

shift then their attacks to one of overall spending. But still today, with the two leaders in the Senate having basically come to an agreement, the House of Representatives is going back to the Affordable Care Act and wanting to extract additional things. And all the time the clock is ticking toward not only not being able to bring government back so it can function—stopping the shutdown—but also the potential default that is looming.

I really believe and I understand what the people in my State of Florida feel. They are fed up with this. It is so ridiculous. Yet that is what our politics has come to. The small group in the House of Representatives better start understanding that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection and so ordered.

RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Ms. BALDWIN.)

DEFAULT PREVENTION ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to concur with the House of Representatives to consider and pass what they seem to be focused on, which is a compromise resolution to the crisis before us which includes “no Washington exemption” language regarding ObamaCare. I strongly support, of course, that language, and I strongly support that discussion and that effort in the House, and I really encourage all of our House colleagues to look hard at that and act on it. In particular, I would encourage my Louisiana colleagues to do that.

I have pushed this issue ever since we got back from the August recess. As the Presiding Officer knows, as we went into that August recess the Obama administration issued a rule—an illegal rule, in my opinion—without statutory authority, contrary to the ObamaCare statute, that gives Members of Congress and congressional staff special status, special exemption, or special subsidy, if you will, not in the law, and one not enjoyed in that way by any other American. This “no Washington exemption” language, which I have been an advocate of with many others here in the Senate and

with many House colleagues, would end that special elite status. That is what we need to do.

I think we need to do it for two crucial reasons—first of all, just on principle. I believe it should be the first rule of our democracy that Washington is treated as the rest of America is treated. What is good for America and what Congress and the administration—what Washington passes on America, it lives with itself with no special status, no special rules, no special exemption or subsidy. That should be true across the board. It should certainly be true regarding ObamaCare. That should be the first rule of American democracy.

Washington doesn’t want that. It wants to impose these new rules on the rest of America; it doesn’t want to live by them itself. It is sort of like when a person walks into a restaurant and hears that the chef never, ever eats at that restaurant, never, ever has a meal out of that kitchen, it makes a person wonder. The same thing is true here on a number of fronts, including ObamaCare.

So the first point is based on pure principle. Washington should live under the same rules it imposes on America across the board, including under ObamaCare. So Washington—Congress, all congressional staff, the President, the Vice President, their political appointees—should have to go to the same fallback option under ObamaCare that is there for all America—the so-called exchanges—and it should do that with no special rules or special deal or special subsidy or special exception. It should do that the same way ordinary Americans do, who in many cases—8 million-plus—are forced out of good health care coverage they have now through their employment and forced onto the ObamaCare exchanges.

The second reason this language is so important is a very practical one, because the sooner we make Washington live by the same ObamaCare rules as the rest of America, the quicker Washington will change ObamaCare in substantial ways, will fix it not just for Washington, as it did through the special illegal Obama administration rule on this subject, but for America. We need to align policymakers’ personal interests in Washington along with the interests of the American people. The way we do that is to make them live by exactly the same rules, make them walk the walk of those Americans who have to go to the ObamaCare exchanges, in many cases against their will—8 million-plus—who were satisfied with the health coverage they had prior to ObamaCare and then who realized that under this law the promise by President Obama that “if you like the health care coverage you have now, you can keep it”—they realized the hard way that promise was a lie.

So there are two crucial reasons we must pass this language into law: first, the principle, and second, the practi-

cality—first, the principle that Washington should live under the same rules the same way as America and, second, the practicality that we need to visit upon Washington all of the burdens and challenges that face America under ObamaCare, including those 8 million-plus Americans going to the exchanges against their will.

Again, I encourage the House to include this “no Washington exemption” language in any compromise they put together with regard to these fiscal issues we are dealing with now. That would be enormously important. It would show leadership. I think it will resonate with the American people. The American people get this issue, and they resent—rightly so—Washington getting a special exemption or a special subsidy under ObamaCare that no other American in that situation gets.

Again, I urge the House to act on that important language. That would show leadership. That would align our personal interests with the folks we represent. That would honor what should be the first principle of American democracy: Washington lives under the same rules as the rest of America on ObamaCare and on everything else.

Thank you, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Madam President, we still remain hopeful as the hours, unfortunately, click down towards what could happen in this country if we do not pay our debts. It has never happened in American history. I know when we woke up this morning, when America woke up, they saw Leader REID, the Democratic leader, the majority leader, and Leader MCCONNELL, the Republican leader from Kentucky, coming together in discussion, coming together on a plan, and they are pretty close to agreement.

We know there are still problems in the House of Representatives. I think some of us in this body are fans of Abraham Lincoln, and many of us have studied a lot of things Lincoln said and did. Lincoln used to talk about—when his staff wanted him to stay at the White House to win the war and free the slaves and preserve the Union—he said: I have to go out and get my public opinion bath.

I think some of my colleagues in the House could learn something from going out and listening to real people, not just going on talk radio, not just going to their country clubs, but to listen to people talk about their lives and what this government shutdown has meant.

It has meant more than 50,000 jobs in my State—people who are furloughed. Madam President, 97 percent of NASA employees in Cleveland and Sandusky in northern Ohio have been furloughed. We know what it has meant to Battelle Memorial Institute, one of the great research facilities in the country. They run the energy labs. We know what it has meant to people who depend on Meals On Wheels and food stamps and depend on food safety and meat inspections and all that government does.

We know long term what this shut-down or repeated shutdowns in the future do. That is why these negotiations are so important that Majority Leader REID is insisting that every time somebody says: I am going to shut the government down, you do not repeal a law for them because then that is what becomes a matter of course.

If you are a research scientist and you are funded by an NIH grant at Case Western Reserve University in Cleveland or you are at Wright State University and are a medical researcher or you are doing aeronautics research at Wright-Patterson Air Force Base or at NASA Glenn, if you see these interruptions, if you are furloughed for 3 weeks in October 2013 and then again some time next year, and again, you—some of the most talented researchers—are going to walk away, and we are going to lose so much of the edge we have in this country.

We are still the leading economy in the world. We are the greatest country in the world because, as the Presiding Officer knows in Wisconsin, we have built the kind of intellectual and physical infrastructure the world has never seen—whether it is the University of Wisconsin, which is a great university, not quite as great as a slightly larger one in Columbus, but whether it is a great university, whether it is medical research, whether it is building highways and public transit and aeronautics and all that we do as a nation and we have done together, we cannot lose that edge. These government shutdowns and threats are damaging not just to the economy today but to our long-term future as a nation.

That is why I am hopeful, as Senator MCCONNELL and Senator REID have worked together and come close to an agreement, that the House of Representatives will understand how important this is to the future of our Nation. All we are asking is—once we get this agreement in the Senate—that Speaker BOEHNER simply go along; otherwise, it really is a betrayal of our values and our future and us as a great country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Ms. MIKULSKI. What is the pending status of the Senate floor?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 1569.

Ms. MIKULSKI. I rise to speak for approximately 10 minutes.

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

Ms. MIKULSKI. We are 33 hours away from the possible default of the United States of America on its debt obligations. We are 33 hours away from the possibility of the United States of America becoming a deadbeat nation, not paying its bills to its own people and other creditors.

We are 33 hours away from our T-bills becoming a junk bond. It is unacceptable that our T-bills, our Treasury bills, should move to a junk-bond status. We have to get rid of that and we have to get rid of the junk talk that is going on around here.

The Congress of the United States must have a sense of urgency and come together on a program that ensures the United States of America pays its bills and opens its government to serve its own people and to serve the role we play around the world.

I say to my colleagues on both sides of the aisle, let us pass the framework that was originally suggested yesterday by the Democratic leader Senator REID and by Senator MCCONNELL, our Republican leader. Maybe it is not something all of us would have written, but it is something we could all do. It means the President would sign it, the government would reopen, we could extend the debt ceiling, and we could be working on both our budget and our Senate appropriations.

I say, as the chair of the Appropriations Committee, I am eager to go to work. I am eager to fashion that bipartisan compromise within the Senate in terms of what our spending should be, how we could make sure it is affordable, frugal, makes good investments in the American framework, makes sure we have national security physical infrastructure, meets compelling human need, and conducts research and development.

We can do this. I spoke with my House counterparts. We are eager to go to work, but in order to negotiate we must have this agreement.

I am very adamant that before we can get to appropriations and our budget, we have to raise the debt ceiling. If we fail or falter to address the crisis, the United States of America will irrevocably be affected. This is a manufactured crisis. It is a manufactured crisis because it is a self-inflicted crisis. This is not what our global competitors are doing to us. This is not what Russia is doing to us. This is not what China is doing to us. This is what the House of Representatives is doing to us.

I thought we had an agreement arrived at by two mature leaders willing

to do statesmanship rather than brinkmanship. That became the mantra of the day, statesmanship over gamesmanship. We felt very good about it last night when we went home. It was going to take give. Certainly, it was going to take give from we appropriators, but that is OK. That is the American way.

Now we are on the verge of being a deadbeat nation. How humiliating is this, that the Federal Government, already shut down for 2 weeks, could be heading for default. The full faith and credit of the United States has always been the international standard for investment in the world and now it is a question mark.

There is a lot of confusion about debt ceiling and what it means. Debt ceiling doesn't mean permission to acquire new spending, it means to acquire funds to pay bills we have acquired in the past. The debt ceiling determines how much the government can borrow to pay for the programs it has already enacted. I wish to repeat it allows the United States to pay the bills it has already incurred.

Opponents of raising the debt ceiling say that by blocking an increase, it is going to save the United States money. That is simply not true. We don't save money by not paying our bills. Do you know what happens when someone doesn't pay their bills? They get a lousy credit rating. When someone gets a lousy credit rating, he or she has to pay more for what they want to buy if they have a terrible credit rating. It is as if we are moving into payday loans.

This is the United States of America. We don't just erase the debt by not paying our bills. In fact, we end up owing more money, as I said, because our interest rates go up. The consequences of a default are significant and severe. For the House of Representatives to say no, to want to give up and say no to what we are working on in the Senate is the height of dangerous behavior.

The Treasury Department warns that default could create a worse economic crisis than 2008 and could cause more damage that might last over more than a generation. A generation is 20 years. I don't want children who are now 6, 7, and 8 years old to grow up in a country that is viewed as an international deadbeat. I don't want to derail our economic recovery. Economists predict we could lose over 600,000 jobs and 401(k)s would be hit hard.

The President would also have to decide who gets limited government money. We will operate only over existing limited government revenue. Should we pay our troops, continue Social Security checks? What should we do?

This isn't only about let's squeeze government programs. This is going to put the squeeze on Medicare and Social Security. I went through this in the 1995 government shutdown. The consequences are very severe to Social Security. Each month Social Security

pays about \$70 billion in benefits to 63 million Americans. Most benefits are made to retirees and people with disabilities. October 16, tomorrow, we have a bill due of \$13 billion. On October 23, the next round of Social Security checks go out, which is \$13 billion. November 1 is another \$27 billion with another \$4 billion in SSI benefits.

If we have default, we might have to delay benefits. They could be delayed until there is enough revenue in the Treasury to cover the payments due that day. Let me paint the picture. Within the next 4 weeks, we have \$70 billion worth of benefits due in Social Security. Jack Lew, the Secretary of the Treasury, says that on October 17 it will be \$30 billion. In Social Security alone, we have a \$40 billion decline and a gap. The Bipartisan Policy Center estimates that not raising the debt ceiling could delay the November 1 payment by 2 weeks. We are talking about delaying Social Security. That is an earned benefit.

I would like to say what it also means to Medicare. On Medicare, if the government fails to pay, Medicare payments would be delayed. Medicare pays providers and also covers the prescription drug benefit. Let us go to the prescription drug benefit, which means a lot to many people. If someone needs prescription drugs to control blood pressure, to control blood sugar, to take an anticoagulant to prevent heart attack or stroke, he or she needs Medicare. About \$5.2 billion worth of Medicare payments to private insurance companies for the drug coverage is due on November 1.

