United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, TUESDAY, SEPTEMBER 24, 2013 No. 127—Part II

Senate

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2014—MOTION TO PROCEED—Continued

In the Senator's view, is it acceptable for the discussion of a government shutdown to threaten the nonmilitary priorities that are important to the American public?

Mr. CRUZ. I appreciate the question from the Senator from Virginia. I would note, I do not think we should shut anything down except ObamaCare. I think we should fund it all. Indeed, I have indicated a willingness—the Senator from Virginia knows well that I think we have a deep spending problem in this country and Congress has abdicated its responsibility and built a record debt.

It has gone from $10 trillion when the President was elected to now nearly $17 trillion—over a 60-percent increase. So if you ask me, do I like a continuing resolution that funds everything the Federal Government is doing without significant spending cuts, no. I would much rather have real spending cuts, roll up our sleeves and address the out-of-control spending and debt.

But I am perfectly willing to vote for a continuing resolution that maintains the status quo on everything, except for ObamaCare, because I view the gravity of ObamaCare, the threat of ObamaCare to hard-working American men and women so grave. As you know, in politics and in life you have got to pick your battles. We have to pick our battles one at a time.

So over time, I would prefer for us to work to have real spending cuts. But I do not think the avenue to doing that is that we should shut down the government. In my view, we should not shut down the government. The only way a government shutdown will happen—it may happen—is if majority leader HARRY REID and President Obama decide they want to shut down the government in order to force ObamaCare on the American people.

Mr. KAINE. So the Senator will not vote to continue government operations unless ObamaCare is defunded?

Mr. CRUZ. The Senator from Virginia is correct, and I have stated that I will not vote for a continuing resolution that funds ObamaCare. I believe this body should not vote for a continuing resolution that funds ObamaCare. Why? Because the facts show it is not working.

That is why the unions that used to support it are, one after the other, coming out against it.

Mr. KAINE. I want to switch and ask the Senator a question about ''MakeWashingtonListen.'' That is the second piece. If the Senator will let me get back into a little bit of campaigning activity, he and I were candidates at the same time in 2012, and I gather that he told his constituents that he was opposed to ObamaCare and that he would vote to repeal or defund it if he were elected to office. Is that correct?

Mr. CRUZ. That is most assuredly correct.

Mr. KAINE. I believe I am correct that the Senator won his election not by a small margin but by a large margin. Is that correct?

Mr. CRUZ. Thanks to the work of a whole lot of Texas men and women across the State who really worked their hearts out. Yes, we were privileged to win the primary by 14 points and to win the general election by 15 points.

Mr. KAINE. Would it be fair to say that part of the Senator's mission here is he told his voters what he would do. They knew what the Senator would do and chose him to do the job. One of the things the Senator is doing today on the floor with this effort is to basically live up to the promise that he made to them, and the mandate that they gave to him?

Mr. CRUZ. I would agree with all of that.

Mr. KAINE. Let me offer a hypothetical situation. Contemplate another State and another race between two candidates, where one candidate took the strong position that ObamaCare should be repealed and the other candidate took the strong position that ObamaCare should not be repealed. In that State, the candidate that won by a sizable margin was the candidate who said ObamaCare should not be repealed, having been plain about it with the voters, and the voters having heard the choices and made a choice. Does the Senator think it is also the case that a Senator in that hypothetical State should come to the body and do what he said he was going to do for his voters?

Mr. CRUZ. I appreciate the question from the Senator from Virginia. He raises a very good and a fair point. I think that point is particularly valid for those Senators—I would note that all three of the Senators in the Chamber right now were elected in 2012. I think the point that he raises is particularly valid for those of us who were ruining in 2012, when this was an issue before the voters.

Now, in the hypothetical given, which I am not sure is entirely hypothetical, what I do not know is the exact representation that candidate made to the voters in his or her State, the exact statements that candidate made. I absolutely agree that he should honor the commitments made to the people. I would also note that all of us have an obligation to take note of changed circumstances, to take note of new facts that come to light, and even honoring your commitments does not mean that you ignore changed circumstances.

To give an example, prior to World War II, there were quite a few Members of this body and in the House of Representatives who campaigned and said they would keep America out of the war. Following Pearl Harbor, it was a different circumstance. It was a changed circumstance. I think, quite reasonably, people change their views.

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

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Constituents change their views and representatives change their views based on changed circumstances. So I would submit—listen, the argument the Senator makes is a serious one. I would not encourage any Member of this body to disregard the commitments they made to their constituents.

But I would, at the same time, encourage every Member not just to keep in mind the promises made on the campaign trail but the ongoing views of their constituents, because as circumstances change all of us respond to changed circumstances including our constituents. So one must certainly respect the promises made, but at the same time in the 9 months we have been here, in the year since the 3 of us were active candidates, the situation on ObamaCare has changed.

Look, I very much was opposed to ObamaCare a year ago, 2 years ago, and 3 years ago. At the time it passed, I thought it was a bad idea. But a year ago, the unions did not oppose it. A year ago, the President had not granted exemptions for big corporations. A year ago, Members of Congress had not gone to the President and asked for an exemption and got it. A year ago, we had not seen companies all over this country forcing people into 29 hours a week. A year ago we had not seen one big corporation after another dropping their health insurance coverage, such as UPS telling 15,000 employees: Your spousal coverage is being dropped because of ObamaCare. Your husbands and wives have just lost their coverage. So I would submit that the circumstances have changed.

Mr. KAINE. The last thing I would ask the Senator is—the three Senators who are now in the Chamber are each from different States. We all ran in 2012. I do not know about the presiding officer's situation. I was in that hypothetical, as you understand, running against a candidate who promised to repeal ObamaCare. I promised to work on reform efforts but to reject any effort to repeal or defund ObamaCare. The voters of Virginia chose the candidate who was not for repeal of ObamaCare. I do not know if it was the same situation in Connecticut or not. I suspect it probably was. We each represent one State.

There was also a national election in 2012, between a candidate, a President, who said that the Affordable Care Act was the law of the land and I am willing to work on it and improve it, but I will fight against efforts to repeal it or defund it, and a candidate who pledged to repeal the Affordable Care Act.

An election result in a Presidential election is listening to America, I believe. I am a believer in this system. I am a believer in democracy and the power of Presidential elections and mandates. I think the result in that election between the candidate who promised to maintain the Affordable Care Act and work to improve it and the candidate who promised to repeal the Affordable Care Act was not particularly close. I think it was a 53 to 47 percent election among the large size of a national electorate, rejecting the repeal of the Affordable Care Act position.

Is that something that this body should at least consider or take into account as we wrestle with this question?

Mr. CRUZ. I appreciate the question from the Senator from Virginia as well. Look, there is no doubt President Obama was reelected. I wish he had not been. I obviously did not support his election, but the majority of the American people voted for him to be reelected. That is to his credit.

I would point out that I do not agree with one of the premises of the question proposed by the Senator from Virginia, which is namely that the national election was fought over ObamaCare. I think the national election—No. 1, President Obama is a spectacularly talented candidate, a far more talented candidate than the Republican candidate. I think Mitt Romney is a good and decent man, but not the political candidate that Barack Obama is.

But, No. 2, once we got to the general election, much to my great dismay, Republicans did not make the election about ObamaCare. In fact, if you contrast the elections in 2010 and 2012, in 2010 Republicans ran all over the country on let's stop ObamaCare. The result was a tidal wave election for Republicans in the House of Representatives and in the Senate. It resulted in new personnel in both places. It resulted in Republicans taking over the House of Representatives. It resulted in a significant number of new Republicans in this body.

In 2012, Republicans did not focus. Indeed, the general election did not make nearly as much of an issue about ObamaCare and how it was failing the American people as it should have. As a consequence, I think an awful lot of people stayed home. I will commend the Obama campaign. They did a fabulous job of mobilizing their supporters. They also did a very good job of focusing on a lot of issues other than ObamaCare. Indeed, I would suggest to the Senator from Virginia, that if the premise of his question were correct, then President Obama would have campaigned on: I passed ObamaCare. Vote for me and let's preserve ObamaCare. We would have seen TV ads saturating that this is the signature achievement. It was very interesting. That was not the campaign President Obama ran. There was almost a bipartisan agreement not to mention ObamaCare; unfortunately, Republicans did far too little of it. But it is not like the President ran a lot focusing on it either.

Mr. KAINE. I have a comment and a final question. I am not skilled at how campaigns are run, but I would challenge the Senator's assertion. I think virtually everyone in the country who voted in the Presidential election in 2012 knew that one candidate, the President, would fight to maintain the Affordable Care Act, and another pledged to repeal it.

How much they did it in ads and on TV I cannot count. I actually saw a lot of ads about the very subject in the battleground State of Virginia. But I think the voters knew exactly the position of the two candidates on this issue. While it was not the only issue in the campaign, it was an important one. They had that before them as they made the decision.

The last question I will ask is a little bit of a rhetorical one but it is a sincere one. I very much hope that regardless of the outcome of this debate over the next few days—and I strongly want the outcome of this debate to be that government continues and that we continue to provide the services that we need to provide, and that we save the debate about health care reform for another day. But I very much hope that the Senator introduces legislation about health care reform ideas and that the legislation not be wrapped up with the question of whether government should shut down or not but that it be stand-alone legislation, that it not be wrapped up with a question of whether we should default on our debts or not, but that it should be stand-alone legislation.

I have a feeling that there are many Democrats and Republicans that would love to work on reform ideas. In this body and in the House we have a somewhat limited bandwidth. We are trying to deal with a lot of different issues. Health care is a hugely important one.

Its connection to the economy is equally important, and I think there are a lot of Members here who would love to have a debate about reform.

But for the last 3-plus years the only debate has been about the repealing or defunding instead of about reform. That makes it a fairly simple vote for many of us. It makes it a simple vote for many of us who feel as though the will of this body has been expressed, that the Supreme Court has rendered an opinion about the Affordable Care Act, that the American public rendered an opinion about two positions in a Presidential election in 2012.

A defunding repeal strategy, which has been now done four dozen times by the House, is actually a pretty simple thing to move aside based on the foregoing, but if we set aside those efforts and try to take up the kinds of concrete reform ideas the Senator talked about earlier, I actually think there might be a number of things that we could all do together to improve the situation, but we don't need to do it while we are talking about the shutdown of the government or defaulting on America's bills for the first time in our history.

Thank you. I yield the floor, and I yield back.

Mr. CRUZ. I appreciate the question from the Senator from Virginia. Let me say I appreciate the good faith and seriousness with which he approaches

this issue and the other issues before this body. One notable thing: Of the three Senators who are on the floor right now, all of us are freshmen. One of the things I appreciate about this freshman class, as all of us came to Washington before we were sworn in as Senators, we had a weeklong orientation process. We went and had dinners with our spouses, and we got to know each other as human beings. That is something that doesn't happen very often in Washington anymore. It used to happen in a bygone era, but it doesn't happen much anymore.

One of the interesting consequences that not many people have commented about—but it is something I find quite significant—is in the freshman class there were far more Democrats than Republicans, but to the best of my knowledge, no freshman has spoken ill of another freshman. I am not aware of it if it has happened. I think part of the reason for that was spending that time together, getting to know each other as people.

The Senator from Virginia and I disagree on a number of issues. Yet I hope and believe that we each understand that the other is operating in good faith based on principles he believes are correct. That is a foundation for actually solving problems and moving forward in this country.

One of the unfortunate consequences as you see both sides of this Chamber pommel each other is that many of us don't even know each other. One of the interesting dynamics, from my perspective, is that many of the senior Democrats frequently choose to say some fairly strident things directed at me. Many of them I don't really know. I haven't had the opportunity to get to know them, and I have had conversations with freshman Democrats asking the senior Republicans: Do you know them? The answer I have been told is, not really. We sit on committees, but most of us are on four or five committees. We are running from one hearing to another. You often run into a hearing, you ask a few questions, you run out, and you are off to the next meeting. You are meeting with your constituents, you are doing this and doing that. You don't have an opportunity to get to know each other. I am hopeful that the good will we have seen among the freshmen can spill over more broadly.

I wish to say also, on the point the Senator from Virginia made about reasonable and productive amendments to improve the system, look, it is very difficult to have the sorts of reforms I have talked about with ObamaCare in place because ObamaCare has so dominated the health care market. It has made government the chief mover and operator. You can't have positive free market reforms with ObamaCare there. The approach I am advocating doesn't work as long as ObamaCare makes the government the chief mover and operator. That is much the same in situations and nations that have adopted single-payer socialized health.

I would note that the Senator from Virginia expressed an interest in positive reforms to address some of the most egregious aspects of health care. I would encourage the Senator from Virginia to direct those comments to the majority leader of this body because the majority leader of this body has decided on this vote, that we will have one amendment and one amendment only, as far as I understand. That amendment will be funding ObamaCare in its entirety. The majority leader has decided we are not going to have amendments on the sorts of things the Senator from Virginia suggested, ways to improve the system.

If, for example, the majority leader does not want an amendment, apparently, on addressing the medical devices tax—a large majority of Senators in this body voted during the Budget proceeding against the medical devices tax because we understand it is killing jobs, destroying innovation, and it is one of the most punitive, destructive aspects of this bill. Yet the majority leader, as I understand it, said we are not going to have a vote on that. Why? Because that would actually affirmatively help fix things, and so we are not going to do that. I am putting words into the why, but that is the only reason I can think of.

Another example is Senator VITTER's amendment to repeal the congressional exemption. I understand many Members of Congress don't want to be in the exchanges, don't want to lose their subsidy, don't want to have the same rules apply to them that apply to millions of Americans. I understand that personally, but I think it is utterly indefensible for Members of Congress to be treated better than the American people. I think we ought to have a vote on the Vitter amendment.

I have stated before that I think it ought to be expanded so that every Member of Congress, all the congressional staff, the President, the political appointees, and every Federal employee should be subject to ObamaCare. They shouldn't be exempted. There shouldn't be a gilded class in Washington that operates on different rules than those of the American people. That would be a positive reform indeed. Indeed, I would suggest it would be a populist reform. Yet the majority leader has said: No, we can't vote on that. I am going to assume part of the reason is because having a debate on that, on the merits—the position that Congress should have a privileged position is indefensible.

Another example: The House of Representatives has voted to delay the individual mandate. They have said: Listen, if you are going to delay the employer's mandate for big businesses, why treat big businesses better than individuals and hard-working American families? Let's delay them both. If you are going to delay one, delay them both.

That passed the majority of the House—and, indeed, a considerable number of Democrats. I don't have the number in front of me, but a considerable number of Democrats in the House voted for that. The majority leader of the Senate has said: No, we are not going to vote on that.

Yet another instance: We have all been astonished and dismayed by the abuse that has occurred in the IRS that has been made public and has been admitted to. Quite a number of Members of this body would like to see the IRS removed from enforcing ObamaCare.

That is a position a large majority of Americans support. The majority leader of this body, as I understand it, has said: No, we can't vote on that. We are not going to have that positive reform. We are not going to have a vote. We are only going to vote to fund it all.

There are a great many amendments we could make that would make this situation better. It is only because the majority leader has decided to shut down the Senate to not make this process worse, but we are not having those amendments.

I thank the Senator from Virginia. I would urge him to make those arguments to the leader of his party and this institution so that we can have full and open debate and vote on these amendments because this isn't working. It is fundamentally not working. We need to respond to the American people. We need to listen to the American people, and we need to fix it.

At this point I wish to return to reading some more tweets. As the night goes on, I hope to read even more tweets. I would encourage anyone who would like to see—the folks in the gallery who just waved, I am not sure if they have their electronics. If you do tweet, it may end up here and I may have the chance to read it, the ''MakeDCListen.''

Make D.C. listen because ''We the People'' are on to you and will not stand for tyranny. Hoorah.

I like that.

Defund ObamaCare because if I can't get a job now, what hope will I have later. Make D.C. listen.

Make D.C. listen because it makes entry-level jobs disappear for young Americans.

Make D.C. listen because I want to keep my own doctor. Defund ObamaCare because we don't want government-run health care. Make D.C. listen.

ObamaCare is a job killer. We can't afford it. Make D.C. listen.

Make D.C. listen. If it is bad for Congress, they have no right to force it on their constituents. Vote to defund it.

I want my 40 hours. Make D.C. listen.

Start listening to the people instead of who is lining your pockets. We are the ones who vote. Make D.C. listen.

Here is a tweet from Greg Abbott, my former boss, the attorney general of Texas, who is running for Governor of Texas, and a very good man.

ObamaCare is destructive to our economy, to jobs, to liberty, and to health care access. Make D.C. listen.

Thanks, boss. I appreciate it, and I agree.

Make D.C. listen by committing to always cast your vote for those who do listen and act accordingly.

Make D.C. listen because government is too large already.

ObamaCare violates our rights. We cannot, as America, allow this ''solution'' to continue. Make D.C. listen.

Small business owners. If ObamaCare is implemented, I will be forced to drop my group insurance for my employees. Make D.C. listen.

When can the citizens expect our way. If everyone else is getting them, shouldn't we make D.C. listen?

That is a great point. Why is it that President Obama treats giant corporations and Members of Congress better than hard-working Americans? I think it is indefensible. Yet this body right now, unless we act differently, is going to allow that status quo to continue.

The same Senators should live by the same rules as the American people and should not be controversial. It should be obvious. Make D.C. listen.

That is exactly right.

Congress has exempted itself and staffers from the monstrous law for an obvious reason. Don't we deserve the same? Make D.C. listen.

Make D.C. listen. Make Americans finally see what is in the bill, and we hate it.

Thank you for standing up to the status quo in D.C.

Senate phone lines are jammed. Start using facts, social media. Go to . . .

And it lists a private Web site for a list of Twitter accounts.

Make D.C. listen.

I think that point, by the way, is really quite potent, that as effective as the phones are—I think the phones are very effective—there is e-mail, Facebook, Twitter. There are an awful lot of ways for the American people to speak up and make DC listen.

Today the Cleveland Clinic saved my dad's life. The U.S. Senate saved their jobs. Make D.C. listen.

That is powerful.

How can any American support a law that punishes success. That is unAmerican. Defund ObamaCare now. Make D.C. listen.

Defund ObamaCare because it is a tax that was never read until it was passed. ''We the People'' demand representation. Make D.C. listen.

Defund ObamaCare because it will ruin our generation and will destroy America and the American Dream. Make D.C. listen.

ObamaCare is destructive to our country. Defund ObamaCare. Stand up for our freedom. Make D.C. listen.

If ObamaCare is so great, why is everyone not going to have it? Make D.C. listen.

The Congress, the President, and Federal workers have forgotten they work for us and should have to obey the same laws and rules we do. Make D.C. listen.

