

growth, the longest stretch since before 2008. And now because of the House Republican shutdown, we want to reverse that? Do we want to go back to a failing economy? That is what is at stake here. Do we want to cost our taxpayers money with the inconvenience we are causing the people of this country by a government shutdown? Talk about life-threatening delays. The researchers at NIH are being compromised. The inability of NIH to take on new patients as a result of a shutdown absolutely affects the welfare of the people of our country. Small businesses are unable to get SBA loans. How do they run their businesses during this shutdown?

In my State of Maryland—and I know this is true around the country—the backlog on veterans getting their disability claims heard is tremendous. That will now grow as a result of this government shutdown.

The FDA is responsible for food safety. I could talk about a lot of different agencies. Forty-five percent of the FDA's workforce, or 6,620 employees, will be furloughed. The FDA will be unable to support the majority of its food safety nutrition and cosmetic activities. The FDA will also have to cease safety activities such as routine establishment inspections, some compliance and enforcement activities, monitoring imports, notification programs, et cetera. That is what this shutdown will cause. Do we want to make sure we have a safe food supply? Well, today it is not quite as clear as it was yesterday.

We know about the national parks and the zoo being closed. That makes no sense at all. People will be inconvenienced, but people's health will be put in jeopardy because of this House Republican shutdown. It is totally illogical.

We have tried to go to conference on the budget. There are three problems we have before we get a workable budget for this fiscal year. First, we have to keep government open; second, we have to make sure we pay our bills; and third, we have to get rid of sequestration. That is what we have to get done. And, yes, we have to sit down, Democrats and Republicans, to work out a budget for this fiscal year, but we can't do it while the government is closed.

When we fail to pass a budget—and quite frankly, it is the Republicans who have been unwilling to sit at a table to come up with a budget. The regular order is to pass a continuing resolution that continues the budget so the government can operate until we have a budget. We have always done that at the current level.

Well, the Democrats are willing to go even further. We are willing to take the Republicans' reduced budget number because of sequestration, and they can't even accept that because, quite frankly, there are too many on the other side of the aisle in the House who want a government shutdown. That is not the way we should be operating.

I am proud to represent so many Federal workers. I am proud to represent the people of Maryland, and we are going to continue to fight on behalf of the right policies. We are going to fight to make sure Federal workers are made whole when this is over, and that they are able to get their paychecks with full pay. It is going to be a struggle because of the attitude—particularly from the Republicans—in the House, but we are going to continue to fight for what is right for our Federal workforce and for the American people.

Let us pass a resolution to keep government open. Let us sit down and work out a budget for this coming year. Let's do what is right for the American people.

With that, I yield the floor.

#### RECESS

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

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Illinois.

#### MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that there be a period of morning business for debate only until 5 p.m., with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each, and that the majority leader be recognized at 5 p.m.

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

Mr. DURBIN. Madam President, I suggest the absence of a quorum and ask that the time that is consumed under the quorum call be equally divided between the Democrats and Republicans, and all subsequent quorum calls be equally divided between the two parties.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

#### CONTINUING APPROPRIATIONS

Ms. MIKULSKI. Madam President, I rise to continue the discussion on the situation in which we find ourselves, which is that the entire Government of the United States of America has been shut down, and those Federal employees who are working are working without pay.

This is a terrible situation. I implore the House to pass a clean short-term continuing funding resolution that the Senate sent over to them 4 days ago so we can reopen the government. Let's reopen the government. Let's reopen the Government of the United States of America. The way we reopen the government is to pass the Senate continuing funding resolution.

What would it do? It would fund the government at fiscal 2013 levels. That doesn't mean it adds new money; so there is no new money. It is keeping us at current spending levels. We would have a short-term continuing resolution until November 15 while we work out other issues, and then we can get over the speed bump of raising the debt ceiling. I believe that is the path forward.

Where we are now has terrible consequences. It has terrible consequences for our economy. It has terrible consequences for our standing in the world. It has terrible consequences for the functioning of our government.

We are speaking now about a shutdown of the government. Right now, there are hundreds of thousands of men and women who work for the Federal Government who signed up to do a job in the service of their Nation. They have literally, with the passing hours, had to either take a furlough—and a furlough means we have essentially laid them off; we have laid them off—or they are working because their work is essential, such as an FBI agent, but they are not getting paid. We are paying them with IOUs. This is not the United States of America.

I am thinking about those people who are working every single day. Let me paint a picture for my colleagues. In my own State, we are the headquarters to the National Weather Agency. People who watch TV think they get their weather news from either the Weather Channel or they get it from their local TV or radio station through doppler radar. It is terrific. But guess where they get their information. They get it from their Federal Government. They get it from the weather forecasters at the National Oceanic and Atmospheric Administration who work hard every day predicting the weather and getting out the information that news people can use in their own community. So if a person is a farmer, he is getting that information. If a person is a waterman who works on the Chesapeake Bay and he has to make sure the storm is not coming while he is out there crabbing or oystering to keep his business going, he needs to know the weather. Whether a person is a county executive or a mayor, people need to know what their weather is going to be. So they have been on the job, whether they have been predicting hurricanes or tornadoes or giving us the basic day-to-day information. The weather forecasters are at their duty station, but what are we saying to them now? Guess what. Be there, but we are not going to pay you except through IOUs.