On November 1, the U.S. Government is supposed to pay its share to private insurance companies to cover the prescription drug benefit. If it doesn't do that, what is a private insurance company going to do? They are supposed to help administer this Medicare Part D benefit. Will the insurance companies continue to provide prescription drugs if they don't get paid by us?

What happens to the seniors? I don't know.

Let us go to providers. Medicare pays doctors and hospitals that treat Medicare patients. Under the law, they are supposed to be paid within 14 days. Every day, 5 million claims worth about \$1 billion are paid to either hospitals or doctors. If we don't have money to pay that hospital or to repay that doctor for services rendered, will they continue to treat Medicare patients? Will hospitals continue to admit them? I am sure they would do it in an emergency, but the whole idea of being able to see your doctor is to avoid an emergency. Doctors are already hesitant about Medicare because of the Spartan reimbursement, but now we are talking about maybe no reimbursement at all for weeks at a time. Why? Not because of a natural disaster but because of politics, politics, politics, politics.

The other side, particularly the other side of the dome in the House, might

not like ObamaCare. There are those on the other side of the aisle who don't like ObamaCare. I think everybody likes Medicare. No matter what one thinks about ObamaCare—and I do believe President Obama does care and that is a good thing to call that health care program—but I do believe everyone likes Medicare. I know no Senator, no Member of the House of Representatives, who would like to end the Medicare Program.

If we default, we could be ending Medicare as we know it. We will shake the very confidence in the provider system. We will shake the very confidence that we have in a partnership between Medicare, private insurance, and the people who need health care. What is it that we are doing? Again, this is a self-inflicted manufactured crisis.

I say to the House of Representatives, listen to the framework of the Senate bill. Let's not add a lot of other issues the House might like to bring up. Let us pass the framework that was discussed by Senators REID and MCCONNELL yesterday.

There was a lot of give-and-take, that we would reopen government. By December 15, the Budget Committee will have met. By January 15 we would have produced our spending bill for 2014, and we would lift the debt ceiling until February 7. I think that would be a good way to go.

One might say shouldn't the Budget Committee meet anyway? You betcha. Senator MURRAY passed her budget bill on May 23 by almost 70 votes in the Senate, but she could not go negotiate with PAUL RYAN because six Senators on the other side of the aisle objected. Now we have to pass legislation mandating following the law.

We are now passing a law to tell them to follow the law. I am willing to pass a law to tell them to follow the law, because in order for me as the chair of the committee, working with my vice chairman Senator SHELBY, a really rock-ribbed fiscal conservative—we have a lot of negotiating back and forth, but we have an atmosphere of civility, candor, and an interest in the good of the country. We can get it done. We know we have to give and take. I know as a Democrat I have to, and I am willing to do it. I called him this morning and reaffirmed my commitment to work in the spirit of compromise.

So let's get on with it. Thirty-three hours to go—now it is 32 hours and 45 minutes to go. The clock is ticking on the United States of America and its standing in the world. I urge us to come together, that the Senate be able to move the framework discussed by our leadership; that the House take it up, pass it, and we get on to doing the governance we were elected to do.

I yield the floor, and 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. BARRASSO. 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. BARRASSO. Mr. President, I ask consent to speak in morning business.

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

Mr. BARRASSO. Mr. President, it has now been 2 weeks since the launch of the insurance exchanges that were created by President Obama's health care law. After 2 weeks of delays, error messages, things the President calls glitches, the American people are united in saying that this is what a train wreck looks like. A recent poll by the Associated Press found that only 7 percent of Americans say this rollout has gone either very well or extremely well. The Obama administration continues to say the problems were just because of too many people trying to check out the Web site the first day.

I bring to the floor the front page of Sunday's New York Times, Sunday, October 13, now 13 days into the exchange, with the headline above the fold, front page on Sunday: "From the Start, Signs of Trouble at Health Portal. Many Deadlines Missed. Web Site Problems May Imperil Finances of Insurance Market." This is a front-page story. It continues inside the paper. It says:

In March, Henry Chao, the chief digital architect for the Obama administration's new online insurance marketplace, told industry executives that he was deeply worried about the Web site's debut. "Let's just make sure it's not a third-world experience," he told them.

Two weeks after the rollout, few would say his hopes were realized.

For the past 12 days, a system costing more than \$400 million and billed as a one-stop click-and-go hub for citizens seeking health insurance has thwarted the efforts of millions to simply log in. The growing national outcry has deeply embarrassed the White House, which has refused to say how many people have enrolled through the federal exchange.

Even some supporters of the Affordable Care Act worry that the flaws in the system, if not quickly fixed, could threaten the fiscal health of the insurance initiative, which depends on throngs of customers to spread the risk and keep prices low.

"These are not glitches," said an insurance executive who has participated in many conference calls on the federal exchange. Like many people interviewed for this article, the executive spoke on the condition of anonymity, saying he did not wish to alienate the federal officials with whom he works. "The extent of the problems is pretty enormous. At the end of our calls, people say, 'It's awful, just awful.'"

At the time, the President of the United States—he and I talked about this directly face to face on Friday at the White House. He said we just have a problem with the cash register. I would say this is a Web site with major flaws. It goes way beyond the cash register.

One online database programmer told CBS News:

It wasn't designed well, it wasn't implemented well, and it looks like nobody tested it.

That is from a computer expert who says he supports the law but the Web site needs a complete overhaul.

I would be ashamed and embarrassed if my organization delivered something like that.

Remember, they spent \$400 million of hard-earned taxpayer dollars. This guy says he would be ashamed and embarrassed to deliver something as bad as the Obama health care exchange.

I think the Obama administration should be embarrassed about the whole law. The law wasn't designed well, hasn't been implemented well, and it looks as if nobody tested it. The problems we have seen are not just first-day glitches. The problems have continued. People still cannot sign up easily. It is still not as easy to use as Amazon. Remember the President of the United States promised it would be as easy to use as amazon.com. Why are there problems 2 weeks later?

The CEO of Aetna Insurance said yesterday—this is 2 weeks into it. He said:

There's so much wrong, you just don't know what's broken until you get a lot more of it fixed.

We still have no idea how many people have been able to enroll successfully. What is the Obama administration continuing to hide?

Wolf Blitzer came out last week on CNN and said:

If they weren't fully ready, they should accept the advice the Republicans are giving them, delay it for a year, get it ready, and make sure it works.

Even Jon Stewart was asking why the Obama administration gave a 1-year delay to big businesses but not to the American people. Mr. President, if you are the Obama White House, when you have lost Jon Stewart, you know things are not going well.

The problems do not end with the media or professional comedians. A Democratic Member of the House who actually voted for the health care law called the launch of the exchanges "excruciatingly frustrating." Robert Gibbs, President Obama's former Press Secretary, said yesterday:

I hope they fire some people who were in charge of making sure that this thing was supposed to work.

The biggest cheerleaders for the President's health care law are now turning against it, the American people do not like it, and people are not buying the administration's excuses for why it has failed. This is, of course, bad for the President, but the American people have even bigger problems, and that is what we should be really focused on.

The White House is worried about how this looks from a PR standpoint. We should also be talking about the real harm this health care law is doing to hard-working Americans and their families and their jobs and their paychecks. Many of them are going to lose their doctors—doctors who are not included in the insurance plans sold in the exchanges. Many are already seeing that their premiums are going up because of all the Washington mandates.

Remember the President and his promises in passing this health care law? That is not what the people are seeing today. One mother told a TV station in Allentown, PA, that when she went to sign up on the Web site, she was told her premium would be almost \$950 for her family. That is \$765 more than she pays now. She told the station, "It would take food out of our mouths to be able to afford this coverage." This is what the President of the United States and Democrats in this body have foisted on the American people.

People are finding that not just the premiums are going up, but many of their other health care costs are also higher.

The Chicago Tribune had this headline on Sunday:

Obamacare deductibles may cause sticker shock. Insurance companies are requiring higher out-of-pocket expenses to pay for complying with new rules.

Expenses to pay for complying with rules—not expenses to give you health care, not expenses to keep you healthy, not expenses to prevent injury or illness, but expenses to pay for complying with the rules. That is the Chicago Tribune, the President's hometown newspaper.

As if all that weren't bad enough, the administration is still insisting it is going to fine people who don't have insurance, even though people can't sign up on the ObamaCare Web site successfully. The administration was saying that this is a long process and people have until the end of March of next year to enroll in the exchanges, but even that changed last week. Now it turns out people will actually have to sign up 6 weeks earlier than that—by Valentine's Day—or pay the tax penalty. What we are looking at is a tax penalty at 1 percent of income or \$95, whichever is greater that first year. That could be a sizable amount of money for some families who thought they were going to get affordable insurance under the President's health care law because that's what the President promised them. He stood in Congress and told the American people that. He stood in front of groups all around the country, and the American people feel misled and deceived. All of this frustration, expense, stress, and pain was all avoidable.

Democrats in Congress and President Obama need to swallow their pride. They need to admit that the problems with the health care law are not limited to a bad Web site. The problems with the health care law run much deeper, and they are only going to get much worse. We must do something to stop this terrible law from doing more damage to people's jobs, their care, and our country.

The President will be held to the promises he made as recently as 2½ weeks ago: If people like their doctors, they can keep their doctor, the cost will be less than a cell phone bill, and that it will be easier to use than amazon.com.

This health care law has failed miserably. We needed health care reform so people could get the care they need from a doctor they choose at lower costs. They have not gotten it. It is time to repeal and replace this terrible health care law.

I thank the Presiding Officer and yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask that the senior Senator from South Carolina, the senior Senator from Georgia, if he comes to the floor, as well, and I be permitted to enter into a colloquy for up to 20 minutes.

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

TERRORIST PRISONERS

Ms. AYOTTE. Mr. President, I come to the floor today to talk about something that is fundamental to all of us, and that is the safety and security of our country.

On October 5, our special forces did an excellent job in conjunction with our intelligence community, and I commend the administration for ordering the raid that captured a key Al Qaeda terrorist whose name is Abu Anas al-Libi. When they captured him, they put him on a ship.

About a week ago, my colleague from South Carolina and my colleague from Georgia, who is the ranking member of the Intelligence Committee, stood up and we said: After successfully capturing one of the most important Al Qaeda members—which is a result of the great work done by our special forces and our intelligence agents—why are we putting him on a ship for purposes of interrogation instead of bringing him to Guantanamo Bay detention facility, which is a top-rated detention facility? At Guantanamo Bay we could do a lengthy interrogation of this person who has been associated with Osama bin Laden and the current head of Al Qaeda, Anwar al-Awlaki.

He is also charged with participating and being involved in the 1998 Kenya and Tanzania bombings at the embassies that killed 224 people, including 12 Americans. He has been described as a potential treasure trove of information about the activities of Al Qaeda and their plans. The information we have, which has been released publicly, is that he is someone Anwar al-Awlaki may have sent to Libya to try to make sure that they could have the Al Qaeda network in Libya.

Let's not forget what happened on September 11, a year ago, in Libya where our ambassador and three brave Americans were murdered. Does Mr. al-Libi know anything about that?

We will never fully know what Mr. al-Libi knows because after a week on the ship where our intelligence officials were given an opportunity to speak to him, he was transferred to a Federal district court, and today in Federal district court he pled not guilty to the 1998 bombings at the embassy. He was given a lawyer. We know

that when these terrorists are given a lawyer, it gives them an opportunity to say: I will not talk to anyone anymore because I have a lawyer. They are told they have the right to remain silent.

It is irresponsible for our Nation to capture a top Al Qaeda terrorist and tell them a week later: Here is your lawyer and your right to remain silent because the most important piece we have to protect our country is information to prevent future attacks and information that our intelligence officials can use about the Al Qaeda network to protect Americans and our allies. That information was given up because this administration is so worried and concerned about political points and closing Guantanamo Bay that they would rather transfer someone who is a key Al Qaeda operative to the Federal district court in New York and give him a lawyer a week later, instead of a lengthy interrogation designed to find out everything he knows.

