this in a bipartisan way.

Just today we learned President Obama has selected a new nominee to serve as the next Commissioner of the IRS. I have to say I was a bit surprised, although perhaps I really shouldn't be. Given the dark cloud that currently hangs over the IRS, I would have thought the President would have taken the time to consult Congress before choosing the agency's next leader. Yet I am the ranking member of the appropriate committee with sole jurisdiction over the IRS, and today's announcement is the first I have heard of this decision, and it was only after the decision was made. I like the President. I think we are friends. But that was improper, and it was a slight that should not have happened.

I asked Senator BAUCUS if he was informed by the President, and he said: About 3 hours ago. And he sounded a little disgusted himself.

I won't go into the merits of John Koskinen's nomination today. I have no intention of prejudging him. He will be fairly considered by the Finance Committee, and I have the reputation that he will be fairly considered. His record and qualifications will be thoroughly examined. But I want to assure my colleagues that I will demand significant answers from Mr. Koskinen when he comes before the committee, and I think other Republicans will as well.

My purpose will be twofold. First, we need to get to the truth about what happened at the IRS and, perhaps just as important, we need to make sure the Obama administration is fully cooperating with our efforts rather than using phony statements about phony scandals.

So today I want to call on President Obama and Secretary Lew to stop closing the door on this investigation that

has just started and hasn't even been given a chance. If this is indeed a phony scandal, the burden is on them to prove it is. And just saying that it isn't good enough. They should have the IRS produce all the requested documents and let the documents speak for themselves. There is no reason to hide these things, nor is there a reason to have a whole bunch of attorneys determining what can be released and what can't be released. Let them show how their partisan targeting began and why it continued for years. Let them show who was or was not involved and to what level within the IRS or elsewhere in government these activities were discussed and directed. Until then, this is certainly not a phony scandal. It is a legitimate bipartisan investigation being conducted in a fair and balanced way that seeks to let the facts dictate the outcome.

I have a reputation around here for being fair and honest, and I resent the way the Finance Committee is being treated. I can't speak for the chairman, but I believe he feels pretty much the same way because we are being mistreated with regard to our requests for information. This isn't some itty-bitty phony scandal. This is big-time stuff that should get into why the IRS was doing this to begin with.

People in this country are scared of death of the IRS, and with good reason. If they can do this to you, can you imagine what else they can do? And I have listed just a few things here today. I have a lot more I could say. This is an important investigation, and Senator BAUCUS and I intend to do it in a bipartisan way. But when we ask for documents, we want documents, and we don't want some bunch of partisan lawyers in the department stopping us from getting the documents they must provide. It sure looks as though they are deliberately trying to delay this as long as they can so they can say: Well, nobody cares about it. Well, I have to tell you, everybody in this country must care about it. If they can do this to these small, conservative tax-exempt organizations, then they can do it to every other organization when the time comes.

This is an important investigation, and this administration ought to be at the forefront of trying to get to the bottom of it instead of pulling from behind, saying there is nothing here when they know there is a lot here. I would like these questions answered. They are important questions. This is an important investigation. We should not allow the IRS to run rampant like this. That is the beginning of tyranny—except it began before 2010—and we should get to the bottom of it so it never, ever happens again.

I think there are a lot of people at the IRS who would like to see us get to the bottom of it because they are being besmirched by the bad things that have happened. There are a lot of decent, honorable people working at the IRS, and they have to be as concerned as I

am about the mistreatment that occurred prior to the last election and after.

Is it going to happen again? Are these agencies of government going to be used by partisan people in the way they have been used up until now? It is enough to scare the daylights out of anybody, and it is enough to think, are we moving toward a totalitarian system where the people in government can get away with anything they want to and especially an agency as powerful and scary as the IRS? I hope we can get the answers to these questions. If we can't, this isn't going to stop until we do. And these are just preliminary questions; I will come back with some more in the coming weeks.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Kansas.

Mr. ROBERTS. Madam President, I would like to again thank the distinguished ranking member of the Finance Committee for his presentation and asking very pertinent questions with what I thought was going to be not an easy task but at least a task where we would receive cooperation from the IRS and, for that matter, the administration.

Nobody likes to be audited, and surely nobody likes to say they have been audited, as the distinguished ranking member pointed out about all the conservative groups. But let me point out that this has gone on not only with regard to them but to individuals as well. We are getting reports from the senatorial campaign committee indicating that people are hesitant to give, that people who have given in the past significantly to the Republican cause have been audited, and audited for the first time in their lives, to pro-Israel groups—and I can go on and on with a list of the organizations.

This is a very serious situation. This really surprises me, that having said we were going to do this in a painstaking, bipartisan way, that this is simply not the case.

I am going to be joining the distinguished ranking member. I am very interested in the further questions we feel we can boil down that simply have to be answered first, and then obviously there are many more.

AFFORDABLE HEALTH CARE ACT

This really goes to the subject I want to talk about. The American people now, as a result of this, do not trust the IRS, and they sure as heck do not trust the IRS to be in charge of their health care. That is the subject I want to touch on, and I will try to make it very brief.

It has been more than 3 years since the Affordable Care Act—referred to by some or most in the press as "ObamaCare"—was signed into law. At the time, I can recall, after months of markup in both the Health, Education, Labor and Pensions and Finance Committees, I had many concerns. I remember I was very frustrated with my amendments being defeated on partisan votes, most of them having dealt

with rationing. I remember distinctly comparing this rush to government health care to a western or Kansas analogy of riding hell for leather into a box canyon to eventually finding the only alternative would be to turn around and ride back out to a more realistic market-oriented health care reform trade.

As it turned out, we never even saw the bill before we voted on it. I voted no, and so did every other Republican Senator and Member of Congress. And I regret to say to my colleagues that I told you so. Premiums are going up. Taxes are going up. Overall health care costs continue to rise. Burdensome, costly, and, I might add, difficult-to-understand regulations are confusing and confounding health care providers. Many of these folks will not even know about a particular regulation until they are fined by outside contractors. The results have been terribly counter-productive to any economic recovery. Regulations such as these this have a way of dampening anything we are trying to do.

The current and growing problems are so large and complicated with this government takeover of health care that it has been difficult, if not impossible, for the administration to get ObamaCare off the ground. I mentioned what happened 3 years ago at the beginning of my remarks. Let's now talk about what is coming down the pike in just a matter of weeks.

October 1 is the deadline when, according to the Affordable Care Act, according to the law, according to promise, millions of Americans who do not receive insurance through an employer will be forced to purchase health insurance in an exchange overseen by the States and the Federal Government—except for Georgia. Yesterday, Georgia was the first to announce that they will not be ready by the October 1 deadline and have asked for a delay.

I am going to make a prediction that what Georgia did, others will do, including the Federal Government. In fact, as we all know, the administration—in a weekend blog, no less—announced they would delay the employer mandate due to take place January 1, 2014, by a year, to January of 2015. I might add, that just happens to be after the midterm elections. This just means another delay for businesses that complained about the red-tape and costly burdens the mandate placed on their operations. Many are already laying off employees or moving them to part-time status to avoid the costly mandate. And all of this follows the thousands of waivers granted to corporations, unions, and other groups.

Again, my question is, Where is the waiver for the average family in Kansas and around the Nation? Where is the permanent delay for the taxes that will affect individuals?

As we warned, things are starting to crumble and get worse, which is why we need to sunset the exchanges and the individual mandate—literally, a tax on families.

This evening or tomorrow those of us privileged to serve in the Senate will leave Washington for the month of August, and we are going to get an earful regarding all of the problems associated with ObamaCare and the impending deadline. Will exchanges be ready? If they say they are ready, will they really be ready? Many Kansans who will be forced into a Federal exchange or see another last-minute delay—a Federal exchange, by the way, that doesn't exist as of my remarks—will ask how much the new plan will cost. They will say: What will it cover? Will they be able to see their family doctor? Will their personal health information remain private and safe or end up in a six-agency database? Some people call it seven agencies. Will they be losing the health insurance they like? Will the high costs force their employer to make them a part-time employee, change their plan, or just drop their coverage altogether?

Right now Kansans and everyone else in the country cannot answer these questions—and neither can the administration. And when we get back, we will have only 4 weeks until the October 1 deadline. That means, really, if we are going to do something about this, we are only going to have 3 weeks in which something can be done to sunset, delay, defund, or repeal the law and replace it with real health care reform that works and to restore the all-important relationship between patients and doctors.

Well, I do have an answer. Some time ago, when the ObamaCare storm clouds were first forming, I introduced legislation to sunset the exchanges and the individual mandate if they are not, as promised, up and running and ready to enroll by October 1 so that the exchanges can meet the requirements prescribed by law. Simply named the "Exchange Sunset Act of 2013," S. 1272, my bill aims to make sure that if the exchanges are not ready, they go away and so does the mandate.

I realize, as we travel down this road to the October 1 deadline at ever-increasing speed, there will be those who support continued advertising and encouraging thousands to sign up in the exchanges. The question is, Sign up for what? The chances of the exchanges, State and Federal, being ready—and I mean ready and accessible to all that the advertising is trying to bring in—are remote at best. Obviously, there will be some kind of a delay, and once again we will have the administration rewriting laws which they had a direct hand in writing and which were passed exclusively by the Democratic majority. I submit, changing the law by the Executive—the Office of the President—without approval by the Congress is unconstitutional.

Three weeks, three weeks before the ObamaCare train wreck. When this body comes back, let's talk about it, and I urge immediate consideration and hopefully passage of S. 1272, the Exchange Sunset Act of 2013. It is a

train wreck, folks, and we have to get America off the track.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

MANIPULATING TAX REFORM

Mr. FLAKE. Madam President, I rise today to discuss the so-called grand bargain referenced yesterday by the President.

On Tuesday President Obama recycled a number of policy ideas that have lingered for months, if not years, and repackaged them as what he called "a grand bargain." This proposal seems to be an attempt by the President to extend an olive branch to the Republican side of the aisle by offering corporate tax reform. In exchange, he is asking for additional stimulus spending.

I am in favor of a grand bargain, but this is not even close to a grand bargain. It is not even a bargain. A grand bargain would involve reform to entitlement programs to make them sustainable over time. A grand bargain would involve a farsighted look at the outyears, not just a shortsighted attempt to score political points for the next election cycle.

The administration has taken the taxpayer down the road of stimulus spending before, with the idea that we can stimulate job growth with so-called shovel-ready projects. Sadly, we have all seen what throwing taxpayer money at supposed shovel-readiness gets you and just how lackluster this economic recovery has been. Wasting hard-earned dollars on so-called investments doesn't create jobs. Businesses and the people who build them is what creates jobs.