Yesterday I spoke about the National Institutes of Health and the Food and Drug Administration in my State. There is another major agency which is not in my State but very important to the functioning of our country: the Centers for Disease Control. Right now, they are working down there in Georgia. What is the Centers for Disease Control? What is their job? Their job is exactly that: disease control. When veterans and other people were ill and getting sick in a hospital in Philadelphia, they were called in because they are our top biosleuths in America. They are our own bioforensic scientists, our own bio-CSI team. They were the ones who found out about something called Legionnaires' Disease, and they helped those people who got sick in that hotel, and were able to put out that information. They are the ones who are standing sentry to make sure there is no emerging surprise or pandemic in the world. They are the ones who are gathering information now to know the latest threats to the health and safety of the United States of America.

What is it they are doing? If a person is a pediatrician, they are watching the CDC to see what are the latest causes of ear infections that could be infecting children and the right treatment to help them, the right treatment for their doctors to be able to know. That is what they do. When their labs are being closed, it leaves States on their own—State health departments—to be able to look out for antibiotic-resistant viruses and other infectious diseases, and a variety of other kinds of things. We need the Centers for Disease Control. They employ thousands of people in Atlanta, GA. Yet we are telling them: Well, maybe not the way we need you.

Yesterday, the President passed a bill to guarantee military personnel be paid on time. We support that. But what is missing from the bill is important. The intelligence community, made up mostly of civilians, will not be covered. It means that over 72 percent who work in our intelligence agencies will either face furloughs or will be working with IOUs.

Who else involved in our national security is not covered? We didn't cover border security. We didn't cover FBI. We didn't cover DEA. We didn't cover the U.S. Marshals. What are the marshals doing? It is not like Wyatt Earp. Marshals aren't just out there like cowboys in a Wild West movie when we watch a miniseries. The Marshals Service is very important. Do my colleagues know what they are doing in Maryland right now? First of all, they provide security in the courthouse. They do the security to protect the judges. We have some of the most violent gangs and criminals coming in and the marshals need to protect those who are enforcing the law through the judicial system.

They are also going after the sexual predators. They are the ones who track

all of the evidence and go after sexual predators to make sure they are not loose in the neighborhoods, and they are working with local law enforcement.

They also go after missing fugitives. We know about the big signs that say "Ten Most Wanted." Well, guess who goes after them. The Marshals Service. That is one of their primary responsibilities. That is what Federal law enforcement is. These employees are also critical to national security.

Trying to do this piecemeal—oh, we have looked out for our troops. We should look out for our troops. But while we look out for our troops, we should look out for those who come back home.

I know the Presiding Officer and others have been strong supporters of our veterans. I am a strong supporter of our veterans. Many of the services being performed by the VA are open, such as VA health care, but there are other services where we have to delay the backlog on veterans' cases, veterans' disability benefits. Through appropriations, we have actually put money in the Federal checkbook to deal with more training, more overtime to reduce this backlog.

When we speak about shutdowns, I want to take a moment to talk about my own office in relationship to veterans. I am the longest serving woman in Senate history. It is a great honor. In my 25 years as a Senator and after 25 years as the senior woman here, I have only closed down my office twice: once in 1995 and this morning. I cannot express to my colleagues the heavy heart I had when I talked to my staff. My staff is a great staff. Whether they are working in Maryland or whether they are working here in Washington, we are a local phone call away to 6 million Marylanders. Of those people who work for me, one is a young lady. I hope I don't embarrass her if she is watching TV. Her name is Denise. Denise has worked for me for 30 years, back when I was in the House of Representatives and now as a Senator. She is a case-worker, a constituent service worker. For 30 years she has specialized in helping me respond to the needs of veterans. Veterans all over Maryland love her. They depend on her, and I depend on her so that I can help those veterans.

I know my time has expired, but Denise's time on the job shouldn't expire. I want to make sure Denise is on her job. I want to reopen my office. I want to make sure we reopen government. We can do that if we pass the Senate continuing resolution.

Hello to the House. Don't send us piecemeal. Let the House vote on the Senate bill. No gag rule in the House. Free the House, open the House, open government, and let's get the job done.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I would like to quickly begin by saying

that last night at the stroke of midnight the government faced its first partial shutdown since 1996. There has been a lot of partisan talk back and forth about who is to blame, but our constituents are demanding action and rightfully expect us to resolve this situation. We need to act swiftly to get the government up and running again.

Let me turn to another matter. Today's date is October 1, 2013. Since the passage of the so-called Affordable Care Act in 2009, millions of people have looked forward to this day, probably with more dread than anticipation. That is because today is the day the ObamaCare health insurance exchanges—where millions of Americans will be required by law to purchase health insurance—are open for business.

Perhaps I should say they are supposed to be open for business. President Obama, in his futile effort to sell his health care law to the American people, has been trying to paint a rosy picture about what will happen starting today. He has claimed that today will mark the first step in a process that will provide health coverage for millions of Americans. Sadly, now that we are here, the picture is much cloudier than the President would like to admit. Indeed, as the exchanges begin to go live, we have more questions than available answers. We know the exchanges have been met with significant delays—delays for large businesses, delays for small businesses, and even some delays for some of the State exchanges themselves. We know about other technical and logistical problems facing the exchanges. I will talk more about those in a few minutes.