It took years to get the information that led to the bin Laden raid that captured and killed Osama bin Laden. Yet we only had a week of interrogation with a key Al Qaeda operative because they are so worried about adding more people to those who are present at Guantanamo Bay that they would rather put that political goal above gathering information to make sure America is protected. It is wrong, and we will never know what information we lost that could have protected Americans by only allowing this interrogation to go a week in military custody instead of a lengthy interrogation in a top-rated detention facility.

One of the reasons that the administration has given is that he had medical issues. If he did have medical issues, guess what. Guantanamo Bay actually has top-rated medical facilities. Had we captured him and brought him right there—in fact, these are the same types of medical services that our own men and women in uniform are able to receive. He could have been treated there, and we also could have kept him there and made sure that we prioritized getting information about Al Qaeda from him to prevent future attacks against America and to stop the terrorists with this information. The more information we have, the better we can protect our country.

Since I have been a member of the Armed Services Committee, I have been repeatedly asking the administration: What is your detention and interrogation policy? What if you capture the head of Al Qaeda tomorrow? And you know what I get from the top military leaders? I have gotten answers such as this: I would need lawyerly help on that one. We are still working on our detention and interrogation policy.

While they have had years to work on this, we are left where we are: A top Al Qaeda terrorist who was captured in Libya and after only a week of interrogation was given a lawyer so they can accomplish their political goals instead

of prioritizing and gathering information from someone who has known and been involved with Osama bin Laden and knows the current head of Al Qaeda, and finding out what that individual knows so we can keep America safe.

I hope that the administration will stop doing this. We can't put politics above intelligence gathering to protect our country.

I ask the Senator from South Carolina, through the Chair, if he still believes we are still at war with Al Qaeda? Also, how important is it that we gather information from terrorists who are captured, and that those interrogations be done on a lengthy basis instead of a short period such as a week?

Mr. GRAHAM. Mr. President, I want to thank my colleague from New Hampshire who has been one of the strongest voices since the day she got here in the Senate to talk about the difference between fighting a war and fighting a crime. The Senator has been the attorney general of New Hampshire, and I have been a military lawyer for over 30 years. The legal systems to fight a war are different than the legal systems to solve a domestic crime.

Here is the problem: Do I believe Al Qaeda is at war with the United States and our values and our friends? Would they kill us all if they could? Yes.

Why did 3,000 Americans die on 9/11/2001? They couldn't kill 3 million of us. If they could, they would have. If you believe that, then the goal of our generation is to marginalize this movement, and when we capture one of them, we need to find out what they are up to.

Dying for their cause is not a deterrent. It is like first prize. So when you tell somebody who has joined Al Qaeda that you may die in the course of this attack, they say good. The goal is to prevent them from hitting us, and the best way to do that is through intelligence gathering.

When you capture someone who is determined by our military and intelligence community to be a member of Al Qaeda, then under the law of war—the authorization to use military force passed by Congress over a decade ago—you can hold that person under the law of war to gather intelligence.

Why is that the case? War is about winning the war. Enemy prisoners are valuable captured alive because they can provide information about what the enemy is up to.

When you charge someone with a crime, you cannot spend a long time with them without their lawyer trying figure out if they committed the crime because of the right against self-incrimination in our criminal justice system. The military legal system, and the law of war, is completely different when it comes to asking questions of an enemy prisoner about future military activity or what they know about past operations.

The most dangerous thing we could do as a nation is to treat a captured Al Qaeda terrorist as a common criminal, read them their Miranda rights, and put them in civilian court before we have a chance to gather intelligence. That is exactly what the Obama administration did here. To their credit, they captured al-Libi. Here is what breaks my heart the most: The special forces units that go into Libya, Somalia, and Pakistan risk their lives to capture these people alive, if possible, so we can gather intelligence.

It really does bother me that after completing this operation, which was very successful, we only had control of this enemy prisoner for about 10 or 11 days. I will never be convinced that in that short period of time we were able to gather the intelligence he possessed. He has been associated with Al Qaeda at the highest level for 20 years. He was a treasure trove of information.

This was a political decision by the Obama administration, not a legal decision based on the law of war. This is not what our military advises or our intelligence community advises. This is what the President chose to do because he does not want to use Guantanamo Bay.

Why was he placed on a ship? Because there is no prison available in the United States, other than a naval vessel, to hold someone as an enemy combatant under the law of war. Why? Because the President refuses to use Guantanamo Bay.

If we can close Guantanamo Bay and create a new prison to allow people to be held as enemy combatants, sign me up. But the idea of not having a jail available to the United States on land at a time of great stress, and during a very pivotal moment in the war on terror, is an ill-conceived and dangerous policy.

I applaud the Senator from New Hampshire for bringing up this issue.

Here is what we need to understand as Members of Congress: This policy cannot be sustained. When we capture high-value targets, such as a 20-year veteran of Al Qaeda, we are crazy as a nation not to use the law of war to gather intelligence.

I am not for torturing anyone. I have been a military lawyer for 31 years. I believe in the Geneva Conventions. I believe my country is special. I believe in the international regimes about how we interrogate prisoners we hold. I know what Al Qaeda does to their prisoners. I do not want to be like them. I want to be the United States. But the United States has a right, under the law of war, to gather intelligence.

The last thing a member of Al Qaeda should hear when they are captured is: You have a right to remain silent. Here is your lawyer. I don't want them to remain silent. I want them, over time, to provide us with whatever intelligence is available.

Why was he moved off the ship? Apparently, he had a medical condition that could not be treated on the naval

vessel. I believe in providing quality health care to prisoners of war simply because I want that standard to be available to our soldiers in future wars. The standard we set today will follow us into the next war and, unfortunately, there will be. But having to take him off the ship because he was sick is no excuse to stop his interrogation to gather intelligence. Putting him on the ship because we don't want to use Guantanamo Bay is an ill-conceived and ill-designed strategy that, if it is not changed or replaced, is going to come back to haunt this country.

This man possesses an enormous amount of intelligence potential. He is now in Federal court. He will be given a lawyer. Once he is charged with a crime, he should be given a lawyer. But before that, we have the right under the law of war to hold him to gather intelligence—treat him humanely but question him about what he knows about Al Qaeda, because they are still out there, lurking.

I will end with this. I wish to work with the Senator from New Hampshire and anybody on the other side who would like to try to find a detention and interrogation policy that is more rationally based. Guantanamo Bay, in its early years, did hurt the image of this country. Some of our interrogation techniques right after 9/11 hurt us as a nation.

Guantanamo Bay has been reformed. It is Geneva Convention compliant. The Detainee Treatment Act that I helped author with Senator LEVIN and Senator MCCAIN is the gold standard of how we treat people under the law of war. I am proud of the system we have created over the last several years in a bipartisan manner, and I urge this administration to create a vehicle to interrogate under the law of war people such as al-Libi so we can be prepared for the next attack. The policy they have in place today is going to deny this country the ability to gather valuable intelligence.

When it comes to defeating Al Qaeda, the more we know about how they behave and what they are up to the safer we will be, because they will not be deterred by the threat of death. We cannot deter them; we have to stop them. We have to hit them before they hit us, and the best way to do that is to gather intelligence when we find someone such as al-Libi.

I am very disappointed that we have blown it when it comes to intelligence gathering with this high-value target. I am very sad to report to the military members and their families that the bravery they have demonstrated and shown just a few weeks ago has been undermined, in my view, by an irrational political decision that denies our country the ability to learn from a high-value target they risked their life to capture.

I don't know how to fix this in the current political environment, but I know as a military lawyer it needs to be fixed, and I know we are not ele-

vating our country by diminishing our ability to use legal systems that have been around for hundreds of years at a time when we need them the most. So I look forward to working with the Senator from New Hampshire who has become one of the leading voices when it comes to detention and interrogation under the law of war.

Ms. AYOTTE. Mr. President, I thank the Senator from South Carolina.

Let me make a correction for the RECORD. I used the name al-Maliki. It is Ayman al-Zawahiri who is the current head of Al Qaeda, and that is whose name I meant to say.

The point is this: If we capture al-Zawahiri tomorrow, are we going to put him on the ship, and is he only going to be on the ship for a week when we gather information from him to ask him what future attacks he is planning against America and our allies? Does that make any sense? And then we are going to give him a lawyer and tell him he has the right to remain silent? No. What makes the most sense is that we have a detention and interrogation policy so that with people such as al-Libi, we take as much time as we need to make sure we find out everything they know about Al Qaeda to protect America, and if we capture Zawahiri tomorrow, we make sure we protect America by finding out everything he knows. That is what we are worried about and that is what we need to do for our country.

Mr. GRAHAM. Will the Senator yield for a question?

Ms. AYOTTE. Yes, I will.

Mr. GRAHAM. We are throwing around names. I think Zawahiri is the person who took bin Laden's place. If we captured him tomorrow, that would be the ultimate treasure trove.

Ms. AYOTTE. Right.

Mr. GRAHAM. Can the Senator from New Hampshire tell us a little bit about this individual called al-Libi? Why do we believe he would be such a treasure trove? What is his background? How long has he been involved in Al Qaeda? And what have we missed here? What opportunities have we lost by only holding him as an enemy combatant for less than 2 weeks?

Ms. AYOTTE. Mr. al-Libi is someone who is alleged to have been involved in Al Qaeda for decades. He is someone who as early as the 1990s was working with Osama bin Laden. He is alleged to have been involved with—and that is what he is charged with in Federal court, as I mentioned—the 1998 bombings of the Kenya and Tanzania Embassies that killed 224 people, including 12 Americans.

He reportedly played a critical role as the intermediary between al-Zawahiri, whom we just discussed, who took over for Osama bin Laden as the head of Al Qaeda in an effort to establish an Al Qaeda-affiliated operation network in Libya where our Ambassador, of course, was murdered, along with three brave Americans, last September 11. He has been reported to be

an Al Qaeda computer intelligence and operations security expert, and he is alleged to have been involved in Al Qaeda strategic planning.

This is one of the most important captures we have had in years of Al Qaeda.

Mr. GRAHAM. Mr. President, if the Senator from New Hampshire will yield for one more inquiry. He was captured in Tripoli, Libya; is that right?

Ms. AYOTTE. Yes.

Mr. GRAHAM. We believe he was in Libya before the attack on our consulate in Benghazi, right?

Ms. AYOTTE. Right.

Mr. GRAHAM. We also know him to be one of the higher level Al Qaeda operatives roaming the planet. He was involved in bombing our Embassies in 1998 in Kenya and Tanzania; is that correct?

Ms. AYOTTE. That is right.

Mr. GRAHAM. What are the odds that he was in Tripoli before the Benghazi attack, had a record of bombing embassies in the 1990s, and had nothing to do with the consulate attack in Benghazi? The Senator from New Hampshire is a prosecutor. What does my colleague think the odds are of this guy not having any knowledge or involvement in killing our Ambassador in Benghazi and being involved in the attack on our consulate that was organized by Al Qaeda affiliates? And what have we learned, if anything, about his potential involvement in Benghazi? How can we learn everything this man has done in 11 or 12 days before we give him a lawyer? I would argue we can't.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. I ask unanimous consent for 1 more minute.

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

Ms. AYOTTE. I thank the Chair.

Mr. GRAHAM. Thank you. I would argue we can't possibly understand all he knows about Benghazi in the last 20 years of terrorism by holding him on a ship for less than 2 weeks. He should be held at Gitmo as long as it takes to find out what he knows and then he should be tried. Does the Senator from New Hampshire agree with that?

