

take aggressive measures to begin to bring our debt load down.

The President and the Democrats frequently demand more spending on things such as research and development—that is a good thing—or infrastructure—that is a good thing—yet they refuse to embrace the serious reforms necessary that enable us to do so. Here again, when the interest payments on the debt invariably go up, they will crowd out spending on other priorities, such as research and development, such as infrastructure, such as education, and others that should be among our national priorities.

The Congressional Budget Office projects that by 2038 total spending on everything other than major health care programs, Social Security, and net interest payments would decline to 7 percent of gross domestic product, and that is down from 11 percent, which is the average over the last 40 years. That is the crowding-out effect I was mentioning a moment ago. When we spend more and more money on these other programs, it crowds out spending on other things necessary to keep our economy growing and to keep people employed.

If we don't start reforming our biggest mandatory spending programs—again, that is Social Security and Medicare—in a responsible way, it will become much harder for the Federal Government to perform its most basic obligations and it will leave these young people and others—such as my daughters, who are in their early thirties—holding the bag, not only with the debt I mentioned a moment ago, but also with broken programs that are unsustainable, that will not be there for them when they turn 65 or when they get older.

It is a law of nature that you cannot keep spending money you don't have, and you can't keep racking up debt forever without any consequences. The only question is whether the reforms I am talking about will be gradual—will be phased in over time—or whether they will be sudden and abrupt and disruptive. If we start now in a responsible way, these reforms can be gradual.

Thank goodness, when Social Security was passed people didn't live to be 80 years old, on average, and they weren't as productive as they are today. That is a good thing. Modern medicine and nutrition have made it possible for us to live longer, on average, and to be much more productive. But we need to make sure we take into account, through Medicare and Social Security, the fact that people are living longer and are more productive. We need to make certain our programs are modernized to keep up with those facts and make sure they are available in the future, particularly among our most vulnerable citizens. If we wait until America is on the verge of a debt crisis, the reforms will have to be abrupt. In other words, when the bottom drops out, a lot of people are going to

be hurt, and it will be far more difficult to protect the most vulnerable among us from the harshest sort of cuts.

What I am suggesting makes sense. Wouldn't we prefer to be in control of a gradual reform of our mandatory spending programs that are phased in over years, in ways most Americans will not actually feel because it can be done gradually? To me, it makes sense to do that as opposed to watching the bottom drop out or just simply kicking the can down the road. You know, they say: If you kick the can down the road long enough, pretty soon you are going to run out of road.

Let me again quote from the Congressional Budget Office. They said:

At some point, investors will begin to doubt the government's willingness or ability to pay U.S. debt obligations, making it more difficult or more expensive for the government to borrow money. Moreover, even before that point is reached, the high and rising amount of debt that CBO projects under the extended baseline would have significant negative consequences for both the economy and the Federal budget.

Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Those negative consequences would include less private investment; more Federal spending on interest, which I have talked about briefly; less flexibility to address unexpected events, which you know always seems to occur—such as 9/11 or a natural disaster—and more risk of a full-blown debt crisis.

To the extent President Obama and our friends across the aisle acknowledge our long-term debt problem, their main solution seems to be always the same: Let's raise taxes some more. In fact, they are now trying to use tax reform, which we thought should be revenue neutral, as a vehicle for another \$1 trillion tax increase. We are told that is a condition of even talking about reforming our Tax Code, to make it flatter, simpler, and more growth oriented. That is after the President and his allies have already raised taxes by \$1.7 trillion. So there is never enough to feed the beast of the Federal Government here in Washington. It is insatiable.

Meanwhile, to the extent the President acknowledges the need for Medicare reform, his proposals always involve more price controls, primarily on the providers. Yet price controls have not solved Medicare's fundamental cost problems, and they won't solve it in the future. They say: We can save money on Medicare. We will just whack the payments we make to doctors and hospitals. I can tell you from talking to the hospitals and doctors in Texas—who would like to see Medicare patients but they can no longer afford to do so—that it is limiting access to health care by just dealing with Medicare on this basis of price controls and whacking payments to providers.

Amid the weakest economic recovery and the longest periods of high unem-

ployment since the Great Depression, the last thing we need is another massive tax increase that would discourage work, savings, and investment. We all know we cannot simply tax our way back into fiscal stability, and we cannot spend our way back into economic prosperity. If the President would merely accept those two realities, we might finally get the kind of long-term reforms and the real long-term spending cuts that might finally produce the economic recovery America is desperately waiting for and desperately needs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

ENERGY EFFICIENCY

Mr. TOOMEY. Mr. President, I rise this morning to address the energy efficiency bill we have been attempting to take up in this Chamber, and in particular an amendment I would like to offer to this bill.