I think both sides of the aisle agree that our Tax Code is already far too complicated. In fact, a recent bipartisan letter from the chairman and ranking minority member of the Senate Finance Committee discussed the complexity, inefficiency, and unfairness of our Tax Code, which acts as a brake on our economy. But if we can't bring ourselves to do entitlement reform—or the so-called grand bargain—at least at this stage what we can do is perhaps a small bargain for businesses and the taxpayers just by simplifying both the individual and corporate codes to foster an environment that is hospitable to business expansion, to hiring, and to international competitiveness.

Last week I shared publicly with the leadership of our tax-writing committee my goals and principles for tax reform. Chief among them is lowering the business income taxation for corporations and those businesses that file as individuals.

With 95 percent of U.S. businesses structured as subchapter S corporations, limited partnerships, limited liability corporations, and other pass-through businesses, we can't ignore the fact that many of them pay a top rate of 39.6 percent in addition to several other layers of taxation. In my view,

any substantive tax reform should include a reformed tax system that allows all U.S. businesses, including passthrough businesses, to thrive. Unfortunately, the proposed corporate taxation reforms the President included in his recent announcement will once again have the government picking winners and losers in the Tax Code.

Here in the Senate, there are efforts to work in a bipartisan fashion to reform the Tax Code. This is a good-faith effort that should be encouraged. As I mentioned, it would be a bargain for taxpayers and businesses alike.

If we can make progress on the small bargain, then perhaps some day we can return our attention to the grand bargain—a bargain that would include and involve entitlement reform and substantive tax reform in the same package.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

UNANIMOUS CONSENT REQUEST—H.R. 2668

Mr. MCCONNELL. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 145, H.R. 2668. I ask unanimous consent that the bill be read a third time and passed, without intervening action or debate, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, very briefly, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It comes as no surprise that the Republicans are once again trying to repeal the health care act. By one count, the House and Senate Republicans have tried to fight the same fight more than 70 times.

Albert Einstein was not insane. He was very smart. But he described insanity pretty clearly as doing the same thing over and over and expecting different results. That is where we are here. This is insane. It is clear Republicans liked it better when insurance companies could deny coverage when you had a preexisting condition; when insurance companies could cut off your health insurance when you got sick; when insurance companies could raise insurance rates without any review. They would say—I guess when they say what they are saying now, that they want to prevent enforcement of the health care reform, what they are really saying is they want to repeal free mammograms and preventive care, repeal the law that lets kids stay on their parents' health care until they are 26.

Let's not fight the same fight over and over. It is time to stop fighting. It is time to work together.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

UNANIMOUS CONSENT REQUEST—H.R. 2009

Mr. CORNYN. Madam President, I ask unanimous consent that when the

Senate receives from the House H.R. 2009, the Keep the IRS Off Your Health Care Act, the Senate proceed to its consideration; that the bill be read a third time and passed, without intervening action or debate, the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

DELAY THE INDIVIDUAL MANDATE

Mr. MCCONNELL. Madam President, let me address the first consent I offered, which was objected to. Last month the administration announced it would delay ObamaCare's employer mandate on business. It is not hard to see why they wanted to do that. We keep reading about why businesses large and small will have little option but to cut employee hours and paychecks as ObamaCare comes on line, about how restaurants such as White Castle, for example, are considering hiring only part-time workers moving forward, about how small businesses are citing ObamaCare as a top worry.

I think there are a lot of Members on this side who would question the legality of what the President did. But with midterm elections on the horizon, it is no mystery why the administration would want to delay the law for businesses, considering how many jobs it is likely to kill, how many paychecks it is likely to slash. Here is the thing, though: Don't families and individuals deserve the same kind of relief? I believe they do. I do not believe it is fair to give a break to business and leave Americans out in the cold.

Recently we learned that Ohioans buying health insurance next year can expect about a 40-percent premium increase. Next door, in Indiana, costs could rise by more than 70 percent. Some Georgians could face a nearly 200-percent premium spike. In my home State of Kentucky, actuaries are predicting cost increases that could exceed 30 percent. Remember, the President said costs would go down, that ObamaCare was the Affordable Care Act.

Millions face the prospect of losing the insurance they like and want to keep, which again is not what the President promised. That is why I have asked the Senate to pass H.R. 2668. This legislation passed the House on a strong bipartisan vote with nearly 2 dozen Democrats supporting it and it would delay some of ObamaCare's most burdensome mandates for everyone.

Shortly after its passage in the House my colleagues and I called on the majority leader to bring it to the floor for a vote. Those calls were unheeded. So I am disappointed to hear that some of our friends on the other side have objected to this vote as well. I do not understand, frankly, why they would want to leave Americans out in the cold. I note that Members on this

side are united in our belief that at the very least Americans deserve the same relief as businesses do. So we will all be supporting this commonsense bipartisan bill if we have a chance to vote on it.

You would think this is a principle Members of the body would support unanimously. If it is OK for businesses, why not for individuals? Unfortunately, objection has been heard and we will not get an opportunity to have the same break for the average American citizen as the administration is giving through executive action to businesses. It is a shame, but that is where we are going into the August recess.

I yield the floor.

HONORING OUR ARMED FORCES PRIVATE FIRST CLASS DUSTIN P. NAPIER

Mr. MCCONNELL. Madam President, it is with sorrow that I rise to pay tribute to a young man from Kentucky who gave his life in service to our country. PFC Dustin P. Napier of London, KY, died on January 8, 2012, in Zabul Province, Afghanistan while in support of Operation Enduring Freedom. The cause of death was injuries sustained from small-arms fire. PFC Napier was 20 years old.

For his service in uniform, PFC Napier received several awards, medals, and decorations, including the Bronze Star Medal, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman Badge, and the Overseas Service Bar.

Dustin's father Darrell Napier says of his son, "He was born in an Army hospital, and I'm sure he ended up dying in an Army hospital. He was my hero. Please pray for us."

Dustin was born in an Army hospital because he followed his father's example of military service. Darrell Napier served in the U.S. Army from 1989 to 1994, and was stationed in Germany and Fort Polk, LA. Dustin, the youngest of Darrell's three sons, knew from an early age he wanted a military career.

"He'd been wanting to do that since he was a little boy, about when he was six years old," Darrell recalls. "I encouraged him to do so. And he was a leader. He'd take the initiative to get things done. I've always raised my boys to do the right thing, no matter if the cause was popular or unpopular."

By the time he reached high school, Dustin was a top cadet in his Junior ROTC program. "I remember him as a model student, very quiet and serious. You always knew where he stood," says Colonel Mark Jones of the Air Force Junior ROTC program at South Laurel High School, Dustin's alma mater.

Dustin rose to be his Junior ROTC unit's corps commander and the most decorated cadet.

News of PFC Napier's loss shook many who remembered him at South

Laurel High, where Dustin graduated in 2010 and had many friends. "When I . . . heard he died, my legs almost collapsed. It was unbelievable. He was a good friend, a good mentor, and truly a good person," says Devan Burkhart, a South Laurel student.

"I learned from him. He was the one who would tell me, 'Stick with it,' when I got frustrated with the program, and I did stick with it."

Steven Cheek, one of Dustin's best friends and a high-school classmate, recalls the fun he and Dustin had shooting rifles, going to ball games, watching movies, and listening to music. Dustin's favorite group was the Doors. Other friends remember Dustin loved to play the air guitar.

After graduating from South Laurel High in May 2010, Dustin joined the U.S. Army in July and completed basic training at Fort Benning, GA. In April 2011, he was deployed to Afghanistan with C Company, 1st Battalion, 24th Infantry Regiment, 25th Infantry Division, based out of Fort Wainwright, AK.

Darrell Napier recalls that Dustin would call home from Afghanistan every now and then. "He did miss home a lot," Darrell says. "He loved to hang out with his friends very much. He missed his friends at Save-A-Lot, where he worked for almost four years. And if there was one meal Dustin really loved from his mother, it was her chicken and dumplings."

Dustin also found happiness thousands of feet in the air, while on R&R. It was in an airplane that he met Tabitha Sturgill Napier, who he married in October 2011.

Remembering her husband, Tabitha says, "You are my very best friend and I love you very, very, very much. You are an amazing husband."

A few days after his death, friends and classmates held a memorial service for Dustin at South Laurel High School. His friends from his old Junior ROTC unit thought it only fitting to hold the service where Dustin had served as such a fine example to past, present, and future cadets. Outside the school, the American flag stood at half-mast.

"Cadet Napier came here with a purpose from start to finish, from the first fall-in to the last fall-out," says CMSgt Randy Creech of Junior ROTC.

We are thinking of PFC Napier's loved ones today, including his wife, Tabitha Sturgill Napier; his parents, Darrell and Marianne Napier; his brother, Darrell Dean Napier; his stepbrother, Christopher Bittner; his stepson, Lane Robison; his grandmother, Monika Paul; his grandfather, James Napier; and many other beloved friends and family members.

I know that no words spoken in this chamber can take away the sadness and loss that Dustin's family must feel. But I do want them to know that this Nation, and this United States Senate, are deeply grateful for Private First Class Dustin P. Napier's service and

sacrifice. And we are humbled to pay tribute to his life and legacy.

BURMA

Madam President, today I rise to discuss U.S. policy toward the Southeast Asian nation of Burma.

In a little over 2½ half years, the world has witnessed dramatic change in Burma; change that would have been thought unimaginable not long ago. Nobel Peace Prize Laureate Daw Aung San Suu Kyi has been released from house arrest and now sits in parliament. Hundreds of political prisoners have been released from prison. A largely free and fair by-election was held in April 2012. Ceasefires have been signed between the central government and several ethnic minority groups.

Yet, despite these welcome reforms, much work remains to be done. At the heart of Burma's existing problems is the need for constitutional reform. The current flawed constitution is not up to the task of supporting the country's democratic ambitions. Simply put, if Burma is to take the next big step toward economic and political reform and toward fully normalizing its relations with the United States, it needs to revise its constitution.

And there has been some encouraging news on that front. Just last week the Burmese parliament announced it would establish a committee to examine amending the constitution. This provides a great opportunity for the Burmese leadership to follow through on its commitment to full democratization.

As this parliamentary panel begins its efforts, I would highlight four areas of the constitution that are, in my view, in particular need of reform.