Ms. AYOTTE. I agree. We need to protect our country. That means a lot longer than a week interrogation.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if I might for a moment, we have had dozens and dozens of terrorists who have been arrested. We had the so-called Underwear Bomber, a member of Osama bin Laden's family, and many others. They were all given their Miranda warning and they wouldn't shut up. They kept talking day after day after day. It has been my experience that if they are going to talk, they are going to talk, whether they are given a Miranda warning or not. Wouldn't it be nice if we demonstrated to the rest of the world that we are not afraid of these

people, and that we have the best system of justice in the world and we are going to use it? We have only had three or four convictions by military commissions in terrorism cases; we have had several hundred convictions in our Federal courts.

It is not responsible for Senators to talk about: Oh, my gosh, if we just sent them to Guantanamo. Guantanamo by itself is damaging to the United States and harms the image of the United States.

The fact of the matter is that the people we have arrested and who went through our court system will usually talk ad nauseam, whether they have been given the Miranda warning or not. So let's be realistic. It might be a nice talking point to scare people, but the people who are actually involved in prosecutions know it works.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, yesterday we heard very optimistic news about steering away from the brink of American default before it became too late. Majority leader HARRY REID came to the floor and gave very optimistic reports. Minority leader MITCH MCCONNELL came to the floor and gave very optimistic reports. They hinted very strongly that a deal was close, and time was scheduled with the caucuses, presumably to make a presentation of the deal. And then what?

We have had some very interesting speeches and colloquies from our Republican colleagues on the floor. I found the debate as to whether our defense and law enforcement experts had kept an Al Qaeda captive in the right location to be interesting. I found the earlier discussion about the insurance exchange Web sites to be a very interesting discussion. I found the discussion earlier this morning about Iran to be a very interesting discussion. What is even more interesting is what they are not talking about. What they are not talking about is that today the Republican leader pulled out of those very productive negotiations and very optimistic negotiations—pulled out of those negotiations that promised an end to this crisis. I find that absolutely stunning. I am amazed, while we are in a situation where we are that close to resolving this crisis and avoiding the catastrophes that have been predicted, that one side would simply walk away. I don't blame the minority leader. The information I have is that he was asked to do so, that the message came from the other side, from the Speaker; that Speaker BOEHNER torpedoed the productive bipartisan Senate negotiations that were at the brink of resolving this crisis.

Instead of the bipartisan successful process, Speaker BOEHNER has wanted to interrupt and bring in the same partisan House process that has been a disaster for us over and over—100-percent partisan, 100-percent politics.

We have sent bills over to the House. Those bills have never been brought up

for a vote. They have been monkeyed with before they have brought them up, but House Members have never had the chance to vote on a Senate-approved measure, which would have ended this. That is the Speaker's choice. It is the so-called Hastert rule, which means that unless a strong majority of the Republicans are for something, he won't give Democrats a chance to even vote, let alone to be a part of the negotiations.

Here in the Senate we have bipartisan negotiations, with the leaders from both sides still with optimism and hope. On the other side, we have a leadership that won't talk to the Democrats, has purely made partisan decisions about whether something should come to the floor, and has not yet brought a Senate bill to the floor for a clean vote. It is a nightmare over there. And the strategy has not worked, in case they did not get the memo.

Holding the economy hostage was a terrible choice for the Speaker. Causing the shutdown was a terrible choice. Holding the credit of the U.S. Government hostage has been a terrible choice. To use words that were used on the floor this morning by one of our Republican friends, it was a "fool's errand"—it was a "fool's errand"—that put the party "in a ditch."

Well, unfortunately, because he is the Speaker, it is not just the Republican Party that is in the ditch. The whole country is in the ditch as this default looms. Some of them are trying to get out of the difficulty they find themselves in by pretending that the default is not real. We have default deniers now side by side, I guess, with the climate deniers and the other deniers. They deny that October 17 is the real date when anything might go wrong. They deny that anything bad will actually really happen if the U.S. Government defaults. They deny—if we just pay the Treasury bills and leave other things unpaid—anything really bad will happen.

Treasury bills get sold in an auction, in a market. If you are going to that auction to buy Treasury bills and you see a government that is not paying Social Security recipients on time, that has massive liquidity and cashflow problems as a result of the debt limit failure, we may say: Yes, we will pay you first, but are you really going to pay the same rate for that security of that country while that country is facing all of these other problems? It is a preposterous notion. It is the type of notion that you can only believe when you absolutely need to believe it for your ideological purposes. Reality simply does not support a notion like that. If you are living in a cocoon world of extremist ideology, you can come up with thoughts like that. And if you are only talking to other people who think the same way, you can kind of agree that thought makes sense. But there is a little problem. Reality wins. Reality always wins.

They are playing with dynamite over there, and they are pretending that it is not even dangerous. It would be one thing if we understood that they respected how very dangerous the stunts are that they are pulling in the House Republican leadership. It is even more dangerous when they do not appear to know the danger they are causing for our economy.

I hope we will get back to work here in the Senate right away with a bipartisan solution to this rather than allowing the House and the Speaker to wreck the opportunity we had as late as yesterday in order to play dangerous partisan games. We do not have the time for that, and it is the wrong thing. It is the wrong thing in a very immediate way in terms of the damage it will do to our economy, to the world economy, to people across this country whose interest rates are pegged to Treasury bills, to anybody who depends on an economy where people have confidence that the United States is a solid investment and have confidence that our economy is going to grow. The default puts all that at risk. It creates real economic hazards for our country. But the method of getting us here has additional hazards, and I would like to close by talking about them.

From the very founding of this Republic, we have prided ourselves on our distinct American system of government. We have fought for it. We have protected it. It has seen us through world wars, civil wars, great depressions, great recessions, all types of calamity. What it fundamentally is—the phrase we use probably as much as any other about our country is that it is a government of laws. It risks being turned into—by a very small faction in one party in one House in one branch of government—a government not of laws but of threats, a government where the person who can make the scariest threat wins.

It does not matter that what they are objecting to was passed in the regular order, passed by both Houses of Congress, signed into law by the President, approved by the Supreme Court. It does not matter that it was the center of the last Presidential election and that their point of view lost convincingly. What matters to them is if they can make dangerous enough threats, they may be able to try to get their way anyway—anyway. That is not the way a government of laws behaves. That is the way a government of threats behaves.

If we go down the road of a government of threats, we will be taking a very big step away from our American heritage, away from the procedures of our American Constitution, and away from the values that have seen us through hundreds of years of growth and pride. It is a dangerous point, and the fact that they are willing to do that, the fact that they are willing to not only wreck the economy but to wreck the status of this country as one that is run by a government of laws

and turn it instead into a government of threats, shows how shallowly they wear their patriotism on their sleeves. It is bunkum patriotism to put the real values of this country into the hopper and turn us into a government of threats instead of a government of laws.

A great judge, a Supreme Court Justice, once said: Procedure is the bone structure of a democratic society. Breaking those bones to make your point is no way to enhance our democratic society.

So I hope the majority leader and the minority leader will resume their negotiations right away. I hope, frankly, they have begun already and I just do not know about it yet. But we have to get going. And if the minority leader is unwilling to tell Speaker BOEHNER: No. Knock it off. You have done enough damage already. We are going to solve this in the Senate, and we are going to sit down and have a bipartisan compromise—if he is unwilling to say that, then we need to come back to the floor and we need to bring up the bill the Republicans filibustered on Saturday that would have gotten us out of this pickle. Time is short. We have to get moving. If our colleagues on the other side then want to filibuster—to filibuster—the solution to this debt limit crisis, they will have shown their hand in a very dangerous way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, a couple of hours ago I was on the Senate floor urging and encouraging the House to act on a compromise proposal to deal with the current fiscal issues before us that included the “no Washington exemption” from the ObamaCare language.

As I said, I think that is very important for two reasons; one, the principle. I think the first rule of American democracy should be that Washington lives by the same rules as it imposes on America under ObamaCare, under everything; secondly, a very practical consideration. I think the quicker we do that, the quicker we start getting things right. The quicker we start understanding in a gut, personal way the real challenges and burdens of ObamaCare, the quicker we start changing that.

I return just a couple of hours later to congratulate the House because they are apparently moving in exactly that direction. All indications are that they will be going to the Rules Committee very soon with a package that features—that has as its centerpiece that “no Washington exemption” from ObamaCare language.

Again, I think it is important for all the reasons I said. I also want to point out that assuming the House passes that—I think they are going to tonight—that “no Washington exemption” language will be the only thing—the only substantial thing in that proposal that has not been essentially agreed to by Senate Democrats. Everything else is detail, a date here, minor provisions. The only major difference between what the House is hopefully passing tonight and what has been agreed to in discussions by Senate Democrats is that “no Washington exemption” language.

So the question will be is this perceived crisis, is this standoff going to continue over that, over Members protecting their wallets, their special elite status, demanding that they are treated differently than other Americans under ObamaCare? Is it going to continue and not be resolved over that?

I think that is what it will all be about, again assuming, as I hope it does, the House passes this proposal tonight. Again, the ObamaCare language, the statute itself does not allow for this special exemption or special subsidy. That is nowhere in the statute. Because of that, it was sort of an example of what NANCY PELOSI said about the ObamaCare statute in general: We have to pass it to figure out what is in it. It passed with language in it that said clearly, Members of Congress and their staff would have to go to the ObamaCare exchanges for their health care—no provisions for any special subsidy.

Then, after it passed, many folks on Capitol Hill read it to figure out what was in it. When they got to that section, they said: Oh, you know what. We cannot live under this. We cannot stand for this.

So then a fierce lobbying campaign started to get the administration to fix ObamaCare—but not to fix it for America, to fix it for Congress. That resulted in a special Obama administration rule that was conveniently issued right as Congress was leaving Washington for the August recess, right as Congress was fleeing the scene of the crime.

That rule did two things, neither of which is in the statute. That is why it is a completely illegal rule, contrary to the statute, in my opinion. First of all, the rule said: When the statute says that Members of Congress and their staff have to go to the exchanges for their health care, we do not know who official staff are. We cannot figure that out, the administrative agency said. So we are going to leave that up to each individual Member of Congress.

That is absurd. The language is clear. All official staff are covered. The administration should have demanded in the rule that all official staff are covered and not leave it up to individual Members. But under this cozy relationship, an individual Member can exempt any staffer he or she likes. In fact, in theory, that Member can exempt all of

his staff and say: It is up to me. They are not official staff for purposes of this provision of ObamaCare. That is absurd on its face.

Then the second thing this special rule only did for Congress is say: For those who go to the exchanges, including Members, they get to take a huge taxpayer-funded subsidy with them, a subsidy available to no other American at that income level—no other American. That is not in the ObamaCare statute. That is made up out of thin air in terms of this rule.

So we need to correct that situation. We need to make sure Washington is treated like America; first, because it is the right thing to do. It should be the first guiding principle of American democracy; second, for the practical reasons I stated. The quicker we do that on ObamaCare and across the board, the quicker Washington, the Congress, the President, will start getting important matters, including the impact of ObamaCare, right.

Mr. DURBIN. Will the Senator yield for a question?

Mr. VITTER. I will in a second. Again, I congratulate the House for doing exactly that, for doing exactly that. Again, I would point out, assuming the House does that and passes that tonight, the only significant difference between their package and what Senate Democrats have agreed to in discussions will be this “no Washington exemption” language from ObamaCare.

There will be other very minor differences: a date here, language regarding how income verification is handled, very minor compared to this central issue. So that is what it is coming down to. That will be what Senate action on that House proposal is about.

I will be happy to yield to my distinguished colleague from Illinois.

Mr. DURBIN. Mr. President, through the Chair, since the Senator from Louisiana has raised on the floor many times the issue of the health insurance of Members of Congress, I would volunteer that I am under the Federal Employees Health Benefit Program, some 8 million Federal employees, including Members of Congress and their staff, are currently under the same health insurance program across the Nation.

I have the same health insurance policy as the park ranger at the Lincoln home in Springfield, IL. I would ask the Senator from Louisiana: What is your health insurance policy?