Make D.C. listen. My children cannot get full-time jobs because of ObamaCare. Can't wait to see how much my premiums will go up during open enrollment. Defund ObamaCare because it is not good enough for Congress. Make D.C. listen.

The American people are screaming to STOP OBAMACARE. Make DC listen. Leave us alone.

At this point I want to talk about the topic of rate shock. We all remember some 3½ years ago when President Obama told the American people that by the end of his first term the average American family's health insurance premiums would drop by $2,500. The end of his first term, as we know, was last year, and that hasn't happened. That has not been the effect.

What has happened instead? According to a Kaiser Family Foundation report in 2012, the average cost of premiums for family coverage has risen by more than $3,000 since 2008. Now, $3,000 compared to $2,500 is a $5,500 swing. That is a big swing. That is a big impact for any hard-working American family.

But you know who is impacted the most? Those who are struggling the most. Single moms, working one or two jobs trying to feed their kids, trying to put food on the table. You know, $5,500 a year is a real difference. The consistent pattern is that the people who are the biggest losers under ObamaCare are the most vulnerable among us—they are young people, African Americans, Hispanics, single moms. They are the ones not able to get jobs, they are the ones being laid off from their jobs, they are the ones being forcibly put into part-time work at 29 hours a week, they are the ones facing skyrocketing health insurance premiums, and they are the ones losing their health insurance.

The actuarial firm of Oliver Wyman estimates premiums in the individual market will increase an average of 40 percent. The Society of Actuaries estimates an average premium increase of 32 percent in the individual markets.

The Obama administration unilaterally delayed a provision of the law that limits out-of-pocket payments—e.g., deductibles, copayments—to $6,350 per individual or $12,700 per family.

According to Avik Roy, a senior fellow at the Manhattan Institute and writer for Forbes.com:

If you compare the cheapest plan on healthcare.gov to the cheapest ''bronze plan'' on the new Covered California insurance exchange, premiums for healthy 25 year olds will increase by 147 percent, a median of $183 on the exchange versus $74 today; and premiums for healthy 40 year olds will increase by 149 percent, a median of $234 on the exchange versus $94 today. And because California bars insurers from charging different rates based on gender—and so do Colorado, Maine, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon and Washington—the war on young people's premiums will fare just as poorly for women in California and many other States. Despite ObamaCare subsidies, many Americans will still be paying higher premiums in 2014 as a result of ObamaCare.

Even with the government subsidy they are going to be paying higher premiums.

For example, Americans earning as little as $25,000 will still pay more, even including subsidies.

The Ohio Department of Insurance—we talked about this earlier, how every 4 years both parties focus rather intensely on Ohio. When it is a Presidential year, when it is a swing State, suddenly Ohio is the center of the universe. We get to 2013, a nonpresidential year, and Ohio seems to command an awful lot less attention in this body. But what is happening in Ohio? Well, the Ohio Department of Insurance announced ObamaCare will increase individual market health premiums by 88 percent. That is not a mild increase. That is not a percent or two. Eighty-eight percent is a big deal for a family struggling to pay their bills.

In California, ObamaCare is estimated to have increased individual health insurance premiums by anywhere from 64 percent to 146 percent.

In Florida, Florida's insurance commissioner Kevin McCarty told the Palm Beach Post that insurance rates will rise by 5 to 20 percent in the small group market and by 30 to 40 percent in the individual market.

If the men and women in America can easily afford to pay an extra 30, 40 percent or, in the case of California an extra 146 percent on health insurance, then we don't have anything to be worried about. But when I travel home that is not what the men and women of America tell me. That is not what Texans say. Texans say they are working hard to make ends meet; that their life has gotten harder because of ObamaCare.

A constituent in Vidalia, TX, wrote on September 19, 2013:

I decided to do some research on ObamaCare insurance for me and my husband since neither of us have any insurance. I used the calculator to calculate how much ''affordable insurance'' would cost us. I had really hoped this might be our chance to get insurance. To my SHOCK it would cost us $16,026, and this was for the silver plan, which only pays 70 percent. My husband is disabled and receives Social Security benefits, but they say he cannot get Medicaid for 2 years after he was approved. He has another year before he qualifies. He is 62 and I am 56, and we have been without insurance since he lost his job 4 years ago. There is no possible way to pay $16,026 from our take-home pay, plus have to pay an additional 30 percent cost on any health costs we may incur. This is not affordable health care. The crime of it all is that if my husband and I do not enroll we will be fined. This is crazy. Please stop this madness.

I will pass on some more words from Texans. Today we received welcome news of support from several of our friends in the Texas legislature who are backing our effort to fund the government and to defund ObamaCare. The Texas Conservative Coalition—67 members of the Texas legislature—released a letter which I would like to read. It begins:

Dear Senators Cornyn and Cruz and Texas Members of the House of Representatives: Representing the State of Texas, with its 26 million people, we write at this most urgent hour for you to do all you can to defund ObamaCare and fund the Federal Government.

We have done all that we can to help stop ObamaCare from harming Texans. No. 1, we refused to create the ObamaCare health exchanges and No. 2 we have refused to expand the Medicaid Program under the false pretense of taking Federal money now while burdening taxpayers with millions of dollars in new costs later.

But some of the most pernicious parts of ObamaCare can only be stopped at the Federal level. Only you can stop the Federal

Government from enforcing the individual mandates. Only you can stop the government from creating a new budget-busting entitlement that will drive up the cost of insurance around the country. Only you can stop Federal bureaucrats from drafting and imposing thousands of pages of redtape. And only you can stop the Federal Government from destroying the quality of our health care system.

Therefore, we applaud the action of the United States House of Representatives on Friday, September 20, 2013, to pass a bill that defunds ObamaCare and funds the Federal Government. Next, it is up to Senators Cornyn and Cruz to hold the line and make sure Democratic Senate majority leader HARRY REID does not use procedural tricks to strip the defunding language from the House bill.

I would note—and this is not in the letter, this is me speaking—this is exactly the debate we are in the middle of right now. The vote on Friday or Saturday on cloture is going to be the critical vote in this battle in the Senate. If Republicans stand together, we can prevent HARRY REID from shutting off debate, we can prevent HARRY REID from funding ObamaCare using 51 Democratic votes on a straight party-line vote. But that is only if Republicans stand together. If Republicans, instead, choose to vote for HARRY REID, choose to vote for giving the Democrats the ability to fund ObamaCare, then that too will be our responsibility. And it will be incumbent upon each of us to explain to our constituents why we voted to allow Harry Reid and the Democrats to fund ObamaCare despite the fact it is destroying jobs and hurting millions of Americans.

Returning to the letter:

We know Republican Senators will need continued support from the Republican-led House to prevent Democrats from funding ObamaCare. Together, we can prevail. Remember the spirit of so many Texans who have fought much worse odds in the past. Stay strong, stay resolute, and do not give in.

I am thankful my home State of Texas has such principled conservatives among its elected officials to have fought hard to resist ObamaCare, and I am very grateful for their support and their encouragement. Their leadership is the reason Texas has one of the strongest economies in the Nation and is one of the fastest growing States in the Nation. Texas is proof that conservative principles put in practice actually work and provide opportunity for the most vulnerable among us.

There is a reason why so many people from all across this country are moving to Texas, and it is because Texas is where the jobs are. If you look across this country, ObamaCare is killing jobs all over this Nation.

I want to look now at the impact to my home State of Texas. ObamaCare will devastate jobs, growth, and the economy. It hasn't even been fully implemented and yet it is already hurting Americans, even those in conservative States that have worked hard to resist the influence of ObamaCare.

According to the Advisory Board's Daily Briefing, 15 Governors are opposing Medicaid expansion. I applaud those conservative leaders—Governor Haley in South Carolina, Governor Walker in Michigan, Governor Jindal in Louisiana, Governor Bentley in Alabama, Governor Brownback in Kansas, and many others—but particularly Governor Perry in my home State of Texas. Texas leaders in the House and Senate elected statewide have stood united to resist the influence of ObamaCare in our State. But the tragedy is, even with their efforts, Texans still aren't exempt from its negative impact.

Governor Perry in March of 2012 said:

ObamaCare will cost the State of Texas at least $27 billion over the next 10 years.

Senator Jane Nelson, Texas Senator and chair of the Senate House of Health and Human Services, said in September 2012:

ObamaCare is the wrong approach to our health care challenges. It does more harm than good. It will hurt our economy, eliminate jobs, balloon the State budget, and perhaps most importantly stretch to the limit our already overburdened health care system.

Senator Nelson also observed:

Texas is a large, geographically diverse border State with challenges that are unique from other States. The one-size-fits-all approach of ObamaCare is wrong for Texas. If given the opportunity, we can design an efficient system that better meets the needs of our citizens.

In March of 2012 Senator Nelson observed:

ObamaCare creates more problems than it solves, ballooning the deficit, overwhelming our health system, and burdening employers at a time when they are just struggling to survive.

In March of 2010 Senator Nelson observed:

In Texas, I am deeply concerned about the devastating impacts Federal health care reforms will have on our State budget. The Health and Human Services Commission estimates it will cost up to $24 billion over a 10-year period. Considering our projected budget shortfalls for the upcoming legislative session will be somewhere between $9 billion and $16 billion, it is clear that our Health and Human Services budget—which accounts for a third of the total spending already—will continue to consume precious resources that would otherwise be available for our schools, our highways, and other important services. I am concerned that the Federal Government's plan will jeopardize our efforts on the State level. One size does not fit all, especially in Texas. Our State government spreads more health care dollars across more terrain than any other State. We have challenges along the border in our remote rural areas and in our inner cities that are unique to our State and our costs will be disproportionately high.

One could perhaps listen to those who say: Those are conservative Republicans. We expect conservative Republicans to oppose ObamaCare. But how about others? How about those who are not conservative Republicans? On April 24, 2013, the United Union of Roofers published a press release opposing ObamaCare because it jeopardizes their existing health plans. Their press release read: Roofers union seeks repeal-reform of Affordable Care Act. Cites loss of benefits to members, harm to industry and multiemployer health plans.

Washington, DC. The United Union of Roofers, Waterproofers, and Allied Workers International President Kinsey M. Robinson issued the following statement on April 16, 2013, calling for a repeal or complete reform of the President's Affordable Care Act.

This is not the union calling for a slight adjustment. This is the union calling for repeal: Repeal the law outright.

Our union and its members have supported President Obama and his administration for both of his terms in office.

So these are President Obama's supporters. These are the labor unions.

But regrettably, our concerns over certain provisions in the ACA have not been addressed, or in some instances totally ignored. In the rush to achieve its passage, many of the act's provisions were not fully conceived, resulting in unintended consequences that are inconsistent with the promise that those who were satisfied with their employer-sponsored coverage could keep it. These provisions jeopardize our multi-employer health plans and have the potential to cause a loss of work for our members, create an unfair bidding advantage for those contractors who do not provide health coverage to their workers, and in the worst case may cause our members and their families to lose the benefits they currently enjoy as participants in multi-employer health benefits.

For decades, our multi-employer health and welfare plans have provided the necessary medical coverage for our members and their families to protect them in times of illness and medical needs. This collaboration between labor and management has been a model of success that should be emulated rather than ignored. I refuse to remain silent or idly watch as the ACA destroys those protections.

Let me read that sentence again, because that is coming from the leader of a labor union that has supported President Obama in two elections:

I refuse to remain silent or idly watch as the ACA destroys those protections. I therefore call for repeal or complete reform of the Affordable Care Act to protect our employers, our industry, and our most important asset, our members and their families.

Let me ask right now. Do Members of the Senate have concern for hard-working union members? Do Members of the Senate have concern for the families of hard-working union members who are saying in writing, We supported the President, but this law isn't working?

If Members of the Senate were listening to the people, this letter would get our attention. If Members of the Senate were listening to the people, Democratic Senators and Republican Senators would stand up and say, This thing isn't working.

The IRS employees union doesn't want to be subject to ObamaCare. The union representing IRS workers, tasked with enforcing ObamaCare, vocally opposes participating in the law's exchanges. IRS union leaders provided their members with a form letter expressing concern with legislation to ''push Federal employees out of the

Federal Employee Health Benefits Program and into the insurance exchanges established under the Affordable Care Act.''

Now I want to focus on exactly what happened here. The IRS employees' union sent letters to their members, form letters, drafted to you and me, drafted to Members of this Senate, where the IRS employees union asked the IRS employees: Write a letter to your Senators, write a letter to your congressmen saying, Exempt us from ObamaCare. Apparently, the IRS employees union believes Congress will listen to them.

How about the American people? These are the men and women in charge of enforcing ObamaCare. These are the men and women the statute gives the responsibility to go to every hard-working American and say, We are going to force you to participate in ObamaCare. They don't want to be in it. I would suggest that is not an accident. They know exactly what they don't want to be a part of, and the fact that they have sent those letters ought to be a warning call that sounds from the high heavens.

And yet another example—and this is an example I have made multiple references to tonight—is a letter from the Teamsters. I would note that neither Leader REID nor Leader PELOSI on the House side are on the floor. Neither are listening or participating in this debate.

Dear Leader Reid and Leader Pelosi. When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you and the Obama administration enact an equitable fix, the ACA will shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

Like millions of other Americans, our members are the frontline workers in the American economy. We have been strong supporters of the notion that all Americans should have access to quality, affordable health care. We have also been strong supporters of you.

This is directed to majority leader HARRY REID and minority leader NANCY PELOSI.

In campaign after campaign we have put boots on the ground, gone door to door to get out the vote, run phone banks, and raised money to secure this vision. Now this vision has come back to haunt us.

Let me read that again. This is the president of the Teamsters describing the political efforts that members of the Teamsters all over this country have done to elect Democrats to the Senate and the House. In his words, he said, because of ObamaCare and their vision of supporting Democrats politically, ''Now this vision has come back to haunt us.'' If that doesn't get the attention of the men and women in this body, I don't know what does.

The letter continues:

Since the ACA was enacted we have been bringing our deep concerns to the administration seeking reasonable regulatory interpretations of the statute and to help prevent the destruction of nonprofit health plans. As you both know firsthand, our persuasive arguments have been disregarded and met with a stone wall by the White House and the pertinent agencies.

The average American does not have the political sway that a major labor union like the Teamsters has. The average American especially does not have the political sway that a major labor union has with this President—a Democratic President—with a Democratic majority in the Senate. And yet the head of the Teamsters says that:

. . . their persuasive arguments have been disregarded and they have been met with a stone wall by the White House and the pertinent agencies.

If a powerful labor union with friends in high office in Washington is met with a stone wall, what is the average American met with? Do you think the reception is more welcoming to the average American? Perhaps the average American doesn't even get to see that stone wall to be rejected, doesn't even have the forum to raise those arguments to have them disregard and rejected.

The letter continues:

This is especially stinging, because other stakeholders have repeatedly received successful interpretations for their respective grievances. Most disconcerting of course is last week's huge accommodation for the employer community, extending the statutorily mandated December 31, 2013 deadline for the employer-mandated penalties. Time is running out. Congress wrote this law. We voted for you. We have a problem. You need to fix it. The unintended consequences of the ACA are severe. Perverse incentives are already creating nightmare scenarios.

''Nightmare.'' That is the word the Teamsters used. ''Nightmare.'' Some Democratic Senators object to the use of the word ''train wreck.'' Perhaps ''nightmare'' would be better. That comes from the Teamsters in writing, describing what ObamaCare is doing.

Nightmare is fitting. It is past midnight. Why are we here? Because the American people are experiencing the nightmare that is ObamaCare and we need to help them wake up from this very bad dream.

The Teamsters letter continues:

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is twofold. Fewer hours means less pay while also losing our current health benefits.

How does that sound? The majority leader told the American people on television that ObamaCare is terrific. Fewer hours meaning less pay and losing your current health benefits, that doesn't sound terrific to me. That doesn't sound terrific to the millions of Teamsters, the millions of union workers, the millions of hard-working Americans who are experiencing the negative consequences of ObamaCare.

The letter continues:

Second, millions of Americans are covered by nonprofit health insurance plans like the one in which most of our members participate. These nonprofit plans are governed jointly by unions and companies under the Taft-Hartley Act. Our health plans have been built over decades by working men and women. Under the ACA, as interpreted by this administration, our employees will be treated differently and not eligible for subsidies afforded other citizens. As such, many employees will be relegated to second-class status and shut out of the help offered to buy for-profit insurance plans. Finally, even though nonprofit plans like ours won't receive the same subsidies as for-profit plans, they will be taxed to pay for those subsidies. Taken together, these restrictions will make nonprofit plans like ours unsustainable and will undermine the health care market as viable alternatives to the big health insurance companies.

On behalf of the millions of working men and women we represent—

I would note, he didn't say on behalf of the hundreds or on behalf of the thousands. He said:

On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and well-being of our members, along with millions of other hard-working Americans.

I want to remember that phrase, ''We can no longer stand silent.'' I am going to return to it in a moment.

We believe that there are commonsense corrections that can be made within the existing statute that will allow our members to continue to keep their current health benefits and plans, just as you and the President pledged. Unless changes are made, however, that promise is hollow. We continue to stand behind real health care reform, but the law as it stands will hurt millions of Americans, including the members of our respective unions. We are looking to you to make sure these changes are made.

James P. Hoffa, General President, International Brotherhood of Teamsters.

I don't have to remind anyone that the Teamsters and Mr. Hoffa are not loyal Republicans. They are not even disloyal Republicans. They have been active foot soldiers in the army to elect President Obama and to elect Democrats to this body.

This letter describes ObamaCare as a nightmare. This letter describes how it is hurting millions of Americans, including the members of their respective unions. And interestingly enough, this letter uses the same phrase, ''We can no longer stand silent,'' that the roofers union used. ''We won't stand silent, either.''

Why is it that both of these unions used that same phrase? Everyone in this body understands politics, understands sticking with your team, dancing with the team that brought you. No union is eager to criticize President Obama. They have too much invested in this administration. And there is a lot of pressure—a lot of pressure—on the labor unions. I can't imagine what the repercussions were to Mr. Hoffa and to the Teamsters after this letter was sent. I am quite certain it did not produce joy and celebration in the political classes of Washington.

I think it is quite striking, though, that both the roofers union and the

Teamsters said we can no longer stand silent, because the pressure is enormous.

Let me tell you about another group that is right now standing silent that I hope can no longer stand silent and that consists of elected Democrats in this body. Elected Democrats in this body—these union men and women knocked on doors, worked to elect many Members of this body. If their union leaders cannot stand silent, I hope the politicians who pledged to fight for them won't stand silent either.