The first area of reform is the need to bring the Burmese military, called the Tatmadaw, under civilian control. Civilian control of the military is a fundamental condition of a stable, modern democratic country. Many of the stubborn problems Burma still needs to address stem from the continued outsized role of the military in Burmese political life. For example, Burma continues to maintain military ties with North Korea. Indications are that elements within the Burmese military want to continue enjoying the financial benefits of continued relations with North Korea.

The unfortunate result is that Burma's pro-reform president Thein Sein cannot formally rein in the Tatmadaw since, under the Constitution, the president is not head of the armed forces. A separate military Commander in Chief leads the armed forces and he is independent of the president.

Another example of the problems stemming from the lack of civilian control of the military is the tense state of relations between the armed forces and the Kachin ethnic group. The Kachin in northern Burma share a proud history with the United States stemming from our close cooperation during World War II. Ending the conflict in Kachin state—and all other eth-

nic conflicts for that matter—is essential to achieving lasting peace, reconciliation and security in Burma after 60 years of civil war.

In Europe recently, President Thein Sein predicted that a national ceasefire was right around the corner. And a peace process led by one of his close ministers has been ongoing. However, military clashes continue in northern Shan state as well as in Kachin state. The Tatmadaw has every right to protect itself, but, without transparency and civilian oversight, questions remain about the extent to which military operations have conformed with the President's guidance and intentions.

Without ending its relationship with Pyongyang and without building peace with the Kachin and other ethnic nationalities, U.S.-Burmese relations will not become fully normalized. Without the military accepting civilian oversight and demonstrating a commitment to peace, our military relationship will likewise be limited. Such a result would be to the detriment of both countries.

Having U.S. diplomats continue to urge Burma to amend its Constitution to bring the military under civilian control is important. But there are other policy tools that I believe can help reform the Tatmadaw. I believe that beginning a modest military-to-military relationship would serve this purpose. Just to be clear, I am not advocating rushing into lethal training of the Burmese military or arms sales. What I am talking about is the U.S. armed forces engaging with the Tatmadaw on compliance with the law of armed conflict, and other issues related to international standards of military professionalism.

What better way is there to show the virtues of civilian control of the military than to have the most highly regarded armed forces in the world—the U.S. military—engaged with the Tatmadaw about respect for human rights, accountability and rule of law? I believe that a modest, targeted military-to-military relationship would work hand in glove with diplomatic efforts to convince the Burmese military that placing themselves under civilian control is good for the nation.

Beginning a military-to-military relationship is common sense. Since before independence, the Burmese military has been a significant political institution in the country. And no lasting reform in Burma can take place without convincing the Tatmadaw that such a step is a positive development for the country.

A second area of needed constitutional reform involves amending the constitution to permit the Burmese people to choose freely whom they want to serve as their leader. This is a fundamental democratic principle. Current restrictions include a requirement that no one in the President's immediate family can be a citizen born to parents who were not born in Burma.

Just think about that. That's a remarkably narrow requirement. Why does the Burmese government have so little faith in the ability of its citizens to freely and responsibly choose their own leaders?

These provisions, if left unamended, would cast a pall over the upcoming 2015 elections. And, those elections are viewed by many observers as the next high-profile step in Burma's reform efforts. If the 2015 elections are viewed as illegitimate, it will lead many to conclude that reform efforts have stalled in Burma and the country's stated commitment to democracy is hollow.

I think having the 2015 elections turn out to be flawed would cloud the reformist legacy of the current national leadership.

A third area of needed reform in this regard is judicial independence. Currently, the Burmese judiciary is not independent of the executive. As we ourselves have learned from experience in America, having judges who are not under the thumb of the other branches is not only a vital check on the other organs of government, but also a bulwark against violations of individual rights.

Finally, there need to be constitutional assurances for ethnic minorities. Burma faces no greater challenge than peacefully integrating its various ethnic groups. These groups have long harbored mistrust of the central government and the Tatmadaw. Building protections for ethnic minorities into the Constitution would, I suspect, go a long way toward making the ethnic groups more receptive to the new government. Such provisions would also be underscored by an independent judiciary to help enforce these protections.

As we know as Americans, amending a Constitution is not easy, nor should it be. But over the years, we in this country have amended our Constitution to make it more democratic and to provide greater protection of individual liberties.

Reforming the Burmese Constitution in areas such as the four I just raised is a necessary next step in Burma's own journey toward democracy and peaceful, national reconciliation.

There is still time for Burma to act ahead of the 2015 election and correct these problems. I urge the country's leadership to seize the moment, to take this vital step and to cement its reformist legacy.

The PRESIDING OFFICER. The Senator from Texas.

KEEP THE IRS OFF YOUR HEALTH CARE ACT

Mr. CORNYN. Madam President, turning to the matter upon which I asked unanimous consent and to which the majority leader objected, and that is to take up legislation that I have sponsored here in the Senate, which has been passed in the House, which is the Keep the IRS Off Your Health Care Act, with each passing day it seems as though more and more supporters of ObamaCare are having second thoughts. As I mentioned last week,

three of America's most powerful labor leaders have declared the President's health care law is "creating nightmare scenarios" and threatening to "hurt millions of Americans." Those are some pretty remarkable words from people who were some of the foremost advocates for the Affordable Care Act, otherwise known as ObamaCare.

Meanwhile, the union that represents IRS employees has announced it does not want its members to receive health insurance through ObamaCare exchanges. In fact, earlier today the IRS Commissioner himself said he wants to keep his current health care policy and does not want to sign up for ObamaCare, as millions of other Americans will be required to do.

Speaking of the Internal Revenue Service, the agency's political targeting scandal continues to grow. I listened in my office to Senator HATCH, the ranking Republican on the Senate Finance Committee, the one primarily responsible for Internal Revenue oversight in the Senate, and I hope the questions he posed will be answered by the bipartisan investigation we are conducting. We recently learned the Internal Revenue Service's Chief Counsel's Office, headed by an Obama administration appointee, was aware of the abuses. So much for a couple of rogue agents in Cincinnati, as was originally reported. We have also learned that IRS officials have been improperly targeted, not only conservative organizations but political candidates and donors as well.

To make things worse, the same person who ran the IRS division that targeted conservative groups is now running the agency's ObamaCare office. I can't make this stuff up. Truth is stranger than fiction. Americans might be asking: What does the IRS have to do with ObamaCare?

America's tax collection agency will be responsible for administering several of the law's most important provisions, including the individual and employer mandates, which we have heard so much about, and all of the subsidies. In other words, all of the tax dollars will go to fund the exchanges under ObamaCare. Those will be administered by the Internal Revenue Service under the current law.

It is remarkable that at a time when public trust and the Internal Revenue Service has plummeted and IRS officials are complaining their staffers are overworked and overburdened, the Obama administration wants to use this tax agency to administer a massive new entitlement program affecting one-sixth of our national economy. To me, that sounds like another recipe for disaster.

Back in May I sponsored legislation that would prevent the Internal Revenue Service from a role in implementing ObamaCare. Last week, I introduced it as an amendment to the Transportation, Housing and Urban Development appropriations bill that was pending before this Chamber.

Congressman TOM PRICE of Georgia has introduced a similar bill in the House of Representatives. Unfortunately—and this is pretty amazing—even before the House passed the House bill and before the Senate had a chance to take up the Senate bill, President Obama has already issued a veto threat were we to pass it. It sounds a little defensive to me. I understand ObamaCare is a deeply decisive issue in Washington, and I understand that while many have been compelled to defend the law previously, they are now feeling a little skittish about it 3 years later.

I ask my colleagues: Given all we have learned about corruption and institutional abuse at the Internal Revenue Service, does anyone truly believe we should dramatically expand the agency's power to implement ObamaCare? Does anyone truly believe IRS agents should have access to even more personal financial information—not to mention medical information—about American citizens? If IRS officials conducted a systematic campaign of political targeting against conservative organizations, why should we have any more confidence that the agency will fairly and objectively implement the President's health care law?

Remember, the IRS has already announced it will violate the text of the law and issue health care subsidies through Federal exchanges. Let's recall what happened. Many States said: We will pass on State-based insurance exchanges upon which ObamaCare depends to be implemented in the States. So what the IRS has said is: We are going to paper over the fact that Congress never explicitly authorized tax dollars to subsidize the Federal exchanges, even though the law clearly states that those subsidies can be issued only through State exchanges. That is another example of lawlessness when it comes to ObamaCare.

In other words, the agency has already shown utter contempt for the rule of law when it comes to implementing the President's most cherished legislative accomplishment. They have already shown that contempt, and they don't deserve, nor have they shown themselves worthy of, our confidence when it comes to implementing this health care law.

In my view, the IRS has absolutely no business playing such a huge role in the American health care system. For that matter, I ask my friends on the other side of the aisle one final question: Do you still believe ObamaCare will reduce health care costs? After all, it is estimated that the law will cause a dramatic spike in individual insurance premiums across the country—from Maryland to Florida, to Indiana and Ohio, to Kentucky and Missouri, to Idaho and California.

Earlier this week, for example, the Florida insurance commissioner predicted that because of ObamaCare, the

cost of health insurance in the individual market and Florida will increase by 30 to 40 percent. The reason for that is because the provisions in ObamaCare mandate the guaranteed issuance of health insurance even after a person is sick. Someone compared it to waiting until your house is on fire to buy insurance. It is not insurance anymore, and it drives up the cost, not to mention the fact that young people—such as those sitting in front of me—are going to have to pay the price of subsidizing health care for older Americans. The so-called age-banding requirements don't allow older citizens to pay any more than three times what young people pay for health insurance, even though the cost of their health care, given their age, will be higher.

So this is what distorts the insurance markets, which is causing health insurance premiums to skyrocket across the States because of ObamaCare.

Rather than make our individual health insurance markets even more distorted and more dysfunctional than they are today, we should dismantle ObamaCare and replace it with patient-centered reforms that create a genuine national marketplace for health insurance.

I was just reading a story about an Oklahoma surgical center which publishes the price of common procedures for the public to read and which now has created—what markets always do—greater consumer awareness of what exactly these procedures cost. As we have seen in Medicare Part D, the prescription drug plan Congress passed a few years ago, when a market is created and vendors compete for consumers' business, prices go down and the quality of service goes up. That is what markets do. Ultimately, it benefits the consumer, and it would benefit taxpayers and patients as well.

What do I mean by patient-centered reforms? I am talking about reforms that empower individual Americans by giving them more choices and flexibility in the health care markets—such as the example of the Oklahoma surgical care center—by giving people more transparent information about pricing and quality and by directly assisting people with preexisting conditions.