Mr. VITTER. I am under exactly the same program. What I am suggesting is merely that we follow the law. The distinguished Senator and many of his Democratic colleagues constantly make the point that ObamaCare is the law of the land. He is right. I want to change that, largely; the Senator does not. It is the law of the land as we speak. That law of the land is crystal clear. It has a specific provision about this. It says every Member of Congress, all of their official staff can no longer stay in that plan and have to go to the ObamaCare exchanges, the so-called

fallback provision for the American people.

I think there was a reason for that. I think there was thinking behind that. It is simple; that we should live under that same scenario that millions of Americans have to live under, 8 million-plus, who do not want to have to go to the exchanges, who like the insurance plan they have now, who heard the President say: If you like the plan you have now, you can keep it. They found out after the fact that was not true for them.

There are 8 million-plus who are being forced off coverage they like to go to the ObamaCare exchanges. They do not get any subsidy. They do not get this special treatment. I am suggesting we should not as well.

Mr. DURBIN. Would the Senator yield for a further question?

Mr. VITTER. Yes.

Mr. DURBIN. I hope the Senator will concede that Members of Congress and their staff are going into the insurance exchanges because of an express provision requiring that to happen in the law, offered by Republican Senators COBURN and GRASSLEY.

Secondly, what we are dealing with is a strange situation. ObamaCare does not force anybody into the insurance exchanges. It is available for those who have no health insurance or those who are on individual health insurance plans and want to buy something different.

Mr. VITTER. If I can respond and reclaim my time, I do not think that is true at all. I think ObamaCare absolutely forces millions of other Americans into the exchanges. It is not the same mechanism that it is for Members of Congress. It is not an express provision. But it is forcing 8 million-plus Americans into the exchanges against their will nonetheless because there are many Americans who want to keep the coverage they have. They heard over and over from President Obama: If you like the coverage you have, you can keep it. Then they found out that for them that was a lie. They did like the coverage they had. They are losing it against their will. I do not think that is by accident. I think that is by design because the ObamaCare statute creates clear incentives for many employers to get out of the health insurance provision business and to just let their workers go to the exchanges.

So I completely disagree with the statement from the Senator from Illinois that no other American was forced onto the exchanges. Millions of other Americans were forced onto the exchanges, in a different way, but absolutely millions of Americans were forced onto the exchanges against their will.

Mr. DURBIN. Would the Senator yield for a question?

Mr. VITTER. Yes.

Mr. DURBIN. Since the Senator is under the Federal Employees Health Benefit Program, his monthly premiums for his health insurance and my

health insurance receive an employer contribution. That is how most Americans who work get their health insurance. The employer contribution the Senator receives and I receive is about 72 percent of the premium.

The Senator from Louisiana has characterized an employer contribution as a government subsidy. I would like to ask the Senator from Louisiana, is he prepared to disclose the government subsidy, as he calls it, that he has personally received for his health insurance as a Member of the Senate?

Mr. VITTER. Absolutely. Reclaiming my time and reclaiming the floor, that is absolutely public information. That is true. What I am merely suggesting is that ObamaCare mandates the change. That is the law of the land, as the Senator and his Democratic colleagues make the point many times, and we should live by the law of the land.

As the distinguished Senator from Illinois absolutely knows, there is no provision in the ObamaCare statute for that subsidy to transfer to the exchanges for Members or congressional staff, no provision whatsoever. In fact, having that happen is inconsistent with the law because the requirements of exchange policies are different than the requirements for FEHBP policies, so it is completely inconsistent with the law for that subsidy to follow Members of Congress to the exchanges. It is nowhere mentioned in the statute. It was made up out of thin air under this illegal Obama administration rule with no sufficient statutory basis in the law.

Mr. DURBIN. Would the Senator yield for a question?

Mr. VITTER. I yield to the Senator.

Mr. DURBIN. If the Senator is stating that no one under an insurance exchange, no one, can receive an employer contribution for their health insurance, he is wrong, flat wrong.

Mr. VITTER. Reclaiming my time and reclaiming the floor, I did not state that and I will not state that.

What I did say is there is no subsidy available to Members of Congress and congressional staff under the ObamaCare statute. There is no provision in the statute for that old FEHBP subsidy to magically redo itself as an exchange subsidy. There is absolutely no provision of that whatsoever.

Folks, these 8 million Americans who are forced out of the plans they like, they are not getting a subsidy. They are going to the individual exchange, and they are getting no comparable subsidy. If they have low enough income they get a subsidy for being at a certain income level.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. VITTER. Thank you. I urge again that the Senate stand tall and stand with the American people, not stand with Washington elites.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. I am pleased to have this exchange with my colleague because he comes to the floor repeatedly and says things which aren't altogether accurate. This is why I wanted to speak to him today. He yielded for a question and I thank him. I am sorry he has left because I would like to further engage in dialog. There is a reason he left. There are questions he can't answer. If he tries to answer them, his whole case explodes in front of him.

We created these insurance exchanges for 40 or 50 million Americans who have no health insurance or have rotten insurance. They were paying a fortune for bad health insurance policies.

When the Senator says 8 million people were forced into these exchanges, this is what the Senator was saying—8 million people had health insurance policies that were so bad that those policies, frankly, had to be rewritten.

This is what we said and is the law under ObamaCare. Offer health insurance to my family or the family of the Senator from Connecticut. They cannot discriminate against a person applying for health insurance because of preexisting conditions of anybody in your family. Does anybody in your family have preexisting conditions? We all do.

We decided that was fundamentally unfair. If one has a child with asthma, wife with diabetes, mental illness in your family, for goodness' sake, people shouldn't be discriminated against. That is one of the provisions of ObamaCare which many on the other side of the aisle want to repeal.

Secondly, we said there can be no lifetime limits on your health insurance policy. What does that mean? In the old days people would buy a policy that said they would give up to \$100,000 and then the policyholder is on his own—\$100,000. That ought to be great until one ends up in the doctor's office the next day or someone in your family has a serious cancer diagnosis. With surgery, chemo, and radiation going on for a long period of time, it can be way over \$100,000. It can happen.

I had a routine surgery 3 years ago, and it turned out well. It cost over \$100,000. If I had one of those limited policies, I would have had to start paying out of my pocket. We eliminated that and said there can't be a cap on insurance policies. They want to repeal that. They want caps on insurance policies.

It turns out that 60 percent of insurance policies in America did not cover maternity benefits. How about that? Do we love families and love children? How about making sure health insurance covers them? That is in ObamaCare and they want to repeal it.

The list goes on. This is a point I wish to get to. Members of Congress are now going to be covered by the same insurance policies offered by ObamaCare and our staff will too. That is acceptable to me. I have taken a look at what is available. It is as good

as anything Members of Congress receive today. I am not worried about the quality of coverage for myself or my wife. It will be fine. I can live with that.

Currently, the Senator from Louisiana and every other Senator, when it comes to health insurance, has the same health insurance as Federal employees, 8 million Federal employees and their families. It is the same basic coverage. I think it is pretty darn good. I have said that on the floor. People have corrected me, saying: Senator, you may have a policy worth \$15,000 a year. There are people with policies worth \$40,000 a year.

I will leave it at this. I think I have good coverage for myself and my wife. I can match that coverage in terms of the quality of coverage on the insurance exchanges without fear of interruption in service and protection for my wife and me, and I feel good about that.

This is what the Senator from Louisiana is upset about. When I go on the insurance exchange, which is required by law—not voluntary, required by law—the Senator doesn't want the employer to make any contributions for myself or my family and says our staff should be under the same restriction. People who get their health insurance through their employer across America, virtually all of them have employer contributions. This is common. There is nothing sinister or sneaky about it.

The Senator calls it a government subsidy, the employer contribution. All I ask is this: I will go on the government health insurance exchange and happily do so. Treat me the same way when it comes to employer contribution for my health insurance and my staff health insurance as every other Federal employee. It is that simple. The Senator says: No, that is special treatment for Members of Congress. The Senator from Louisiana is just plain wrong, stands on the floor, and talks about special privileges for Members of Congress.

I will tell what you I am prepared to do. I am prepared to put a specific provision in the law which says no Member of Congress or Member of any congressional staff shall receive any special privileges or additional rights not available to every other person under the SHOP or insurance exchange program.

How is that? I could live with that because, as the Senator almost acknowledged, currently employer contributions can be made for those who run the insurance exchanges. It is there. We are not getting anything too unusual. It is already there. This argument about some special treatment for Members of Congress—no way. I will state what bothers me the most about this is it doesn't take an act of political courage to take money away from somebody else, in this case away from our staff people.

I started out here as an intern a long time ago when I was in college. I

worked around the Hill all of my life. There are some extraordinary people here. People go to work every day to make me look darn good, to answer the phone, try to satisfy the needs of the people of Illinois, and to deal with some pretty serious cases that involve life and death sometimes or Federal benefits. They work long hours and do great work. Because of their great work they cover me in glory with regularity. I can't thank them enough.

What a thanks this is to say to them: We are going to eliminate your employer's contribution for your health insurance. You are on your own. That is what the Senator from Louisiana wants to do. If the Senator thinks an employer's contribution for health insurance is something that is sinister and shouldn't be allowed for Members of Congress and their staff, hang on tight because we have 150 million people in America who have health insurance through their work with an employer contribution.

Is that the Senator's next target? Is the Senator going after them? Then there will be a fight because people can't afford health insurance without employers helping to pay. We put it in the Tax Code, we have to protect it in the Tax Code. We have to beat the Vitter amendment.

Think about this for a minute. We started this debate 2 weeks ago. A Senator from Texas took the floor for 21 hours, stayed up all night. His goal: Let's defund ObamaCare.

What happened? The Senator's side ended up shutting down the government and is putting us within 36 hours of defaulting on our national debt for the first time in history over the issue of defunding ObamaCare. Haven't heard about that recently. They stopped talking about it because something has happened. Over 12 million people are now going on the Internet trying to find whether they are eligible for a health insurance policy. The popularity of ObamaCare has gone up as Republicans have criticized it because there are a great many people who don't have health insurance or they have health insurance they can't afford.

I am not going to make excuses for the problems with the computers and the Internet as the program kicks off. It better improve and it will. It shows us what happens when we are overwhelmed with people who want health insurance. The system broke down. We have to get better.

During this period of time when the other side was railing against ObamaCare, the numbers for approval of ObamaCare were going up across America. It didn't work. They gave up on defunding ObamaCare. I haven't heard that phrase in a long time, 2 weeks ago from the Senator from Texas but not since. They have now decided that instead of defunding ObamaCare, they are going to follow the Senator from Louisiana—who wants to take health insurance away

or make it prohibitively expensive for Members of Congress and their staff. That is it. That is what this has been all about?

We have shut down the government, and we have run the risk of defaulting on our debts for the first time in history over whether our employees, the people on our staff, are going to get a Federal Government contribution for paying health insurance? It is pathetic we have reached that point.

I believe health insurance is a right. It isn't a privilege. I believe employer-sponsored health insurance is a good thing that we ought to protect. I believe Members of Congress ought to play by the same rules as everybody else in the insurance exchanges and our staffs should as well.

If he accepts those as premises, the Senator's amendment goes away, disappears. But if the Senator is out to get the employer contribution on health insurance, maybe that is the goal, have at it. I think the Senator is going to find it is a very lonely battle. Most Americans, Democrats and Republicans, value health insurance. They need to have it in their lives to give them peace of mind and give them the best care.

This war on health insurance for individuals, the uninsured, even Members of Congress and their employees, is mindless. It is mindless and petty.

We have to do better. We need to expand the reach of health insurance across America. We will. This effort to defund ObamaCare and now the Vitter amendment, we must defeat both of those efforts.

Once this program is in place and Americans have this protection, we are never going to take it away. Once people have that peace of mind with affordable health insurance, then 6 out of 10 people who go on the health insurance exchanges will pay less than \$100 a month for health insurance. It is less than a cable bill.