I want to strongly urge my colleagues to please get on this bill. I really wish we would do some business here in the Senate. I think we are on our way to our second consecutive week where we have not had a single vote on a single legislative matter—at least not that I can remember—and we have important legislative issues to deal with. I happen to think this is one of them. There are many others. This is just not acceptable, that we go on and on without addressing the challenges we need to address for the sake of the people we represent—the American people.

I want to talk about one small particular but important aspect. I have an amendment I have filed—and I thank my cosponsors, Senators COBURN, FLAKE, RISCH, and AYOTTE for joining me in this effort—which is an effort to repeal the renewable fuel standard. I want to talk about why it is so important we do this.

First of all, the renewable fuel standard is an old law that is on the books. It is a Federal Government mandate that we burn a certain amount, a certain volume of ethanol in our gasoline.

We have gotten to the point where this year this mandate will require that over 40 percent of all the corn we grow in America be turned into ethanol and burned in the gasoline tanks of our automobiles. We are literally burning our food. That is what we are doing on a very large scale.

The way this law works is it requires increases every year in the amount of ethanol we are forced to burn through our gasoline tanks. This policy is harmful to our environment, it is unambiguously raising food prices, it makes it more expensive to fill up at the gas pump, and it is threatening good-paying jobs in Pennsylvania and other States. It is time for this to go.

What my amendment would do is completely repeal this renewable fuel standard, which is overdue. I know

there is broad support for peeling this back, and I hope there is a majority in this body who would support this amendment if we could only get onto it. So I do very much hope we will.

Let me explain how problematic this is. First of all, let's remember the history. The whole idea behind creating this renewable fuel standard—behind forcing people to take corn, convert it to ethanol, and burn it in their car engine—was that this was somehow going to be good for the environment. That was the idea at the time it passed. In fact, it is clear that this is bad for the environment. This is counterproductive from purely an environmental point of view.

The Environmental Working Group put out this statement:

The rapid expansion of corn ethanol production has increased greenhouse gas emissions, worsened air and water pollution, and driven up the price of food and feed.

This is the Environmental Working Group that came to that conclusion.

It is widely acknowledged that using corn ethanol instead of gasoline actually creates more carbon dioxide emissions—the greenhouse gas emissions about which many people are concerned. You have more of that when you burn ethanol than when you burn gasoline. In fact, the Clean Air Task Force estimates that carbon emissions from corn ethanol between 2015 and 2044, on the path we are on now, would exceed 1.4 billion tons. That is 300 million tons more than if the energy were supplied by gasoline instead. So it is counterproductive from a carbon emission point of view.

We have a chart here that quotes a conclusion from a study at Stanford University that indicates the harm that ethanol does directly to human health.

Vehicles running on ethanol will generate higher concentrations of ozone than those using gasoline, especially in the winter . . .

Finally, in 2011 the National Academy of Sciences stated:

Projected air quality effects from ethanol fuel would be more damaging to human health than those from gasoline use.

I understand there was a time when we didn't know this, when we had a different impression about the health and the air quality implications of using ethanol, but we don't have that excuse anymore. It is now clear that using ethanol instead of gasoline is net harmful to the environment and harmful to human health. That all by itself is a pretty good reason to reconsider this, but there are more reasons.

One is the fact that it is more expensive to produce ethanol than it is to produce gasoline. So not only is this harmful to our health, but it costs more to do it. The Wall Street Journal estimated that in 2014 the renewable fuel standard will increase the per-gallon cost of gasoline by anywhere from 10 to 25 cents. That adds up. That could be over \$300 a year on average for the average family. It is billions of dollars across our economy. That is a dead-

weight loss. No good comes out of that extra cost. It just reduces the standard of living of everybody who is forced to bear that cost.

In addition to increasing fuel prices, it increases food prices—which stands to reason. If you take 40 percent of all the corn produced in America and you burn it, there is that much less corn available for food. And corn is an incredibly basic and important source of food both directly and indirectly. This phenomenon alone—the diversion of corn for ethanol production—is deemed by many scholars who have looked at this as costing maybe as much as a full percentage point a year for the average family. That is on the order of over \$150 per year that we force people to pay in the form of higher food prices alone.

