

lifesaving, life-enhancing drugs, by getting a doughnut hole—that gap in coverage for seniors—to be ultimately eliminated. It has provided tremendous relief for the seniors in our country not to have to make those dynamic choices.

So what they could not achieve at the ballot box they are trying to achieve by shutting down the Federal Government.

And then, at this late hour, after having tried a series of times to undermine the Affordable Care Act—and believe me, when they talk about a 1-year delay, which they seem to try to show that it is benign, it is not benign. There is a purpose to their strategy. The reason that a 1-year delay—in addition to the fact that the law should be able to move forward for millions who have no insurance to be able to finally have insurance—is because if you delay the mandate, that means 11 million people will go uninsured who otherwise would get coverage. It means, as the Congressional Budget Office estimated—the nonpartisan entity of the Congress that scores everything we do: Is this going to cost money; is this going to save money—they estimated that repealing that individual mandate will increase premiums anywhere between 15 to 20 percent because fewer healthy people will enroll to balance out those with higher medical needs. Insurance is about spreading the risk across the spectrum.

In my home State of New Jersey, we tried to have insurance reform that limited preexisting condition exclusions and different premium band ratings without an individual requirement for coverage. The result was skyrocketing premiums. So, in essence, delaying the mandate for a year—which is the essence of what the House Republicans have sent here various times as a condition of keeping the government open—is a Trojan horse because Republicans know that, in doing such a delay, the mandate will create higher premiums. And in creating those higher premiums, they, in essence, create rate shock and they fulfill that which they would like to see, which is the failure of the Affordable Care Act.

They have a very particular strategy. It is not benign by any stretch of the imagination. They are not concerned that the Affordable Care Act will fail. They are concerned it will actually succeed. So what they seek to do is to introduce poison pills to make it fail.

It is amazing to me that I keep hearing: Well, we will replace it. With what? We have not heard with what. When we challenge our colleagues, they say: Oh, yes, preexisting conditions, we are for that, making sure that does not exist anymore. We are for the seniors getting the rebates on prescription drugs. We are for making sure there are no more lifetime caps on anybody's insurance, so if they have a catastrophic illness, they will not come up against that cap. We are for all of those things. The only problem is, to have all

of those benefits which Americans overwhelmingly want, it costs money. And the only way to do that is, of course, to have everybody ultimately insured in the country.

This is not a fight between Democrats and Republicans. This is a battle for the very soul of the Republican Party. Unfortunately, they are playing it out in a way that affects the Nation. This is a designed strategy.

Jonathan Chait of New York magazine wrote a tremendous piece. I recommend it to all of my colleagues. He basically described a meeting that took place in January of this year. I am going to read from his article for a moment: "In January, demoralized House Republicans retreated to Williamsburg, Virginia, to plot out their legislative strategy for President Obama's second term. Conservatives were angry that their leaders had been unable to stop a whole series of things, including the Bush tax cuts on high incomes, and they wanted to make sure their leaders would no longer have any further compromises. Not only did they decide they would not have any further compromises, but, in fact, they developed a legislative strategy."

Before I go into that, I am happy to yield to the majority leader who I understand has an announcement.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, through you to my dear friend from New Jersey, who does such a wonderful job in everything he does, especially running the Foreign Relations Committee, I thank him for yielding to me.

This is a very sad day for our country. The President has told the head of the Office of Management and Budget, Sylvia Mathews Burwell, to issue a shutdown statement, and she has done that. Here it is: "MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES."

This memorandum follows the September 17 memo and provides an update on the potential lapse of appropriations.

No more potential. It is after midnight.

Appropriations provided under the Consolidated and Further Continuing Appropriations Act expire at 11:59 pm tonight. Unfortunately, we do not have a clear indication that Congress will act in time for the President to sign the continuing resolution before the end of the day tomorrow, October, 2013. Therefore, agencies should now execute plans for shutdown due to the absence of appropriations.

That is what she said. So the agencies of government are in the process of closing down. It now appears that the House is not going to do anything to keep the government from shutting down. They have some jerry-rigged thing about going to conference. It is embarrassing that these people who are elected to represent the country are representing the tea party, the anarchists of the country, and a majority of the Republicans in the House are following every step of the way.