What a remarkable thing it would be to see a Democrat to have the courage of James Hoffa, to see a Democratic Senator stand and have the courage to say: You know, look, I supported ObamaCare. That is what Mr. Hoffa said. I supported it at first because I believed the promise that was made. I thought this thing might work, but we have seen it has not. It is a nightmare. It is hurting hard-working American families. Any Democrat who did so would be certain to receive serious repercussions from the party. Political parties do not like it when you rock the boat. I can promise you Senator LEE and I have more than a passing awareness of that in our respective party. But at the end of the day, if you are responding to the American people, if you are listening to the American people, you are doing their job. I hope in the course of this week that of the 54 Democrats in this body, we will see one, two, three—I hope we see a dozen who have the courage Mr. Hoffa showed, have the courage to speak out about the train wreck, about the nightmare that is ObamaCare, that is hurting Americans, that is killing jobs, that is pushing people into part-time work, that is driving up health care premiums and is causing more and more people to lose their health insurance. That is the courage we need.

But you know what. It will not come from business as usual in Washington. It will not come from wanting to be popular in the conference lunches. It will only come from elected officials making the decision, the radical decision to get back to the job we are supposed to do in listening to the people. Make DC listen. That is what we should be doing.

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

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. LEE. As I listened to the Senator's remarks, I am reminded of many events throughout our Nation's history. It is a storied history involving a lot of comebacks. There were a lot of instances in which the American people were up against a brick wall of sorts, in which a small group of Americans, often not just a minority but sometimes a minority within a minority, faced a substantial obstacle.

The founding of our Republic, at the moment of our independence, involved a battle against what was then the world's greatest superpower. Even within our own continent we did not have unanimous support. Even among our own people, at times it was a minority within an a minority who believed that the cause of independence was worthwhile, that it was worthy of the great effort that declaring independence and fighting a war for it would inevitably require.

Yet we persevered, we rallied together as a people, believing fundamentally that our cause was just. And it worked. We followed that formula many times when it has mattered and we have not backed away from fights when those fights were necessary. This may be one of those moments where even though those who are willing to fight against this law, those who are willing to take this effort are not in the majority, are in the minority—in this case in a sense we are a minority within the minority—it is still worth fighting.

I commend my colleague, the junior Senator from Texas, for his dedication, his commitment, his leadership on this issue. Senator CRUZ has never shrunk from this. He has been willing to fight hard for it. He has been willing to speak his mind even at moments when it was difficult, even at moments when many were suggesting it could not be done or should not be done. It reminds me of other examples we have seen over the years, of Senators who were willing to speak at great length.

I see our pages who are here tonight, pages who serve us well and who are willing to stay late at night, working hard. I am reminded that 27 years ago I was a page much like these who are serving us here today. I remember a young Senator then in his first term. His name was HARRY REID. I remember watching him speak at great length for 10, 12—I don't know, maybe 13 hours at a time. I am not certain what the issue was at the time, but I know it was important to him. I know it was an issue on which he was somewhat outnumbered. I know that I saw his colleagues approaching him. Some of them were quite critical of the effort in which he was engaged. Yet he stood by his message, he did not shrink from it, because he had an inner commitment to the people he represented and I respected that about him. I could tell he had that kind of tenacity.

I watched, as I was a Republican page at the time—I watched my Democratic page colleagues as they brought him a lot of water, hoping perhaps that eventually he would drink enough water that he would decide it was no longer in his best interests to continue speaking on the floor. Yet somehow he managed to stay speaking for, I don't know, 10, 12, 13, 14 hours at a time, and I have a great deal of respect for what he did at that moment. I hope there is some aspect of Senator REID that is able to sympathize with what Senator CRUZ is going through, that is able to respect the great level of commitment it takes to stand here, hour after hour, and engage in this discussion, a discussion that is important for the American people to have.

We all continue to hear from our constituents about some of the things ObamaCare might do, some of the things ObamaCare might do to the people rather than for them. I received this one from James in Utah. James writes:

> Sir, as a retired U.S. Marine Corps gunny, I would like to express my view and ask that you vote to defund ObamaCare. I am part of the security team here at—

And I have deleted the name of his employer.

> —and our new contract has a massive increase in the cost for health coverage. I fought for the people of this country. Now I ask the same from you. Please help us.
> Gunnery Sergeant Charlie Jones, U.S. Marine Corps, retired.

From Utah.

Then I hear comments such as this from constituent after constituent, from people who will write in from throughout my State and from throughout the country. Steven from Minnesota writes:

> Dear Senator LEE. Please do all you can to stop the implementation of ObamaCare. My work insurance went up 8.1 percent in January in anticipation of ObamaCare. I make about $40,000 a year. We do not have any extra money after bills. I would like to see health care available to everyone. We've gone without health care insurance at times but I believe that ObamaCare is not the solution and will result in poorer quality health care overall, and hurt our economy.
>
> Thank you for considering a Minnesota resident's concerns.

Steven, I am happy to consider your concerns and I am happy to share those with my constituents. This next one comes from Kevin from Massachusetts.

> Dear Senator. I strongly urge you to approve and vote yes on the House resolution bill passed by the House and is now before the Senate that fully funds the Government and protects the full credit of the United States but defunds the Affordable Care Act as provided for in the bill and continuing resolution sponsored by Congressman GRAVES. It is unfair to exempt everyone with political connections from ObamaCare and not to exempt the rest of us. You must understand that ObamaCare is undermining American workers and selling out hard for union benefits. It is not fair for businesses to reduce workers' hours to survive. It is time to defund the Affordable Care Act until such time when it can be repealed and things can be straightened out and workers protected.
>
> I urge you please to delay funding for ObamaCare now.

That is Kevin, from Massachusetts.

When we look at these examples and we read other similar examples like them from people writing from throughout my State of Utah, people writing from throughout the country, we see a consistent pattern. Americans are justifiably, understandably fearful of losing their jobs, of having their wages cut, of having their hours cut, in some instances losing access to health care—sometimes through a health plan upon which they and their families have relied on for many years. This is a difficult situation for them because

health care is an especially unusually personal thing.

Access to health care is something people do not necessarily want to entrust entirely to their government. Yet that seems to be the direction in which ObamaCare inevitably takes us. It puts more and more of our health care into the control of the Federal Government and, as has been suggested on the floor tonight, as some of my colleagues, some of my Democratic colleagues from within the Senate have acknowledged, this is but a step in the direction of what they hope will be a single-payer, government-funded, government-run health care system, funded, operated, and administered entirely from Washington, DC.

There are some things government can do in the sense that there are some things that government is rather uniquely empowered to do. Providing, for example, for our national defense, that is something we do from Washington. That is a power that is entrusted to us by article I, section 8, of the Constitution with roughly one-third of the provisions of article I, section 8, being dedicated in one way or another to our national defense. That is something Washington can do. It is something Washington must do and that Washington is rather uniquely empowered to do under our constitutional system.

Health care is of course important, undeniably important. In many respects it is as important as national defense. The fact that it is important doesn't necessarily make it a responsibility of the Federal Government nor does it necessarily qualify the Federal Government as a practical matter, setting aside the constitutional question. It doesn't necessarily qualify the Federal Government as an effective health care provider. Many people fear the day when our Federal Government becomes much more empowered over the very personal decisions of our lives, particularly those affecting our access to health care.

Many people are also suspect of the new taxes imposed by this law, the new permutations this law will introduce into the lives of the American people. We have discussed several times today the manner in which this law was enacted, the manner in which it was introduced as a bill, brought to the floor of the House of Representatives after then-Speaker of the House NANCY PELOSI informed her Members that they needed to pass their bill and then they could find out what is in it.

One of the things we have not discussed as much is the fact that even after that was passed, without Members of Congress having adequate opportunity to review this legislation—even after that happened, setting aside the 20,000 pages of regulations that have been added to this corpus of Federal law up until this point, we have had two significant revisions of the law, revisions that were brought about not legislatively but by the judicial branch of government, revisions the judicial branch of government had no authority to impose.

I would like to talk about both of those. When the Affordable Care Act was challenged as to its constitutionality, there were two primary constitutional challenges brought to the attention of the Federal court system that ultimately made their way to the Supreme Court of the United States. One of those challenges involved a constitutional attack on Congress's authority to enact the individual mandate. The provision compelled individuals to buy health insurance—and not just any kind of health insurance but the kind of health insurance the Federal Government in its infinite wisdom deemed appropriate, necessary, essential, and indispensable to every American everywhere.

The argument presented in those constitutional challenges culminating at the Supreme Court of the United States was that Congress had acted pursuant to its authority under the commerce clause, article I, section 8, clause 3 of the Constitution, which empowers Congress to regulate commerce among the several States, Indian tribes, and foreign nations. The argument said that Congress does have the power to regulate interstate commerce, and the Supreme Court has interpreted that power rather broadly since 1937.

Yet, even under that extraordinarily broad interpretation of the commerce clause, the argument was that Congress doesn't have the power to regulate an activity. The failure to purchase health insurance is not an interstate commercial transaction. In fact, it is not a transaction at all. It is a failure to act.

The Supreme Court of the United States accepted that argument and concluded that even under the extraordinarily broad deferential standard of review used by the Supreme Court since 1937, this could not pass muster as a valid, legitimate exercise of Congress's commerce clause authority. The Supreme Court Justices rejected that argument by a vote of 5 to 4. Oddly, however, the Supreme Court went on to conclude that the individual mandate was nevertheless constitutional—not under the commerce power but under Congress's power to tax. In essence, what they had was five Justices of the Supreme Court—led by the Chief Justice of the United States, the Honorable John Roberts—who, as I see it, effectively rewrote the individual mandate provision as a tax. They saved it only by recasting it as a tax or as a valid exercise of Congress's power to impose taxes.

There were a couple of problems with that interpretation. First and foremost, Congress could have imposed a tax as an enforcement mechanism to bring about compliance with the individual mandate provision. Yet it decidedly did not. It used language that—under at least a century's worth of jurisprudence—was clearly and unequivocally a penalty and not a tax. There is a long line of cases that help courts decide whether something is a penalty or tax. Under a century or more of jurisprudence, this was a penalty and not a tax.

It is also important to note that the House of Representatives initially considered language that would have attempted to enforce compliance with the individual mandate provision by means of a tax and using language that under a century's worth of jurisprudence would have been regarded as a tax. Yet, interestingly enough and not surprisingly, that language was rejected. That proposal did not carry the day. That proposal could not carry the day. Why? Well, most Americans understandably are reluctant to raise taxes on middle-class Americans. It was soundly rejected. It could not carry enough votes even in the Congress that was in place during the first 2 years of President Obama's administration. It could not carry the day in a Congress that was overwhelmingly Democratic in both the House of Representatives and in the Senate.

The Constitution requires that revenue bills originate in the House of Representatives. If this was a new tax, it would have to originate in the House. In a very significant sense, one could argue that the bill that ultimately became the Affordable Care Act, ObamaCare, did originate in the House. It came over here to the Senate and had its provisions stripped out and replaced by Senate language, but many people still consider that a House bill.

The problem here has a lot to do with the fact that the tax language did not originate in the House or in the Senate. Instead, it originated across the street with five lawyers wearing black robes whom we call Justices. Those five lawyers wearing black robes whom we call Justices are no more empowered than the Queen of England to impose a tax on the American people. Yet they imposed a tax on the American people. This is not OK. This is not acceptable. This was a lawless act. This is something we should be ashamed of as Americans. It was a sad, shameful moment when the Supreme Court of the United States took upon itself the mantle of a superlegislative body, which it is not.

Unable to bring about a massive tax increase on the middle class, Congress adopted what it could. What it did adopt the Supreme Court found to be unconstitutional on its own terms as it was written. The Supreme Court—apparently unwilling to do its job and all too eager to do the job of the legislative branch rather than acknowledging the unconstitutionality of that provision—simply resurrected it by rewriting it as something that it is not, was not, and never could be.

Interestingly, this was not the only insult to the Constitution in connection with that case. In the same dispute in which the Supreme Court rewrote ObamaCare in order to save it, in

the same case in which the Supreme Court of the United States rewrote the individual mandate provision as a tax when in fact it was a penalty, they did something else: A separate and even larger majority—a 7-to-2 majority—concluded that another aspect of the Affordable Care Act as written could not withstand constitutional muster.

The Medicaid expansion provisions left the States with no option, no alternative, and no choice other than to accept a significantly expanded Medicaid Program, which is a program that is administered by the States. It is partially funded by the Federal Government but ultimately administered by the States.

The Supreme Court of the United States, citing longstanding precedence, said: This is not OK. Congress doesn't have the power to commandeer the State's legislative and administrative machinery for the purpose of implementing a Federal policy. Congress may not do that.

It is not within our power. Yet a large majority of the Supreme Court concluded that is exactly what Congress did in the Affordable Care Act. So faced with yet another constitutional problem, the Supreme Court adopted another rewrite that the Supreme Court of the United States was not constitutionally empowered to bring about. What the Supreme Court did in that circumstance was to just read in or write in an opt-out for the States so as to make it constitutional.

Some have tried to defend this by saying: Well, that is what courts do. When courts find that something is unconstitutional, they have to look a second time to see whether they can read into it a different interpretation that might be fairly plausible—a fairly plausible interpretation that could allow them to save it. But in this case there was nothing there. There was nothing that could allow them to do this.

The Court's job at that moment was to figure out whether the unconstitutional provision could be severed from the rest of the statute, whether it could be excised, sort of like a cancerous tumor, allowing the healthy tissue to remain with the cancerous tissue gone forever. There are rules and standards the Supreme Court is supposed to follow when engaging in this exercise, and whenever it does this, it follows decades-old severability jurisprudence. Well, that standard, I believe, if followed, would have inevitably culminated in the Supreme Court of the United States finding that the Medicaid expansion provisions could not be severed from the rest of the statute—the other provisions in the Affordable Care Act. I suspect that may well be why the Supreme Court did not engage in severability analysis. Instead, it rewrote the law.

So the Supreme Court of the United States rewrote ObamaCare not just once but twice in order to save it. This is not OK. This is not constitutional. This is not America.

The next response the defenders of this law usually bring up is, well, it is, after all, the Supreme Court's job to decide what is constitutional and what is not constitutional. So if they say it is constitutional, then it must be constitutional, and who is anyone else to second guess their judgment as to constitutionality?

OK. Well, I understand that argument. That argument is fine, perhaps, as far as it goes. You can't read too much into that statement. It is not fair to say that the Supreme Court is the sole expositor of constitutional meaning. It is true, of course, that within our Federal system the Supreme Court has the last word in deciding questions of Federal statutory and constitutional interpretation for the purpose of deciding discrete cases and controversies properly before the Court's jurisdiction. However, that does not excuse the rest of us from independently exercising our own judgment, nor is it the case that every constitutional infraction and every constitutional indiscretion is necessarily within the competence of the Federal courts to resolve.

In fact, there are countless circumstances in which, either because the courts might lack jurisdiction or because no plaintiff can be brought forward with article III standing necessary to challenge the Federal action in question or because the courts have recognized that there is a nonjusticiable political question at stake—for whatever reason, courts might not be competent to address a particular issue. In other circumstances, a case for whatever reason simply is not brought. In many circumstances the courts don't have occasion to address a constitutional infraction.

Regardless, we are never excused. We, as Senators of the United States, having taken an oath under article VI of the Constitution to uphold the Constitution of the United States, are never excused from our responsibility to look out for, protect, and defend the Constitution of the United States. When we see an unconstitutional action, we need to call it out as such, and we need to do whatever we can to stop the Constitution from being violated.

The Constitution was violated, the Constitution was distorted, and the Constitution was manipulated. It was defiled not once but twice by the Supreme Court of the United States when the Court rewrote the Affordable Care Act twice in this decision that was rendered at the end of June 2012.

This is one of many reasons why I think it is important for us to have this debate and discussion about whether we fully fund the implementation and enforcement of this law—a law that was never read by those who enacted it, a law that has become less popular rather than more popular subsequent to its enactment, a law that has now spawned some 20,000 pages and counting of new regulatory text.

This same law was rewritten not just once but twice by a supreme court of the United States that openly flouted the Constitution of the United States. They thumbed their noses at their own constitutional responsibilities. We are now being asked whether we should continue funding the implementation and enforcement of that act, and I think not.

In addition to the unconstitutional rewriting by the Supreme Court of the United States, we now have several instances in which the President of the United States himself has attempted to rewrite the Patient Protection and Affordable Care Act. The President of the United States has said that although enforcement of the employer mandate provision is set to begin on January 1, 2014, the President's administration will not implement and enforce that provision effective January 1, 2014. Although the President lacks any constitutional or statutory authority to make this decision, although the President has neither sought nor obtained a legislative modification from the legislative branch of government—Congress—the President is treating the law as if it contained that modification already.

There was another modification that took place with respect to the implementation of the out-of-pocket spending limits, the spending caps. This, too, was done without any legislative or any constitutional authority. There is another modification the President made with respect to proof of eligibility for subsidies on the exchange network set up by the Affordable Care Act. All three of these modifications were made by the President without any statutory authority, and they were, therefore, extra constitutional modifications.

As I understand it, a few weeks ago somebody asked the President of the United States why this was appropriate. Somebody challenged the President of the United States with regard to his authority on these modifications. His response was something similar to this: Under ordinary circumstances, under more ideal circumstances, perhaps I might have gone to Congress to get Congress to modify the statutory provisions in question, but these are not ordinary or ideal circumstances.

I am not sure exactly what he meant, but it sounds to me as though what he was saying was, I am in a tough spot so I have to do what I can do, what I can get away with, because I have a Congress that is now less cooperative, less inclined to cooperate with me, less inclined to do what I as President of the United States want Congress to do, than the Congress that was in place in 2010 when the Patient Protection and Affordable Care Act was enacted into law.

That is interesting. It is interesting on a number of levels because, No. 1, one of the reasons Congress is now less inclined to be cooperative with the President, one of the reasons the Congress is no longer as inclined to do the

President's bidding is, interestingly enough, because of the Patient Protection and Affordable Care Act, because of the widespread public outcry that came from across this country as a direct result of the enactment of this statute.

It is not at all unusual to have a divided Congress. It is not at all unusual for one or both Houses of Congress to be under the control of a party other than the President's own political party. Yet it has never been the case and can never be the case if there is somehow an exception to the Constitution, if there is somehow an exception to article I's provision that all legislative powers granted by the Constitution shall be vested in a Congress consisting of a Senate and of a House of Representatives.

The fact that the President finds political dissent within the Congress irritating does not make him a king. The fact that Congress will not always do the President's bidding does not vest him with the powers of a despot. When someone holding the office of President of the United States purports to wield legislative power, when the President of the United States purports to make law by the stroke of the executive pen, we have exited the territorial confines of constitutional government.