What we don't know is what will happen to the average American trying to sign up and navigate his or her way through the ObamaCare exchanges. I wish to take a few minutes to talk about that today and, in doing so, I wish to talk about someone we met during the 2012 election campaign. Her name is Julia. We all remember Julia. She was the faceless character created by the Obama campaign to symbolize the cradle-to-the-grave support women would receive under President Obama's administration, including under ObamaCare. She was supposed to be the embodiment of President Obama's compassion for women and his opponent's lack thereof.

Unfortunately, President Obama's "Life of Julia" outline was short on some details, particularly when it came to Julia's efforts to obtain and keep health insurance through the ObamaCare exchanges. Today I will try to fill in some of those details. However, it will be difficult because, as I said, there is still much we don't know about how the exchanges are going to work.

As we follow Julia into the exchanges, the first question that comes to mind is: What brought Julia to the exchange in the first place? Is she one of the millions of Americans who will

end up losing employer-provided health insurance as a result of ObamaCare? Is she now a part-time worker after her employer had cut her hours to avoid the employer mandate? Perhaps she was laid off so her employer could keep their number of employees below the threshold required to be considered small business under the law.

In any event, Julia has come to the exchange looking for health insurance because that is what the law requires her to do. The next question is, Who will explain to Julia how she is to sign up for insurance under the exchange? What we know is that she will be assigned to a navigator, a person employed by a private organization tasked with assisting the uninsured in determining what type of coverage they qualify for. This person, who is not a government employee, will have access to her personal information, including her Social Security number and household income data.

Sadly, there is no telling whether this person will steal that information and use it for nefarious purposes. That is because the administration, in the drafting of the rules for the certification of navigators, cut corners on things such as training and background checks, putting consumers and patients at increased risk for fraud and identity theft.

I came to the floor to discuss this a couple of weeks ago. This was something that Members of Congress warned the administration about months ago. Sadly, our warnings have been ignored. So the bottom line for Julia is that before she even enters the exchange, an unqualified navigator or perhaps an imposter posing as a government counselor may have easy access to her private personal information, allowing them to steal her identity and create a nightmare for Julia to fix. Somehow, I do not think the authors of ObamaCare had this in mind when they created the navigator program.

The next question Julia will face is whether the exchange in her State will be ready. This, of course, will depend on where Julia lives. Not all of the State exchanges will be ready to launch today. Idaho, Minnesota, Oregon, Colorado, and the District of Columbia have already announced they will be delaying the launch of their exchanges.

The New York Times ran an article about the delays and glitches facing the exchanges this past weekend. According to the article, "Many of the 16 directors of State-run exchanges are describing October as a soft launch period when Americans can start exploring their coverage options—but on Web sites that may be incomplete, vulnerable to glitches, and perhaps not ready for an onslaught of customers."

In other words, Julia, depending on where she lives, may not even be able to sign up for insurance today because of the problems and delays—problems and delays many of the exchanges are

now facing. But for the sake of discussion, let's assume Julia is able to sign on to the exchange and select a health insurance plan. Now that she has picked a plan, the question is, Will her personal information be secure?

In order to sign up and purchase an insurance plan, Julia will have to hand over a virtual mountain of personal information, including her Social Security number, her tax return, and the like. All of this data will be entered into the Federal services data hub, a new information-sharing network that allows State and Federal agencies to verify her information.

The problem with the data hub is that it has not gone under any independent review to determine if the data that is entered is secure. The administration announced that the data hub had passed internal testing on September 10, a mere 3 weeks before it was set to go live. Sure, they may claim the data hub is operational and ready to go, but no independent watchdog such as the Government Accountability Office, for example, has had a chance to verify the security operations or make recommendations to better safeguard the privacy of consumers.

Absent an independent review, there is simply no way of knowing whether the exchanges have adequate safeguards in place to protect enrollee's personal information. For Julia, this means her personal and financial records may be at serious risk of becoming available to data thieves or just plain crooks. Obviously, this is not something the Obama campaign mentioned about Julia when they planned out her life for her.

The next question for Julia is whether she will be eligible for premium or cost-sharing subsidies. Depending on her income, Julia may be eligible for a tax credit designed to defray the cost of purchasing health insurance on the exchange. These credits are both advanceable and refundable, meaning that the IRS will pay them first and verify them later.

My gosh, what a system. This is what some have referred to as "pay and chase." The problem with this method of determining the eligibility for the subsidies is that there is an increased likelihood that applicants will receive larger subsidies than they actually qualify for. For Julia, that could mean, if she receives a subsidy, she could end up owing the IRS money next tax season. That is not a highly advertised element of the exchanges or the subsidy program, but that is the reality people such as Julia will be facing.

Once Julia's plan and potential subsidies are in place, the question then becomes will she have the same quality of health care she had before that she was promised by the President. The Obama administration has made some misleading claims on this front. According to the White House, consumers and States with Federal exchanges will have an average of 53 plans to choose

from. However, this number does not tell the full picture. According to an analysis undertaken by my staff on the Senate Finance Committee, 75 percent of States with Federal exchanges will have fewer plans available than the average touted by the White House.

