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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, we praise You that although we have merely a feeble hold on You, You have a mighty grasp on us. Use Your mighty hands to lead our lawmakers to Your desired destination, making them instruments of truth and justice. May the tirades of majorities and minorities be equally impotent to sway our lawmakers from doing what is best for America. May our Senators' daily choice be characterized by ethical congruence as they strive to match their words with deeds.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business for debate only until 12:30 today. During that period of time Senators will be permitted to speak for up to 10 minutes each. The Senate will then recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

CONTINUING APPROPRIATIONS

Mr. REID. Mr. President, we are now entering the second week of a Repub-

lican government shutdown. The Speaker of the House of Representatives is still sitting on the one bill that can reopen the government. Speaker BOEHNER insists the Senate-passed bill to end the shutdown can't pass the House. Well, I am not the first to issue this challenge—it has been issued all weekend and yesterday—and that is, prove it. Bring it up for a vote. If the Speaker really believes the bill will not pass, he shouldn't be worried about bringing it up.

The House, though, if we look at what has happened, has wasted weeks voting—and I have really lost track of the number of times, but I think it is 44 times—the House alone has acted to repeal ObamaCare 44 times. What is the result every time they vote? The same. Truly what Einstein said: The real definition of "insanity" is someone who keeps doing the same thing over and over and expecting different results. If, in fact, Einstein is right, then that is insanity, what is going on over there—to vote more than 40 times on the same thing and lose every time. So let's talk about wasting time. Has that been a waste of time? Maybe after 5 or 6 times they should have maybe gotten the message, but how about 44 times? Talk about wasting time.

Could it be that the Speaker is really worried that reasonable Republicans will join Democrats to pass legislation to open the government? Sensible Republicans have grown increasingly fed up with the shutdown, and they are looking for a way out. Just yesterday PETER KING of New York, a Republican, said:

Republicans should not have started this. Closing the government down was the wrong thing to do.

Republican Congressman KING called Speaker BOEHNER's unreasonable strategy to shut down the government unless Democrats agree to defund or end ObamaCare—a law that will help 25 million uninsured Americans gain access to affordable care—doomed to failure. That is what PETER KING said.

Again quoting Congressman KING:

If we want to defund something, we should repeal it, and do it the same way the President got it signed—elect Republicans to both Houses of Congress, repeal it, and have a Republican President sign it.

Mr. President, it is pretty obvious what is going on. I have known it all the time. We have all known it all the time. When I say "all the time," at least in these last many months. But it was made very clear to the world on Sunday in a front-page story in the New York Times. They worked a while on that story, but basically what the story said is that very rich people in America who don't believe in government have used ObamaCare as a conduit to shut down the government. That is what they wanted to do. That is what they have done, with huge amounts of money. We know this has been led by, according to the news article, a former Attorney General of the United States, Ed Meese, and the Koch brothers, who have been raising and spending hundreds of millions of dollars to get us where we are right now.

But what PETER KING suggested is that we follow the democratic process. That has been turned on its head. I know Republicans don't like ObamaCare, but the Affordable Care Act has been the law of the land for 4 years, been declared constitutional by the Supreme Court of the United States, and millions of Americans—multimillions of Americans—are already benefiting from this law.

There are rumors floating around. One of my rich friends from Nevada called me on Friday. He said: HARRY, I am down here in southern California getting a little cosmetic surgery. My anesthesiologist told me one of his friends, who is a general surgeon, took somebody's gallbladder out. Do you know how much money he got back for that?

I don't know if it was a he or a she.

I said: No, I don't know.

He said: Fifty-eight dollars. That is what ObamaCare is all about.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I said: That is not possible because ObamaCare, that aspect of it, doesn't kick in until January 1.

He said: Are you sure you are right?

I said: Yes. All this signing up for exchanges and all that will take 3 months.

These are the rumors floating around out there about ObamaCare.

If Republicans want to propose a legislative way to make the law work better or more efficiently, PETER KING is right. We are willing to do that and do it the way our democratic process provides.