These are some of the reasons we have focused this debate back on ObamaCare. People are frequently bringing up the argument: This is law. This is settled law. Because it is settled law, you must fund it. First of all, I am aware of no constitutional command that says that simply because a law has been adopted, Congress must fund any and every provision authorized under that law. In fact, quite to the contrary. Because Congress holds the power of the purse, Congress may—Congress must—continue to have the authority to decide which programs to fund and which programs not to fund. Were it otherwise, we would have a straining set of circumstances in which one Congress could bind another Congress simply by passing a piece of legislation and not by a constitutional amendment.

That is not the case. It never has been the case. It never could be, should be or will be the case under our constitutional system today.

What we see is the fact that this is not simply a partisan political debate. Many are casting it as that. Many are pointing to the fact that we have some Republicans agreeing with some Democrats, but for the most part we see widespread disagreement between Republicans and Democrats. But that dramatically oversimplifies the matter. This is no longer simply a dispute between Republicans and Democrats. In many respects, this represents a dispute between the political ruling establishment in Washington, DC, on the one hand and the American people on the other hand.

One of the things we are often told we have to face is that we have to choose to keep everything funded or we have to choose to fund nothing. It is a frequent source of frustration to many who serve in this body. It certainly has been a frequent source of frustration to me and to the 3 million people I represent in the State of Utah. It is odd that we find ourselves in a position to vote on a continuing resolution that funds everything in government or nothing in government. It is a frustrating exercise we have to go through. Because of the fact that we have chosen to appropriate this way year after year, we basically have one opportunity to decide what we are going to fund in government and what we are not going to fund in government. I wish what we could do is, at a minimum, a bare minimum—it should be a lot more than this—but at a bare minimum, to have two different debates, two different discussions, both starting with the presupposition that we fund nothing but culminating in funding or not funding something; one that would deal with funding for ObamaCare and another one that would deal with funding for everything else in government. It would be nice if ObamaCare funding had to stand or fall on its own merits. If we were starting from zero when it came to providing ObamaCare funding and we had to justify it, we had to make the case for it, and we had to say, let's prove to the American people why we ought to be funding the enforcement of this law—this law that will make health care less affordable rather than more and this law that is being implemented in a fundamentally unfair manner, I think that would prove a very different debate and discussion. But very often the way things work in Washington, the way continuing resolutions work, is we are faced with a set of circumstances that don't accurately reflect the way we make decisions in any other aspect of our lives.

I sometimes am inclined to analogize this kind of continuing resolution spending default. This is a vast oversimplification, but suppose someone lived in a very remote area. Suppose the closest town to where they lived was at least 100 miles away, but there was one market, one grocery store just 1 mile from their home. It was the only grocery store within at least 150 miles, let's just say. One day the person's spouse calls them on their way home from work and says: Stop at the store. We need bread, milk, and eggs. The person goes to the grocery store and finds the bread, puts it in the cart, finds the milk and eggs, puts them in the cart, and goes to the checkout counter. The cashier checks out those things and then the cashier says: Wait a second. You can't just buy these things. You cannot just buy bread, milk, and eggs.

You say: Why on Earth can I not buy just these three items? This is all I need.

This is a different kind of grocery store. This is a grocery store patterned after the U.S. Congress. In order to buy bread, milk, and eggs, we are also going to require you to buy a bucket of nails, a half ton of iron ore, and you can use our wheelbarrow to take it out to your car, a book about cowboy poetry, and a Barry Manilow album.

You say: I don't want any of those things. And the cashier says: That is fine. Then you don't get your bread, your milk, and your eggs.

At that point, the shopper, not wanting to come home to a very disappointed spouse, is likely to say: Fine, even though I don't want the nails or the iron ore or the cowboy poetry book, and I definitely don't want the Barry Manilow album, I am going to buy those things because I can't buy the things I need unless I also buy those things.

That is how we spend in the Congress. Whether we like it or not—and most of us don't like it—that is what we are stuck with. So that is one of the reasons we are having this debate now, one of the reasons I think it is appropriate for us to have this debate in connection with this. It is unfortunate in many respects that we tie something so fundamental to who we are as a country, something so essential to our ongoing existence as a nation as national defense. It seems absurd that we should tie that to funding for ObamaCare. Yet that is where we find ourselves because of the fact that we have been operating under a continuous string of back-to-back continuing resolutions for the last 4 or 5 years.

It is time for us to start breaking away from those false and ultimately ridiculous choices. It is time for us to demand more as a people from our Congress. It is time for us as a people to start to demand independent debate and discussion, debate and discussion that far more closely reflects the will of the American people and their ongoing needs.

If the Senate must choose between standing with the longstanding interests, the entrenched interests of the political governing class in Washington on the one hand or, on the other hand, standing with the American people, I hope—I expect—that we will stand with the American people. If we ask any Member how constituents are feeling about the Affordable Care Act, how constituents are feeling about ObamaCare and its coming implementation and enforcement, the response we will get is that, at best, constituents are mixed. In many cases, they are apprehensive, they are uncertain. But overwhelmingly, we will find a lot of opposition from people who are seeing those all around them facing job losses, wage cuts, cuts to their hours, and cuts to their health care benefits.

How long are we going to have to continue to hear these things before we act? Are we as a Congress willing to just look at these things and say: Yes, well, bad things happen. Let's just allow them to happen. Are we willing to do that? Those who are Democrats, are they willing to do that saying, yes,

I know this law is not perfect, but it is a speed dump that we have to cross over on our way to a single-payer system run by the health care system? As Republicans, are we willing to endure that, saying, yes, it is a train wreck, but the good news is it might inure to our political benefit if it gets in? I hope we are not willing to do that. I hope we have not descended to such a shameful, cynical low that we would be willing to allow those political interests to trump the needs of the American people who are calling out, crying out for help and for relief.

Ultimately, as we think about our responsibilities as Senators, as we think about our responsibilities as citizens, I hope we will reflect from time to time on the fact that we have all taken an oath to uphold this document, this 226-year-old document, a document that I believe was written by the hands of wise men raised up by their Creator for that very purpose, to help foster and promote what will become—what has become—the greatest civilization the world has ever known.

To the extent that we respect and honor this document, to the extent that we follow it, to the extent that we defend it, we uphold it at every turn, to the extent that we consider it not just a responsibility of the judiciary but also of the political branches of government, including our own branch, we have prospered as a country. And to the extent that we will return to those practices, we will benefit directly as a result.

So I have to ask Senator CRUZ, as a constitutional lawyer, as one of our Nation's preeminent appellate litigators, as one who has argued many times before the U.S. Supreme Court, and as one who clerked for the late Chief Justice William Rehnquist and now as a U.S. Senator, how does the Senator see this role, the role of what some describe as coordinate branch construction of the Constitution? What role does it play in this body? What role does the Constitution play in the Senate? Does it have a place or is that something that is supposed to be left to the nine men and women wearing black robes across the street who are lawyers and hold a different constitutional office than we do?

(Mr. SCHATZ assumed the Chair.)

Mr. CRUZ. Well, I thank my friend the junior Senator from Utah for his very fine, learned question. It is truly a privilege to serve in this body alongside a constitutional scholar, alongside a Senator who takes fidelity to the Constitution so seriously, so appropriately seriously.

Senator LEE's question is exactly right: How seriously do the men and woman in this body take the Constitution? How seriously do we take the obligation? Each of us swears to uphold the Constitution. Yet it is easy, particularly in an era in which the Supreme Court is deemed to be the primary arbiter of constitutionality, for Members of Congress, members of the executive branch, to say: That is their problem. We pass the laws; the Court figures out if they are constitutional.

I would very much agree with Senator LEE's proposition that doing so is an abdication of our responsibility, that every one of us has an obligation to not support any law that is contrary to the Constitution and to oppose any law that is.

I would note that among the House Members who joined us was Congressman JUSTIN AMASH. He came to the floor of the Senate to join us to support this effort. I note Congressman AMASH has the unique distinction of joining you and me and Senator PAUL in the description of being—I believe the term was ''wacko birds,'' which, I for one—I am not sure to which particular avian species that refers, but whichever one it is, if it reflects a fidelity to the Constitution, a fidelity to liberty, and a willingness to fight to defend the principles this country was founded on, then I—and I believe I can speak for you and RAND and Congressman AMASH—and I think quite a few others of us are very, very proud ''wacko birds.''

We are talking about an important topic. We are talking about a topic that impacts millions of Americans. But at the same time, we cannot lose our sense of humor, and we cannot lose our sense of hope and optimism.

I will note that my staff has been with me here all night, tirelessly fighting because they believe in America. We believe in America. We believe there can be something better. You look at the explosion of government, the explosion of spending, the explosion of debt, the explosion of taxes, the explosion of regulation, the stagnation of economic growth, and it is easy to throw up your hands and say: Can we ever get back to that United States of America we once were?

But there are signs, glimmers of hope. Look right now at one of the most popular television shows in the United States—''Duck Dynasty.'' This is a show about a God-fearing family of successful entrepreneurs who love guns, who love to hunt, and who believe in the American dream. It is something that, according to Congress, almost should not exist, yet a lot of wisdom. Millions of Americans tune in to ''Duck Dynasty.'' So I want to point out just a few words of wisdom from ''Duck Dynasty'' that are probably good for all of us to hear.

Willie observed:

> You put 5 rednecks on a mower, it's gonna be epic.

Phil said:

> In a subdivision, you call 911. At home, I AM 911!

Si said:

> Some people say I'm a dreamer, others say, ''If you fall asleep at work again we're going to let you go.''

Jase said:

> Redneck rule number one, most things can be fixed with duct tape and extension cords.

That is actually very true.

Phil said:

> I think our problem is a spiritual one.

Phil also said:

> When you get older and you start dating, I want you to be able to say one thing, ''I can bait a hook.''

One day maybe Caroline and Catherine will be able to say that.

Phil also said, very simply:

> Happy, happy, happy.

I say this to the junior Senator from Utah, when we defund ObamaCare, we are all going to be happy, happy, happy.

Miss Kay said:

> Our marriage is living proof that love & family can get you through everything.

Si said:

> I live by my own rules (reviewed, revised, and approved by my wife) . . . but still my own.

Jep said:

> Faith, family, and facial hair.

Let me point out to the junior Senator from Utah that if we continue doing this long enough, we may have facial hair on the floor of Senate. That is all right.

Willie said:

> Are you kidding me? I'm straight up hunger games with a bow.

Si said:

> Ford F150, Chevy Silverado, Dodge Ram, Toyota Tundra. As a married man, these are the only pickup lines I am allowed to use.

Jase said:

> Where I come from, your truck is an exact reflection on your personality.

Si said:

> I make up people all the time to get out of stuff.

Si also said:

> A redneck walkin' into Bass Pro Shops gets more excited than a 12 year old girl going to a Justin Beaver concert.

Let me point out that that is Justin Beaver, B-e-a-v-e-r.

Si also said:

> Your beard is so hairy, even Dora can't explore it.

Si also said:

> Your beard's so stupid it takes 2 hours to watch 60 minutes!

And finally Si said:

> I am the MacGyver of cooking. You bring me a piece of bread, cabbage, coconut, mustard greens, pigs feet, pine cones . . . and a woodpecker, I'll make you a good chicken pot pie.

Let me suggest that kind of homespun wisdom is what this country was built on. It is who we are. Look, there are some things to chuckle on, but there is an awful lot of common sense.

On the same theme, I want to point to one of my favorite songs. It is a song that came out following the tragic attacks on this country of 9/11, but it speaks more broadly to who we are as Americans, that we can overcome any challenge, any obstacle, including, I think, the obstacle of ObamaCare—admittedly, a very, very different challenge than that which occurred on 9/11,

but ultimately the American spirit and faith and freedom that underlie it will help us overcome every challenge. That is Toby Keith's song ''Courtesy of the Red, White, and Blue.''

Toby Keith observed—and, Mr. President, I am going to make a promise to you. I am not going to endeavor to sing because even if it might not violate the Senate rules, it would violate rules of musical harmony, human decency, and possibly even the Geneva Conventions. So I will not subject you to my musical rendition, but I will at least share the words from ''Courtesy of the Red, White, and Blue.''

American Girls and American Guys
We'll always stand up and salute
We'll always recognize
When we see Old Glory flying
There's a lot of men dead
So we can sleep in peace at night
When we lay down our head.

My daddy served in the army
Where he lost his right eye
But he flew a flag out in our yard
Until the day that he died
He wanted my mother, my brother, my sister and me
To grow up and live happy
In the land of the free.

Now this nation that I love
Has fallen under attack
A mighty sucker punch came flyin' in
From somewhere in the back
Soon as we could see clearly
Through our big black eye
Man, we lit up your world
Like the 4th of July.

Hey Uncle Sam
Put your name at the top of his list
And the Statue of Liberty
Started shakin' her fist
And the eagle will fly
Man, it's gonna be hell
When you hear Mother Freedom
Start ringin' her bell
And it feels like the whole wide world is raining down on you
Brought to you Courtesy of the Red White and Blue.

Justice will be served
And the battle will rage
This big dog will fight
When you rattle his cage
And you'll be sorry that you messed with
The U.S. of A.
'Cause we'll put a boot in your [posterior]—

Edited for our friends on C–SPAN—

It's the American way.

Hey Uncle Sam
Put your name at the top of his list
And the Statue of Liberty
Started shakin' her fist
And the eagle will fly
Man, it's gonna be hell
When you hear Mother Freedom
Start ringin' her bell
And it feels like the whole wide world is raining down on you
Brought to you Courtesy of the Red, White and Blue.

If you want to talk about the American spirit, it is hard to listen to that song and not think about who we are as a people, not think about the threats.

Let me give you an example of a different threat, a different threat to our liberty that every bit as much we have to rise up against. I want to read for you a statement of September 12, 2012, that Hobby Lobby put out on ObamaCare and religious freedom. Religious freedom is foundational to who we are. So let's read what David Green, the CEO and founder of Hobby Lobby Stores, Inc., stated.

When my family and I started our company 40 years ago, we were working out of a garage on a $600 bank loan, assembling miniature picture frames. Our first retail store wasn't much bigger than most people's living rooms, but we had faith that we would succeed if we lived and worked according to God's work. From there, Hobby Lobby has become one of the nation's largest arts and crafts retailers, with more than 500 locations in 41 states. Our children grew up into fine business leaders, and today we run Hobby Lobby together, as a family.

We're Christians, and we run our business on Christian principles. I've always said that the first two goals of our business are 1) to run our business in harmony with God's laws, and 2) to focus on people more than money. And that's what we've tried to do. We close early so our employees can see their families at night. We keep our stores closed on Sundays, one of the week's biggest shopping days, so that our workers and their families can enjoy a day of rest. We believe that it is by God's grace that Hobby Lobby has endured, and he has blessed us and our employees. We've not only added jobs in a weak economy, we've also raised wages for the past four years in a row. Our full-time employees start at 80% above minimum wage.

But now, our government threatens to change all of that. A new government health care mandate says that our family business must provide what I believe are abortion-causing drugs as part of our health insurance. Being Christians, we don't pay for drugs that might cause abortions. Which means that we don't cover emergency contraception, the morning-after pill or the week-after pill.

We believe that doing so might end a life after the moment of conception, something that is contrary to our most important beliefs. It goes against the biblical principles on which we have run this company since day one. If we refuse to comply, we could face $1.3 million per day in government fines.

Our government threatens to fine job creators in a bad economy. Our government threatens to fine a company that has raised wages four years running. Our government threatens to fine a family for running its business according to its beliefs. It's not right.

I know people will say we ought to follow the rules, that it's the same for everybody. But that's not true. The government has exempted thousands of companies from its mandates, for reasons of convenience or cost. But it won't exempt them for reasons of religious belief.

So, Hobby Lobby—and my family—are forced to make a choice. With great reluctance, we filed a lawsuit today, represented by the Becket Fund for Religious Liberty, asking a federal court to stop this mandate before it hurts our business. We don't like to go running into court, but we no longer have a choice. We believe people are more important than the bottom line and that honoring God is more important than turning a profit.

My family has lived the American dream. We want to continue growing our company and providing great jobs for thousands of employees, but the government is going to make that much more difficult. The government is forcing us to choose between following our faith and following the law. I say that's a choice no American—and no American business—should have to make.

Now, you might ask, what does that letter from Hobby Lobby have to do with Toby Keith's terrific song? I am going to suggest they have an awful lot to do with each other. Our Nation was founded by men and women fleeing religious persecution from across the globe, fleeing governments that sought to impose their rules to restrict the religious liberty of men and women.

Our Founding Fathers, the people who formed the United States of America, fled those countries and came here. Why? To establish a country where everyone could worship God with all of your heart, mind and soul, according to the dictates of your conscience. The men and women watching this at home—not all of you may share the religious convictions of the CEO of Hobby Lobby. You may or may not be Christians. If you are Christians, you may or may not share his faith and his interpretation of what his faith requires.

But if you look at the history of our country, the Federal Government is telling that CEO—the Federal Government is telling Catholic hospitals and Catholic charities that they must violate their religious beliefs. Why? Because government knows best. You know, there is a reason why the Bill of Rights begins with the First Amendment and why the First Amendment begins with protecting religious liberty, protecting the religious liberty of all of us, because it is foundational. The Founding Fathers who formed our country understood that if you did not have the freedom to seek out God, then every other freedom could be stripped away. Yet this administration has demonstrated a hostility to religious faith that is staggering, indeed.

In recent months, we saw an Air Force chaplain in Alaska face punishment and repercussions for posting a blog post in which he stated, ''there are no atheists in foxholes.''

Now, mind you, this was a chaplain. His job is to minister to the spiritual life of the men and women of the Air Force. Yet that statement was deemed inhospitable to atheists and inconsistent with the military and this administration. Now, the irony, of course, is that particular statement was said previously by a general named Dwight D. Eisenhower, who as we all know was President of the United States.

Indeed, President Dwight D. Eisenhower had more than a passing familiarity with the military. That statement comes from a speech President Eisenhower gave to the American Legion—I believe it was in 1954—in which he was describing a story of four immortal chaplains. That story is a story young people do not learn any more. It is a story a lot of people do not know. President Eisenhower told it.

I had the opportunity recently to speak at the American Legion's national convention. I had the opportunity to share it. There were a number of particularly older veterans, World War II veterans, who knew the story of the four immortal chaplains.

That is the story of the USS *Dorchester* that was hit by a U-boat torpedo and was sinking. There were four chaplains aboard that ship.

I believe two were Protestant, one was Catholic, and one was Jewish. They were handing out life vests. They realized they did not have enough life vests for the men and women on that ship. Each of those four chaplains removed his life vest and gave it to another passenger. Those other passengers were saved and those four chaplains stood together on the deck of the ship singing and praying as the ship went down.