In addition, there will be fewer provider networks in the exchanges, because in an effort to keep the cost of premiums down, insurers are reducing the number of doctors and hospitals covered by the plans in the exchanges. For example, there is only one insurer in the New Hampshire exchange. Their plan will exclude—get that word "exclude"—10 of the 26 hospitals in the State.

Another example is Blue Cross Blue Shield of California. Their exchange plan also covers only 53 percent of the doctors and 74 percent of the hospitals that are included in their broadest non-exchange plan. According to the New York Times "... many insurers are significantly limiting the choices of doctors and hospitals available to consumers. ... from California to Illinois to New Hampshire and in many states in between, insurers are driving down premiums by restricting the number of providers who will treat patients in their new health plans."

In short, this means that on the exchanges, Julia may very well have fewer choices for health care providers, potentially leaving her with limited access to quality care.

The final question Julia will face on the exchanges is perhaps the most important. I call it the final question, but I am sure there are others. Will Julia have to pay more for her health insurance under the exchanges than she did before this wonderful "Affordable Care Act"?

This, once again, depends on the specifics of Julia's situation. If, like most Americans, Julia previously had employer-provided health insurance, she will likely be paying more for her insurance on the exchange than she did through her employer. While some enrollees may be able to find cheaper insurance through the exchanges, the majority of Americans will pay more for health insurance under the exchanges than they do now.

The Manhattan Institute found that individual market premiums will increase 99 percent for men and 62 percent for women nationwide with the exchanges in place. The bottom line for Julia is that depending on her plan, she may very well end up paying more out of pocket for her health care than she did before ObamaCare was in place.

As you can see, the reality of Julia's experience on the health insurance exchanges does not resemble the pretty picture President Obama painted for her during the campaign. She will almost certainly face a number of difficulties just navigating the process. I do not blame President Obama. He was just told what to say by so-called experts on health care. Those experts have been wrong, wrong, wrong too many times.

In the end, it will likely end up costing Julia more to buy insurance on her exchange. Of course, Julia is not a real person. Her problems are imaginary. However, the problems that real Americans, including people from my State of Utah, will be facing as the exchanges open today are very real, as I have described them. Put simply, these exchanges are going live today with too many unanswered questions and too many unsolved problems.

We should have never gotten to this point. The Obama administration should have acknowledged the ample warnings, signs and problems in the exchanges and heeded the many calls for delay. The administration was all too willing to delay the pain businesses will suffer under ObamaCare. Sadly, the American people got no such special treatment.

All I can say is that those of us in Congress will be watching these exchanges closely. The American people will be watching them too. They will be experiencing them, which may not be very pleasant, in light of the promises that were made to them. If what we have discussed or witnessed so far is any indication, I do not think we or they or Julia will like what we see.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. I come to the floor this afternoon as the chairman of the Intelligence Committee in order to speak about the effect the government shutdown starting to have on the community and what effect it will have if the shutdown continues.

Let me give the most important figure up front. Across the intelligence communities, 72 percent of the civilian workforce is being furloughed. This means that with the exception of a few intelligence agencies that have a significant number of military personnel, the lights are being turned off and the majority of the people who produce our intelligence, analyze that intelligence, and provide warning of terrorist attacks or advise policymakers of major national security events will be prevented from doing their jobs. Simply stated, this is unacceptable. The failure of this Congress to perform its most basic functions means that our country is at heightened risk of terrorist attack.

Intelligence provides this Nation with its first line of defense because long before a threat makes it to our shores, the men and women in our intelligence community learn about it, sound the warnings, and often take the steps to neutralize that threat. Before the President or the Secretary of State makes decisions on U.N. Security Council resolutions, such as a resolu-

tion to end Syria's chemical weapons program, they review the intelligence and they seek the advice of intelligence analysts.

Finding Osama bin Laden in a house in Abbottabad and removing a bomb from an Al Qaeda operative in Yemen aren't things that just happen. They require the dedicated work of a huge array of professionals. Good intelligence requires the following: CIA officers on the ground and around the world meeting with sources; technical wizards who collect signals and imagery information; engineers who put together the systems to bring the information back to Washington and who convert the ones and zeroes of computer code into meaningful, actionable intelligence. Today, 72 percent of the civilian workforce will not be doing these jobs. Our shutdown is the biggest gift we could possibly give our enemies.

I understand and I support continuing to pay our military men and women, operating both at home and abroad, including tens of thousands still deployed to Afghanistan. By furloughing our intelligence workforce, we put our uniformed men and women at risk as they, too, rely on the intelligence agencies to tell them where the next assault may take place or where the next IED is hidden.

We have Ambassadors in threatened capitals. I can guarantee that our Ambassadors in Kabul and Baghdad and Sanaa and Islamabad rely on their intelligence briefers and the tactical intelligence support to their security teams as much as they rely on the marines who guard front gates.

I met earlier this spring with Ambassador Anne Patterson in Cairo. I saw the gates and walls of our modern Embassy that had been overrun by the same crowds protesting down the street in Tahrir Square. I met with the CIA, NSA, and other intelligence officers who give the Ambassador and her team warning when the extremists are looking to try to attack our Embassy again.