Finally, they will get health insurance. That is what it is all about. Once it happens, once it moves forward, it will become one of the basic concepts in America that we count on to protect ourselves and our families.

We have to defeat the Vitter amendment. It is pathetic that we have reached this point with the shutdown of the government and the idea of defaulting on the debt, that it has come to this amendment. It is very sad.

It doesn't speak well for those on the other side who started off with this lofty goal to defund ObamaCare. Yet in the end all they want to do is to raise the cost of health insurance for the people who are working night and day for them in their offices across America.

I hope the people in this country understand what this debate has finally descended into and will join us in defeating this Vitter amendment.

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

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. I ask consent to talk for up to 15 minutes.

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

Mr. THUNE. Madam President, we are now in the third week of government shutdown. We are facing an imminent debt limit crisis. It seems that it has become a pattern around here that we live from crisis to crisis. I hope we do something about that. We obviously have to deal with the immediate issues in front of us in the next day or so, hopefully no more than that. There have been a lot of discussions that have occurred over the course of the week-end and the last few days to try to bring to a conclusion at least this chapter of this particular crisis we are dealing with.

I am encouraged when I hear our colleagues on both sides of the aisle are meeting and having discussions. We have had a number of those that have gone on, I think so far without result. There have been meetings that have occurred between our two leaders. Also I have been working very hard to try to get a result, something they could take back to their respective caucuses and present, that could ultimately be voted on.

There are also discussions going on in the other body, in the House of Representatives, and have been for some time, trying to find a pathway forward that could get the necessary votes to pass in the House of Representatives and then ultimately here in the Senate. I heard some of my colleagues in the Democratic leadership on the floor this morning denouncing some of those efforts in the House of Representatives, which came as a surprise to many of us because I do not think it should be any shock to anyone that the House of Representatives, created in article I of the Constitution, might decide to perform some things that are consistent with its constitutional role.

They have been working on legislation. We had the leader get up this morning and make some comments on the floor with respect to what was happening in the House of Representatives. He described it as a partisan attempt to appease a small group of tea party Republicans. He described it as an extreme piece of legislation, most of the elements of which, by the way, have been part of the bipartisan agreement here in the Senate. He said it was a blatant attack on bipartisanship.

He went on to say he felt blindsided by the news from the House and that extremist Republicans in the House of Representatives were trying to torpedo the Senate's bipartisan progress with a bill that cannot pass the Senate. He went on to lament the fact he was disappointed in the Speaker of the House.

Again it was a big surprise to many of us. I don't think we should feel blindsided when the House of Representatives tries to find the necessary votes to move legislation that is so important to this country. In fact, it would appear at least that perhaps Democrats here in the Senate and the White House—which, by the way, came out and said it was going to veto the proposal from the House of Representatives, of course before it had ever seen it. There had never been anything in print with respect to that. So the Senate Democrats hadn't seen it, the White House hadn't seen it, but the President came out and said he was going to veto it and the Senate leader said he was blindsided on this, it was extreme, it was an attempt to torpedo bipartisan discussions.

It would appear at least that some of the Democrats around here are a lot more concerned about the political consequences and having the opportunity to dance on the political graves of Republicans than in actually solving a problem that is important to the future of this country and the American people.

I think it is unfortunate that is where we are. I hope in the course of the next few hours—that is about all we have left—we will come to some agreement. Whether that originates in the House of Representatives or originates here in the Senate, one way or the other both are going to have to vote on it. Both are going to have to find the necessary votes to pass something that will avoid the disaster that is facing us if we do not take steps to do that. I guess I am one of many who, when I heard those comments this morning, was more than a little bit surprised to think that we here in the Senate would be shocked and surprised and disappointed and blindsided that the House of Representatives would decide to do some work and try to solve this problem as well. Ultimately we have to have the House and the Senate agree and concur.

I am glad to see the House of Representatives is proceeding in a way that will solve this problem. I hope we will continue in the Senate to try to find a solution in the next few hours, something we can actually pass through both Houses of Congress and put on the President's desk and something he might be able to sign into law.

But when you talk about the various elements of those proposals, most of those things that were denounced and rejected here this morning by the Democratic leaders when they came to the floor were the very things that a bipartisan group here in the Senate had been working on for several days.

I hope when we get through this immediate crisis and hopefully create the process by which we might address the real problems the country faces—because this living from crisis to crisis is not a way to govern the country. It is not a way to provide certainty to our economy. It is certainly not a way to

get the economy growing and expanding.

Many of us on this side of the aisle think we ought to have a discussion, when we are raising the debt limit, about how we are going to fix the debt, what are we going to do to reduce the debt, what are we going to do to ensure that we don't continue to pile trillions of dollars of debt on the future generations of this country. We do not seem to get serious about that. I hope we will. I hope when we get past the immediate crisis we will take a look at the long term and say what can we do to put this country on a more sustainable fiscal path?

I think we all know what that entails. It means we have to get spending here in Washington, DC, under control, particularly in the areas of some of the mandatory spending parts of the budget. If you look at what the Congressional Budget Office says, over the next 10 years, discretionary spending—which is that small part of the budget that is impacted by the sequester—is going to grow roughly 17 percent. During the same period mandatory spending is going to grow approximately 79 percent or \$1.6 trillion over the course of the next decade. So spending on mandatory programs continues to grow. This CBO report underscores that reforming entitlements is absolutely necessary if we are going to get spending under control.

We know what the issues are. It is not like it is a big secret. The Congressional Budget Office gives us insight on regular basis. We have had lots of commissions that have studied these issues, they presented their findings, they put forward recommendations about how to address these long-term crises the country faces, and yet there seems to be the lack, if you will, of political will to try to actually solve the problem.

My own view is that if we can get through this immediate crisis, over the course of the next couple of months, which is basically what we have to work with, we can actually sit down—hopefully with the President engaged in this process—and negotiate in a way that will allow us to put in place solutions that actually do put us on a more sustainable fiscal trajectory for this country's future.

Over the course of the last 4½ years we have seen the publicly held debt of this country double. It took 230-some years of American history and 43 Presidents to get to the first \$6.3 trillion in debt, and that has literally doubled in the last 4½ years under this administration.

We have a huge debt problem. We added \$1 trillion a year for the first 4 years. This year everybody is patting each other on the back and saying: Gee, the deficit is down to \$650 or \$700 billion, as if that is some sort of major accomplishment. That is literally the fifth largest deficit in history behind the first 4 years of this administration, which were the four largest deficits in American history.

We have an out-of-control debt. We have an out-of-control deficit that is growing as a percentage of our economy and getting to the point where it is literally going to drown our economy if we don't do something about it.

Controlling the spending part of the equation is essential. The other part that is essential is getting the economy growing and expanding. When the economy is growing and expanding, it means that people are working, people are investing, people are making money, people are paying taxes, government revenues go up, and that makes a lot of these problems look much smaller by comparison too.

We can't have an economy growing at 1 to 2 percent and an unemployment rate that is chronically at about 7½ percent. When we factor in the people who have quit looking for work or are working part time who would rather be working full time, that unemployment rate gets up into the double digits.

We have chronically high unemployment, massive amounts of debt, and a sluggish economy. Those are all things on which we should be focused. In order to get the economy growing and expanding again, we have to create the economic conditions for small businesses to invest, hire more people, put their capital to work, and try to get that economic growth rate back up to where it would allow us to deal not only with our deficits but also to do something that would really improve the quality of life and the standard of living for people in this country. A growth rate in the 3- to 4-percent range is significantly different—dramatically different than a growth rate in the 1- to 2-percent range, and that means a big difference in the take-home pay of middle-class Americans.

If we want to see middle-class Americans do better in this economy, we have to get the economy growing again, and that means reforming our Tax Code, broadening the tax base, and lowering those marginal income tax rates. We have the highest business tax in the world. It makes us noncompetitive in the global environment. We lose jobs every single day to other countries around the world. We need to do things that would lessen the cost of doing business in this country. We need to make it less expensive and less difficult to create jobs, not more expensive and more difficult.

One of the concerns many of us have with respect to ObamaCare is that it is making it more expensive and difficult to create jobs. It has higher taxes. There are higher insurance premiums. Obviously, that translates into fewer jobs.

Getting the cost of regulation to a more reasonable level, keeping the tax rates at a more reasonable level, and doing what is necessary to unleash this economy is the way we will improve the fiscal picture in this country, coupled with good fiscal discipline and constraints on Federal spending, and that means we have to tackle the man-

datory part of the budget. That part was not affected—or at least not affected very much—by the sequester.

Those are the ingredients, components, and elements, if you will, that will lead us to a situation where we are not having a crisis every few months where we are worrying about a debt limit increase or how we are going to fund the government. We ought to get to a place where we are in a more systematic way doing what we should be doing in the first place. We should be passing appropriations bills. We didn't pass a single appropriations bill this year, which is why we are here at the eleventh hour trying to come up with a continuing resolution to fund the government.

Those are the things we need to do if we are going to get this fiscal situation improved for our country and get the economy up and growing again and creating jobs and doing what is necessary to improve the lives of the American people. That is what I think the public wants to see.

Actually, if we look at public opinion polls—and there has been a lot of discussion about that lately—by a 2-to-1 margin, people in this country believe that if you are going to raise the debt limit, you ought to do something about the debt. I saw a survey just last week by CBS News that said 55 percent of the people in this country believe that when you are going to raise the debt limit, you ought to do something to reduce spending. I think that only 23 percent of the people surveyed said they supported a clean debt limit increase.

The American people get it. The people in my State of South Dakota understand that you can't spend money you don't have. You have to live within your means, and we have to, as a Federal Government, do the same families across this country have to do on a regular basis. They get this. They understand what this is about.

I hope that in the next few weeks and months we will be able—with the involvement and engagement of the President of the United States—to sit down and negotiate the resolutions, if you will, and proposals and solutions to this debt crisis and get this country on a more sustainable fiscal path and at a place where the economy is growing at a faster rate and creating the types of good-paying jobs that will help middle-class Americans in this economy prosper.

If we look at what happened to take-home pay or household income over the past several years, it has gone down, not up. We have seen the average household income go down by \$3,700 since the President took office. It is time we changed that and got the American people back to work, incomes coming up, and jobs that will keep the young people in this country not only employed but looking with confidence and optimism toward their future, which is something we don't see today. Let's deal with the immediate crisis, but let's work together on that.

Instead of coming over here and denouncing what is happening in the House of Representatives or using extreme language to characterize what is happening in the House of Representatives, understand we have to function together. We are the Congress of the United States, and in order for anything to get done here, we have to move legislation through both the House and Senate. It seems to me, at least, that there ought to be a recognition of that in the Senate. As I listened this morning to the comments of some of our leaders on the other side when they came down here and denounced what was happening in the House of Representatives, it struck me that that is not a productive or constructive way to get where we need to go in the next few hours. I hope we can do that, and I looking forward to the kind of bipartisan cooperation that will solve this problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent to use as much time as I might consume.

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

Mrs. BOXER. Madam President, the Senator from South Dakota has pointed out how concerned he is about jobs and economic growth. He is concerned about our not doing enough appropriations bills. He is concerned that we have not resolved our differences in the conference.

I want him to know, since he asked for bipartisanship, that as a Democrat, I am concerned about pay and jobs and economic growth. I am concerned that we have not had any appropriations bills. I am concerned that we have not gone to the budget. But I need to speak the truth, and the truth is in the record.

Why don't we have appropriations bills? Because the Republicans filibustered our very first bill, and when we tried to get it done, they would not give us the votes, so it was taken off the floor. Senator MURRAY and Senator COLLINS—our moderate Republican colleague—were very upset about that. The Republicans filibustered the very first appropriations bill we tried to get through, and it was clear they were going to continue to filibuster each one. So to come down here and lament the fact that we didn't take up appropriations bills flies in the face of recent history.