The point of the story is, when the chaplains put their life vests on other passengers, gave their life vests, gave their lives for other passengers, they did not ask each passenger: Are you a Christian? Are you a Jew? Is your religious faith the same as mine? Because, as President Eisenhower explained, there are no atheists in foxholes, and they were there sacrificing for their fellow man.

You know religious liberty is foundational to who we are. One of the most pernicious aspects of ObamaCare is that it disregards religious liberty, when you have the Federal Government getting so intimately involved in health care. It has necessitated the Federal Government trampling on good faith religious beliefs.

Look, nobody has questioned the good faith religious beliefs of the owners of Hobby Lobby. Even if you do not share their views, what about your religious beliefs? If the government can order them to violate their religious beliefs, what is to stop them from ordering you to violate yours?

That is wrong. That is inconsistent with who we are as Americans. That is one of the many reasons Americans are fed up with what is happening under ObamaCare.

You know, earlier I was reading some of the stories from individual constituents. I would like to return to that. A constituent in Humble, TX, wrote on September 10, 2013:

> I am one of many Americans adversely affected by Mr. Obama's health care. I just received a letter stating that as the Affordable Care Act draws fuller to close implementation, I will no longer have access to the group medical PPO plan, the group dental plan, or the group vision plan effective January 1, 2014. I am 62, in good health, but need health insurance. I do not know what my options will be if I can even afford a government-run plan.

That is not me speaking. That is reading a letter from one individual who is 62 years old who had insurance but is losing that insurance because of ObamaCare. Not working. It is simply not working.

Another constituent from Fort Worth, TX, wrote on September 9, 2013:

> My husband was with IBM for over 30 years. We considered the health insurance was part of our salary. Two weeks ago, I found out that they are canceling the insurance for retirees and their spouses because of ObamaCare. They say they will give me a lump sum of money to buy another plan. But I assume once that money is gone, I will be responsible for the payments. Thank you for all you're doing to stop ObamaCare. By the way, my primary physician just closed his practice because of ObamaCare. He said he didn't think he could give the kind of care to his patients that they deserve.

There are two things there that are very striking. No. 1 is the situation of this woman so many Americans across this country are experiencing. They had a health plan they liked. They had health insurance they liked. We remember 3½ years ago when the President promised the American people: If you like your health insurance you can keep it. We now know that statement was flatly, objectively 100 percent false. We now know that it is not the case, if you like your health insurance you can keep it, because ObamaCare is causing people all over the country, like this woman in Ft. Worth, TX, to lose her health insurance.

They are understandably not happy about it. They are hurting. They are suffering. But, secondly, I think it is very interesting, the point about her primary physician. We are also seeing doctors leaving the practice of medicine, advising young students: Don't go to med school because ObamaCare is destroying the practice of medicine. If the goal is to expand access to health care, driving good physicians out of the practice of medicine is completely antithetical to that goal.

Another constituent, a retired couple from Bayou Vista, TX, wrote on the September 9, 2013:

> My wife and I are retired living on a fixed income. We worked hard our whole lives protecting our credit and saved enough money to buy a modest home in Bayou Vista, TX. If the insurance premiums being published in the local newspaper materialize, we will no longer be able to afford to live in our home. We could not sell it either. The facts, if left unchanged, will destroy many coastal communities and result in our personal financial ruin. We would have no choice but to walk from our mortgage. We would lose all of the investment we have made in this house. Our credit would be ruined.

These are the words of a retired couple living on a fixed income who managed to save up to buy a home for their retirement for their golden years. ObamaCare is threatening to turn their retirement into a nightmare. I remind you that the word ''nightmare'' is not mine. That word ''nightmare'' is the word of James Hoffa, the president of the Teamsters.

That nightmare is very real for that couple. It is real for so many Americans. Yet it is a nightmare. It is now late at night. I am going to venture to say most Members of the Senate are home in bed asleep while America lives the nightmare. If we were listening to the people, we would not be home asleep. If we were listening to the people, we would be experiencing that nightmare, we would be waking up—much like my little girls do sometimes when they have a scary dream—but we would be responding like any parent does when your child has a nightmare. You come in and try to make the nightmare go away.

America is experiencing that nightmare and it is even worse. Because here, the Senate caused that nightmare. We passed the law that is the nightmare for the American people, and Senators on both sides of the aisle have been telling the American people they are too busy, there are too many other priorities on their list to even talk about the nightmare that is ObamaCare.

That is wrong. That is fundamentally wrong. We need to make DC listen.

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

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. LEE. I wish to ask the Senator from Texas his reaction to a couple of stories that I think relate well to what the Senator from Texas is saying to us about the fact that Congress has adopted a law that has brought about a series of nightmares for the American people, only these are real. This is not some dream we are going to wake up from and discover that this is a figment of our subconscious mind that is causing us torment. It is real.

Sometimes we react as a lawmaking body to situations in such a way that we don't necessarily improve upon the status quo. We identify a problem, and we try to act. Sometimes the results aren't necessarily what we intend them to be. Sometimes the results can be quite the opposite of what was intended at the outset. I think this may well have been the case with the Patient Protection and Affordable Care Act which at the end of the day neither protects patients nor makes health care more affordable.

It reminds me a little bit of a story, something I experienced a few years ago when I was working at the Supreme Court. I shared an office with three other law clerks at the time.

We discovered something very interesting about our office space. During the summer months, when we started our clerkships, our office was almost unbearably cold, something that was unusual for me because I like an office or a home to be relatively cool, but this was unusually cold. It was so cold we were tempted to wear gloves in the middle of the summer indoors because our office was so cold. It was so cold that sometimes we would open our windows to our office, even though it was hot outside, and it would let in this hot, humid air. Sometimes we were tempted to build fires in the fireplace in our small office in the middle of the summer, because it was so cold in the office that our hands would get numb and we could barely write. That is a significant portion of a law clerk's job is to write, write a lot of material.

We would walk over to the thermostat thinking that might solve the problem. It was too cold, so we turned the thermostat up thinking that would make it a little bit warmer and, therefore, more tolerable in our office. First

we would move it up a little. It didn't do any good. Then we would move it up a lot and it still didn't do any good. It was still freezing cold in our office in the middle of the summer in Washington.

When it came to be wintertime, we had a similar problem but at the opposite end of the thermometer. In the wintertime we found that our office was intolerably hot. It was hot all the time. It was so hot that we were sweating. It is hardly appropriate, when working as a law clerk at the Supreme Court of the United States, to wear shorts to work, especially in January, so we didn't do that. Because it was so hot we frequently found ourselves tempted to open the windows again, letting in very cold air from the outside. Because we were so hot we had to do something to balance out the temperature. Again, we went to the thermostat to no avail. It was intolerably hot so we, of course, turned the thermostat down, first a little, and it didn't do any good, and then a lot, and it still didn't do any good.

After a while we called the maintenance people of the building. In fact, we called several of the maintenance people in the building. It was an old building, finished in 1935. It was undergoing renovation at the time. The renovation went on for many years. We ultimately got to the top maintenance and management supervisor in the Supreme Court. He ended up spending a fair amount of time trying to find out what was wrong with our heating and air conditioning system, trying to figure out why on Earth it was so intolerably cold in our office in the summer and why it was so intolerably hot in the wintertime.

His conclusion was relatively simple, and it was not what we expected. He came to us and he said, OK, I have dismantled your entire system and I found the problem. Your thermostat was installed backward. When you turned the thermostat up, trying to make it warmer, it had the opposite effect. It was only making it colder. When you turned the thermostat down, trying to make it cooler, it was only making it hotter in your office, hence your problem.

As he said this, I looked out the window across the street at the Capitol, and I thought I wonder if there is something Congress can learn from this. Sometimes Congress, out of an abundant, legitimate, well-intentioned desire to achieve good in society will do something. Sometimes that something is the only thing Congress knows how to do at the moment. Why? Because Congress legislates. It is what we do.

As I have said before, sometimes when you are holding a hammer, everything starts to look like a nail. Sometimes when Congress acts, even with the best of intentions, it gets it wrong. The risk of this is especially high when Congress acts in 2,700-page increments that no one has read prior to passing those increments into law. I believe that is what happened here.

But the proper response to a broken thermostat, or a thermostat that is installed backward, is not to continue using the same thermostat. The solution has to be to fix the thermostat, to replace it. We have got a broken thermostat with this law and it needs to be replaced entirely.

I am also reminded of another story, a story that is somewhat related that helps us understand some similar points.

One night when I was a teenager, I think I was about 14 years old, I was out with my family. I grew up in a large family, seven children, but in Utah that is sort of a medium-sized family, but that is a discussion for a different day. We were out somewhere with the family. I think we had gone out for dinner, and we were headed home. As we were almost to our home, one of my younger sisters suggested to my dad that we go out for ice cream as a family. We were almost home, and recognizing that we were almost home, I all of a sudden realized I didn't want to go out for ice cream because I had homework. I asked my dad to keep driving home, drop me off at the house. The rest of the family could continue on and go and get ice cream together. That way I could stay home, get my homework done, and I wouldn't have to be up too late.

It all worked well. I had all my siblings in the car. That is a lot of kids in the car, but my dad pulled up in front of our house to let me out. I was in the back seat of the car. I opened the car door, and I put one foot out of the car, starting to get out. I wish to tell you something a little bit about my father—my late father, may he rest in peace; he died 17 years ago. He was a very good man, a wise man, a smart man. He was one of my greatest heroes in this life. He had many talents, but he was also very absentminded. Sometimes he wasn't paying attention, and this was one of those moments.

As I stepped one foot out of our Oldsmobile, my dad started to drive off with half of my body still in the car. Somehow the Oldsmobile ended up on top of my foot turned around backwards. That is a little bit hard to describe. The Oldsmobile, with a whole bunch of kids in it, weighs a lot. All of a sudden the Oldsmobile was on top of my foot as it was turned around backwards. I was trying to explain to my dad we had a problem, but all that came out were grunts and groans. I couldn't quite find the words to tell him that we had a problem, because I was in so much pain.

He realized at that point I was still in the car, but it still didn't occur to him that the car was on top of my foot. Finally I mustered the presence of mind to get out one word, one word that I knew I could pronounce, one word that would send the message unequivocally to my father: Get the Oldsmobile off of my foot. But I couldn't utter that many words, so I spit out one word. The word was ''reverse.'' Dad, reverse. Well, he got that message. He put the car in reverse, and he got the Oldsmobile off my foot.

But for my ability to utter that one word in a relatively short period of time that seemed like an eternity under the circumstances, my foot may well have been broken, my siblings probably would have found that mildly amusing under the circumstances, and I probably wouldn't have gotten my homework done that night. As it turned out, I was able to avoid that and it was because I was able to utter that one word, reverse.

Sometimes when you are doing something that hurts someone, you have to reverse. You have to turn off that which has been turned on which has been harming people. This law, turned on 3½ years ago, is harming people. It is going to do a lot more if it remains in the on position. We need to put this car into reverse. We need, at a minimum, to halt the operation of this law.

The best way, I believe the only way at this point, to achieve that, short of repeal, is by defunding. Say: Look, at a minimum, let's halt the spending on further implementation and enforcement of this law while we get certain things sorted out as a country, while we figure out what else we can do.

The objections to this are many. Some say this can't ever happen. You don't have the political will to do that, and you don't have the political muscle to do that. It can't happen. We know one thing for certain. It is never going to happen if we don't try.

We also know a number of other can't-win battles have been fought and ultimately won. A few months ago, Americans were being told we are going to have significant gun control legislation, significant legislation that could eat away in a meaningful way through your privacy and your right to own a gun in this country. We are going to have some form of gun registration system. We were told this is happening, just accept it, just deal with it, there is nothing you can do about it. A few people in Congress disagreed with that conclusion. A few people in Congress resisted, and we stopped it.

Only a few weeks ago it was regarded as an indisputable truth that we were going to get involved in some kind of military strife in Syria. A swelling group of lawmakers from both Houses in both political parties started expressing reservations with that idea. Before long people stopped saying resisting that effort was impossible. After a while, they stopped saying it was improbable, and after a while movement to resist getting the United States involved in military action in Syria became absolutely unstoppable.

In one way or another, I believe the effort to stop ObamaCare might bear some resemblance to this. It might operate under a somewhat different timeframe. Initially, people said the effort

to stop this law was one that was impossible.

I think we are reaching the point at which it is being described by many as improbable. In time, as more and more Americans join this cause, as more and more Americans reach out to their Senators and their Congressmen, this effort will become absolutely unstoppable.

Because the American people love freedom, the American people were born to live free. The sons and daughters of America have freedom as their birthright, and they don't take particularly well to micromanagement from a large, distant, national government—one that is slow to respond to the needs of the people, one that often approaches the people with something that does not exactly resemble deep sympathy or compassion, because this is not what large national governments are all about.

A large national government can do certain things well. It can do certain things no one else can do well. But it can't be all things to all people, least of all physician and general caretaker to all. When we try to do all things, we often cause far more problems than we resolve.

So in this circumstance, we have to remember the lesson we learned from the thermostat, the lesson I learned while working at the Supreme Court; that sometimes if you have a broken thermostat, what you do might actually be having the opposite effect of what you are trying to do. What you are trying to do might actually make matters worse if your thermostat's broken, if it is installed backward.

We also have to remember that sometimes when you get into a position where you are causing harm or you could cause more harm unless you change direction, that you sometimes just have to reverse. This, I believe, is one of those times.

To reframe all of this, we are here at nearly 2 in the morning on an otherwise perfectly good Tuesday night. I guess now it is Wednesday morning. We are here because we feel strongly about how best to proceed with a funding mechanism passed by the House of Representatives. The House of Representatives last week responded to a call from the American people—a call to do something very important, a call to keep the Federal Government funded and operating but to do so while defunding ObamaCare. Once that was passed by the House, once that started making its way over to the Senate, we in the Senate were faced with several alternatives.

I believe there are two very good alternatives to addressing that. One is to vote on the House-passed continuing resolution that funds government but defunds ObamaCare on an up-or-down basis, either pass it or don't pass it, but pass it or don't pass it in as-is condition based on how it was passed by the House.

That is one good option. Another option would be to subject that same House-passed continuing resolution that funds government but defunds ObamaCare to an open amendment process, a process by which Senators, both Republicans and Democrats, may propose alterations to that continuing resolution as they deem fit. This would require us to debate, discuss, and vote on a number of amendments.

Either of these alternatives would be equally acceptable. I can see arguments for either one of them. But what is not acceptable is for the Senate majority leader to do as he is expected to do by many, which is to say we will have one amendment and one amendment only to the House-passed continuing resolution and that amendment will be one to gut the continuing resolution of a provision that was the ''without which not'' measure of the entire bill to gut the defunding language.

At the same time, the majority leader is expected widely to fill the tree, meaning to say no other amendments will be allowed. This is it. There is no more. If he is going to do that, he is not going to have my help doing it, and because he is not going to have my help doing it, that means I must vote no on cloture on the bill.

In other words, HARRY REID is expected to ask his Members, and is expected to be followed by the 53 other Members in his caucus, for a total of 54 Democrats who will vote yes when it comes to cloture on this bill, who will vote yes knowing full well HARRY REID and the 53 Democrats who follow him, for a combined total of 54, will vote on cloture on this bill. This doesn't mean they are in support of the House-passed resolution as adopted by the House, funding government but defunding ObamaCare. Quite to the contrary, this means they are in favor of gutting it, of severing, of cutting out its most important single provision.

If HARRY REID and the 53 Democrats who follow him want to do that, that is their prerogative. As a Republican who was elected to combat ObamaCare, to try to stop it, I will not be voting for cloture on the bill for that very reason. That could change, of course, if HARRY REID decides to bring up this continuing resolution for a vote as is, on its own merits, as it was written or, alternatively, if HARRY REID decides to bring up the House-passed continuing resolution under an open amendment process, allowing Senators to propose, debate, discuss and, ultimately, vote on amendments.

But what is not acceptable is for him to allow one and only one amendment, one gutting the continuing resolution of its most important provision. With him doing that, the Democrats can oppose this if they want. I will not be joining them, and I don't believe they need Republican help if that is what they want to do. If they do want Republicans to vote with them, I will not be among them. My job is not to make it easier for them to gut the House-passed resolution.

I stand with the House of Representatives. I stand behind Speaker BOEHNER and the Republicans who assisted him in getting this passed. I want to get this passed. I would like to pass it as is. If we can't pass it as is, on a single as-is vote, I want to see us with an open amendment process. The Senate majority leader is proposing neither.

So I ask Senator CRUZ: How does the Senator see this, how could one possibly see a ''yes'' vote on cloture on the bill, under the circumstances I have described, as a vote in favor of the House-passed continuing resolution that funds government while defunding ObamaCare?

Mr. CRUZ. It is a very good question the Senator from Utah poses, and I would note there is only one way; that is, if you are trying to confuse and deceive your constituents. There is no intellectually honest way to do it.

If you ask any rational person: If the Republicans vote along with HARRY REID and 53 Senate Democrats to allow HARRY REID and 53 Senate Democrats to fund ObamaCare, have they stood for defunding ObamaCare? Of course not. It is not a difficult question. It is not complicated.

Those who want to confuse their constituents want complication. Those who have, at least initially, stated they intend to vote to allow HARRY REID and the Democrats to fund ObamaCare are at the same time—often within hours of those statements—telling their constituents: I am leading the fight to defund ObamaCare, you can't have it both ways. You cannot have it both ways. You are either willing to stand for your principles and not just on an empty show.

There was an exchange earlier with the Senator from Illinois where he was saying he wasn't surprised by the House vote. He was certain of those votes because they had voted 40-some-odd times to defund ObamaCare. But there was a big difference in this Friday vote, a big difference in why the commentators in DC, the pundits, and all of the learned gray beards said this one wouldn't happen. The other 40-some-odd times were symbolic votes. They never had a chance to pass it into law.

It is not difficult to get Republicans to vote in symbolic votes against ObamaCare. Indeed, in this body I have introduced two amendments this year that at the time, when there were 45 Republicans in this body, all 45 Republicans voted against it. We are going to have another vote. If Majority Leader REID is successful in shutting off debate on funding ObamaCare, then all 46 Republicans will have to vote against it, and they will tell people: Hey, I voted against him, when it didn't matter. They will leave out the ''when it didn't matter'' part. They will leave out that I voted to allow HARRY REID to do that, but then once the matter was decided, I cast a vote against it to confuse my constituents.

We wonder why Americans are cynical about politics. They are cynical

about politics because too many leaders in this body, too many Democrats and too many Republicans are not listening to the American people.

Let me read statements from a number of think tank leaders across the country.

Matthew J. Brouillette from the Commonwealth Foundation in Pennsylvania.