I heard the majority leader earlier when Senator McCONNELL offered a unanimous consent to extend the moratorium on the individual mandate just as the President has unilaterally on the employer mandate. He said something to the effect of: Republicans want people to be subjected to preexisting condition exclusions that are not covered. That is simply false. We don't have to embrace 2,700 pages of ObamaCare just to take care of that problem or other problems we have agreement on. We should also work to protect the doctor-patient relationship.

The last thing we ought to do on my list of things to do to reform the health care system is to save Medicare from bankruptcy. It is on an unsustainable

path. Yet any time we try to suggest reforms that will strengthen and stabilize Medicare and make sure it is there for future generations, they are met with a “stiff-arm.”

If we want to reduce health care costs, if we want to expand quality insurance coverage and give Americans more choices and options, we should equalize the tax treatment for health insurance so it is treated the same whether it is provided by your employer or whether an individual buys it. We should let individuals and businesses form risk pools in the individual market, and we should let folks buy health insurance across State lines.

Why shouldn't I be able to buy health insurance in New Hampshire or Alabama or somewhere else if it fits my needs? Right now that is not possible. It would create a market which would create competition, bring down costs, and make it more affordable. We should expand tax-free health savings accounts so people can save their own money and spend it as they see fit on their health care. If they don't spend it there, it is available for their retirement, much like any other individual retirement account.

We should curb frivolous medical malpractice lawsuits. According to one study, the annual cost of defensive medicine is a staggering \$210 billion. In my State, we have had a lot of success with medical malpractice reform. It stabilized the cost of medical malpractice insurance that physicians have to buy, and it created a huge surplus of physicians who want to move to Texas and practice their profession. They realize they will not lose everything they have in the litigation lottery. They can buy affordable coverage that will protect their family and their patients should they make mistakes.

We should give each State much more flexibility to design a Medicaid Program that works best for their neediest residents. Medicaid is a wonderful program, but it is broken. This is designed to protect the most vulnerable people in our society and provide for their health care needs. But because of the broken Medicaid Program, only one out of every three doctors in my State will actually see a new Medicaid patient. Medicaid reimburses at about half of what private insurance reimburses, and as a result many doctors can't afford to see a new Medicaid patient. What we have is the appearance of coverage, but there is no real access to the doctor of their choice. So we need to fix Medicaid.

Finally, we should establish greater provider competition in Medicare so the competition I mentioned a moment ago in the Medicare prescription drug program could also apply in other aspects of Medicare and help make it more affordable, shore it up, and guarantee its availability to generations yet to come.

There is no reason why Americans have to accept an unworkable health care law administered by an agency

such as the Internal Revenue Service that has grossly abused its power and demonstrated that its current job is way beyond its capacity to perform.

I realize we will not be able to dismantle ObamaCare overnight—not with President Obama still in the White House and with a Democratic majority in the Senate. I realize many of these issues need to be debated further, but I hope we can all agree that the Internal Revenue Service, the IRS, should not be administering a law that affects one-sixth of our national economy and which so dramatically affects the quality of life for 320 million Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, last week in Illinois President Obama attempted to blame opponents of the ObamaCare for the law's broken promises. He lashed out at what he called “folks out there who are actively working to make this law fail.” Those were his words. He further said: “[A] politically motivated misinformation campaign” is afoot. He strongly implied that fault rests not with those who conceived the law but those who have not, in his estimation, “committed themselves to making [it] work.”

Think about it a minute. This flailing, of course, was nothing more than an effort by President Obama to dodge and deflect accountability for the law that bears his name. Let's be real. ObamaCare is not a failure because so many Americans reject it, rather so many Americans reject ObamaCare because it is a failure. I believe we should focus on what truly matters.

Americans are growing increasingly anxious about how the law will affect them and their families. They wonder what it will mean for health insurance and tax bills. They wonder whether they will be able to get the care they need when they need it. They wonder whether the quality of American health care will remain the best in the world and, yes, they wonder how a government reorganization of one-sixth of the economy will impact a weak jobs market. Unfortunately, neither the outset nor the outlook provides consolation.

President Obama has frequently sought to downplay the debacle surrounding the rollout of his health care law. He says “that glitches and bumps” are to be expected. But as the Wall Street Journal columnist Kimberly Strassel notes, the Democrats didn't “count on the hiccups turning into cardiac arrest,” and that is what happened.

Since the enactment of ObamaCare, a laundry list of unworkable provisions has been repealed or delayed. But recently the administration announced two particularly notable delays.

First, the administration will delay implementation of the law's employer mandate until 2015 because workable

reporting requirements are not yet in place. This provision requires all employers in this country with more than 50 employees to provide adequate health care coverage for full-time employees, defined as those employed at least 30 hours per week or pay a penalty. In anticipation of this mandate many employers are cutting back hours for current workers and holding off on hiring new ones.

I welcome any relief from ObamaCare for anyone in this country, but why should such relief not apply to individuals and families as well as businesses? If the administration hasn't gotten its act together by now, what leads us to believe it ever will? Instead of temporarily delaying part of ObamaCare for some, I believe the best course would be to permanently delay all of it for everyone.

The administration also recently announced postponement of a critical taxpayer protection under ObamaCare. Taxpayers were previously told the government would verify that applicants actually qualify for subsidies before receiving them. Now the administration says it is not ready to do that until 2015, although it will still go ahead with enrollment in the program in 2014. So for the coming year, the Obama administration will trust but not verify anything. The honor system, I believe, is no taxpayer protection.

These are not run-of-the-mill glitches and bumps, as the President would say. These provisions are central to the legislation and may foreshadow major problems to come, as we find out every day. These provisions are unworkable or problematic not because people don't like them but because they were poorly designed. This isn't about a lack of commitment on behalf of those forced to comply with these mandates. Rather, it is about a lack of confidence on behalf of those who conceived and crafted these provisions.

In light of the disastrous rollout of ObamaCare, Americans are also apprehensive about the cost—yes, the cost. How will all of this impact their health insurance premiums? What will be the tax burden? What will a new entitlement program do to our \$17 trillion debt, which is growing?

With respect to premiums, President Obama told the American people his health care overhaul “could save families \$2,500 in the coming years.” Those were his words. But despite this bold claim, health insurance premiums for the average American family have increased over \$3,000 since 2008, and this is according to the Kaiser Family Foundation Employer Health Benefit Survey, which is very well respected.

Moreover, a recent Wall Street Journal analysis finds that premiums for healthy consumers could double or even triple under ObamaCare. Can we imagine that?

Although ObamaCare has not decreased premiums, it has certainly increased taxes. According to the Congressional Budget Office—CBO—and

the Joint Committee on Taxation, ObamaCare imposes a \$1 trillion tax hike on the American economy over just the first 10 years—a \$1 trillion tax hike. Their analysis finds 21 tax hikes in ObamaCare due to the law's various mandates and restrictions. Among these, several affect individuals making less than \$200,000 and married couples making less than \$250,000—a clear violation of President Obama's often repeated campaign promise not to do so.

Despite this massive tax hike, ObamaCare will still add \$6.2 trillion—yes, \$6.2 trillion—to the debt in the years ahead. This is based on the Government Accountability Office projections. This clearly violates yet another promise by the President that he would “not sign a plan that adds one dime to our deficit—either now or in the future.” Goodness.

I believe ObamaCare will not only fail to control costs but will also destroy the best quality health care in the world—ours. Why do I say this? In 2009, Dr. Martin Feldstein, Chairman of the Council of Economic Advisers under President Reagan and a Harvard professor, wrote an op-ed in the Wall Street Journal entitled “ObamaCare Is All About Rationing.” He backed up his statement by citing a report issued by President Obama's own Council of Economic Advisers which explained how the President would propose to reduce health spending by eliminating certain treatments—by rationing.

Dr. Feldstein went on to compare the Obama strategy to that of the British national health service. He concluded the existence of such a program in the United States would not only deny life-saving care but would also cast a pall over medical researchers who would fear that government experts might project their discoveries as “too expensive.”

Think of the implications of rationing health care. What does it mean for a patient sitting in the doctor's office when they get a life-changing diagnosis? I know that feeling. I have been there. It reassured me to know we have the best health care in the world and that everything possible would be done to save my life. I want others who encounter that situation to have the same reassurance. But will they?

Despite what President Obama may say, it is not just Republicans who have deep concerns about health care. This week, on the same Wall Street Journal opinion pages, Howard Dean, a former Democratic National Committee chairman and Governor, as well as a physician, concurred with Dr. Feldstein. Mr. Dean wrote that ObamaCare's independent payment advisory board—IPAB—“is essentially a health care rationing body.” By setting doctor reimbursement rates for Medicare and determining which procedures and drugs will be covered and at what price, the IPAB will be able to stop certain treatments its members do not favor by simply setting rates to levels

where no doctor or hospital will perform them. That was the plan.

Mr. Dean went on to say, “These kinds of schemes do not control costs. The medical system simply becomes more bureaucratic.”

We all know now ObamaCare is a bureaucratic nightmare. With more than 20,000 pages of new rules and regulations, the law expands government to an unprecedented level, creating 159 new boards, commissions, and government offices. Think of it.

Adding to these concerns, Deloitte's 2013 Survey of U.S. Physicians finds that due to recent developments in health care, “the future of the medical profession as we know it may be in jeopardy as it loses clinical autonomy and compensation.” The survey by Deloitte also found that “6 in 10 physicians”—6 in 10—“say it is likely that many physicians will retire earlier than planned in the next 1 to 3 years.”

Again, sitting in that doctor's office, I remember breathing a little easier to know we have not only the most advanced treatments but also the most skilled and experienced physicians in the world. We don't want to jeopardize that, do we?

In addition to concerns about the quality of care, the Obama administration has backtracked on still another of the President's promises. In 2009, he stated unambiguously: “If you like your doctor, you will be able to keep your doctor. Period.” The President's words.

Despite this pledge, the Department of Health and Human Services, under the Obama administration, recently posted the following on healthcare.gov: “Depending on the plan you choose in the marketplace, you may be able to keep your current doctor.” It says “may” be able to keep your doctor. That is not what the President told the American people.

A University of Chicago study underscores this finding that more than half of current individual insurance plans do not meet ObamaCare's standard to be sold on the exchanges. So much for that ironclad promise.

But there is another area: ObamaCare is a job killer. How will ObamaCare affect jobs? In President Obama's recent Illinois speech I mentioned earlier, he made the following curious statement about Republicans and job creation: “They'll bring up ObamaCare despite the fact that our businesses have created nearly twice as many jobs in this recovery as they had at the same point in the last recovery when there was no ObamaCare.”