My friend laments the fact that we have not had a chance to discuss what he now sees as a target for cuts in Medicare and Social Security. He calls them entitlement programs. That is their new thing now. They want to cut those programs. Well, you know what. We have said open the government, let's pay our bills, and we will negotiate, listen, and talk.

Our friends on the Republican side stopped us from going to a budget conference 21 times, and now they have

shut down the government. All you have to do is understand why. They were very clear. They don't like the Affordable Care Act.

I have come to the floor, as I have before during this government shutdown that is in its 15th day, to raise the alarm about the harmful, terrible, hurtful impacts on America and its people as a result of 15 days of not having access to their government. Who are they punishing? The people of this Nation. This is their government. Open the door and let them in. Let them talk to us. Let them tell us about the legislation they want us to proceed to. Let them not suffer, as they are in my State and in many States because the government is shut down. In a moment, I will talk about some of the ways my people are hurting.

They shut down the government because they didn't like the Affordable Care Act. I am so happy to say that Covered

California-dot-com—coveredCA.com, which is our Web site—has had more than 1.5 million unique visits to the site. The call volume to the service center is 104,000-plus. The average call wait time is now 1 minute 55 seconds. The average call-handling time from the time you get on until the time you get off and get your questions answered is less than 15 minutes. Our cumulative applications are approaching 100,000. Tens of thousands have already completed the signups. This is why they shut down the government. They don't want that to move forward.

I will tell some stories about health care reform in my State.

Rakesh Rikhi of San Jose is now paying \$950 a month to insure himself, his wife, and his two children with Kaiser Permanente. According to the NBC station in the Bay area, Rakesh was stunned to learn that through Covered California he can get a similar Kaiser plan for his family for \$400 less a month. So when my friend stands here and says premiums are going up, ask Rakesh. He is getting a plan for his family for \$400 less a month. He quickly did the math, and when he hung up the phone and signed up, he found out he is saving \$5,000 a year.

Why do the Republicans want to shut down the government and stop somebody like that from getting a plan? I think they have to look into their hearts.

Rakesh owns an auto repair shop. He has four employees. He is hoping that with the savings he will be able to offer his workers medical insurance. He cannot wait to sign up and complete the application. He looks forward to feeling relief from the financial pain of skyrocketing insurance costs.

Then there is Laura Hunt of Modesto. She lost her husband's employer-based coverage when he was killed in a car crash in 2006. She is suffering from income loss and the painful loss of a spouse. She contacted Covered California and found out she could have an Anthem Blue Cross policy for a net

cost of \$23 a month. Why do my friends on the other side of the aisle want to stop Laura Hunt of Modesto, who lost her husband's employer-based coverage when he was killed in a car crash, stop her from getting affordable health care?

Kevin Burke, an assembly worker, told the Fresno Bee he had been out of work for 2 years and now he qualifies for Medicaid and he is going to be OK, and he is not going to wait until he is rushed to an emergency room. Why do my colleagues on the other side of the aisle want to stop Kevin Burke of Fresno from getting affordable health insurance? They need to look into their hearts.

Then there is Rufina Arango, a diabetic. At Vista Family Health Center she filled out an application for coverage through a significant expansion of Medi-Cal. Rufina and her family lost their health insurance several years ago when her husband was laid off after working for 22 years. She said:

It's so great. It's going to help so many of us. If not for ObamaCare, many of us would not qualify for health insurance.

I could go on and on with these stories. I don't have the time to do it. But I am going to keep on adding these stories to the CONGRESSIONAL RECORD so some day, when people look back at this moment in history, they will realize that when we stood for the people and their right to have affordable health care, that we did it for a very good reason. Some day in the future people will say: You mean there was a time when we had 40 million people without insurance? Are you kidding? But that is the moment we are in now. We are either going to stand sentry, as my friend BARBARA MIKULSKI always says, for a law that is going to help people, or just walk away. No law is perfect. Of course there are glitches and issues. We are very happy to talk about making it better—very happy. The President is as well. He said as much.

I want everyone to read an opinion piece that ran in the Washington Post recently, a couple of days ago, by one of my constituents. Her name is Janine. Janine Urbaniak Reid is a writer, and so she has a beautiful way of expressing herself. She talks about her loving son, Mason, who has brain cancer and who has had to undergo multiple surgeries. Listen to this:

He would have hit his lifetime limit on the policy and the family would have been driven into—

her words—the financial abyss if it wasn't for the Affordable Care Act.

She writes that the family:

Thanks God and whoever else would listen for our good fortune to have coverage.

She ends her piece with this line:

If I could get those who are trying to repeal this law on a conference call, I would explain this to them. I would tell them that while they were busy trying to derail the Affordable Care Act over the past 2 years, Mason has again learned to walk, talk, eat, and shoot a 3-point basket.

Why would anyone want to hurt that family and reverse our law, the Affordable Care Act, which is everybody's law, that says no more lifetime limits and no more annual limits. We have to ask the Republicans why they want to do it. They come to the floor and they say: Health care costs are rising; these things are happening; the sky is falling. But then we look at the facts, and the facts are that tens of thousands of people are signing up. Young people are now able to stay on their parents' policies until they are 26. There is no more preexisting condition bar. If a person has a preexisting condition, they can still get insurance. There are so many good things. Women are no longer discriminated against. We used to pay twice as much as men. Being a woman was considered a preexisting condition. Can my colleagues imagine. Really? Because, yes, we can have babies and, yes, we had certain needs. Well, that is over now. We have equal rights in this Affordable Care Act.

So the reason for the shutting down of the government was to stop the Affordable Care Act. The Affordable Care Act is now signing up tens of thousands of people. It is saving a lot of our families. If the Republicans want to make improvements in it, that is fine. We are ready to do it. We will sit down with anyone and make this law better—absolutely. But don't stop a law that passed almost 4 years ago and that was upheld by the Supreme Court; and, may I say, there was a big election about it.

Remember what Mitt Romney said:

The first thing I will do when I am your President is to repeal ObamaCare. That is my promise.

And, boy, I believed him. It was a big issue. People decided that wasn't a good enough reason, and they reelected our President not in a small way but in a big way.

So since there is no more reason to shut down the government because the Affordable Care Act can't be stopped—it is funded by a separate stream of funding, not appropriations—we begged the Republicans: Don't shut the government down over this. It is starting. It is happening. We are not going to repeal a law that took—I would say decades—to pass.

So they didn't listen. Now they have stopped talking about the Affordable Care Act, pretty much. Now they have a whole different reason for shutting down the government and bringing us to the brink of default, and that reason is deficits—deficits.

I want to speak a little bit about default because we are hours away from a default—the first time in this Nation's great history. If we don't take action, we will be unable to pay the bills that have been incurred in the past.

It is important to note that we have gone through so many crises in our Nation—tough, tough, tough ones, including civil strife, world wars, the Great Depression. We always followed the Constitution that says, "The validity

of the public debt of the United States, authorized by law, shall not be questioned." This is in the Constitution. Yet from the people who say they are constitutionalists, they seem not to read that part, and they are flirting, for the first time, with allowing us to get to the point where we can't pay all of our bills. That is a default.

Some of our colleagues come to the floor, and they say that it is not a default if we pay interest on the bonds. I am an old economics major, but I don't pretend to know everything about economics. But I can tell my colleagues this: The definition of a default in Black's Law Dictionary is "the failure to make a payment when due." It doesn't say the failure to make an interest payment when due. It says, the failure to make a payment. That means to our contractors. That means to our workers. That means to our Social Security recipients. That means to our Medicare recipients.

I have never seen such creative license taken when it comes to the default. A party that says it is fiscally conservative and then says it is not a default when we don't pay our bills as long as we pay China the interest we owe them? They have to be kidding. Take that to a town hall meeting, I say to my friend who represents so many wonderful seniors in the great State of Florida, Senator NELSON, who is on the floor. So we have never gotten to this point.

Mr. NELSON. Would the Senator yield?

Mrs. BOXER. Yes, I am delighted to yield.

Mr. NELSON. If the Senator will yield on that point.

Mrs. BOXER. Yes, I can yield for as much time as my colleague wants.

Mr. NELSON. Since the Senator so eloquently posed this question, since this Senator has the privilege of being the chairman of the Special Committee on Aging, and since the Senator from California has just pointed out that seniors are at risk, I wish to remind the Senate that on October 23, there is a bill due to be paid of \$12 billion to Social Security recipients—October 23. Shortly thereafter, on November 1, there is another bill due: \$67 billion for Social Security recipients, for Medicare recipients, and for SSI, which is Social Security for low-income seniors. In addition to the default the Senator from California has spoken about—defaulting on interest payments on U.S. Treasury bills—we are talking about default to real people with real needs. This is just a drop in the bucket of the total amount that is coming due.

I thank the Senator for letting me share that information in this discussion.

I might say that the Presiding Officer, the junior Senator from Massachusetts—or now the senior Senator from Massachusetts—is one of the most active and prominent members of the Special Committee on Aging, and our committee has pointed out statistics such as these over and over.

Mrs. BOXER. I wish to thank my friend, and I hope we can continue to have these conversations. I thank the Presiding Officer for recognizing my friend so he could make his point.

We are, as leader PELOSI said, playing with fire. We are playing with lives.

One of our colleagues, Senator CASEY from Pennsylvania, read the most amazing letter he got from a constituent and he said:

She is so worried about her parents. They are in their 80s, and the fear—just the thought—of maybe not getting a check on time, that is making her parents physically ill.

Why are we doing this? There is no reason to do this. This is a self-inflicted wound. The government shutdown is self-inflicted. Playing with the full faith and credit of the United States of America is a self-inflicted wound.

Here is the thing: We know one of the heroes of the Republican Party and a hero to many Democrats is Ronald Reagan. Let's see what he said. I have it here. When it comes to the debt:

The full consequences of a default, or even the serious prospect of a default, are impossible to predict and awesome to contemplate. Denigration of the full faith and credit of the United States would have substantial effects on the domestic financial markets and on the value of the dollar in exchange markets. The Nation can ill afford to allow such a result.

That is Ronald Reagan. I was here during most of his presidency. I was over in the House. I think my friend from Florida was as well. Lord knows, we didn't agree with Ronald Reagan on everything. We agreed with him on some things, not all things, and we may have cast a vote or two to say that we object. But no one ever brought down the full faith and credit of the United States. He got 18 increases in the debt ceiling during his presidency—18 over 8 years.

So there are two paths we can take. One path is a road that is a little bit bumpy and curvy and dusty, but at the end of the day it gets us where we want to go: Into a budget conference with our bills paid and our government open to the people. That is the bipartisan road. It is not easy.

I am so proud of Senators REID and MCCONNELL for working on a plan that is something we can accept. No one on either side is thrilled about it, but we can accept it. It gets us out of this mess. That is the road we should take, the bipartisan road that gets us into the conference, that opens the doors of government, and pays our bills.

The other road is the road the House Republicans are taking. That road is straight over the cliff. That is the partisan road, and we will dive down. We are not going to get there that way. We are going to bring a world of hurt on the people.

What did the people do to deserve this? They did not vote the way my Republican friends in the House wanted them to. Sorry, that is what elections are about. I have been disappointed in

election outcomes, believe me, more times than I care to admit. That is what elections are about.

Well, once you get here, you have to work across party lines, and even though that road is bumpy and dusty and twisty and windy, and all the rest of it, that is the road that gets us where we have to go. That is the road Leaders REID and MCCONNELL had us on until a few hours ago when all of a sudden that road kind of shut down and the other road—that partisan road—opened right up. I do not know why they are taking us down that road leading us off a cliff, with all the pain and suffering and job loss and economic chaos that awaits if we go down that road. But I honestly think we can get back on that bipartisan path. I do not know exactly how it will come about. How a bill becomes law is sometimes very complicated, but if the House sends us something, but we can work to make it bipartisan, we will be over this. We will be over this. We cannot have a strictly partisan political bill.