This is an unnecessary blow to America, to the economy, the middle class,

everyone. The House has within their power the ability to avoid a shutdown. They should simply pass the 6-week CR we sent them.

We are going to come in in the morning and see what they have done sometime tonight. But I would hope they would understand that, within their power, at any time, all they have to do is accept what we already passed. All this stuff they keep sending over here—they are so fixated on embarrassing our President, the President of the United States. They think an election is coming this November. It happened last November. He was elected by 5 million votes over what Romney got—5 million votes. It was not close. So it is really too bad.

I am going to ask this unanimous consent. We are going to go out tonight and come back at 9:30 in the morning. So the unanimous consent is that we are going to recess until 9:30 tomorrow morning. I want the Senators who are here on the floor to be able to talk for 5 minutes each.

#### ORDERS FOR TUESDAY, OCTOBER 1, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 Tuesday, October 1, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in day; that at that time, I be recognized; that the Senate recess from 12:30 to 2:15 tomorrow to allow for the weekly caucus meetings.

I ask, before this is implemented, that everyone understand that when we receive that message from the House—I hope we will have it in the morning when we come in—I will make a motion to table it as we have done the two other measures in the last few hours.

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

#### ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that following the statements of Senators MENENDEZ, DURBIN, MURRAY, and SCHUMER, the Senate adjourn under the previous order.

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

Mr. SCHUMER. Would the leader yield for a question?

Mr. REID. Sure.

Mr. SCHUMER. I just ask the leader, the government is shut down. There is nothing we can do to keep it open. The only way to keep the government open would be for the House to pass the resolution we have already sent them; is that correct?

Mr. REID. That is right. It keeps the government funded. They have had that for days now. They could do it,

with the way they vote, in a matter of 10 minutes.

Mr. SCHUMER. But nothing we can do?

Mr. REID. Nothing we can do. They are over there now negotiating with themselves, I guess.

Mr. SCHUMER. Is it not true that until they vote for that resolution, the government will remain shut? They could send us 100 different little doodads, gizmos, and other things, but the ball is in their court, and we hope and wish that they would pass our resolution and that we keep the government open.

Mr. REID. It is in their court and has been in their court.

The PRESIDING OFFICER. The Senator from New Jersey.

#### CONTINUING APPROPRIATIONS

Mr. MENENDEZ. Madam President, I had hoped we would not get to this point. I believe that where I was headed is to embody why we have come to this moment today. It just did not happen. I was referring to this article by Jonathan Chait of New York Magazine that in January the House Republicans met, retreated to Williamsburg, VA, and came up with a strategy.

What is that strategy? He goes on to say:

The first element of that strategy is a kind of legislative strike. House Republicans initially decided to boycott all direct negotiations with President Obama, and then subsequently extended that boycott to negotiations with the Democratic Senate—

Which only goes to prove why, despite having passed a budget 6 months ago or over 6 months ago, each of the 18 times that Senator MURRAY, the budget chair, has asked to go to a conference—which is a meeting of the House of Representatives and the Senate to work out their differences in their budget—there have been objections.

So when I read this article and see that House Republicans decided to boycott all direct negotiations with President Obama and then subsequently extended that boycott to negotiations with the Democratic Senate—we are seeing the consequences of that strategy here today.

This kind of refusal—he says in his article that “to even enter negotiations is highly unusual.” The way to make sense of it is that Republicans have planned since January to force Obama to accede to large chunks of the Republican agenda without Republicans having to offer any policy concessions of their own.

It is pretty interesting. You know, for those who said: Well, both sides, the reality is that there is no moral equivalency to shutting down the government. If you are willing to use the tools of shutting down the government in order to elicit what you could not achieve by winning at the ballot box—i.e. getting a Republican President elected, both Houses of the Congress—then you could ultimately repeal a law

with which you disagreed. But since you could not do it that way, to have a policy that ultimately says: No, we are willing to shut down the government in order to achieve what we could not do at the ballot box with the will of the American people, there is no moral equivalency. So it cannot be accepted that both sides are to blame when clearly only one side is willing to pursue their political goals by closing down the government and the consequences that flow from that.

It is an interesting article. I ask unanimous consent that it be printed in the RECORD so that all of my colleagues might be able to read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Jonathan writes for NY Magazine.)