(Mr. MARKEY assumed the Chair.)

I see the Senator from Massachusetts has taken the Chair, and he served many years with PETER KING. I personally have watched his voting record. I don't like most of it, but at least he is speaking out, and I admire the man for doing that. By shutting down the government—and that is what has happened—we are satisfying the Koch brothers and Ed Meese, but millions of people in America are suffering.

ObamaCare is not going to disappear. It is here. The senior Senator from Arizona gave a speech here within the last week or so, and he said: I don't like ObamaCare. I campaigned against ObamaCare when I ran for President. I campaigned against it when Obama ran the next time. But, he said, we lost. It passed. He is President. Elections have consequences.

That is what the senior Senator from Arizona said, and he is right.

ObamaCare is not going to magically disappear.

Tom Friedman, a renowned journalist—his bipartisanship has been legendary. He is a brilliant writer. He was chief correspondent for the New York Times for many years in the Middle East. He has covered all parts of the world. He has won three Pulitzer prizes—maybe four—and he has had five or six best-selling books. But even Tom Friedman has given up trying to be bipartisan. He wrote in the New York Times, where he writes a column 3 days a week, that ObamaCare is not really at stake in this shutdown, it is democracy that is at stake.

Here is exactly what he said:

When extremists feel that insulated from playing by the traditional rules of our system, if we do not defend those rules—namely majority rule and the fact that if you don't like a policy passed by Congress, signed by the president and affirmed by the Supreme Court, then you have to go out and win an election to overturn it; you can't just put a fiscal gun to the country's head—then our democracy is imperiled.

He went on to say more:

President Obama is not defending health care. He's defending the health of our democracy. Every American who cherishes that should stand with him.

Mr. President, that is as true as anything could be. We stand with our President. We stand with a President who is President of everyone in America.

We believe deeply that ObamaCare is already saving lives and will save many

more in the future, but we are willing to work with Republicans to change it if they think they can make it better. We want to do that.

I wrote a letter 1 week ago today to the Speaker of the House of Representatives—and he knows this—where I said: You know, we are in this position because you asked me to put you in this position to do this.

He said, going back as far as July and confirmed in the early part of September, I—the Speaker of the House of Representatives—want to have a clean CR, and the way we can do that is you agree to our number. He said this in July and early September.

I said: I hate your number. It is unfair. We passed a budget here—\$70 billion more than that.

He said: But we have to avoid problems here. We can't have a government shutdown. Work with me, take that number, and we will have a clean CR and go on to other things.

I did that. It was hard. Senator MIKULSKI, chairman of the Appropriations Committee, hated it, and Senator MURRAY, chairman of the Budget Committee, hated it, but then they said: OK, we will go ahead and do it. We will work with you to help talk to the caucus.

We did that based on the assurances of the Speaker of the House of Representatives that we would get this out of the way in order to fund the government for 1 year. Well, he didn't live up to what he committed to doing. In our business that is not good.

In addition to that I said in the letter: OK, you have sent us a little piece of legislation over here saying you want to have a conference. We agree. We will talk to you about anything you want to talk about. You want to talk about discretionary spending, you want to talk about the farm bill, you want to talk about postal reform, you want to talk about health care, we will talk, but open the government and extend the debt ceiling.

He read the letter. I called him 45 minutes later. He said: No, can't do that.

He can't take yes for an answer on the number in the CR or what he wants to talk about. I don't know what else is left to talk about.

All we are asking is that government be reopened. Stop threatening a catastrophic default on the Nation's bills. We have to pay our bills. What kind of a country do we want?

As I do every 2 weeks, I met yesterday with someone who briefs me on what is going on around the world with our intelligence services. This person told me his counterpart from a relatively small European country is making fun of our country because of what is going on here. In today's press China is complaining. They are doing pretty well economically. They buy our securities and they need a place to invest their money that is secure. China is now complaining about the fiscal integrity of the United States of America

because we are arriving at a point in a few days where we are not going to pay our bills.