Some of these intelligence professionals will obviously remain on duty and are absolutely essential, but by furloughing the majority of the intelligence civilian workforce they rely on, we are preventing them from effectively doing their job.

I spoke yesterday with Director James Clapper, the Director of National Intelligence. At my request, he sent me a short report on how the shutdown will affect the largest intelligence agencies. In addition to the 72 percent overall figure, his report lists how the shutdown will cripple the CIA, the NSA, the Defense Intelligence Agency, the National Geospatial Intelligence Agency, the National Reconnaissance Office, and the Office of the Director of National Intelligence, to include the National Counterterrorism Center.

Every single agency I listed will lose the majority of its civilian workforce. Many of them don't have a sizable

military component that is exempt from the shutdown. The numbers are still classified, but any Senator who wants to see how our failure to fund the government is harming the intelligence community is welcome to find out and read this report. It is in the intelligence office on the second floor of Hart. The intelligence agencies at the Departments of State, Treasury, Energy, and Homeland Security are hit even worse.

I wholly regret that we are in this situation. I regret that across the country national parks are closed and Federal safety inspectors are sidelined. For 4 years we have squeezed the discretionary appropriations levels to the point that every part of the Federal Government has had to cut back and make do with less. What we are doing now puts American lives at risk. It is an abdication of congressional responsibility.

I wanted to come to this floor to make clear to every Member of this body that what we have done directly damages our national security.

I also would like to take the opportunity to speak on some of the cutbacks that are in process in the area of energy and water.

Since 2001 I have served as chairman of three different Appropriations subcommittees: Military Construction and Veterans Affairs, the Interior Department, and today the Subcommittee on Energy and Water Development. Over the years I helped make a lot of tough choices on which programs to fund, which not to fund, et cetera, but never have things been as bad as they are today. The cuts we are making to our appropriations bills under sequestration are strangling programs that must be funded. These are programs that are vital to our country, vital to public safety, and programs that promise to deliver the next breakthroughs in energy research.

I will speak about some of the negative effects a shutdown and continued sequester would have on my subcommittee.

The agency within my subcommittee that may have the most direct impact on the public is the Army Corps of Engineers. The Corps safeguards our dams, our levees, and our drinking water. It keeps our harbors open for cargo ships, and it maintains more than 4,000 recreation sites. Most people don't know that. Simply put, a government shutdown would mean the termination of a wide range of Army Corps of Engineers activities.

Let me mention flood control for a moment. Work is stopping on virtually all construction projects, studies, and activities related to flood control and navigation across this country. These projects protect tens of millions of Americans. A shutdown may mean the Corps stops work on improving dam safety projects, including the dam at California's Isabella Lake, which is the dam most at risk of failure in our State.

Halting these projects endangers citizens and ultimately increases the cost to complete this work. What is more, these projects actually reduce overall costs to the Federal Government. Damage prevented by the Corps' projects—this is only damage prevented—exceeds \$25 billion a year. It is indeed a big deal.

Other Corps projects interrupted by the shutdown includes the strengthening of levees and flood walls to reduce the risk of loss of life and economic loss from flooding and coastal storms.

Work could stop on improvements to flood protection levees along the Mississippi River, levees that experienced record flood levels in 2011.

Projects in Boston, Kansas City, and Seattle could be suspended. Even worse, these construction delays would come at a time when severe storms are causing damage with greater frequency.

Even dam safety projects could be affected by a shutdown.

One example is California's Folsom Dam, where the Corps and the Bureau of Reclamation are working to increase dam safety. A shutdown would likely cause the Corps and Reclamation to suspend contract activities, delaying this vital project.

The Folsom Dam is a major component of the Central Valley Project, which provides clean water to more than 20 million Californians, and should not be put at risk by a government shutdown.

A shutdown will also have dramatic impacts on water-borne commerce.

More than 2.3 billion tons of cargo moves through our marine transportation system. Improvements to channels, harbors and waterways ensure this vital traffic flows without pause.

Projects at Oakland Harbor in California, Savannah Harbor in Georgia, and Charleston Harbor in South Carolina could be impacted by the shutdown, meaning higher construction and transportation costs.

The country's vast system of inland waterways could also suffer from the shutdown.

More than 600 million tons of cargo move through our inland waterways on commercial ships. A shutdown means this cargo could be slowed, and the use of locks would likely not be available at all to recreational boaters.

While facilities on lakes that combine flood control and hydropower should continue to operate because of safety issues, hydropower operations will likely be curtailed.

This means 353 hydropower units operated by the Corps—which provide roughly one-quarter of the country's hydropower—would operate at reduced capacity. This would cut into the \$1.5 billion in payments the units generate each year.

There are also major permitting and operational impacts that will be immediately noticeable.

Processing of regulatory permits under the Clean Water Act, which the Corps handles, will be suspended.

In a typical year, the Corps processes more than 80,000 permit actions. This means anyone from an individual building a dock to a community planning a major development would not be able to move forward because they won't be able to secure a permit.

The Corps will also be unable to provide enforcement actions on existing permitted activities, which could harm sensitive environmental or aquatic resources.