I want to share with the Presiding Officer and with my colleagues the fact that Fitch, a credit rating service, has put our creditworthiness "under review for a downgrade," according to the Associated Press. It means that America's AAA rating is in doubt. Let me say that again. Fitch, a credit rating service, put our creditworthiness "under review for a downgrade," reports the Associated Press, putting America's AAA rating in doubt.

Mr. NELSON. Just this afternoon.

Mrs. BOXER. Just this afternoon, after the bipartisan plan was stalled here in the Senate and the House went forward with their partisan plan.

What Fitch did is a warning sign. It is a warning sign for businesses in terms of their borrowing costs to expand. It is a warning sign to the job market if there is a lack of expansion by the business community. It is a warning sign that students could be paying higher interest rates to go to college. It is a warning sign for homeowners who could be paying higher rates for their mortgages.

What is going on? We are just getting out of the worst recession since the Great Depression. The Presiding Officer is in the Senate because she fought so hard to get this economy on track, and people in her State said: That is what we need, and she came here. And now this self-inflicted wound just as we are coming out of it, just as we are starting to see progress? Why are we doing this?

I want to talk a little bit about the bill the House is probably going to be voting on soon because it deals with a couple of things that are very problematic. I have already said it is a partisan bill. Speaker BOEHNER did not have a conversation with Leader PELOSI. He just wrote the bill with Republicans only, as opposed to HARRY REID, who wrote our compromise with the Republicans, taking us down that bipartisan road.

My understanding is the House bill does something that is inexplicable to me and many others, both Republicans and Democrats. Listen to this. It says that no President—starting now with this President, and into the future—no President can take steps to avoid default. I do not get it. We all know a default is chaos. Everyone agrees it is terrible, it is bad. Republican and Democratic administrations for decades have taken measures when there is a little stall here or there and they need a few days to move around a bill or two.

I cannot believe it—from a party that said: In case we default, we should prioritize who we pay—they will not allow future administrations to avoid a default and add a couple of days until we face that.

Listen to what Tony Fratto said. He worked in the Bush administration as Assistant Secretary of Public Affairs for Treasury. He said the following:

Restricting Treasury's use of extraordinary measures is like restricting the fire department's use of hoses.

So imagine if you said to a fire department: You can use every tool at your disposal, but you can't use a water hose to put out a fire. They are saying to the Treasury Department: You have to default even if there is an easy way to avoid it for a few days.

What are they thinking? Do they want this administration and others to have an easier path to default? I thought we would all agree we certainly do not ever want to default but certainly give the ability of an administration—Democratic or Republican—to avert a default, if they can. Their language makes no sense.

Then their other rider they have on there—it is my understanding; I could be wrong, but this is what I get from reading what their legislation, I think, is going to be—the other one involves treating congressional employees differently than any other employee in the country who works for a large employer by taking away the employer contribution that these workers have had for more than 50 years.

I do not get it. Why do Republicans want to punish the people who work so hard for them and work so hard for our country? What are they thinking? Why do they want to treat people differently than all other workers who work for large employers?

Honest to God, I do not get it. I do not get it. If they do not like the people who work for them, then get somebody else. But do not punish your staff, who work day and night. And I want to say, my staff and the Presiding Officer's who are working are working without a paycheck. Well, this is a lovely thing to say to these workers, some of whom earn very little: You are going to be the only people in the country now who cannot get an employer contribution. I do not get it. I really do not.

So here we are: a government shut-down because the Republicans will not

accept the fact that a law passed 4 years ago that they do not like, that the Supreme Court upheld—and they did not like that—there was an election over it—and they did not like that—so they stamped their feet and said: We are shutting down the government.

And is there ever pain. I have communities in Los Angeles, one particular one where kids are getting nosebleeds. They are sick. They live near an industrial site, and the Environmental Protection Agency was about to find out what the problem was when they shut down. And those kids do not have an answer.

I had a plane crash at a small airport in Santa Monica that killed four people. We do not know why it happened, but there is no investigation. It had to stop midstream.

I do not have any inspectors on the ground inspecting clean air, clean water, safe drinking water. There are 505 superfund sites where cleanup has been suspended. I know the Presiding Officer has some in her State. These sites are toxic brews. They have arsenic. They have benzene. They have chlorine. They have everything in them that is bad for people to breathe. It is bad if it gets in the drinking water. No inspectors on the ground and no cleanup at 505 superfund sites.

Remember Fukushima? I think everyone knows what Fukushima is. Well, now 92 percent of the Nuclear Regulatory Commission staff have been furloughed. They have one mission, and I am quoting from their mission: "to ensure the safe use of radioactive materials."

The Army Corps manages 12 million acres of public lands. They host 370 million visitors annually. This is just the time of year when people still—just before we get to winter—can go out there and enjoy the recreation. No. They are closed.

And just think about the mom-and-pop shops that exist around our parks, our Army Corps land, our wildlife refuges. Madam President, 561 refuges—they are all closed because of the shut-down. Hunting season is in full swing.

I already talked about the fact that the National Transportation Safety Board furloughed 380 of its 400 employees, and they have suspended all their pending investigations. I talked about that.

There is another crash they were investigating in San Francisco, the Asiana Airlines Flight 214. I will tell you, when you stop an investigation like that, it is hard to get right back to it. The problem is, it takes you longer to find the cause of the crash. A lot of times these crashes have clues in them that there may be a part in a certain type of plane that is defective, there may be a problem on the runway—something wrong.

The Consumer Product Safety Commission—another watchdog. In San Diego last week, a 2-year-old child, Annette Estrada, was killed. She was

crushed by a falling TV. So they cannot investigate this incident, and maybe some other kids are going to suffer that. It might have been a very defective design.

What does the House do? They are governing by press release: Well, we will open this little sliver of an agency and that one. That is not how you run the greatest Nation on Earth.

Open the government. You said you shut it down because of ObamaCare. ObamaCare is going forward. You want to fix some parts of it. We are ready to talk. There are no winners in this shut-down. It is devastating for our workers. Do you know there are more contract employees than there are Federal employees? There are. Even if you take away the military Federal contract employees—and we hope they are getting paid; we are not positive that all are, but let's say they are—there are more than 2 million contract employees who do not know when the next paycheck is coming.

We sent a bill over to Speaker BOEHNER in the House. Open the government. Just open it. Then we will negotiate all the issues you want to talk about. He would not even allow a vote on that.

We are in a bad place. I have to say, I have lived long enough to know that life does deal us some terrible blows. We know that, each of us. We have each had our tragedies, our challenges, whether they are health challenges or financial challenges or all kinds of challenges. We have enough of those without a self-inflicted wound—two: a government shutdown over here, and a pending default over here, totally unnecessary. It could end in 5 minutes, but still the angst continues, still the anxiety continues, still the uncertainty continues.

I will close with a hopeful note. I laid out the two paths we have: the partisan path to a cliff or the windy, difficult bipartisan path, which the Senate was on until we were pulled off it. I hope and pray that we will get back on that bipartisan path, that we will reopen this government, that we will pay our bills, and this great Nation—this great Nation—can get back to doing what we do best: making sure this American dream is there for everybody, making sure we care about our people, making sure they have access to their government, and getting us out of this morass we are in for no good reason.

We can do it. The path is there. Let's hope we take that path.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DONNELLY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO PALMER DEPAULIS

Mr. HATCH. Mr. President, it is my pleasure to celebrate the career of a very dedicated Utah public servant. Palmer DePaulis has served the people of Utah for over 30 years, most recently as the executive director of Utah Department of Human Services.

As executive director, Mr. DePaulis has made great strides in creating safe and permanent homes for vulnerable children and at-risk families. He has instituted a "System of Care" approach for children and families that creates a partnership between children, their families, and caregivers that focuses on an individualized, culturally responsive plan to address a variety of mental health challenges so that children can be kept in the least restrictive, most integrated, and safe setting possible.

Current law directs the majority of Federal dollars to the least desirable outcomes for vulnerable families, namely, removing a child from the home and placing them in foster care.

During the last session of Congress, the Congress passed and the President signed legislation I drafted that permits some States to apply for and receive waivers for certain rules relative to foster care.

In drafting this legislation, I worked closely with Mr. DePaulis and his team to craft policies that would give Utah and other States the flexibility to innovate and try different approaches to improving child welfare systems.

I am pleased that Utah was one of the first States to successfully apply for and be granted a child welfare waiver. Utah's plan is a strategic and forward thinking approach that strives to gain a better understanding of the needs and strengths of children and families that have experienced child abuse, neglect, and dependency. It acknowledges, as a guiding principle, that, whenever possible, children should remain safely at home. Utah's wavier proposal adopts a holistic framework to provide supportive family services that prevents neglect and abuse and bolsters a family's ability to keep a child safe within the home and preserve intact families when a family's problems can be addressed safely and effectively.

I am confident that the Utah's waiver, instigated by Mr. DePaulis and his team, will result in improved outcomes for children and families.

In addition to his work in the area of child welfare, Mr. DePaulis also oversaw services that have benefited thousands of Utahans. These include,

but are not limited to: meals to homebound seniors, treatment for mental health and substance abuse, and services that help individuals with disabilities lead independent and productive lives.

Prior to joining Utah Department of Human Services, Mr. DePaulis served as mayor of Salt Lake City. During his tenure as mayor, Mr. DePaulis made the humane treatment of the homeless one of his signature issues. He helped open family and men's homeless shelters and worked with community partners to highlight the need for a continuum of services to ensure shelter residents had access to medical, transportation, substance abuse, and mental health services.

Throughout his long and distinguished career, Mr. DePaulis has worked to improve the lives of our most vulnerable and forgotten citizens. Utahans and the Nation owe him our gratitude and appreciation.

REMEMBERING ADMIRAL
TAZEWELL T. SHEPARD, JR.

Mr. SESSIONS. Mr. President, I was honored to be at the funeral services at Arlington for ADM Tazewell T. Shepard, Jr., an American patriot, a native of Mobile, AL, a man widely recognized for his character and integrity as well as for courage, intelligence, and professionalism.

Admiral Shepard was born in Mobile, AL, attended Murphy High School, one of Alabama's great high schools, and joined the Navy when World War II began. He married the daughter of Senator John Sparkman and they were partners for 71 years. He received the Navy Cross, the Navy's highest award for heroism during the Battle of Guadalcanal acting with coolness and courage to direct action and to care for casualties.

He was a naval aide to President John F. Kennedy and advised the President during the Bay of Pigs crisis in 1961. He published a book John F. Kennedy: Man of the Sea, in 1965.

His quiet and firm character was the quality that stands out in this life well lived. Former Justice Sandra Day O'Connor spoke at the service and recalled those times of friendship—tennis, bridge, and dancing—enjoyed by their families. His son, Tazewell Shepard III, spoke also and provided insights that revealed the strong values and positive qualities of his father. The service, honored by the presence of a naval detachment, closed with the naval hymn.

Admiral Shepard through the quality of his life set an example of faith, family and patriotism. We extend our sympathy to his fine family and even in this time of loss celebrate his wonderful and productive life.

MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3190. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.J. Res. 80. Joint resolution making continuing appropriations for the Bureau of Indian Affairs, the Bureau of Indian Education, and the Indian Health Service for fiscal year 2014, and for other purposes.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 80. Joint resolution making continuing appropriations for the Bureau of Indian Affairs, the Bureau of Indian Education, and the Indian Health Service for fiscal year 2014, and for other purposes.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER (for himself and Mr. HATCH):

S. 1572. A bill to direct the Secretary of the Treasury to reimburse States that use State funds to operate National Parks during the Federal Government shutdown, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 338

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 653

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 666

At the request of Mr. BLUMENTHAL, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 666, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 749

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 749, a bill to amend the Internal Revenue Code of 1986 to permanently