This is America. We are not asking the Speaker to do something that is unreasonable. We want him to pass a bill that has his number in it, not ours. Ours is \$70 billion higher than that. We are also not asking him to do anything unreasonable. He asked us to go to conference. We say let's do it. All we want is the government open first, and we will agree to conference.

Mr. LEAHY. Mr. President, would the Senator yield for a question?

Mr. REID. I would be happy to yield to my friend, the distinguished President pro tempore.

Mr. LEAHY. Mr. President, I was there, and I saw how hard the Senator worked to pass a continuing resolution—as a number of the Republican leadership of the House had asked and based on their assurances that we would use it.

I would ask my friend, the majority leader, is that sort of a classic bait-and-switch operation? If it is, I can think of another one where they asked us to pass a budget. Senator MURRAY led us in passing one where we finished the last vote at 5:30 or 6:00 on a Saturday morning, having gone around the clock. Then we wanted to go to conference after the Republicans demanded we pass one, and they then refused to let us go to conference with the Republican-led House. Is this bait and switch?

Mr. REID. Mr. President, through the Chair to my friend, the senior Senator from Vermont: We have a law in place. The Presiding Officer voted for it when he was a Member of the House of Representatives. We voted for it. There is a law that set spending levels for multiyear. We did that. It was part of a deal. It was a law that was passed. But in spite of us having passed a law that set the standards for 2 years, the Republicans kept coming to the floor many times saying Democrats need to pass a budget.

We didn't need to pass a budget. We already had those numbers in place. But after this haranguing that went on for so long, we said, OK, we want to get along. We don't want any problems. So Senator MURRAY, the chairman of the Budget Committee, worked very hard to pass a budget, and we did that. Lo and behold, after the Republicans kept talking about regular order, we wanted to go to regular order, and they said: No, thanks. And she has been waiting 6 months. So the President pro tempore's description is absolutely true.

Let me close by saying all we ask is for the Speaker to be reasonable. If he brings his bill, his resolution, to the floor, it will pass. And then everyone has my commitment: Open the government, raise the debt ceiling, and we will talk about anything you want to talk about. We are not afraid to go to conference. We are happy to go to conference. That is what we used to do

here all the time. But we have a little problem: The Republicans won't let us go to conference. Maybe they will in this instance because that is what he said he wants.

So open the government and get back to the so-called conversation, as he talks about it. We will get back to the negotiating table and work out our budget disagreements. We can even start talking about ways to make the Affordable Care Act better—not worse, but better. We can get back to the business of legislating. That is what our job has always been and should be.

I would ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

CONTINUING APPROPRIATIONS

Mr. LEAHY. Mr. President, I appreciate the remarks of our distinguished majority leader. He has probably the most frustrating job there is because he has continuously brought up and passed bills to get us out of this and reopen the government, and he is blocked by the Republican leadership in the other body.

Today marks the 8th day of this unnecessary government shutdown, more than 192 hours since the world saw the doors to the United States Government closed for this embarrassing and needless shutdown. While the Republicans in the House have the ability to end this shutdown right now—before noon today—they refuse to pass the clean continuing resolution approved by the Senate.

I have joined other Senators in coming to the floor to speak about the pervasive impact of the shutdown, and there isn't a single family in Vermont or in America—Republican, Democratic, or Independent—that this shutdown hasn't affected. All these families have been affected, but now we face cascading worsening effects to come the longer this senseless shutdown continues. I have joined the chorus of voices urging the relatively few in the House of Representatives holding up this process to put an end to this political act of destruction. It might allow them to send out bumper stickers and raise money from their supporters, but it is not helping the country.