Another visible effect will be the shuttering of recreation areas.

The Corps of Engineers is the largest provider of outdoor recreation among all federal agencies. They maintain more than 4,200 recreation sites at 422 projects in 43 States, with more than 370 million visits each year.

Those visitors spend more than \$18 billion annually and support 350,000 full-time or part-time jobs. All this will be impacted by a government shutdown.

The Department of Energy could also face severe limitations under a shutdown.

Research grants to national labs and universities could be suspended. These grants fund important clean energy challenges related to biofuels, supercomputing, and materials research.

The output of world-class science facilities on cutting edge research and product development may be significantly reduced. With U.S. leadership in science threatened by China, Japan and Europe, now is not the time to suspend major scientific research.

Regarding the national security missions of the National Nuclear Security Administration, a government shutdown may delay important nuclear modernization activities.

A government shutdown may disrupt and delay efforts to replace aging components in every single nuclear weapon in the stockpile. For example, delays in replacing aging components in the W76 submarine-launched warhead—which makes up more than 50 percent of the Nation's nuclear deterrent—would have serious impacts to the Navy's nuclear deterrence mission.

Upgrades to aging infrastructure related to uranium, plutonium and high explosives capabilities would also be delayed. Delays of just days can add millions of dollars to a project's bottom line.

A government shutdown may also delay the design of a new nuclear reactor for the Ohio-class submarine. A shutdown may also delay refueling one of only three training nuclear reactors for sailors, which is critical for supplying sufficient numbers of sailors to man the U.S. submarine fleet.

Lastly, on this matter, the shutdown will delay and increase costs to clean up and remediate nuclear contamination at former nuclear weapons and nuclear energy research sites. These activities should be completed as quickly as possible to protect human health.

Finally, Madam President, I just wanted to say a couple of things about

the much-beleaguered health care plan and what is happening so far.

During the first 3 hours today, the Federal health care Web site—healthcare.gov—with information about exchanges across the country logged 1 million visitors. As of 9:30 this morning, in Kentucky, the health exchange had 24,000 visitors and processed more than 1,000 applications.

I am anxious to provide the west coast numbers, although not able at this time due to the 3-hour time delay.

There were 2 million visits to New York's health exchange during the first 2 hours of the launched site. Even at 11:30, Connecticut had 10,000 visitors and 22 people enrolled.

Let me just end with this one story. Paula Thornhill, a mother of seven who lives in Virginia, was the first to apply for coverage today in her county, which is Prince William. She is quoted as saying: "I am relieved that they did come out with this affordable health care. I am relieved."

So far so good today, and I am hopeful that this tyranny of the minority will end shortly.

I thank the Senator from Louisiana, and I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Louisiana.

Mr. VITTER. Mr. President, I come back to the Chamber to urge the following. I hope as we try to resolve this important spending bill that a key part of that resolution is to live by existing law under ObamaCare and make sure that Members of Congress and our staff aren't treated far differently and far better than the American people.

That is what the congressional portion of my "No Washington Exemption" bill and amendment is all about. It is a pure and simple principle. I think it is a first principle of democracy, and American democracy should work by that first principle: What is good for America is good for Washington. And what Washington imposes on America, it must live with itself: No special exemptions, privileges, subsidies or rules. The same rules. I think that should be the rule across the board for whatever part of law we are talking about. It should certainly be the rule under ObamaCare.

Indeed, it is the rule under ObamaCare under the statute. What I have been fighting is an illegal regulation promulgated by the Obama administration to get around the clear language and the clear intent of the statute. As the Chair knows, during the ObamaCare debate this issue came up, it was debated, and language was passed here in the Senate and put into the statute. That language says, pure and simple, every Member of Congress and all official congressional staff have to go to the ObamaCare exchanges for their health care, the same as other Americans who are going to the exchange. No special treatment, no special exemption or rules or subsidies. That is the clear language and that was the clear intent.

Amazingly—and I was happy to see it at the time—that language, which I fought hard for, along with many, many others, led on the Senate side by Senator CHUCK GRASSLEY—was adopted. That became part of the statute that passed into law. But, apparently, it was an example of that old NANCY PELOSI quote—we have to pass the law to figure out what is in it—because that language that did pass as part of the ObamaCare statute, when lots of folks on Capitol Hill started reading the details and they got to that section, they said: Oh, you know what. We can't live with this. We can't have this. This is a crisis. This would actually apply—the exchanges—to Members of Congress and our staffs, just as they are applied to millions and millions of other Americans—8-million plus who are losing their previous employer provided health care, against their will, and being forced to go to the exchanges.

So when that happened, after the passage of ObamaCare, furious scheming and lobbying started going on behind the scenes. This included lobbying of the administration. HARRY REID and many others got involved in asking the President to get personally involved to bail Congress out, to prevent this clear statutory language from having its clear force and effect. And sure enough, that worked. President Obama, according to numerous press reports, got personally involved. He literally picked up the phone, had conversations personally with folks in his administration about this rulemaking—pretty unprecedented—and, sure enough, a rule was issued conveniently right after Congress left town at the beginning of the August recess to flee the scene of the crime.