This is a non sequitur. At a minimum, President Obama implied that ObamaCare has not hurt job creation. At worst, he implied it has helped.

In stark contrast, the U.S. Chamber of Commerce's second quarter 2013 Small Business Survey in America finds that “71 percent of small businesses—and that is the job creation machine in this country—say the health care law makes it harder to

hire." The same survey finds that "one-half of small businesses say that they will either cut hours to reduce full-time employees or replace full-time employees with part-time workers to avoid the mandate."

In addition, Gallup finds that "41 percent of small business owners say they have held off on hiring new employees" in response to ObamaCare.

The 1-year delay on ObamaCare's employer mandate provides momentary relief. But in light of sustained high unemployment in this country, I find it deeply troubling that perhaps the best thing President Obama has done for American business during his time in office is to provide only a brief reprieve from his own signature achievement.

Notably, labor unions agree with businesses now, that ObamaCare will hurt the economy. Recently, in a scathing letter to Democratic leaders in Congress, the president of the Teamsters Union, the UFCW, and UNITE-HERE, wrote that "ObamaCare 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."

This brings me full circle to where I began my remarks. President Obama conveniently blames Republican opposition for the stumbles and failures of ObamaCare, despite the fact that Americans across the political spectrum have spoken up about its many flaws.

President Obama rammed his health care legislation through Congress without a single Republican vote. Why? Because he knew he did not need our votes to put the entire Nation under his health care plan. Yet now he claims that ObamaCare works for those who are "committed to it." Committed to it?

Republicans are committed to finding solutions that actually lower health costs, that do not tax and spend us into oblivion, that preserve the world's highest quality health care, and that foster economic growth. We have said all along that ObamaCare would fail on each of these counts.

I believe opposition to ObamaCare is not responsible for its failures, and commitment to it will not negate its deep flaws. The only way to achieve the goals we all share is to begin by repealing this failed law so we can replace it with a plan that works. I hope we can.

I yield the floor.

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

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

THE ECONOMY AND IMMIGRATION

Mr. SESSIONS. Madam President, I would like to share some remarks

about the economic condition of American workers, the immigration bill that passed here recently, and in general about where we are as a Nation and the difficulties we are facing.

I think there is a growing acceptance by most experts that we have, indeed, seen a decline in the wages of the middle-class and working Americans relative to inflation since maybe as long ago as 1999—a steady erosion of their income relative to the price of products they buy. That is not a healthy trend.

President Obama talked about it, our Democratic colleagues talked about it a lot when President Bush was President. But it has continued. I thought maybe it was an aberration, but I do not think so anymore. I think a lot of things are happening with robotics, ObamaCare, other things that are happening, that are making it more difficult for workers to find jobs—unemployment remains exceedingly high—and to have wage increases.

One of the things I noticed this week from the Republican side of the aisle is that Congress received two letters—one from Republican donors, according to some, and another from CEOs—urging that Congress act on immigration. This is primarily to the House Members.

Nearly 100 top Republican donors, they called themselves, and Bush administration officials sent a letter to the House Republicans on Tuesday urging lawmakers to pass a bill that legalizes illegal immigrants. The donor letter came the same day the U.S. Chamber of Commerce and 400 other businesses and umbrella groups fired off another letter to the House leaders of both parties urging them to pass something.

One word was not mentioned in either one of those letters: Wages. Nor was any discussion of jobs and unemployment raised in those letters.

Mr. Karl Rove—a man I know and like and a long-time friend—and these groups would have us believe this legislation is about the providing of amnesty to people who have been here a long time. That certainly is a large part of it. Businesses know that legalizing illegal workers will, indeed, expand the available labor pool for industries with the effect, I suggest, of bringing down wages, particularly in the areas where illegal workers might have previously not had access. So of the 11 million people, perhaps half, we understand, do not have fake documents, are not able to work in the labor force, effectively, and they take marginal jobs. If this bill were to pass, all would immediately be given Social Security Numbers, and they could apply to any job in America.

That is both a good thing and a difficult thing. It is good that they would be able to work. It is not so good if you wanted one of the jobs that would be taken.

But there is a phrase in the letter which has gotten too little attention and which explains what this is all

about. Mr. Rove and the donors say, the legislation must "provide a legal way for U.S.-based companies to hire the workers they need."

So we are supposed to pass a law that guarantees American companies the right to hire whoever they need, whoever they say they need, whoever they believe is best for them. That means the best worker at the lowest price. That is what free markets are all about. That is what the law of supply and demand is all about. It has not been repealed, by the way, the law of supply and demand.

First and foremost, that cannot be the goal of an immigration policy of the United States of America. It cannot be the overriding policy of our system to provide and to make sure that whatever workers our companies want at whatever price, apparently, they are willing to pay or want to pay—that we allow workers to come in from abroad and take those jobs, regardless of the unemployment rate in America, regardless of the number of people who are on welfare, on unemployment compensation, who have not had a good paycheck in a number of years, perhaps.

Our responsibility and our goal is to serve the people of this country and to try to create a climate, an economic agenda that allows them to prosper and to actually find jobs and actually get pay raises, not pay reductions.

Of course, there is already a legal way for U.S.-based companies to hire workers they need. They can hire the people living here today who are unemployed. Or they can hire some of the million-plus immigrants whom we lawfully admit each year. We have a very generous immigration policy. No one is talking about ending that and not allowing immigration to continue. We allow about 1.1 million immigrants a year come to America lawfully, plus guest workers who come specifically to work. That is very generous. But this bill would double the number of guest workers and increase substantially the number of people who come through immigration to become permanent residents in our country, at a time of high unemployment—much higher unemployment than we had in 2007. That bill would have allowed much fewer people to come into the country, and it was rejected by the American people.

No one is saying these programs cannot and should not exist, and that they should not be improved. But I am afraid the businesses want the choicest pick of labor at the lowest cost they can get it. That is what businesses do. That is what businesses want every day. When they go out and interview people, they want the best person they can get at the least cost. That is what their stockholders demand. So they believe the immigration policy for the entire Nation should exist to create an abundance of low-cost labor. I do not agree with that.

They, in their bubble they live in, think lower wages are good. You hear

about it: There are concerns over rising wages. It might drive up prices, you hear the Wall Street Journal say.

Well, maybe some politicians think that way too. They are not concerned with how the plan impacts workers, the immigrants themselves, public resources, the education system, or taxpayer dollars. They are not focused on the broader economic and social concerns that happen when someone is not able to get a job for years at a decent wage. The focus tends to be on the reduction of the cost of labor.

But America has a larger concern. That concern is unemployment. It is workplace participation. It is wages. And it is the cost of social services to those in need. We all agree we must make America more competitive globally. Workers must be productive and competitive. But how do we close the income gap? How do we deal with that?

The best way to do that is not to reduce our wages and workers' quality of life. The way to do that is with a less burdensome Tax Code, a less intrusive regulatory system, and a tougher, smarter, fair trade policy. These policies would make us more competitive and help wages and working conditions improve.

So when these business voices and establishment figures say the GOP needs to support a comprehensive immigration bill, what they are really saying is the GOP and the Congress of both parties—which in the Senate, of course, a minority of Republicans voted for the bill, and every single Democrat voted for the bill. They would have done the things I am concerned about.

Now they are worried about the Republican House and they are trying to put the pressure on them. What they are saying is, we need to increase low-skill immigration, when we do not have enough jobs now. The Senate bill, based on CBO analysis, would provide legal status to 46 million people—mostly lower skilled immigrants—by 2033—46 million. Here is what the National Review editorialized on the subject:

By more than doubling the number of so-called guest workers admitted each year, the bill would help create a permanent underclass of foreign workers. The 2007 Bush-Kennedy proposal was rejected in part because it would have added 125,000 new guest workers. The Gang of Eight bill—The one we just passed in the Senate—would add 1.6 million in the first year, and about 600,000 a year after that and that is on top of a 50 percent or more increase in the total level of legal immigration. The creation of a large population of second-class workers is undesirable from the point of view of the American national interest, which should be our guiding force in this matter. The United States is a nation with an economy, not an economy with a nation.

This Nation owes certain things to its citizens, the people who are here now. We have a lot—300 million—and many of them are hurting. We owe them the best opportunity—owe them the best opportunity—to be successful and have a decent job with increasing wages, not declining.

Here is what conservative writer Yuval Levin wrote in a recent op-ed. I

am saying this because these are conservative writers.

The Left's economic policies (and the legacy of decades of right-wing confusion about the difference between being pro-market and being pro-business too) are making the American economy less and less like the vision of capitalism that conservatives should want to defend. They should consider what now would be best for the cause of growth and prosperity—the cause of free markets and free people.

Capitalism is fundamentally democratic, after all—we today might say fundamentally populist and recovering this understanding of conservative economics would help today's Republicans see an enormous public need, and an enormous political opportunity, they tend to miss, and to which conservatism could be very usefully applied. It would point to a conservative agenda to help working families better afford life in the middle class, and to give more Americans a chance to rise.

So this is, I guess, directed—too late now to deal with the Senate. It passed the Senate, but not too late to deal with in the House, which does have a Republican majority. If Members of Congress want to broaden their appeal, the answer lies in speaking to the real and legitimate concerns of millions of hurting Americans whose wages have declined and whose job prospects have diminished.

The New York Times talked about this in 2000. They forgot about all of this now. But in 2000, they editorialized against an amnesty bill, what they called a "hasty call for amnesty" and warned that "between about 1980 and 1995 the gap between wages of high school dropouts and all other workers widened substantially." That is what the New York Times said then. It remains true.

Professor George Borjas, himself an immigrant to America as a young man from Cuba, now at Harvard, perhaps the most effective and knowledgeable and respected scholar of wages and immigration in the world, certainly in the United States, estimates—get this—that 40 percent, almost half, of the trend downward in wages today can be traced to immigration from unskilled workers. Businesses do not have to bid up salaries to get good workers if you constantly have a flow of people come in.

That data he reported has been updated. High levels of low-skilled immigration between 1980 and 2000—and those levels would be greatly increased if this bill that passed the Senate were to become law—have already reduced wages of native workers without a high school diploma by 8 percent, according to Professor Borjas. He has analyzed Labor Department statistics, census data, and all kinds of data, according to the highest academic standards.

Professor Borjas said their wages have fallen from 1980 to 2000 by 8 percent in real dollars as a result of the current flow of immigration. So that is about \$250 a month. You think that does not make a difference to working Americans and their families, to lose \$250 a month?