Another example is the indirect way in which higher corn prices filter into the rest of the economy. The fact is that feed grain is typically half the cost of raising livestock, and corn is the dominant feed grain in America. The USDA's Chief Economist stated that the renewable fuel standard increases corn prices between 30 and 40 percent. And it got so bad, it got so absurd that in 2012 there were farmers feeding their cattle candy because it was cheaper to buy candy than to buy corn. How absurd is it that the Federal Government policy is driving this kind of behavior? It makes no sense at all.

Another fact about ethanol is that it is harmful to motors. It is harmful to engines. The reciprocating piston engines we use in our vehicles—motorcycles, boat engines, and others—are designed to burn gasoline, they are not designed to burn ethanol. And the EPA has acknowledged that ethanol is harmful to these engines because ethanol is corrosive. The EPA acknowledged that "unlike other fuel components, ethanol is corrosive." It is that water mixture that does damage to engines. AAA has warned that raising the ethanol content in fuel further—which is what current law has in store for us—will damage 95 percent of the cars on the road today.

The last thing I would point out is that this policy threatens good-paying jobs. I visited a refinery in southeastern Pennsylvania, a refinery that employs hundreds of workers in good-paying jobs providing the gasoline we need to move our economy, to move our families, to get to and from work, and to do all the things we need to do in life. Their ability to be a viable, ongoing refinery is jeopardized, it is threatened by the renewable fuel standard.

I wish to read a letter from the AFL-CIO business manager, a gentleman named Pat Gillespie whose concern is the job security of the workers he represents. And this is a refinery that was shuttered and in danger of never reopening. It took an amazing effort by the stakeholders in this community to make this viable, and it is viable right now and it is employing hundreds of

workers in Delaware County. The point that he makes is this:

Our resurrected refinery in Trainer, Pennsylvania once again needs your intercession. The impact of the dramatic spike in the cost of the RIN credits from four cents to one dollar per gallon will cause a tremendous depression in our refinery's bottom line in 2013. Of course in the building trades we need them to have economic vitality to bring about the construction and maintenance projects that our members depend on, and the steel workers of course need the economic vitality so they can maintain and expand their jobs with the refinery. We need your assistance, your help with this matter.

I want to provide the help that they need, that Pennsylvanians need, that we all need from this ill-conceived policy that clearly has no place in the United States anymore. The help is in the form of this amendment. This amendment solves the problem. It repeals this ill-conceived standard completely. It would go away. I know there is bipartisan support for this amendment. I have several colleagues who cosponsored this amendment. This is our opportunity to pass this amendment.

To recap, this is bad policy on every possible front. The renewable fuel standard—forcing us to burn so much of our corn in the form of ethanol—is harmful to our environment. It is harmful to human health. It increases food prices. It increases fuel prices at the pump. It damages the engines on which we rely. It jeopardizes jobs. What more arguments do we need to bring an end to this misguided program? We know this. We have known this for some time. Now is the time to act.

So I urge my colleagues, let's get on the bill. Let's have amendments. Let's have lots of amendments. If we had spent the last week mowing down amendments instead of arguing about them, we would be done by now. We could have processed many dozens of amendments easily, and one of them could have been this one.

I don't think it is too late. We could still get on this bill. We could still do something that would be very sensible for our environment, for our economy, for consumers, for our health, and for the sake of our jobs. Let's repeal the renewable fuel standard. Let's do it by adopting my amendment, and let's do that by getting on this bill.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING
BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again to talk about the urgent need, as October 1 approaches, to vote on a “no Washington exemption from ObamaCare” amendment or bill. Again, this need isn’t of my creating. I wish it weren’t here, but it is because of an illegal rule issued by the Obama administration to completely reverse the clear language on the subject in ObamaCare.

I will back up and give a brief history.

During the ObamaCare debate, a proposal was made by many of us, led by Senator CHUCK GRASSLEY of Iowa. The proposal was simple: Every Member of Congress and all congressional staff should live under the most onerous provisions of ObamaCare. Specifically, we should have to get our health care from the exchanges where millions of Americans are going against their will, having lost in many cases the previous health care coverage from employers that they enjoyed.

So Senator GRASSLEY said that is what Washington should have to live with, and there was explicit, specific language put in ObamaCare to that point for Congress—that every Member of Congress and all congressional staff have to go to the exchange. The intent behind this was crystal clear. As the Senator said, “The more that Congress experiences the laws that pass, the better.” I agree with that. I agreed with it then, and I agree with it now.

Amazingly, that provision got in the final version of ObamaCare. Then I guess it was a classic example, if you will, of what NANCY PELOSI said: “We have to pass the law to figure out what is in it.”

It did pass. Folks around Capitol Hill did figure out what is in it with regard to that section and they said: Oh, you know what. We have to go to the exchanges. We don’t like that. That is going to create out-of-pocket expense. We don’t like that.