That rule, the so-called OPM rule—completely illegal, in my opinion, because it is contrary to the statute—does two things. First of all, the rule says: Yes, the statute says all Members of Congress and all official congressional staff go to the ObamaCare exchanges for health care, but we don't know who official staff is. We have no idea. We can't figure that out, so we are going to leave it up to each individual Member of Congress to figure out who among their employees is official staff for purposes of this section, and we are never going to second-guess any decision by any Member of Congress, even though this could result in up to 535 different applications of the law.

I think we should all be able to agree that is flat-out ridiculous. The law is written. It is written clearly. It uses the words: Official congressional staff. For OPM to say, through this rule, we can't figure that out, we will leave it up to each individual Member of Congress, is ridiculous, particularly since that would allow a Member saying no one who works for me is “official staff” for purposes of this section. What? They can completely get around the law with regard to staff that way. That is just flat-out ridiculous.

The second thing this illegal OPM rule does is to say that even for Members of Congress and their staff who do go to the exchange for their health care, they get to take with them something that no other American from a big employer in that sort of situation gets to take—they get to take with them their previous Federal Employee Health Benefit Plan subsidy—a huge taxpayer funded subsidy that no other American at that income level would get. That is completely separate treatment not envisioned by the statute in any way, and not mentioned in the statute in any way. In fact, there are plenty of parts in the statute contrary to that. But they get to take that with them to the exchange.

Is that available to any other American in that situation at that income level? Absolutely not. So again, that is flat-out ridiculous and flat out at odds with the clear statutory language and intent of that provision of ObamaCare.

Ever since we came back into session after the August recess and had the opportunity to correct this egregious illegal OPM rule, I have been fighting alongside others to do just that. I have been fighting along with a number of Senate colleagues, and I thank them all for their active involvement. I have also been fighting alongside Congressman RON DESANTIS of Florida, who is leading the House effort, and many, many other House colleagues who are all for this measure.

I want to make clear and underscore, because this is important, that with regard to Members of Congress and staff, this isn't demanding some new law. This isn't demanding some change to ObamaCare. This is saying let us simply live with what the law is. Let us simply live with the clear statutory language. That is what we need to do, and we need to do it because it is fair and right for the American people. We need to do it because Americans are sick and tired, quite frankly, of Washington elites treating themselves like a higher select ruling class.

That is exactly the concept the American revolution was founded on. That is exactly the mindset that led to our breaking away from Britain, which was a monarchy and was governed by that mindset. Yet here we are, as in many other cases, Washington is reintroducing that principle. That is a thoroughly un-American principle. And the first principle of American democracy—and we should affirm it—is that what Washington passes onto America, it lives with itself. Same rules, no special exemptions, no carve-outs, subsidies, or bailouts. What is good for America is good for Washington, and it should be applied equally across the board. Simple concept. Basic concept.

As I said, I would call it the first rule of American democracy, but it is being trampled on in this instance. It is being trampled on as yet again Washington sets itself apart and above the American people as a select elite ruling class. That is wrong, and it is as wrong

as yet another of a number of exemptions from ObamaCare; it is wrong as yet another example of special treatment—a carve-out, waivers, or exemptions.

The President often says: This is the law of the land. He is right. So why don't we apply the law of the land as it is written across the board, no exemptions, no waivers, no illegal rules that are contrary to the clear language and intent of ObamaCare. Why don't we start by applying ObamaCare just as it is being applied to America in Washington. Why don't we start by living by the letter and the spirit of the law in saying all Members of Congress and all congressional staff go to the exchanges for their health care and do not take any special taxpayer funded subsidy with them that is unavailable to any other Americans at that income level.

That would be leadership, and that is what we need to do. That is not changing the law. That is living by the law. We need to do that and we need to do it now as part of any resolution to these spending bill disagreements.

Mr. President, I urge my colleagues to gather around this principle. I urge my colleagues to vote right on this issue. I assure my colleagues they are going to get the chance to vote one way or the other. I am going to continue to demand a clear, clean up-or-down vote on the Senate floor on this issue. We have not had it. I have fought for it for about 4 weeks now. But because of the extraordinary efforts—quite frankly, including threats and intimidation and bribery—of the majority leader, we have not been allowed that clear up-or-down vote. I will assure my colleagues we are going to get it.

I don't know when, I don't know how, because I don't control that, but I am going to make darn sure we are going to get it. And not much, if anything, of substance is going to happen until we do. This is overdue because this goes into effect today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MARKEY. Mr. President, I ask to be recognized for 6 minutes.

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

Mr. MARKEY. Mr. President, what we have is the tea party Republicans' version of Elizabeth Kubler-Ross's five stages of grief. More than 40 years ago, Dr. Kubler-Ross laid out the five different emotions experienced by people when they faced what they considered to be an awful, unacceptable fate: Making affordable health care available for millions of Americans is anathema to today's tea party Republicans. They



cannot accept it. They shut down the government to try to stop it.

The tea party Republicans cannot handle the fact that the Affordable Care Act will guarantee that millions more Americans are going to have access to quality, affordable health care coverage; that being a woman is no longer going to be a preexisting condition—women cannot be charged higher insurance rates just because of their gender; no one is going to go bankrupt just because they get sick.