Oh, we do not want to talk about that. That is not a problem. The immigration bill will increase wages, we are told. Professor Borjas said it has already reduced wages enough to be very painful to people who are trying to take care of their families today. Wages continue to fall.

This is not only an economic problem, but it is a social problem. The idea that dramatically increasing the number of foreign workers to take a limited number of American jobs will reduce unemployment and raise wages is so ridiculous it is hard to think it worth discussing. The very idea of this is beyond my comprehension. Yet we have the President out there today sending out documents claiming just the opposite—the President of the United States. The law of supply and demand has not been eliminated. Wages today are lower than in 1999. Median household income has declined 8 percent in that time. Some 47 million of our residents are on food stamps today, including 1 in 3 households in Detroit. According to the Associated Press, four out of five U.S. adults struggle with joblessness, near poverty, or reliance on welfare.

There is no shortage of labor in the United States. There is a shortage of jobs in the United States. Our goal must be to help our struggling Americans move from dependency to being independent, to help them find steady jobs and rising pay, not declining pay. Our policy cannot be to simply relegate more and more of our citizens to dependence on the government while importing a steady stream of foreign workers to take the available jobs. That is not in the interest of our country or the people of this country.

Some contend our unemployed do not have the needed skills. Well, let's train them. We now spend over \$750 billion a year on means-tested welfare-assistance type programs. That is the largest item in the budget, bigger than Social Security, bigger than defense, bigger than Medicare. Of that amount, for every \$100 we spend on those programs, we only spend \$1 on job training. So we need to wake up here. We need to quit paying people not to work, quit delivering money that creates dependence, and shift our policies in a way that puts people to work and gets them trained to take the jobs that are here today.

As we leave for recess, my message to my colleagues in the House is this: Do the right thing. Make your priority restoring the rule of law, defending working Americans, and helping those struggling, immigrant and native born.

People who immigrate here lawfully want to go to work here and see their wages rise too. Their wages are being pulled down if the flow of immigration is too large. It is amazing to me how the coalition has been put together. Some of the comments about it kind of take my breath away.

Here is what the President said today in his paper, claiming that everything

is going to be great with this huge increase of immigration that was in the bill he wants to see passed in the House. This is their report. The broader leisure and hospitality industry, one of the fastest growing sectors in the U.S. economy, also stands to benefit significantly from commonsense immigration reform.

According to the Bureau of Labor Statistics, the leisure and hospitality industry has consistently added jobs over the last 3 years. These sectors remain a source of robust economic activity and continue to exceed expectations. Leaders of these industries have been long-time proponents of legislation that would legalize workers in the United States and facilitate the lawful employment of future foreign-born workers.

The head of the American Hotel and Lodging Association this year applauded the Senate—I bet he did—on behalf of the lodging industry for its bipartisan commitment to immigration reform that “creates jobs, boosts travel and tourism, preserves hoteliers’ access to a strong seasonal workforce, and stimulates economic growth.”

Well, sure. He would rather be able to have a large flow of workers from abroad take the jobs. What happens to the Americans who are not getting jobs? Are they on the food stamp rolls, the assistance rolls? Are they on unemployment compensation? Are they otherwise struggling to get by with government assistance? Would it not be better for our Americans to have those jobs?

I mean, think about it, the President of the United States out here celebrating special interests, hotel magnates, casino magnates who want cheap foreign labor so they do not have to hire American workers who are unemployed. That is what we are talking about. I think it is time for the Republicans to stand up to the Republican 100 donors writing that letter. Give me a break. We need to reject their advice and the premise of their letter that the public policy of the United States should be based on giving U.S. companies a legal basis for hiring all the low-cost foreign workers they say they need.

They are not entitled to demand that. We are supposed to set national policy here. We are supposed to set policy that serves the national interest. We do not work for those donors and special interests. So the national interest is to reduce unemployment, certainly, and to create rising wages. That is our responsibility in this body. Let's get on with it.

I want to say how great it is to see my friend Senator ENZI. I am taking up his time. I hope I have not kept him too late. He works late anyway. But he has been a great principled supporter of immigration reform and is opposed to the bill that came before us. I thank the Senator for his work on so many of these issues but immigration reform is on my mind today. It is great to see the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. ENZI. Madam President, a lot of Americans are worried right now about their health insurance. They know what is coming. Seniors have been turned down by their doctors for Medicare treatment because the doctors are not adequately compensated. If they have not been turned down, they know someone who has been turned down.

Medicaid is uncertain and a stigma. On the one hand, advances in medical technology and the capabilities and knowledge of our health care providers mean we are living longer and have more tools at hand than ever before to address diseases and illnesses.

However, on the other hand, this increasing life expectancy, coupled with the aging of our population and the steady increases in health care costs, means our health care system is on the verge of becoming completely unsustainable financially.

All across the country health insurance rates are skyrocketing. Families are struggling to cope with the higher costs and less choice. Employees are losing coverage and they are losing working hours. Businesses are not hiring. At the center of this uncertainty is the President's health care law. A number of provisions have already gone into effect, but we will not experience the full force of the law until 2014; that is, January.

The Democrats' “go it alone” health care reform plan in 2009 was the first major piece of legislation to pass Congress without a bipartisan vote. Let me repeat that again. The Democratic “go it alone” health care reform plan in 2009 was the first major piece of legislation to pass Congress without a bipartisan vote. When you have a partisan bill you get partisan results.

After 20,000 pages of regulations and still a lot more to come, they are a little behind on those, and after over 150 new bureaucratic boards, agencies, and programs, the Federal Government still cannot figure out how to make the law work and has had to delay it, in part.

What I have seen to date is enough to convince me that we need a different path. I opposed the health care law initially and I support full repeal of the law. Fixing our health care system does not have to be divisive or partisan. There are clear differences in the approach to fixing health care from all across the political ideological spectrum. However, the least we have to do is to dismantle the worst parts of the law and replace them with reforms that actually work, reforms that lower

cost and expand choice, reforms that do not bankrupt the country and every taxpayer.

The Federal Government needs to support viable solutions when needed and refrain from handcuffing innovative private designs with the excessive regulations for narrowed political interests. We need more competition, not less.

Unless we take concrete steps now, we will soon be unable to switch off the track toward government-run health care. When I first got here, I was warned that there were people who did not care who ran the train of health as long as it wrecked. Then we could have universal single-pay, government-run health care. I am not sure that is not still the goal.

One clear example of how convoluted this law is comes from the definition of who an employee is. I used to work in the shoe business, so I understand the difference between full-time work, which was 40 hours a week, and part-time work, which was under 40 hours a week.

However, under the health care law, there are now full-time employees and full-time equivalents. What this means is the law requires employers, and particularly small businesses, to determine how many of their part-time employees it takes to equal a full-time employee. They don't come under the full force of the law until they hit 50 employees. There are businesses that understand that, and they are trying to avoid getting to the 50th employee. But there are some catches in this law.

First of all, the health care law sets full time at 30 hours, not 40 hours per week but 30 hours. It was news to me. It always was 40 hours.

Second, the law requires these employers to take everyone working 29 hours a week or less, combine all of their time for a week, and then divide by the number 30 to establish how many full-time equivalents these part-time workers represent. I don't think a lot of people planned on that.

If you are still following along at this point, congratulations. You can see how costly the taxes imposed by this law will be.

What if the rule forces you to add all of your employees' hours and divide by 30 hours to determine your full-time employees? What if you have 10 employees who are working 40 hours? That would be 400 hours. If you divided that by 30 and find out that you are paying 10 people, but you actually have 13⅓ employees at the full-time requirement, that could put you over the 50 and put you into a whole different category of costs and penalties.

If you have 10 employees and you watched it so that there are only 29 hours, that comes to 290 hours. If you divided that by 30, you would find out that even though none of these people are full-time employees, you have 9⅔ full-time employees. You can see how they could do a little miscalculation, suddenly be at the 50, and be into a whole new series of penalties.

The Obama administration also had to admit recently that the employer mandate, one of the key pieces of the law, isn't ready.

One of the most economically crushing and burdensome regulations will not be implemented until past 2014, past the 2014 election in 2015. I don't think that was a mistake on their part. I think it was intentional—to come after the election.

There is another little complication that gets thrown in here though. If those employers are not providing the health insurance and not being fined for not providing the health insurance, then the people who work for them have to go on the exchange to get their health insurance. If they go on the exchange to get their health insurance, they can't be subsidized by the businesses they worked for. That is going to be a surprise to a lot of employees too.

The delay will force more people to enroll in health care exchanges or face the tax penalty if they don't. A lot of people don't realize if they do go on the exchange, there is also a surcharge on the cost of their health insurance. They are going to be paying a 3.5 percent tax for buying the insurance. Of course, if they don't buy the insurance, then they get a penalty.

The delay was also made for the businesses without congressional approval, done administratively. The Congressional Budget Office and the Joint Committee on Taxation informed Senator HATCH this week that this delay will increase the cost of the new insurance program established by law by \$12 billion. It is not as if we had an extra \$12 billion laying around here.

In particular, the Congressional Budget Office and the Joint Committee on Taxation estimated that the Federal Government will be required to pay an additional \$3 billion in subsidies for people on the exchanges. A lot of extra costs were just kicked in there. This delay not only increases the costs on hard-working Americans, but it fails the original intent of health care reform, and that is to provide Americans with high quality, affordable health care.

In addition, the law requires the administration to set up health insurance exchanges in a number of States, including Wyoming. We are sparsely populated, low numbers. The numbers wouldn't work out to do our own exchange.

One problem is the administration has yet to tell anyone exactly how they are going to do those exchanges or what even a basic plan is. If you are going to have a range of plans that insurance companies can bid on, that you can look up on the computer, doesn't it seem, before you can even start, that you would have to know what the basic plan is?

How the President can argue that everyone will love the health care law once it goes into effect is beyond me. This administration can't even tell

anyone where they can buy their insurance, what plan options will be available, and, most importantly, what the costs will be.

Remember what NANCY PELOSI said before they passed the law? They will have to pass the bill before we get to know what is in it. The administration is shopping its own version of that statement.

As the Senate Finance Committee chairman put it recently: this law is a train wreck waiting to happen. That is the Democratic Senate Finance Committee chairman.

Of course, on top of all of this, the law relies in part on new taxes and tax subsidies to support the coverage expansion.

This means the IRS will be involved in implementation. I have significant concerns with the ability of the IRS, particularly in the wake of the current scandal. The fact that this organization, the IRS—tainted by such political behavior—is involved in implementing the new health care law has increased my belief that the health care law is not something the country wants or needs. Of course, the IRS employees don't want to come under this law either. I don't know of anybody who really wants to come under it.