Giving more citizens health insurance is not the same as giving them health care. The tragic outcome is that ObamaCare will harm the very Pennsylvanians it purports to help.

Francis X. De Luca from the Civitas Institute of North Carolina.

ObamaCare is about neither health nor care. It is about forcing Americans to buy a service they may neither need nor want. In the end, it will reduce the availability of health services for citizens while making those available more costly.

That sounds like a great option: Fewer choices than the ones you have and more expensive. No wonder James Hoffa, head of the Teamsters, calls ObamaCare a nightmare. No wonder so many Americans are suffering and asking for Congress to listen to their pleas to give them the same exemption President Obama has already given huge corporations and Members of Congress.

Connor Boyack from the Libertas Institute in Utah:

The Affordable Care Act is unfair, invasive and an illegitimate burden on taxpayers. In attempting to remedy certain health care problems, it follows the historical pattern of government intervention and creates even more of them.

Ellen Weaver from the Palmetto Policy Forum in South Carolina.

South Carolinians are already starting to feel the front end of the shockwave as several local employers cut work schedules to part time. And we are left to imagine the ultimate decimation on the budgets of Palmetto State families as personal rates skyrocket and people are forced off their current insurance that we were promised we would be able to keep. In fact, just last week, Palmetto Policy Forum's president received a letter telling her she would be losing her private policy. And this is just the beginning of the promised ''trainwreck.''

Sally Pipes from the Pacific Research Institute in California.

Unless ObamaCare is repealed and replaced, America will be on the ''road to serfdom'' and there will be no off-ramp. We will be headed for a single-payer, Medicare for all system such as exists in Canada. Americans will face long waiting lists for care, rationed care, and a lack of access to the latest treatments and procedures. Where will the best doctors and we as patients go to get first-rate care?

Interestingly enough, the majority leader of the Senate, HARRY REID, agrees with Ms. Pipes. Both Sally Pipes and Majority Leader REID say the end result of ObamaCare is—and indeed is designed to be—single-payer, government socialized health care. The only difference is that Majority Leader REID thinks that is a good idea and Sally Pipes and the American people think that is a terrible idea. Because we don't want our care rationed, we don't want government bureaucrats deciding who gets health care when, we don't want waiting periods, and we don't want low-quality health care, which is what happens at the end of this road if we continue down it.

Justin Owen, the Beacon Center of Tennessee.

ObamaCare presents the most dangerous threat to Tennesseans' jobs and health security than anything coming out of Washington. And that says a lot these days.

Paul Gessing of the Rio Grande Foundation, New Mexico.

ObamaCare locks in the worst aspects of American health care. Rather than restoring the patient-doctor relationship, it puts the IRS and the Federal Government alongside insurance companies between patients and their doctors.

Matt Mayer, Opportunity, OH.

ObamaCare is distorting insurance markets, forcing Ohioans to make changes they do not want to make and expanding one of the least effective and most costly government programs in U.S. history.

Mike Stenhouse from the Rhode Island Center for Freedom and Prosperity.

In Rhode Island, not only will up to 75 percent of those currently uninsured remain uninsured after ObamaCare is implemented, but our State has still not determined how to pay for its wasteful exchange after the Federal subsidies end.

Scott Moody from the Maine Heritage Policy Center observed:

The Maine Heritage Policy Center has profiled several Maine businesses employing hundreds of Mainers that simply can't afford to absorb the increased costs under ObamaCare. In fact, in one case the higher ObamaCare costs will consume anywhere from 54 percent to 134 percent of the company's profits.

This burden could ultimately put this company out of business, which would not only mean no health insurance for their employees, but it would also mean no jobs either.

Doesn't that describe the nightmare James Hoffa of the Teamsters was talking about—employees losing their jobs, employees being forced into part-time work and losing their health insurance all at the same time? No wonder the unions are speaking out or remaining silent no longer.

How long will it be until we see Democratic Senators who have the courage of James Hoffa to remain silent no longer and to speak out for the men and women of America who are losing their jobs, who are being forced into part-time work and are losing their health insurance? How long will it be before all 46 Republicans do more than give speeches against ObamaCare and actually stand and fight this fight, stop saying we can't win it and actually stand up and start to win it?

Paul Mero from the Sutherland Institute in Utah:

The ACA is a hallucinogen for its recipients and defenders in the search for prudent ways to address the medical needs of our uninsured. A true Utah solution will rely on our people, not the federal government.

Mike Thompson from the Thomas Jefferson Institute in Virginia:

It looks as if those on the low end of the income scale will be harmed as part time employees will see their hours cut and full time employees moved to part time. Small businesses, the engine of job creation, are seeing their health care costs rising forcing them to employ fewer people than they would otherwise.

Wayne Hoffman of the Idaho Freedom Foundation:

Obamacare is destroying the quality of health care in Idaho. The onslaught of new regulations and the fear of what might come next from Washington is not only raising costs, it has prompted countless Idaho doctors to give up medicine or join large hospital or group medical practices. As a result, the close knit doctor-patient relationships that have endured in many of our communities have vanished entirely.

Do you like your doctor? Do you like continuing to see your doctor? With ObamaCare, that relationship is in jeopardy. Why do you think so many Americans are unhappy with this law?

Janie White of the Wyoming Policy Institute:

ObamaCare is closing businesses in the small populated state of Wyoming. Full-time is going to part-time and in a state where small business is prevalent, it's hurting an entire state; not just one industry.

Dave Trabert of the Kansas Policy Institute:

Scholars at Kansas Policy Institute estimate that Medicaid is expected to consume 31% of Kansas' General Fund Budget by 2023 under Obamacare and its proposed Medicaid expansion. The ''woodwork effect'' of Obamacare alone is expected to cause over $4 billion in tax increases or spending reductions for other government services in just the first ten years of Obamacare.

Gary Palmer of the Alabama Policy Institute:

Because of the Budget Control Act, which the Republicans passed in 2011, spending reductions for the next fiscal year are already set in place by law and will require approximately $1.3 trillion in discretionary cuts over the next eight years. These cuts can either be done through another round of sequestration in which the Obama Administration will determine what is cut, or it will be done proactively by defunding ObamaCare which, according to the latest Congressional Budget Office (CBO) estimate, will cost $1.85 trillion over the next 11 years. Keep in mind that in 2010 the CBO estimated that Obamacare would only cost $898 billion for the first 10 years. With the U.S. already facing a $16 trillion debt and continuing to run a trillion dollar annual deficit, and with all the uncertainty surrounding what Obamacare will actually cost, defunding Obamacare would be an act of fiscal responsibility as intended by the passage of the Budget Control Act.

Carl Graham from the Montana Policy Institute:

Obamacare has already resulted in the consolidation and centralization of the health care industry in Montana, removing choices and competition, especially in the state's rural areas.

Andy Matthews of the Nevada Policy Research Institute:

At a time when Nevada is already suffering under the highest unemployment rate in the nation, the so-called Affordable Care Act now threatens to do even more damage to the Silver State's jobs picture. Every day I hear from frustrated business owners who would like nothing more than to hire new employees but can't because of the many barriers to hiring that this law has created.

Trent England of the Freedom Foundation in Washington State:

Washington State's Freedom Foundation reports some small businesses are already being told their health insurance rates will double, punishing some of the state's hardest working people, hurting job creation, and stifling economic growth.

Robert Alt from the Buckeye Institute for Public Policy Solutions in Ohio:

So far, Obamacare has been a game of drawing straws: a good deal for the IRS and others who have the ability to secure exemptions for themselves: Congress, a motley group of companies with connections, some unions, and friends of the Obama administration; and the short straws being won by average Americans, medical professionals, small businesses, the overwhelming majority of seniors who are happy with their current plans, and our children and grandchildren. The results of this rigged game are an invasion of privacy, increase in healthcare and insurance costs, loss of freedom, distortion of the free market, and a host of changes Americans never hoped for.

Jim Stergios of the Pioneer Institute in Massachusetts:

The ACA will slow the future of innovation in Massachusetts, especially in the medical device field, which faces hundreds of millions of dollars in new taxes. In addition, the so-called ''cadillac-tax'' that will burden many Massachusetts Chevy drivers: Over half of the citizens of the state by 2018, including union members, and hundreds of thousands of the middle-class.

Kim Crockett from the Center for the American Experiment in Minnesota:

Minnesota has one of the finest health care systems in the world. It is unfortunate that Gov. Mark Dayton has whole-heartedly embraced the incursion of federal authority in our state. The ACA is anything but affordable and threatens the delivery of quality care to all but the most financially secure Minnesotans. The gross misallocation of local, state and federal resources could instead have been used to improve health care. Instead we are bureaucratizing it. We continue to advocate for portable, patient-owned defined contribution plan as an alternative to one-size-fits-all health care.

Jim Vokal of the Platt Institute of Nebraska:

At the expense of middle class, every day Nebraskans, Obamacare's implementation will cause undue hardship on the families and the younger generation all across the state. Governmental intervention rather than personal choice is not the Nebraska way.

Ashley Landess from the South Carolina Policy Council:

SC business owners are forced to close their doors and sell off family businesses, not only b/c they can't afford the mandate but because they can't even predict the cost—and neither can anyone else.

Brett Healy from the John K. MacIver Institute for Public Policy of Wisconsin:

Before Obamacare, Wisconsin had one of the better health insurance markets in the country that covered the vast majority of our citizens. Now, under Obamacare, Wisconsinites will see insurance premiums increase on average 51% and in many parts of the Badger State, we will have only one company to choose from and no consumer choice. In Wisconsin, the Affordable Care Act is proving to be not affordable at all and the uncertainty surrounding its implementation is weighing on our employers and holding back our economic recovery. Wisconsinites deserve better.

J. Robert McClure, III, from the James Madison Institute in Florida:

In Florida, where tourism and seasonal hiring are a way of life, small businesses and large ones are confused and frustrated as to how to move forward. Arbitrary delays and enforcement by the federal government of this invasive and unwieldy law have created a climate of paralysis in Florida when it comes to job creation and planning. In a state of roughly 19 million people, where the economic climate is poised in every way to take off, no organization be it in business, education, healthcare or government knows how to proceed. The Affordable Care Act has only created stagnation and insecurity in Florida—with a hefty price tag to come, paid for on the backs of every taxpayer in the state.

State representative Geanie Morrison from the Texas Conservative Coalition:

The so-called Affordable Care Act is not even fully implemented, and is already costing jobs, leading to costly increases in insurance premiums, and promising billions of dollars in new taxes. Texans should not have to shoulder the cost of Obamacare, which is why we implore our Texas delegation to defund this unpopular, unworkable, and unaffordable law.

And Finally, Jim Waters of the Bluegrass Institute of Kentucky:

Obamacare will devastate Kentucky's already-struggling economy. We already have entire areas where expectant mothers in rural areas must drive two hours to see an ob/gyn. But there will be nowhere that any Kentucky family or small-business owner can go to hide from the increased costs and destruction of our personal liberties resulting from this policy of redistribution.

That list of quotes spans the country. It wasn't just one region. It wasn't just Republican States. It wasn't just Democratic States. Those are quotes from think tanks in North Carolina, Utah, South Carolina, California, Tennessee, New Mexico, Ohio, Rhode Island, Maine, Utah, Virginia, Idaho, Wyoming, Kansas, Alabama, Montana, Washington State, Massachusetts, Minnesota, Nebraska, South Carolina, Wisconsin, Florida, and in the State of Kentucky.

Let me ask everyone watching: Have the Senators from each of those States come out and said they will defund ObamaCare? Have the Democratic Senators from each of those States said: I have listened to my constituents, I have listened to the people who are losing their jobs, who are being pushed into part-time work, who are seeing health insurance premiums skyrocket or losing their health insurance. Have the Democratic Senators representing those States said that?

And have the Republicans representing those States said, we will stand together, and Republicans will be united against cloture on this bill because we are not going to vote to allow HARRY REID and the Democrats to fund ObamaCare, to gut the House Republican bill? And if they haven't, it is a reasonable question to ask why. Why aren't elected officials listening to the people? We need to together make D.C. listen.

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

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. LEE. I have two sons and a daughter. My two sons are twins. They are teenagers. They are good boys. They are both 4.0 students, and I couldn't be more pleased with them. They work hard.

I had an experience with them about 1½ years ago that comes to mind. I was driving down the street with them in my car one day. We were listening to the radio, as I often do with them. We were listening to a popular song familiar to all three of us, a song we had heard on many, many occasions.

On this particular occasion I started noticing the lyrics more than I had on previous occasions in the past. All of a sudden, for whatever reason, I noticed that these were not good lyrics. These were not wholesome lyrics. These were not lyrics that any God-fearing father of teenaged boys would necessarily want his sons listening to. All of a sudden I pointed out to my twin sons, turning down the radio, These were terrible lyrics, and I asked them: Have you ever really listened to the words of this song? Do we like the message that is in this song?

My son John didn't miss a beat. Without hesitating, without batting an eye, John looked right at me and said, Dad, it is not bad if you don't think about it. I immediately thought it was funny that was his response. This was teenage reasoning at its very best. It is not just teenage reasoning. It is the way a lot of us think about things by saying certain things aren't bad if you don't think about them.

In many respects, that is reflective of what we face in our country today. A $17 trillion debt growing at a rate approaching $1 trillion a year isn't bad if you don't think about it. Having a 2,700-page health care law with 20,000 pages of implementing legislation isn't bad if you don't think about it; having between $1.75 trillion and $2 trillion a year in existing Federal regulatory compliance costs is not bad, if you don't think about it; having the world's highest corporate tax rate, at least the highest corporate tax rate in the developed world, isn't bad if you don't think about it. A lot of these problems we face are not bad, but only if you don't think about them.

The problem is in the Senate it is our job to think about these problems. It is our job to think about the fact that we have on the books a law called the Patient Protection and Affordable Care Act that will make a lot of things worse for a lot of people, a law that will have an effect not consistent with the lofty sounding title of that law, an effect that will actually result, in many instances, in health care that is both unfair and less affordable.

We have to think about what our responsibilities are. We have to think

every single day about how this is going to affect the American people. We have to be willing to say we are not going to allow certain things to persist, things that would harm the American people, and that means we have to listen to the American people when they cry out for help.

They have cried out for help in recent weeks as they have asked Congress again and again to defund ObamaCare, as they have asked Congress to keep government funded. They don't want a shutdown. We don't want a shutdown. I know I don't want a shutdown. I don't think Senator CRUZ wants a shutdown. In fact, I don't think I know any Member of Congress of either House or either political party representing any of our country's 50 States who wants a shutdown.

What we want is to keep government funded. What the American people want is for us to fund government while defunding ObamaCare. That is precisely what the House of Representatives has done. I salute the House of Representatives. The House of Representatives, the Republican leadership, has been thinking about it. They have been thinking about this law and the many problems it threatens to create for our Nation's 300 million-plus people.

We have to think about the fact that every time we make a law we are expanding the reach of this government. We have to think about the fact that we became an independent nation, a nation that flies its own flag rather than the Union Jack, a nation that pays tribute to the sovereignty of the people rather than to the supposed sovereignty of a monarch. A couple of centuries ago this was not just an act of rejection of the idea of having a monarch, this was not just a rejection of the Union Jack, this was not just a statement to the effect that we did not want to sing ''God Save the King'' or ''God Save the Queen.'' We became our own Republic at least in part because we were subject then to a large distant national government, a large distant national government that was so far from the people that it was sometimes slow to respond to the needs of the people, and that national government based not in Washington, DC, because Washington, DC, did not exist then. What is now Washington DC was then part of the colony of Maryland.

Our national capital, based in London, taxed the people too much. It regulated the people too aggressively, too oppressively. When the people called out for help, that government was slow to respond to their needs—in part because it was so far from them, so distant from them. It was not just distant from them in terms of measurement, in terms of geography, but also distant from them in that its interests were somewhat detached from those of the American people.

Ultimately we became our own country. Ultimately we declared our independence, we fought for it, we won our independence. Instinctively, reflexively, quite understandably we established a national government because we knew we would need one. We knew that each of these Thirteen Colonies could not exist independently as a freestanding Republic. We knew we would need a national government to provide for those basic things that a national government generally must provide.

We knew that national governments, at least our national government in this circumstance, would need to be in charge of a few basic things such as national defense. Yet we feared what national governments could do because we know that when governments become big there is a greater risk toward tyranny—even if it is a type of tyranny that exists only by degrees. We knew that the risk of this kind of tyranny—some might call it soft or incremental tyranny—exists even in republics, even when democratic forces are at play. We knew this type of risk of soft tyranny, as some would describe it, is greatest within national governments.

The bigger the nation, the more powerful the government and the fewer the restrictions on that government, the greater the risk that the rights of the people will be undermined; the greater the risk the people of that great nation will become subjects rather than sovereigns—which of course they should always be.

So for that very purpose we put in place a very limited-purpose national government, originally under the Articles of Confederation. We put together a weak national government. It was so weak in fact it was ineffective. It was not able to do the things our basic national government needed to do. Congress, under the Articles of Confederation, had some powers but they proved to be not enough. It had no power of raising revenue independently of the States. It had no power of regulating commerce or trade between the States and with foreign countries. So after a period of just a few years under the Articles of Confederation, our Founding Fathers came together in that hot, fateful summer of 1787 in Philadelphia and they put together a compromise document. They said we need a national government that is at once strong enough to be able to do what a National Government must be able to do in order to protect us so we can be a nation. Yet we also need those powers to be sufficiently limited that the risk of tyranny, even incremental tyranny or tyranny by degrees, will be kept to a minimum.

So our Founding Fathers wisely came up with a list, a list of powers that we knew the national government would need powers that we knew needed to be exercised at the national level. Those powers, the vast majority of which are found in one part of the Constitution—often overlooked but perhaps the single most important portion of the Constitution, at least for our purposes here—the part of the Constitution we have to look to more frequently here, article I, section 8.

Article I, section 8, has 18 clauses and goes through the basic powers of Congress. Congress, of course, has the power to tax and the power to spend within the powers authorized by the Constitution. Congress has the power to regulate trade—referred to in the Constitution as commerce—among the States, with foreign nations and among the Indian tribes. Congress has the power to coin money and regulate the value thereof; develop the uniform set of laws governing naturalization or what we would today call immigration; the power to provide for our national defense; to declare war; the power to come up with a system of laws dealing with bankruptcy; to establish a uniform system of weights and measures; to establish postal roads. There are a few other powers, but this is the basic gist of them.

Then there is my favorite power, the power to grant Letters of Marque and Reprisal, a power that we too often fail to recognize, a power I wish we would get to debate and discuss longer and more frequently in the Senate. A Letter of Marque and Reprisal was effectively a hall pass issued by the U.S. Congress in the name of the U.S. Government that entitles the bearer of that hall pass to be a pirate on the high seas. Regardless of how long I might serve in the Senate, I hope one day to be granted a Letter of Marque and Reprisal so I can become a pirate as I longed to be as a child. You are all invited to join me when I get that Letter of Marque and Reprisal.