Before the Affordable Care Act, medical bills contributed to more than 60 percent of all personal bankruptcies in the United States. That all ends with ObamaCare, which lifts lifetime caps on insurance coverage. Mr. President, 6.6 million people on Medicare have already saved more than \$7 billion on their prescription medicines. The tea party Republicans are in the grip of the political equivalent of the five stages of grief. It is the American people who are getting squeezed.

The first stage, denial. The tea party Republicans refuse to accept the fact that the Affordable Care Act is the law. They have tried to repeal it more than 50 times. It has been ruled constitutional by the Supreme Court. They ignored last year's Presidential election in which the Republican candidate who promised to repeal the Affordable Care Act if he was elected was soundly defeated. The tea party Republicans deny the decision by the Supreme Court that found the Affordable Care Act constitutional.

The second stage, anger. The tea party Republicans are enraged that the Affordable Care Act is going to work. We know it is going to work because we have 7 years of experience in Massachusetts, where now 97 percent of all adults and 99 percent of all children are covered. We have a poll conducted in April of this year by the Massachusetts Medical Society. It indicates that 84 percent of Massachusetts residents are satisfied with their health care. They like their health coverage under the Massachusetts system, which is the very model of President Obama's plan.

The tea party Republicans cannot stand the fact that the Affordable Care Act will finally make health care a right and not a privilege in our country, in the words of the great Ted Kennedy. The tea party Republicans are so angry about ObamaCare that they closed down the Federal Government today, sending hundreds of thousands of Federal workers home without pay.

The third stage, bargaining. The tea party Republicans are doing a lot of bargaining these days. They are using the entire Federal budget and soon the full faith and credit of the United States as leverage in their negotiation to try to gut ObamaCare. Bargaining rarely provides a sustainable solution, especially in this case. That is because the tea party Republicans do not want to negotiate. They want to eliminate the Affordable Care Act and the benefits it provides to millions of Ameri-

cans. They say they want to bargain, but they don't. They say they want to negotiate, but they don't. They just want elimination of the health care program and that is not going to happen.

The fourth stage, depression. The tea party Republicans are clearly depressed that they are getting blamed for shutting down the government, that public opinion is sharply turning against them and that many Republicans are repudiating their tactics and their extremism. Republicans are fighting amongst themselves, struggling to find a way out of the mess they have made for themselves.

Finally, the fifth stage, acceptance. The tea party Republicans have not yet reached this final stage of acceptance. They still do not fully understand the backlash that they are facing from the public, which will justifiably blame them for the Republican tea party shutdown. The tea party Republicans do not yet regret their destructive ways. They certainly are nowhere near acceptance.

So I say we are witnessing the tea party Republicans in the throes of their grief over losing the last election and losing the battle over health care reform, but it is the American people who are paying the price for this political psychodrama that is tearing the Republican Party apart and hurting our country and hurting the health of millions of Americans in our country. Now is the time for them to get over it. Now is the time for ObamaCare to be the law of the land. It is not going away.

Now is the time to join together to ensure that it works for the American people. Now is the time to move forward to pass a budget that funds our government. Now is the time to get our economy back on track, create jobs, and build a bright future together for all Americans. Now is the time for the tea party Republicans to accept what the American people have voted to make the law of our land and the person whom they voted to make the President of our country.

I yield the remainder of my time.

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

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

Mr. NELSON. Mr. President, I would like to speak about the shutdown that has now occurred.

To say I am outraged is an understatement. What we need is for the folks down there at the other end of the U.S. Capitol Building to open this government. The economy of this country is at risk and they have done it to advance their own narrow extremist agenda.

All of this is due to a relatively small group of lawmakers down in the House

of Representatives—some 40, maybe 60—who are intent on having their own way on a personal agenda. They are refusing to work with their fellow Republicans, as well as Democrats, down in the House of Representatives, and the result is a forced government shutdown that is doing a lot of damage to a lot of people. That is why it is important for the American people to say they have had enough and they want these folks to stop this nonsense.

We ought to be keeping government open, but, we need to consider a couple of things. For example, the National Institutes of Health are now unable to bring in 800 patients they were going to start to give medical treatment in breakthrough medical techniques and developments. At the same time, the National Institutes of Health—one of the premier agencies in all of this alphabet soup of agencies that we talk about—they have had to furlough 70 percent of their civilian workforce.

A few minutes ago, we heard the chairman of the Intelligence Committee, Senator DIANNE FEINSTEIN, explaining that the Director of National Intelligence has told her he has had to furlough 72 percent of the civilians in the intelligence community. That is ridiculous. We have terrorists who are trying to do us harm, and he has had to furlough 72 percent.

Take, for example, NASA. NASA had to furlough 97 percent of its civilian workers in the space program.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Would my friend, the distinguished Senator from Florida, yield for a unanimous consent request?

Mr. NELSON. Of course I will. I wish to thank the majority leader for his leadership and for standing firm to stop this nonsense.

Mr. REID. Mr. President, I thank my friend. We served together in the House.

#### FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to H.R. 2642.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill H.R. 2642, entitled "An act to provide for reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes," with an amendment to the Senate amendment.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree in the House amendment and the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and