I will take a close look at proposals to remove the IRS from any implementation activities, but I do think they should be subject to the law too. At the same time, I will continue to work to provide folks with relief from the health care law as a whole.

One of the things they have said if you are going on the exchange is, if you are in certain income categories, then you get a subsidy from the government to help you purchase your insurance. We are told now that will be self-reporting and will not be subject to audit. Doesn't that sound like something that could be fraught with a lot of fraud, where you say you just make enough to get into the biggest subsidies? Everybody wouldn't do that, of course, but I think there are some who would.

How is the government doing on some of the things that they already put into effect? I saw a little article on high-risk pools. When the bill went in, a lot of the States already had high-risk pools, and we worked with States to make those viable, but the Federal Government said we could do it for less. They put in a high-risk pool.

To keep people from jumping from the State ones, which, yes, are more expensive, over into the Federal one, which is less expensive, they said you couldn't make the jump unless you were without insurance for 6 months. People who are in the high-risk pool can't afford to be without insurance for 6 months.

There wasn't a big jump to the high-risk pool. But in spite of the fact that there wasn't a jump to the high-risk pool, the Federal high-risk pool went broke. It ran out of money.

Here is the disturbing part of that article. They said, well, they would just

shift that cost over to the States. The States are already doing it, and they are doing the right thing. Now they are going to be asked to pick up the additional costs. How many parts of ObamaCare are going to get shifted over to the States? The States have had a lot of promises. Can any of those promises be met? Will they be met? A lot of decisions are being based on what the Federal Government promised.

Of course, in truth, we are out of money. The new law also tried to address the problem of rising health care costs. I believe the Federal fiscal situation is untenable, and we need to implement significant and far-reaching spending cuts to get our fiscal house in order. We cannot continue on our current path.

The President and his administration will argue that the new law will expand access and lower costs. While the law certainly increases access to insurance, it also moved billions of dollars from the Medicare Program to pay for this new insurance program. That is not exactly saving the government money.

The projections for lower costs also don't add up for the average American either. Insurance premiums and rates are increasing. Small businesses are unable to continue to provide health insurance for their workers.

Businesses in general have delayed hiring or are only hiring people part time—although I hope they listen to the part that I gave about the little part-time catch that is built into the law.

All of these decisions are directly driven by the economic impact of the health care law. My Senate Republican colleagues and I are focused on developing proposals that address the worst aspects of the health care law. The law increases premiums and health care costs, forces employers to stop offering insurance to their employees, and slashes benefits for millions of Medicare beneficiaries.

I support repealing both the cap on health savings accounts, flexible spending accounts, and the prohibition on over-the-counter purchases included in the health care law.

Flexible spending accounts help make consumers more aware and engage in their health care spending.

Health savings accounts are something that young, healthy staffers of the Senate like to do. They can do the math real easy. They can look at the regular program and see how much that would cost or they could take a look at health savings accounts. The difference in the price, in only 3 years they could cover the whole deductible part as long as they were healthy for 3 years. They would be covered for that part until something major happened—and they were covered for catastrophic—so they found that to be a real bargain. But not anymore.

Additionally, a number of other Senators and I have put forward bills to repeal the taxes imposed by the President's health care law. That would be

relief from new taxes on prescription drugs, relief from new taxes on medical devices, and relief from new taxes on health insurance plans. I wish to provide relief to employers from new regulations imposed on them by the law.

These ideas preserve competition in a private market for health care coverage and lower the cost of care for the consumer. All of these steps are commonsense reforms to the health care law that take us off the path toward a national, Federal health care system.

One of the most effective ways Congress can address the rising costs of health care is to focus on the way it is delivered as part of the Nation's current cost-driven and ineffective patient care system. America's broken fee-for-service structure is driving our Nation's health care system further downward.

Today's method of payment encourages providers to see as many patients and prescribe as many treatments as possible, but it does nothing to reward providers who keep patients healthy. Maligned incentives created by the fee-for-service system drive up costs and hurt patient care.

Tackling this issue is a good start to reining in rising health care costs. The health care law championed by President Obama and the majority party in the Senate did little to address these problems because the vast majority of the legislation involved a massive expansion of the government price controls found in the fee-for-service Medicare and Medicaid Programs.

If we wish to address the threat posed by out-of-control entitlement spending, we need to restructure Medicare to better align incentives for providers and beneficiaries. This will not only lower health care costs, it will also improve the quality of care for millions of Americans. It is very important that we protect access to rural health care services too.

There is more that can be done to better align Federal programs to meet the needs of rural and frontier States. The criteria that determine eligibility for Federal funds to support rural health care programs are based on factors that make it difficult to prove the needs of the underserved, rural, and frontier areas.

For example, one provider for 3,500 people in New York City is entirely different than the 3,500 people living in Fremont, Campbell County or, perhaps more so, Niobrara County. I use Niobrara County quite a bit, for example, because Niobrara County is the size of Delaware and has 2,500 people living in it. It is 90 miles tall, 75 miles wide, and near the bottom of the center is a town called Lusk. This is where almost all of the people live. They do have a hospital there.

When they have a doctor or a physician's assistant, the hospital is open. When they do not, they are 104 miles from a trauma center.

You can't apply the same rules to that hospital that you apply to New

York City hospitals. In addition, we need to think more creatively about how to use technology services, to improve telemedicine capabilities, particularly for the rural areas so that where a person lives has less impact on the level of care they are able to receive.

The advancement of more powerful, wireless technologies has substantial potential to remotely link individuals across the country to deliver health care in more accessible settings. Our Nation has made great strides in improving the quality of life for all Americans. We need to remember that every major legislative initiative that has helped transform our country has been forged in the spirit of cooperation. These qualities are essential to the success and longevity of crucial programs such as Medicare and Medicaid.

When it comes to health care decisions being made in Washington lately, the only thing the government is doing well is increasing partisanship and legislative gridlock. The President and Democrats need to listen. It is time to admit that this partisan experiment in government-run health care is failing. In order for this to get better, they must acknowledge the problem. Some of the law's authors and biggest supporters admit this law is a mess, and it will only get worse.

However, those in the Democratic leadership continue to support flawed health care laws out of pride, politics, or a belief that the government knows best. It makes no sense to stubbornly cling to a law that is so massive, burdensome, bureaucratic, and confusing that it is collapsing under its own weight.

By focusing on positive changes, Congress can give the failed law's proponents a way out. The key is finding common ground. More often than not, the country hears about what divides Congress instead of what unifies us. We could come together and focus on commonsense solutions with the kinds of step-by-step reforms that would protect Americans. I believe Members of Congress on both sides of the aisle can agree on 80 percent of an issue 100 percent of the time.

I want to be clear that this isn't compromise. When you compromise, each side gives up something they believe in, and in the end they get something no one believes in. I am about agreeing on common ground without compromise, without sacrificing each party's principles, by leaving out parts of the issue to look for a solution later.

Congress also needs to stop deal-making and start legislating. We need to stop developing comprehensive bills and then marketing them as the only option. To me, comprehensive means incomprehensible. The larger a bill is, the harder it is to agree. And, of course, you can tuck some things in there that people never see. This is especially true when we pass a bill that no one has fully read and then afterwards we find out what is in it.

No party has all the good ideas. By working together, the end result should be something that not only works but moves the country forward in a responsible way.

We still need health care reform, but it has to be the right way, with strong bipartisan support on individual health care issues. What happened to individual choice on a policy? What happened to liability reform? What about the sale of insurance across State lines or pooling through an association so they have leverage against the insurance companies? What happened to adequate compensation for providers? All of these have been left out. Providing Americans with access to affordable health care at a high quality is something Republicans and Democrats should be able to agree upon.

The challenges of the American health care system are not going away. If we improve health care in a practical instead of a political way, we can make it better. Good policy is good politics. Why do I have some hope this is going to happen? Congress is more interested now than they have ever been, and the reason is there was a Republican—yes, there was one Republican provision in the bill that forced Congress to go into the exchanges too. We and our staffs have to live under the law we passed. That is how it should be. But the result is hitting everyone in their offices right now. Every Senator and every Representative is looking at what may happen to their staff on January 1, and their staffs are concerned. It has changed the tenor of some of the hearings we are having. It is pretty hard-hitting on both sides. So with that, I do have hope.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

POSTAL SERVICE REFORM

Mr. CARPER. Madam President, most of our colleagues have finished, a lot of them packed up and are heading back to their home States to begin the August recess. I wish them all well, especially the one who just preceded me on the floor tonight.

I stand between the staff here and the pages who are wrapping up their summer with us—at least a month with us. They will be heading back to their home States across America. We had one of our pages—a page, actually, in the last group, at the beginning of the summer—from Delaware, and we are very proud of her and all the ones who have been here. I have told them they are among the best group we have ever had—even that guy from Arkansas, whose mom used to sit right down here in the row next to MARK PRYOR and me.

I thank the staff for their hard work throughout the course of this year. I think we are in a good place, and the Senate is starting to act more like the Senate of old. We are beginning to govern a little more from the center, and Democrats and Republicans are looking to find new ways to work together on a wide range of issues.

I am especially pleased with the progress we made on the Federal student loan program, again trying to make sure the program is available and at a reasonable interest rate cost to help make sure a lot of students, young and old, if they need help, can sign up for student loans late this summer and fall and then go back to school and complete their education.

Senator ENZI used the numbers 80–20. In the time I have known him, he has talked about the 80–20 rule, of which he may be the architect. The 80–20 rule is something like this: Around here, we agree on about 80 percent of the stuff and may disagree on about 20 percent of the stuff. But in the end, why don't we just focus on the 80 percent we agree on and set aside the 20 percent we don't agree on and then take that up another day?

That is the spirit Senator TOM COBURN, who is the ranking Republican on the Senate Homeland Security and Governmental Affairs Committee, and I have taken to an issue that needs to be addressed, and that is a path forward in making sure we have a strong postal system in this country, as we have had for over 200 years. We need to have a strong, vibrant, financially strong, and sustainable postal system for a long time, for as long as we are going to be a country.

The nature of our needs and the way we communicate has changed dramatically. I remember finding in my parents' home, oh gosh, about 5 or 6 years ago, when, after my dad had died, my mom was going to move out of her home in Florida up close to my sister in Kentucky, this treasure trove of love letters my parents exchanged during World War II. For others of you whose parents have been in similar situations and whose folks were part of the "greatest generation," you may have uncovered a treasure trove of letters like that as well. They wrote literally every day—just about every day through the war.