If the human toll of the impact—if a Vermonter is not able to buy a home, or children turned away from poten-

tially life-saving clinical trials, or the parents of our fallen soldiers who won't receive death benefits to pay for their funerals—and that is not an exaggeration. We have always had a program, when one of our soldiers dies overseas in combat, there are benefits established so the family can at least be there when the casket returns at Dover Air Force Base and to provide for the funeral. Even that is cut out. We send our soldiers to war. We tell them we are there to take care of their families if something happens. Now, because of a small group of tea party Republicans, we say we can't even take care of their families when they die in the service of the country. For shame if that happens.

If all of these examples don't motivate them to do the right thing, maybe I can speak their language for a moment and point to the fiscal cost of this Republican shutdown. The estimated cost per hour of the Republican shutdown—that the government remains shut down—is \$12.5 million. That is \$300 million a day wasted or nearly \$1.6 billion per week. And what do the American people get for that? They get to watch fake budget conferences, staged photo ops, and the very Members shutting down the government and running to every single TV camera they can find. Over the last 8 days we have spent more than \$2 billion for the government to not work, not function, and not serve the American people.

Can you imagine the actual good that could have been done with that \$2 billion that was just wasted? And that figure only covers the cost of work and services the government can't perform because 800,000 Federal workers are furloughed. It doesn't take into account the ripple effects throughout our overall economy.

Where are the deficit hawks who claim we don't have enough money to provide SNAP benefits to hungry Americans in the farm bill? Where are the Members who shamefully held up disaster relief after Tropical Storm Irene and Hurricane Sandy, while insisting that spending be offset? Surely, they would want to put a stop to the shutdown to end this wasteful government spending. Yet here we are, waiting for the Republican leadership in the House of Representatives to pass the clean continuing resolution and put an end to this shutdown.

Instead of passing a clean Senate-passed continuing resolution pending in the House—based on budget levels that, as the leader pointed out, Republicans themselves wanted—the proposals being offered by House Republicans would actually expand the deficit.

First, the House proposed we repeal the Affordable Care Act because of claims it is harmful to our economy. But if we repeal it, we would actually accelerate the health care cost spiral and boost the Federal deficit by \$109 billion. They don't tell people they are voting to add another \$109 billion to

our deficit. Then they suggest we repeal just a portion of the Affordable Care Act, but add \$30 billion to the deficit for which they don't want any offsets. Where were the Members in the House who attacked appropriations bills and insisted on cuts to funding for law enforcement officers, disaster preparedness, and medical research? Where were the Members who insisted the devastating costs of sequestration must remain in place because we simply can't afford to spend and must reduce the deficit, no matter what it does to law enforcement or medical research or disaster preparedness?

They ditched their principles, and now they have forced a government shutdown which is costing more than if we had stayed open because of the money wasted. It appears the only time the House is willing to compromise is when it comes to adding to the deficit in order to prevent access to affordable health insurance for millions of Americans.

We are here right now because the Republican leadership in the House refuses to act. They could end the shutdown right now and make this the last day we spend \$300 million on nothing. Yet there is this faction within the majority of the House that has now brought the government of the United States to a halt, wasting hundreds of millions of dollars each day, day after day, and they will not relent. They talk about the Affordable Care Act, which, if we have children in college, allows them to be on our insurance policy. They want to do away with that, but they don't have any alternative. The Affordable Care Act allows a member of your family with a preexisting health condition—heart, cancer, whatever—to get insurance. They want to do away with that. They have no plan of their own.

I want to get back to work for Vermonters. I want help for the Vermont company who can't start their new business because the certificate is sitting on a desk at the Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau but nobody is there to sign it—I want pregnant Vermonters and new moms going without meals and whose babies are going to go hungry because they are unable to get healthy food and baby formula without the WIC benefits they are supposed to have access to—I want to see them fed. I want to see our farmers have the ability to continue to work as they do every single day and know the farm bill has been passed.

Let's stop the sloganeering here. Let's stop rushing to the TV cameras. Let's actually do what is best for America. Wouldn't that be a wonderful step in the right direction?

Mr. President, I yield the floor, and 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. THUNE. Mr. President, I ask unanimous consent that the order for