In January, demoralized House Republicans retreated to Williamsburg, Virginia, to plot out their legislative strategy for President Obama's second term. Conservatives were angry that their leaders had been unable to stop the expiration of the Bush tax cuts on high incomes, and sought assurances from their leaders that no further compromises would be forthcoming. The agreement that followed, which Republicans called “The Williamsburg Accord,” received obsessive coverage in the conservative media but scant attention in the mainstream press. (The phrase “Williamsburg Accord” has appeared once in the Washington Post and not at all in the New York Times.)

But the decision House Republicans made in January has set the party on the course it has followed since. If you want to grasp why Republicans are careening toward a potential federal government shutdown, and possibly toward provoking a sovereign debt crisis after that, you need to understand that this is the inevitable product of a conscious party strategy. Just as Republicans responded to their 2008 defeat by moving farther right, they responded to the 2012 defeat by moving right yet again. Since they had begun from a position of total opposition to the entire Obama agenda, the newer rightward lurch took the form of trying to wrest concessions from Obama by provoking a series of crises.

The first element of the strategy is a kind of legislative strike. Initially, House Republicans decided to boycott all direct negotiations with President Obama, and then subsequently extended that boycott to negotiations with the Democratic Senate. (Senate Democrats have spent months pleading with House Republicans to negotiate with them, to no avail.) This kind of refusal to even enter negotiations is highly unusual. The way to make sense of it is that Republicans have planned since January to force Obama to accede to large chunks of the Republican agenda, without Republicans having to offer any policy concessions of their own.

Republicans have thrashed this way and that throughout the year. Republicans have fallen out, often sharply, over which hostages to ransom, with the most conservative ones favoring a government shutdown threat and the more pragmatic wing, oddly, endorsing a debt default threat. They have also struggled to define the terms of their ransom. The Williamsburg Accord initially envisioned forcing Obama to sign spending cuts, or some form of the Paul Ryan budget. During the summer, Republicans flirted with making Obama lock in lower marginal tax rates. Recently, Republicans settled on pressuring him to kill his health-care law. But the general contours of the legislative strike, and the plan of obtaining policy vic-

tories without offering any policy concessions, has enjoyed general agreement within the party.

The history is important because much of the news coverage and centrist commentary has leaned heavily on the idea that the crises in Washington have come about because of some nebulous failure of bipartisanship. The Washington Post editorial page implores both sides to compromise, without explaining why only one party should have to offer policy concessions to keep the government running. Mark Halperin neatly implies that the two sides share the blame in equal measure.

The analytic error here is the assumption by professional pox-on-both-housers that they can take an advocacy position on the government shutdown without siding with one of the parties. If you want to land on the conclusion that both sides are to blame, you need to equivocate on the underlying moral question of whether a shutdown is really a bad thing. If, on the other hand, you want to take a stance against crisis governance, you need to be honest about the fact that one party is pursuing this as a conscious strategy.

Mr. MENENDEZ. This is a battle within the Republican party itself about where they are headed. It is a battle that is totally unnecessary because I think there is a simple message to the Speaker: Allow the House of Representatives to have an up-or-down vote on what the Senate has sent it, which is basically a clean continuation of the government without any gimmicks, without any poison pills.

If that vote were allowed by the Speaker of the House of Representatives on the floor of the House of Representatives, I believe it would pass and the government would stay open. Instead, a few within the Republican Party who hatched this concoction in January of this year when they lost the elections and retreated to figure out what was going to be their legislative strategy are bringing the Nation to its knees.

That is simply unacceptable.

I said at the beginning of these comments that it is not only consequential here at home—and it will be consequential—to many families, to those who are Federal employees, and their families, to those who seek the assistance of the Federal Government, whether that is a small business loan, whether it is somebody for the first time enrolling for Social Security payments or a veteran's disability or a whole host of other things; they will not be able to do it if the government is going to be shut down tomorrow—it is also a consequence in the world. I say that as chair of the Senate Foreign Relations Committee. What message do we send to the world when, in fact, we cannot get our own budget done and one party is willing to hold the Nation hostage in order to get their political views pursued?

We are trying to convince Iran not to pursue nuclear weapons. We tell Iran if you disarm totally and stop your nuclear weapons program, then sanctions to you can be lifted. I believe the Iranians are looking and saying is it possible that such an agreement could