Immediately, furious lobbying started, continued for some time, and sure

enough, as a result President Obama personally intervened. He was personally involved, and his administration issued a rule on the subject right as Congress safely had left town for the August recess. That rule said two things, basically. No. 1, it said this official congressional staff—we don’t know who that is, so every Member of Congress will get to decide what staff, if any, under their employment, will have to go to the exchange.

That is ridiculous. I think that is ludicrous on its face. That is not what the statute says at all. It says “all official congressional staff” and every Member of Congress should not be able to decide differently, Member by Member, whether anyone at all on their staff has to go to the exchange.

But the second part of this illegal rule is even more interesting. It said whoever does go to the exchange, in terms of Members and staff, gets to take their very generous taxpayer-funded subsidy from the Federal employee health benefits plan with them.

The ObamaCare statute doesn’t say that at all and, in fact, a different part of the ObamaCare statute says exactly the opposite. It is about employees in general who go to the exchange. It says when an employee goes to the exchange he or she loses any previous employer-provided subsidy. That is section 1512. That is explicit in the ObamaCare statute.

This special rule for Washington is illegal, flatout illegal and contrary to the statute in my opinion. But it goes into effect October 1 and that is why my colleagues and I who support the “no Washington exemption” language had to take action, had to fight for a vote now. We need this debate and vote now, before October 1. That is what it is all about.

As I said, my distinguished colleague from Iowa who authored this language could not have been more clear: “The more that Congress experiences the laws it passes, the better.”

Also, employment lawyers who have looked at the statute agree with me that there is no big subsidy we should be able to take with us to the exchange. For instance, David Ermer, a lawyer who has represented insurers in the Federal employee program for 30 years, said, “I do not think Members of Congress and their staff can get funds for coverage in the exchanges under the existing law.” That was in the New York Times.

Many other employment lawyers have said the same because it is crystal clear from the statute. As National Review Online reported:

Most employment lawyers interpreted that to mean that the taxpayer-funded Federal health insurance subsidies dispensed to those on Congress’s payroll—which now range from \$5,000 to \$11,000 a year—would have to end.

Yes. That is the clear language and the clear legislative history of the statute. Yet we have all this hocus-pocus to do exactly the opposite, contrary to the law. As the Heritage Foundation said:

Obama’s action to benefit the political class is the latest example of this administration doing whatever it wants, regardless of whether it has the authority to do so.

The Office of Personnel Management overstepped its authority when it carried out the President’s request to exempt Congress from the requirements of the health care law. Changing law is the responsibility of the legislative branch, not the executive branch.

Also, the Heritage Foundation said:

Washington’s political class and allied big special interest lobbyists are responsible. And until this bad law is fully repealed, the President’s team and Congress should submit fully to its multiple and costly requirements, just like everyone else.

The National Review Online has echoed the same, and they are right:

Under behind-the-scenes pressure from members of Congress in both parties, President Obama used the quiet of the August recess to personally order the Office of Personnel Management, which supervises federal employment issues, to interpret the law so as to retain the generous congressional benefits.

The Wall Street Journal opined:

... If Republicans want to show that they “stand for something,” this is it. If they really are willing to do “whatever it takes” to oppose this law, there would be no more meaningful way to prove it.

This is why we are here at this moment and this is why it is so important and necessary to have this debate and this vote now. I am very happy that at least some of my colleagues have properly recognized that, and that includes the distinguished majority floor manager of this bill, and have agreed in principle to this vote. The distinguished majority leader Senator REID has agreed in principle to this vote. But it is interesting that at least in his case, although we have some agreement in principle, we have no vote and, frankly, I am not surprised. The proof of the pudding is in the eating. If you agree to a vote, then you have to have a vote. We need to have a vote. We need to have a vote by October 1 and I am going to keep fighting for a vote. That is basic fairness, to deal with this illegal rule. Again, the timing is here and now and that is not of my doing. I did not favor the illegal rule that makes the issue come before us. I did not favor the October 1 deadline. That should never have happened at all. But it is before us and that deadline is before us because of the illegal rule from the Obama administration. That is why we need a vote. We need a vote before October 1.

As I said, the distinguished majority leader says he will permit a vote. He says that in theory but it does not happen in practice. Again we wait and wait and wait and demand a vote. It does not have to be on this bill. I will continue to come back. I will file this amendment with regard to the CR. That is a perfect place to have this debate and vote or we can do it as a stand-alone bill. We can do that easily next week, before October 1. We can do it without disrupting any other floor