The point is the powers of Congress are limited. These are powers that James Madison cited in defending the Constitution against people who questioned him, against those who feared this Constitution might give rise to a general purpose national government, one empowered with so many powers that it could become a tyrant. He tried to set at ease the concerns of the people in Federalist 45 when he said:

> The powers that would be granted to the newly established federal government upon ratification of the Constitution are few and defined while those reserved to the States are numerous and indefinite.

He was right and he was persuasive. Upon the advice of James Madison and others, the States ratified the Constitution. They did so with that very understanding, that this body, the legislative body created by the Constitution, the U.S. Congress, consisting of a Senate and a House of Representatives, would possess legislative powers that were not so broad as to encompass all the day-to-day interactions of human beings. We would not possess what people refer to as general police powers. We do not have the power to make whatever law we think is a good idea. A good idea is not nearly enough. We have to find something in the Constitution that puts us in charge of legislating within that area to promote that good idea. We have to find something in the Constitution that gives us the power to do it.

During the first 100, maybe 150 years of our Republic as it operated under the Constitution, we followed pretty closely this document, what some describe as the enumerated powers doctrine. Sure, there were arguments from time to time over this or that legislative proposal. There were arguments that arose, for example, over whether we should have a national bank.

You had debates among and between the political branches of government, meaning Congress and the Presidency, that often centered on the principles of the Constitution. It was very common to have constitutional concerns brought up on the floor of this body or on the floor of the House of Representatives as a basis for halting serious consideration of a legislative proposal on grounds that it simply was not within Congress's power to enact.

It was not necessarily considered acceptable to say let's let another branch of government think about it. Let's let the Supreme Court iron it out. Let's let the Supreme Court decide whether it is constitutional. Within the political branches of government, frequently proposals were stopped on grounds that they were unconstitutional.

Fast forward 130, 140, 150 years, and things started to change. The Supreme Court, early in the administration of President Franklin D. Roosevelt, pushed back on a lot of FDR's more aggressive attempts to expand the reach, the size, the scope, the cost of the Federal Government. It resisted those and said: Look, regardless of what the policy merits might be of this Federal program or that one, we still have a limited purpose as the Federal Government and not an all-purpose national government. That limited purpose—the national government—has to find something in the Constitution each time it legislates. If it fails to do that, then no matter how good of an idea it is, it can't fly.

By the end of F.D.R.'s Presidency, the Court changed course. There are a number of reasons for this, but the prevailing theory is that the Supreme Court got scared. It got scared as a result of F.D.R.'s Court-packing plan.

In 1935, the Supreme Court moved into its new building across the street, the shining marble palace we see just outside the door to the Senate. The Justices liked their new white marble palace. They enjoyed it. They didn't want F.D.R., or any other President, raining on their parade by packing the Court and fundamentally altering the nature of the Court's composition. So for that reason, many theorized, the Court changed its position. The Court stopped resisting F.D.R.'s attempts at expanding the Federal Government's power.

People trace the change in jurisprudence to a number of different moments. I think one of the pivotal moments occurred in 1937 when the Supreme Court of the United States decided a case called the NLRB v. Jones & Laughlin Steel Company. In that case, the Supreme Court adopted an early version of what has become its modern common clause jurisprudence. The Supreme Court started concluding that where there is an activity that is commercial or economic in nature, Congress may regulate that activity so long as there is a substantial connection between that activity and interstate commerce. It was in that case that the Supreme Court, for the first time, smiled upon Federal regulation of what were previous to that time considered local activities, such as labor, manufacturing, agriculture, and mining.

That is not to say those things should not be regulated by any government anywhere. It is not to say the Supreme Court—prior to NLRB v. Jones & Laughlin Steel—ever suggested otherwise, but it is to suggest that prior to that case regulation of local activities, such as labor, manufacturing, agriculture, and mining were considered more appropriate for State and local governments and not for our national government. Within the next 5 years, the Supreme Court solidified its position on the commerce clause, and in many respects it allowed its power to reach a high watermark in the 1942 case of Wickard v. Filburn.

Let's talk about that case for just a minute because I think it bears on what we are talking about. That case involved a farmer by the name of Roscoe Filburn. He got in trouble with the law. You might be asking yourselves: What did farmer Roscoe Filburn do? What did he do to get in trouble with the Feds? Was he a bank robber? No, he didn't rob a bank. Was he a drug dealer? No, he didn't do that. Was he a murderer or a kidnapper? No. You want to know what Roscoe Filburn did? He committed a grave offense against the United States. He grew too much wheat. Yes, scary but true. Roscoe Filburn grew more wheat than Congress, in its infinite wisdom, saw fit for any American to grow in any 1 single year.

By then Congress decided it needed to regulate every aspect of human existence, if possible. It even had the wisdom and foresight necessary to direct the entire economy right down to how much wheat a particular farmer could legally grow. Roscoe Filburn was fined many thousands of dollars for growing too much wheat. That was a lot of money in those days.

Fortunately, Mr. Filburn had a good lawyer. Mr. Filburn was determined not to allow his life to be micromanaged by Federal officials in Washington, DC. Mr. Filburn challenged the enforcement of this law against him with a theory. He said: Look, the statute I have been accused of violating was enacted pursuant to the commerce clause of the U.S. Constitution, article I, section 8, clause 3. The commerce clause applies to interstate commerce or commerce for trade occurring between the States and not intrastate commerce—commerce within a State. Commerce which is within a particular State is not subject to Congress's authority and the commerce clause.

Roscoe Filburn argued—through his lawyer—that the wheat he grew in excess of the national wheat production limit never entered interstate commerce because it never entered commerce at all. Roscoe Filburn used that wheat entirely on his farm. He used some of it to feed his animals, some of it to feed his own family, and he reserved the balance of that grain to use as seed for the following season.

So on that basis, he said: Look, you can get after me for any reason you want. You can get after me, if you want, for violating this wheat production limit, but the fact is this law can have no application here because this wheat never entered interstate commerce or any other form of commerce. It never left my farm.

Interestingly enough, the Supreme Court of the United States saw it differently. The Supreme Court of the United States found that even that wheat that never left Roscoe Filburn's farm was subject to the long arm of Congress and the long arm of the Federal Government. It was subject to that same Federal power that James Madison once described as few and defined. All of a sudden the supposedly few and defined powers were broad enough somehow to extend to Roscoe Filburn's pernicious wheat.

The Supreme Court said, in essence, that this wheat, because it was grown and used on Roscoe Filburn's farm in excess of the grain production limit imposed by Federal law, it was grain that Roscoe Filburn would have otherwise purchased but did not have to purchase on the open market, a market that was distinctively interstate.

Because he grew it and used it on the farm and did not buy it somewhere else, thus by growing too much wheat, Roscoe Filburn shamefully distorted and undermined the interstate market and wheat. He undermined it in the sense that it drove the price in a different direction than Congress, in its infinite judgment, saw fit to direct the economy. So the Supreme Court of the United States upheld the fine that was assessed against Roscoe Filburn. The reasoning of the Supreme Court employed in Wickard v. Filburn is a fascinating study in legal and verbal gymnastics. It is a fascinating study in the idea that everything affects everything else. They basically said that the wheat Roscoe Filburn grew on his farm affects the interstate wheat market in much the same way that butterflies flapping their wings in Brazil can affect weather patterns in North America.

We are somehow asked to have faith that this does, in fact, happen. I am told that climatologists can prove there is an impact by the butterflies in South America on weather patterns in North America. I don't know how, but you have to make a lot of inferences

before you get there. But as many inferences as has to be made with the butterflies, I think there are even more inferences that have to be drawn with respect to Roscoe Filburn's wheat.

I remember studying this case in my high school history class. I remember arguing with my history teacher about this. I remember my history teacher eventually telling me: Get over it, Mr. LEE. The Federal Government is big and powerful, and that is just the way things are. Yet I think we have a certain responsibility to look back through our history and to question from time to time the judgments of the Supreme Court of the United States, especially when those judgments enable the Congress to extend its power far beyond what Madison described as few and defined powers.

In a sense, what we have done ever since Wickard v. Filburn is we continued to expand Federal authority beyond that. We have never fully retreated from that high watermark. What we have seen is a perpetually expanding national government, one that is capable of imposing an estimated $2 trillion in Federal regulatory compliance costs alone, a Federal Government that imposes a couple of more trillion dollars in taxes a year from the American people, and manages to spend between $3.5 and $4 trillion every single year. That is a very big government.

Since Wickard v. Filburn, there are only two instances in which the Supreme Court of the United States has invalidated an act of Congress as being beyond the scope of Congress's power under the commerce clause. Sometimes I almost add a third, but then I remember the Supreme Court stopped short on that third.

The first two involved a case called the United States v. Lopez, which is a case from 1995 where the Supreme Court invalidated the Gun-Free School Zones Act prohibiting the bare possession of a handgun within a school zone. The Supreme Court concluded that the bare possession of a gun was not commercial activity at all. It was not interstate commercial activity. It was not interstate commerce, and they couldn't get to the point where they could conclude that this was a valid subject of Congress's commerce clause authority.

The second case was decided in 2000. It was a case called the United States v. Morrison in which the Supreme Court invalidated provisions of the Violence Against Women Act, including that those provisions attempted to regulate acts of violence, however reprehensible, were themselves neither interstate or commercial.

Then, of course, in 2012 the Supreme Court sort of invalidated the penalty provisions attached to the individual mandate in the Patient Protection and Affordable Care Act. I say they sort of invalidated that provision because the Supreme Court of the United States concluded that provision, though enacted pursuant to the commerce clause, could not be defended as a valid exercise of Congress's power under the commerce clause. To that extent, they concluded it was unconstitutional.

But then the Supreme Court went on somehow to conclude that this was a valid exercise of Congress's power to impose taxes even though Congress had attempted unsuccessfully to pass this as a tax, even though new taxes have to be introduced in the House of Representatives and passed into law by both Houses of Congress and signed into law by the President, even though the Supreme Court of the United States has no authority to levy taxes, impose taxes or create taxes.

The Supreme Court of the United States created out of whole cloth a new tax which it imposed on the American people. They imposed a middle-class tax hike, which the Court has no power to impose. It has no power to levy taxes. Yet the Court did it anyway.

When I tell that story, I get asked all the time: How then did the Court do it? If the Court has no power to do it, how did it do it? It just did. It just declared it to be so and the rest of us were expected to accept that and get over it and move on, just as I was told by my high school history teacher to accept, get over, and move on from Wickard v. Filburn because the Federal Government is big and powerful and we can live with it. Well, we all just have to live with it but only as long as the American people put up with it, only as long as the American people are willing to accept it.

The American people have never been enthusiastic about ObamaCare—not from the beginning. Their satisfaction with this law has not improved over time, and it has not been enhanced. The American people don't deserve to have to live under a law that imposes a massive middle-class tax hike on the American people, one that was not imposed by the people's elected representatives in Congress but instead was imposed by five of nine lawyers who wear black robes and sit in big fancy chairs in the building just across the street from us.

The American people deserve to live under a system where the laws are written by men and women of their own choosing, who serve in increments of 2 years in the case of Members of the House of Representatives and in increments of 6 years in the case of U.S. Senators.

Supreme Court Justices, of course, are smart men and women—every one of them. They are very intelligent, well-trained individuals. I am convinced that each and every one of them loves this country and wants to serve it well. Yet the members of the Supreme Court of the United States are not elected. They are not subject to election at regular intervals, and that is one of the many reasons we don't trust them with the power to write law. It is one of the many reasons we don't trust them with the power to impose taxes. They are there to decide cases and controversies based on the law and the facts before them.

In the case of the Patient Protection and Affordable Care Act, they rewrote the law not just once but twice—once by transforming what was enacted as a penalty into a tax in order to save that law from an otherwise certain doom, a doom necessitated by important constitutional limitations; the second time when the Court concluded by an even wider margin—7 to 2—that Congress had violated the Constitution by imposing on the States a mandate to expand their Medicaid Programs without giving them any reasonable alternative, any available alternative. The Supreme Court, again by a 5-to-4 margin, after 7 to 2—after the Justices, by a margin of 7 to 2, had found that this was unconstitutional, five of them—by a margin of 5 to 4—saved the provisions simply by rewriting the law, by inserting into the law an exception in the law that the law did not provide.

I believe it may have been Shakespeare who originally penned the words ''he will cheat without scruple who can without fear.'' I have also heard it attributed to Benjamin Franklin. I am not sure which of them was the originator of that quote, but I have heard it attributed to both. Regardless, there has to be a legal corollary to that. When Supreme Court Justices are able to make law, when Supreme Court Justices are able to impose taxes and no one calls them out on it, that is when the people have to live with that. That is when they get away with it. That is when they are allowed to cheat the American people out of their right to have their laws made by men and women of their own choosing, to have their taxes increased, if at all, only by men and women of their own choosing. This was wrong. This was a dastardly, cowardly act, one we can't simply ignore.

One of the things I found so offensive, so appalling, so disturbing, so distressing was the fact that in the wake of this decision, so many people—many of them from my own political party—praised Chief Justice Roberts for his participation in this dastardly, inexcusable act of rewriting the Affordable Care Act not just once but twice in order to save it. They praised him. Some of them said that this showed he was willing to cross the aisle at the Supreme Court. Well, that is a problem. There is no aisle in the Supreme Court of the United States. They sit along a bench. At the center of the bench is the Chief Justice. There isn't an aisle. In fact, particularly once they have been appointed by the President and confirmed by the Senate, Supreme Court Justices operate in a world in which partisan political affiliation has no meaning. This wasn't reaching across the aisle.

Some suggested that this was somehow a statesman-like act by the Chief Justice, an act that revealed that he was willing to sort of balance various

interests, an act that some Republicans even were convinced was carefully and wisely engineered to procure a Republican partisan victory in the 2012 election cycle. That is absolutely nonsense, first of all. As a political matter, we saw that it turned out not to work at all. I don't necessarily think there is any validity to the theory that that is what the Chief Justice was trying to bring about. If it was, that would amount to an utter betrayal of his judicial oath. It would also reveal him to be a really bad political tactician, but that is not the Chief Justice's job. It is not the job of any justice or any jurist. The job of any jurist is to decide each case before the court based on the law and the facts of the particular case.

Some have suggested that this was designed to protect the enumerated powers doctrine or at least the idea that there is some limit to Congress's power under the commerce clause. I believe that is utter nonsense. This didn't do that. In fact, I think it blew a hole a mile wide in the enumerated powers doctrine because what this suggested is that, OK, the Supreme Court is going to pay at least lipservice to the idea that the power of Congress is, in fact, limited. But if Congress colors outside the lines, if Congress doesn't utter the magic words, if Congress really does something quite wrong in drafting such that its power can no longer be appropriately assigned, its power can no longer be appropriately justified under the commerce clause, then all of a sudden the Supreme Court of the United States will find some other basis in the Constitution upon which to rest this authority.

This is really disturbing because if the Supreme Court can do that and if the Supreme Court can do that even to raise taxes, then Congress can pass all kinds of laws in theory purporting to be simply exercises of its regulatory power under the commerce clause and then rely on the Supreme Court of the United States to say: Yes, OK, this may not be a valid exercise of Congress's power under the commerce clause, but we will rewrite it as a tax. We will rewrite it as a tax and thereby uphold it, thereby stand behind it.

So we get back to the question—a question I get asked all the time by people around my State, by people across the country when they hear about this decision. They ask: How can the Supreme Court of the United States do this? How can the Supreme Court of the United States get away with it?

Well, they can do it because they wear the black robes. They can do it because they have the printing press that prints out those decisions with the fancy wording of the Supreme Court behind it. They can do it because the people still regard the decisions, the rulings of the Supreme Court of the United States as legitimate.

I do have to point out another aspect of this ruling. In the same ruling in which the Supreme Court of the United States concluded that the Patient Protection and Affordable Care Act's individual mandate provision was a valid exercise of the taxing power, the Supreme Court of the United States also said—with, by the way, the concurrence of Chief Justice Roberts, who was the author of the majority opinion upholding it as a valid exercise of the taxing power—that same opinion authored by the same Chief Justice concluded that this same provision was not a tax for purposes of a law called the Anti-Injunction Act. Had the Supreme Court of the United States not reached that conclusion, had it reached the same conclusion under the Anti-Injunction Act that it reached under the constitutional aspect of the challenge, and had the Court concluded that this was, in fact, a tax and not a penalty, as it did under the constitutional analysis, then the Supreme Court of the United States would have been without jurisdiction to hear the case because the Anti-Injunction Act said: If it is a tax, you can't review the statute being challenged until after it has been enforced, which meant that no legal, no judicial challenge could have been properly brought, could have been countenanced by an article III court of the United States until, at the earliest, sometime in 2014, after enforcement of the individual mandate began.

So it was very odd that the Court, led by the same Chief Justice, concluded at once that this was a tax for purposes of constitutional analysis but that it was not a tax for purposes of the Anti-Injunction Act. Here again, how does the Court get away with that? It gets away with it because we recognize the validity, the legitimacy of the decision.

But the more people learn about this, the more they read about it, the more they become upset. I have yet to explain this to a constituent who isn't deeply disturbed by it. I have yet to explain this to anyone who can really defend it on its own merits.

So we see that this was a law that was put in place quite improperly. It was a law that was put in place not by an elected legislative body but instead by a judiciary that, at least for purposes of this case, transformed itself into a judicial oligarchy of sorts, a judicial legislative body—one of the many reasons we need to defund the implementation of this law. It was unconstitutional as written in two respects and would have been invalidated but for the Supreme Court of the United States rewriting it not just once but twice.

We have to ask ourselves these questions from time to time: Where do we go with this? What do we do with it? That is where we get back to where we are now, where the House of Representatives boldly stood behind the American people and decided to keep funding the government, funding the operations of government while defunding ObamaCare. That bill, that continuing resolution is now moving over here. That continuing resolution is now before us.

Sometimes we have to ask ourselves these questions of what is it that we are funding, why is it that we are funding it, and why is it that we should continue to stand behind a law that is causing so much harm to the American people—a law that was improperly brought into being in the first place, a law that was improperly upheld and sustained, ultimately rewritten by the Court, improperly, unconstitutionally rewritten by the President of the United States.

So I wish to ask Senator CRUZ, does the Senator know how long the Hundred Years War lasted?

Mr. CRUZ. Well, I thank my friend from Utah for his remarkable discourse on constitutional law.

As for the latest question he asked, one might think the Hundred Years War lasted 100 years, but think again.