I remember that the happiest days I spent in Southeast Asia, in the several tours I served there in the early 1970s, the happiest days for us each week were the days we got the mail. Those were the best days—letters from home, cards, postcards, newspapers, magazines. Those were great days.

Our troops in Afghanistan still get mail. They still get letters and postcards and birthday cards, Father's Day and Mother's Day cards, but it is different because they have Skype and cell phones and a lot of other ways to communicate.

I asked my staff recently to go back 12 years ago to when I first came here and tell me how many e-mails we got for every letter we sent—tell me how many e-mails we got for every letter we sent and received. It turns out for every 1 e-mail we received, we received 10 or 12 letters. That was just like 10 or 12 years ago. Then I asked them to tell me what it is today, and it has flipped. It is just the opposite. For every letter

we get, we receive roughly 10 or 12 e-mails. So the way we communicate in this country has changed, and that is just one clear example of it for us here on Capitol Hill.

The Postal Service has struggled much like the U.S. auto industry did in the last decade or two to try to make a go of it. The auto industry found themselves in a situation where they had more plants than they needed, more suppliers than they needed, they had really in some ways more different models than they needed, and they had, sadly, more employees than they needed given their market share, which was about 85 percent when I was in Southeast Asia, and it dropped to about 45 percent 3 or 4 years ago. Fortunately, the auto industry in this country has revived, is vibrant, and is coming back. They are hiring and building cars—award-winning, highly energy efficient cars.

The auto industry was an industry that had to retool itself and right size itself for the 21st century, and they have done that and done it well. The big three in the United States are back and building some of the best cars in the world. We are proud of the work they do, and they are not only hiring people but are paying bonuses to their people, and it has turned out to be a really great success story. These were companies that were literally going into bankruptcy—GM, Chrysler—not that many years ago. They are back, and we are a better country. Thank God we helped them get back. And Ford builds great vehicles.

What do we do about the Postal Service? The Postal Service has about 7 million people working for it or who have jobs that are related or are connected directly or indirectly to the Postal Service—7 million jobs. What do we do about them?

I think what we need to do and are trying to do is contained in the legislation Dr. COBURN and I are introducing tonight, which we have worked on for the last 6 months. I really thank him and his staff, especially Chris Barkley, who is here on the floor with us, who has worked very closely and hard with John Kilvington, who is a member of the majority staff at the Homeland Security and Governmental Affairs Committee.

We want to thank a lot of people, Democratic and Republican staff, majority and minority staff, for the terrific work they have done to try to find the middle, to focus on that 80 percent we can agree on, and the 20 percent we can't agree on, we will put off until another day.

The legislation we have written, put simply, addresses how we make possible and ensure that this Postal Service—which was literally spelled out and called for in our Constitution all those years ago—is still relevant today; that it is able to be financially viable today and help meet our communication needs today in a different age, in a digital age. They can do this. They can do

this. There is a lot in the legislation that will help make that possible.

We have not written a perfect bill. The ones I have ever written or coauthored or authored, believe it or not, are not perfect. We do our best, and then we introduce the legislation and ask other people who have similar or different views to tell us what they like about our legislation and what they do not like.

In introducing this legislation, we would invite folks from around the country, whether they happen to be residents, consumers, people living in homes, families who rely on the mail, whether they happen to be businesses that use the mail broadly or whether they happen to be folks who send out magazines or catalogs or other non-profit groups or other folks who work for the Postal Service, the employees, those who are retired, the customers of the Postal Service—we welcome their input as they have a chance to look over what we have written. We ask them to see if they can help us make it better.

Over in the House of Representatives, Congressmen ISSA and CUMMINGS have been working, along with their colleagues, on legislation. It has been reported out of committee over there, I think on a party-line vote.

One of the things that was important to me was to write a bipartisan bill. Dr. COBURN wanted us to write a bipartisan bill. Neither one of us got everything we wanted. The nature of compromise is there are some things that, frankly, you are not all that enamored with, and that is the case here. Our pledge going forward is to continue to work together, to ask Democrats and Republicans to help us improve on this legislation.

The challenge for us is this: In a digital age where people use Skype and Internet and Twitter and all, how do we enable the Postal Service to use what is truly unique—and it is a unique company, if you will; it is a public-private company, although a big company, the second largest employer in the country, and it is a business that goes to every mailbox in this country 5 to 6 days a week—to make a profit, to be financially sustainable, and to meet our communication needs without a huge ongoing reliance from the taxpayer, from the Treasury, to do that? I think they can do it. I think they can do it. I think the legislation we have written will help make that possible.

I want to say a special thanks to a number of folks. I want to thank the Postal Service, led by Pat Donahoe, the Postmaster General; the Board of Governors there, which is part of the Postal Service; the folks who represent hundreds of thousands of postal workers through the union; the businesses across the country that use and rely on the Postal Service; and a lot of customers—regular people who have given us their ideas and shared their ideas with us from towns large and small, cities and States large and small. We

look forward to their input and their criticism—constructive, we hope—to make this legislation even better.

I would again say to our staffs who worked so hard to get us to this point a very special thank you.

To our colleagues on both sides of the aisle, we look forward to working with you to make what we think is a good bill even better. I like to say that everything I do, I know I can do better. If it isn't perfect, make it better. And my last thought on this is that the road to improvement is always under construction.

So we have some more work to do, and we will take what is a good bipartisan bill and hopefully make it a lot better.

Madam President, with that, I will say good night to you. I look forward to seeing you in about 5 or 6 weeks. My best to you and the people you so ably represent in New Hampshire. God bless.

With that, 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. 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.

THANKING STAFF

Mr. REID. Madam President, I appreciate the Presiding Officer's patience in waiting for us to wrap up things.

Let me say a word very quickly about the staff. I wish everyone a good August. It has been an extremely difficult first 7 months of this congressional period. We got a lot done, and I appreciate very much all the hard work of everyone.

I have said before, but not recently, that we get a lot of things done around here—not nearly as much as we should—but it is the result of all the work that is done by those here and the scores of other people we don't see that are back there doing all kinds of things to make this place work, all the committee staff, the police officers but especially the floor staff.

As we talked earlier today about some departures we have here, one of the good things we have is that in all the time I have been here, as far as I am aware—there could have been instances, but I am unaware of any, where there was bitterness expressed publicly and, as far as I know, privately between each other. I haven't seen that. I appreciate very much the good work we do for the Senate. The staff is not partisan in the work for their bosses that they try to get done, and we can only do that through them.

I am so grateful for all they do for the Senate leadership, all the Senators, and the country. Words are not adequate for me to express that, but I truly do appreciate all they do.

UNANIMOUS CONSENT AGREEMENT—S.1392

Mr. REID. Madam President, I ask unanimous consent that at 11 a.m. on Tuesday, September, 10, 2013, the motion to proceed to S. 1392 be agreed to and the Senate proceed to consideration of the legislation.

The PRESIDING OFFICER. Is there objection?

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 therein for up to 10 minutes each.

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

INTERCHANGE FEE RULEMAKING

Mr. DURBIN. Madam President, I rise to speak about a Federal court ruling handed down yesterday that represents a tremendous victory for consumers and Main Street businesses across America.

This ruling has to do with debit card swipe fees. Yesterday, a Federal judge in D.C. called for the Federal Reserve to lower the approximately 24 cent cap it set on debit swipe fees to a level that more closely reflects the actual cost of a debit transaction.

This decision is a major win for Main Street merchants and their customers.

It was urgently needed, because this decision corrects flaws in the Fed's rulemaking that had allowed Visa and MasterCard to triple the swipe fees they impose on many coffeeshops, convenience stores, restaurants and other merchants.

I had filed an amicus brief in this court case, since the case involved a rulemaking based on a law that I had authored. I am very pleased that the court ruled the way it did, and I will take a minute to explain why.

For years, I have been sounding the alarm about swipe fees, also known as interchange fees.

The swipe fee is a hidden fee that is charged on every debit or credit card transaction. It is a fee that a merchant has to pay to a bank when the merchant accepts a credit or debit card that the bank issued. The fee is taken as a cut out of the transaction amount.

These swipe fees are harmful to consumers and to our economy. They are hidden, they are anti-competitive, and they end up raising the price of everything we buy at retail.

It is important to understand how these fees work.

The vast majority of bank fees are set in a transparent and competitive market environment, with each bank setting its own fee rate and competing over them. But that is not the case with swipe fees.

With swipe fees, the big banks decided they would designate the two

giant card companies, Visa and MasterCard, to set fees for all of them. That way each bank could get the same high fee on a card transaction without having to worry about competition.

Swipe fees have no transparency. Most customers and most merchants have no idea what kind of swipe fee is being charged when they use a debit or credit card.

The swipe fee system became an enormous money-maker for Visa, MasterCard and the banks. They were collecting an estimated \$16 billion in debit swipe fees and \$30 billion in credit fees each year.

Those billions are paid by every merchant, charity, school, and government agency that accepts payment by card—and the costs are passed on to American consumers in the form of higher prices.

By 2010, the U.S. swipe fee system was growing out of control with no end in sight. U.S. swipe fee rates had become the highest in the world—far exceeding the actual costs of conducting a debit or credit transaction.

There were no market forces serving to keep fees at a reasonable level. There was no competition and no choice. Merchants and their customers were being forced to subsidize billions in windfall fees to the big banks.

I knew we had to change this situation.

This is an issue of fundamental importance to our economy. Our nation is moving from a currency based on paper cash and checks to a system where American dollars are mostly exchanged through electronic transactions.

We cannot allow Visa, MasterCard and the big banks to dominate the electronic payments system and use it to enrich themselves at consumers' expense. Remember, this is America's currency we are talking about. We have to ensure transparency, competition and fairness when it comes to electronic payments involving U.S. dollars.

So I stepped in and introduced an amendment to the 2010 Wall Street Reform bill that for the first time placed reasonable regulation over debit swipe fees.

My amendment said that if the Nation's biggest banks are going to let Visa and MasterCard fix swipe fee rates for them, then the rates must be reasonable and proportional to the cost of processing a transaction. No more unreasonably high debit swipe fees for big banks.

My amendment passed the Senate with 64 votes and it was signed into law with the rest of Wall Street reform.

The swipe fee reform law that I wrote directed the Federal Reserve to issue regulations to bring down debit swipe fee rates.

In December 2010, the Fed issued a proposed rulemaking that called for debit swipe fees to be capped at 7 to 12 cents per transaction.

This was a significant reduction from what had been a 44 cent average debit swipe fee, though it still allowed banks