It was 116 years.

Things are not always as they seem.

(Ms. BALDWIN assumed the Chair.)

Mr. LEE. Can the Senator tell me, where do Chinese gooseberries come from?

Mr. CRUZ. I yield for this question. Most would say China. But think again. Chinese gooseberries actually come from New Zealand.

The way things are labeled are not always, in fact, what they are.

Mr. LEE. If the Senator will yield for another question.

Mr. CRUZ. I will yield for a question without yielding the floor.

Mr. LEE. Commercial airplanes, as far as I know, all airplanes in the United States, have within them something called a black box—a black box that records the events of the cockpit. It also records critical operating data from the airplane so that in the event of an accident, the data and the voice recordings can be reviewed to try to figure out what happened.

Does the Senator know what color the black box is?

Mr. CRUZ. I say to Senator LEE, I do. A lot of people would say it must be black. If we were dealing with ordinary English language, it would be black. But perhaps airplane manufacturers think like Congress because the black box on an airplane is orange.

Mr. LEE. There is something called a Panama hat. Can the Senator tell me what part of the world the Panama hat comes from?

Mr. CRUZ. I will yield for that question and note it could possibly be Panama. You might think if you call it a Panama hat it would make sense that it would be Panama. But, no, think again. Ecuador. Ecuador makes Panama hats. I do not know that anyone makes Ecuador hats.

Mr. LEE. The device known as a camel's hair brush, does the Senator know what it is made of?

Mr. CRUZ. I yield for that question. Curiously enough, I do. You might think a camel's hair brush must be made of camel's hair. There are lots of

camels. They have hair. Surely you can make a brush. Well, maybe you can. I do not know if you can. But a camel's hair brush is made of squirrel fur. It makes you wonder. The squirrels apparently have a very bad marketing department if they give their fur that gets credited to the camels.

Mr. LEE. What color is a purple finch?

Mr. CRUZ. Again, I will yield for the purpose of that question to note a purple finch—listen, similar to most husbands, I have a color palate of about six colors. I remember once my wife asked me, with regard to a tile—we were redoing our bathroom. It was a white tile. She was long distance. She said: What shade of white? I will note that was a question I was utterly incapable of responding to. I was not aware there were shades of white, and my vocabulary does not cover such things. I finally dropped it in a FedEx envelope and simply sent it to her. I was like: It is a white tile. I know nothing beyond that.

But yet your question: What color is a purple finch? I would tend to think it would be purple, but I would think wrong if that were the case because a purple finch is crimson red.

Mr. LEE. There is a chain of islands off the coast of Spain, a chain of islands known as the Canary Islands. Can the Senator tell me after what animal were these islands named?

Mr. CRUZ. I will yield for the purpose of that question as well. Indeed, I can tell you that. Now, you would think, if you call a chain of islands the Canary Islands, it must be a bird, maybe a bird in a coal mine but some sort of bird. Think again. The Canary Islands are named after a dog. I would note, the Canary Islands are a chain of islands I have some real connection to because my grandfather, my father's father, was born in the Canary Islands. Indeed, he moved to Cuba when he was 1, was raised in Cuba. My father was born in Cuba, was raised in Cuba.

The lesson from all of these is striking. Labels do not always mean what they say. Some might wonder, what does this chain of insightful questions from my friend, the junior Senator from Utah—how does it relate to the issue of ObamaCare?

If we look at Senator LEE's tremendous discourse of the Constitution—and I would note, by the way, there is not another Senator in the Senate who could give that constitutional lecture that my friend Senator LEE did, sharing with this body. I wish all 100 of us had been here to hear that because a lot of Senators—all Senators would be well served by learning or relearning those basic constitutional principles.

Mr. LEE. But the question is, Would any of them be willing to listen to it or interested in it or would most of them consider it a form of torture?

Mr. CRUZ. I yield for the purpose of that question as well—and they might well.

One of the striking things—and although under the rules of the Senate I am not allowed to ask Senator LEE a question, I can pose a rhetorical question to the body, and should Senator LEE have thoughts on that rhetorical question, he can choose to ask me a question that might contain his thoughts on that rhetorical question posed to the body.

So given that sort of convoluted reasoning, which may explain why we are in the Senate with the odd and precarious procedures that govern this body, I am going to ask this rhetorical question to the body, which is, Senator LEE explained that the Supreme Court of the United States upheld ObamaCare, after concluding it exceeded the commerce clause authority of Congress, by concluding that it was a tax. By calling it a tax, it was able to force it into a different line of jurisprudence and uphold it under the taxing clause, the taxing power of Congress.

I would ask rhetorically of this body, was it an accident that the ObamaCare statute did not call the individual mandate a tax? Maybe it was a scribe's error. Maybe it was they meant to call it a tax, they thought it was a tax, and a clerk writing just wrote the wrong word. So instead of ''tax,'' the word ''penalty.'' Surely that is not consequential. It must purely have been an accident. As a related component of that, was it an accident that the President of the United States went on national television and told the people of America, while this was under consideration, this is not a tax.

He affirmatively said this is not a tax.

Mind you, the argument that the U.S. Department of Justice made, the Obama administration made to the Supreme Court was this is a tax, although the statute did not say it. The argument the Supreme Court ultimately found persuasive was: This is a tax, although the statute said it was a penalty and not a tax.

The question I would rhetorically pose is: Was it an accident or is there perhaps another reason why elected politicians would not call something a tax?

Mr. LEE. Will the Senator yield for question?

Mr. CRUZ. I will be happy to yield for the purpose of a question.

Mr. LEE. Hearing the Senator from Texas, I started humming the theme to ''Jeopardy,'' while stating lots of these things in the form of a question. It does occur to me it is absolutely certain there was a reason why this was not called a tax when it was presented to the Congress. The reason is tax hikes are unpopular. Tax hikes are especially unpopular when they are directed at the American middle class. Tax hikes are especially unpopular when they are directed at the American middle class, when they are presented by a President who ran specifically on a campaign of not raising taxes on the American middle class, which, of course, nearly all candidates for President will promise and in this case did promise.

So, no, it is not by any means an accident that this happened—the fact that language, consistent with 100 years' worth of jurisprudence, language that was used in this law, created a penalty. There is a very clear distinction between a penalty under Federal law and a tax under Federal law. A tax under Federal law is something that is an obligation, a generalized obligation to fund government; whereas, a penalty is something that involves both a requirement under Federal law and a provision exacting a payment as something that occurs in response to noncompliance with that requirement. So no, this was not an accident at all.

So I would ask Senator CRUZ whether this aspect of the Affordable Care Act—and also the fact that ObamaCare is called the Patient Protection and Affordable Care Act—doesn't it strike the Senator that this, in so many ways, is a misnomer in much the same way that the Hundred Years' War did not last 100 years, Chinese gooseberries come not from China but from New Zealand, that the black box is orange, that Panama hats come from Ecuador, that camel hair brushes are made of squirrel fur—by the way, I do not ever want to try one of those; it does not sound pleasant—that the purple finch is actually red and that the Canary Islands are named after a dog? So, too, the Patient Protection and Affordable Care Act is a name that does not accurately describe the finished product because this is a law that will make health care less affordable rather than more, and it is a law that subjects patients to a lot of harm rather than protecting them.

Does that mean we should think again about ObamaCare in the same way that we need to think again in the answers to some of these questions?

Mr. CRUZ. I think the good Senator from Utah is exactly correct. Indeed, as he quite rightly explained, it was not an accident that Congress deliberately did not call the individual mandate in ObamaCare a tax, nor was it an accident that the President of the United States explicitly said it is not a tax, because the effort was to represent to the American people that it was something quite different.

Indeed, again, asking a question rhetorically to the body—I know Senator LEE is aware; I know many other Senators are aware—of a lot of cases in the Supreme Court, the commandeering line of cases that provides that one of the things this body cannot do, Congress cannot do, is commandeer a State legislature, commandeer a State lawmaking apparatus or a State executive agency to implement, to carry out Federal law and Federal policy.

Indeed, the Supreme Court has explained the reasoning behind the commandeering line of cases; that fundamental to our democratic system, fundamental to our constitutional system is the notion of accountability, the notion that the voters should be able to determine who is it that put this policy in place.

If Congress could commandeer and force State legislatures to carry out Federal policies, it might be that voters would get mad at the State legislators, and they would be mad at the wrong people because if the decisions were coming from Congress and yet it was the State legislators being commandeered into acting, that would frustrate the principles of accountability that underlie our constitutional structure.

So the Supreme Court has explained that to make the democratic system work, the voters need to be able to understand who has made a decision, what that decision is, and if they do not like it, they need to be able to, as they say colloquially, throw the bums out.

The Affordable Care Act in Congress, declining to call it a tax. I might ask, did the Supreme Court's rewriting the statute to call it a tax for Congress, to call it a tax for the President—despite the fact that both had said it was not—did that contravene the accountability principles that underlie the Supreme Court's commandeering doctrine that underlie the constitutional principles of, frankly, a republican form of government, where we may know who our elected officials are and what their actions are, and that they may be held accountable for those actions so that a democratic republic can function?

Mr. LEE. Will the Senator from Texas yield?

Mr. CRUZ. I will yield for the purpose of a question without yielding the floor.

Mr. LEE. It occurs to me, as I think of this question that I am about to ask the Senator, that, inevitably, one constitutional violation facilitates another. It cannot be that you violate one aspect of the Constitution, in this circumstance, especially, where you are tinkering with the lawmaking power in ways that impact both federalism—the relative power of States and localities, on the one hand, vis-a-vis the Federal Government on the other hand—and also when you manipulate the power to legislate, the power to impose taxes.

Anytime you distort the operation of the legislative power, anytime you allow the judicial branch to commandeer the legislative machinery from Congress, you are also distorting the accountability you describe. In other words, you have in the Patient Protection and Affordable Care Act a massive intrusion by the Federal Government into the sovereign authority that is retained by the States and by the people.

The bigger the legislative package, the bigger the intrusion, and the greater the potential threat to federalism. The more removed that legislative package is from the people's elected representatives in the House and in the Senate, the greater the potential distortion that is at play in the constitutional system.

What we have at the end of the day is a new tax. Nobody knows who to blame. When the people are upset that they are going to be paying this tax, who do they blame? They go to their Members of Congress. You ask any Member of Congress who is still here who was here when this was enacted, any Member of Congress who voted for the Patient Protection and Affordable Care Act, and I can pretty well guarantee you they are going to say: Oh, no, I did not vote for a middle-class tax hike. I did not vote to impose a new tax on middle-class Americans. No. No. I voted for this, but I did not vote for that because this imposed a penalty and not a tax.

I know that because even in the wake of the Supreme Court's ruling in 2012, people who supported this legislation in the House and in the Senate and in the White House continued to insist: No, this is not a tax, this is a penalty. This notwithstanding the fact that the Supreme Court of the United States concluded it could not be upheld as a penalty, that it can be upheld only as an exercise of Congress's authority to tax, an authority which Congress decidedly did not exercise. So the accountability is thrown off severely.

This is what prompted me to introduce a piece of legislation, S. 560. S. 560, which stands in rather stark contrast to the Patient Protection and Affordable Care Act with its 2,700 pages and 20,000 pages of implementing regulations—S. 560, 1 page.

Here is what it says, to paraphrase: Section 1501 of the Patient Protection and Affordable Care Act, the individual mandates provision, is hereby amended as follows: Nothing in this provision shall be interpreted as a tax or as a valid exercise of Congress's power to tax pursuant to article I, Section 8, clause 1, or the 16th Amendment.

You see, the part of S. 560 is that it gives those who voted for ObamaCare, those in Congress who still defend ObamaCare, something other than a tax on the middle class, an opportunity to register that belief, to register that belief by a vote, a vote that would say yes, I do not believe this is a tax, and it should not be considered as a tax by the courts, and it should not be upheld by the courts as a tax. It should not be construed under any circumstance as a tax, because we do not regard it as that.

The interesting thing, of course, is that that is naturally the way people who are the law's biggest defenders would like to vote in some respects, because they want to tell the American public, and they are still telling the American public: It is not a tax, it is a penalty. But if, in fact, they actually put their vote in that direction, if they put their money where their mouth is and they pass that into law, guess what happens to the Supreme Court's ruling. What would happen to the Supreme Court's ruling in that circumstance, if we were to pass S. 560 into law? Let's assume that somehow magically it passed the House and the Senate and President Obama signed it. Perhaps it united both parties behind this concept that this is not a tax. What then would become of the Supreme Court's ruling upholding the Patient Protection and Affordable Care Act on that basis?

Mr. CRUZ. It is an excellent question from Senator LEE. The answer is quite simple. If Congress acted to make clear that nothing in the Affordable Care Act created a tax, that would remove the entire basis for the Supreme Court's upholding ObamaCare. Indeed, it would be a relatively simple matter in subsequent litigation for the Court to conclude under the matter it has already concluded that the other bases for upholding the act are not present.

When have you elected officials who go to the people, and go to the people as Senator LEE still quite rightly noted and still say it is not a tax, you would think they would happily vote for it, except there is a vested interest. I would note there is a difference between calling this a tax when Congress said and says it is not, and the examples we went through of the Hundred Years War and the purple finch, and that those are relatively innocuous misnomers, where there is something designed to be actively deceptive.

Indeed, another one you could add to that litany we went through is you might think if an act were titled ''An act to amend the Internal Revenue Code of 1986, to modify the first-time homebuyer's credit in the case of members of the Armed Forces,'' you might think that is the title of an act that would concern something about the first-time homebuyer's credit, perhaps even members of the Armed Forces. Depending on the content of it, it might even be an act that Senator LEE and I together would support.

Yet think again. That act is ObamaCare. This is the 2,000-plus pages of ObamaCare, a little bit worse for wear. Right on the cover of it on page 1: December 24, 2009, ordered to be printed and passed. Resolved, that the bill from the House of Representatives, titled H.R. 3590, entitled, an Act to amend the Internal Revenue Code of 1986, to modify the first-time homebuyer's credit in the case of members of the Armed Services and certain other Federal employees, and for other purposes, do pass the following.

Then what was this amendment that was done? Strike out all after the enacting clause and insert. Everything for the first-time homebuyer's credit, everything about the Armed Forces, that all got erased. The title stayed there but it all got erased. Suddenly, ObamaCare was born.

That was a creature, that was a fact that came out of the procedural games that had to be played to force ObamaCare into law on a straight party-line vote. But I would note that this body has not forgotten how to play those games. Indeed, I would ask again rhetorically to the body, is the game the Democratic majority of Congress played in passing ObamaCare, saying it was not a tax, when in fact it was a

tax, when it was not a tax, any different than what right now some members of the Republican conference are doing when they say they will vote for cloture in order to give HARRY REID and the Senate Democrats the ability to fully fund ObamaCare, and that they will do so because they want to defund ObamaCare? Is that fundamentally any different, presenting one story to tell the voters and a different story in terms of what will happen in this body? When it comes to accountability, I wonder if we are seeing much the same games played out again, games that undermine the integrity of this institution, games that undermine the confidence the American people have that our elected representatives listen to us.

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

Mr. CRUZ. I am happy to yield for the purpose of a question without yielding the floor.

Mr. LEE. It certainly is important that we call something by an appropriate name. It was important back then that the Congress properly name what it was doing. It was appropriate back then for the Congress to say: We are enforcing the individual mandate through a penalty and not through a tax. In fact, it was so important that but for Congress's decision to make this a penalty and not a tax, it would never have passed in the first place.

What you call something and what you make of it can mean all the difference between passage and failure of a particular legislative proposal. When you dress something up in different language, something might appear to be more palatable than it actually is. Certainly, it could be argued that if there are people among us—if there are Republicans among us who are saying that if you support the House-passed continuing resolution, then you must vote for cloture on the bill, cloture on the House-passed resolution, that would not be accurate, in my opinion. I would respectfully but strongly disagree with someone who would make that claim. I certainly do not believe it is accurate to say that if you support the House-passed continuing resolution, the one that keeps government funding but defunds ObamaCare at the same time, I think it would be inaccurate to say you must vote yes on cloture on the bill in this circumstance.

It is not to say that in every circumstance you would have to vote no. In fact, it seems counterintuitive when you first approach it, say why would you vote no on cloture on a bill that you liked. There is one circumstance where I can see where you would want to do that. It is a circumstance in which the continuing resolution you want to support moves over from the House of Representatives, and there are three alternatives the Senate could consider, but the Senate chooses only the third, three doors the majority leader could choose to open. He chooses only the third.

The first door is one in which he says: Okay, we are going to vote on this. We are going to vote on it up or down on its merits as is. We are going to vote on it as it was passed by the House of Representatives.

Behind door two is another option. We are going to allow amendments. We are going to allow individual Members, Democrats and Republicans, to submit amendments as they deem fit. We will debate and discuss those amendments. We will consider them. We will vote on them. Some of them may pass, some of them may not pass. But we will get to amendments. Door one is okay. Door two is okay. They are both appropriate. I would be okay with either one. I would vote yes on cloture on the bill if we were going to go through either of those first two doors.

But door three is the one the majority leader appears likely to open. And behind door three is a very different alternative, one where the majority leader says: I do not want to vote on it as is. But I also do not want to allow an open amendment process. In fact, I am going to allow one and only one amendment. That amendment will gut the continuing resolution passed by the House of the single most important provision relative to its ability to pass the House, the provision defunding ObamaCare.

Door 3 is unacceptable. Door 3 is unacceptable because it allows the majority leader to gut the House-passed continuing resolution funding government but defunding ObamaCare.

I find door 3 unacceptable. Because I find door 3 unacceptable, I am not going to help the majority leader get there. If he wants to get there with the help of himself, his own vote, and the 53 Democrats who follow him in his conference, that is fine. Let them do that. If he wants to try to convince some Republicans to join him in that effort to make it easier for him to gut the House-passed continuing resolution, to strip out the language defunding ObamaCare, then that is the prerogative of anyone who may go along with him. I choose not to do that because I was elected to fight this law, not to facilitate its implementation.

I don't want to facilitate its implementation. I therefore don't want to facilitate the demise of what I regard as the single most important provision of the House-passed continuing resolution. I will therefore vote against cloture on the bill.

I ask Senator CRUZ, how does he view the upcoming cloture vote? I am speaking here not on cloture on the motion to proceed but on the cloture on the bill, on the House-passed bill, the continuing resolution.

Mr. CRUZ. I thank my friend from Utah for that question.

On the motion to proceed, on the decision of whether to take up the bill, I think there is widespread agreement that we should take up this bill as there is no more important bill we could be debating now than this. Indeed, in my view, there should not only be 3 Senators in this Chamber, there should be 100. The urgency facing this country from ObamaCare is such that we have nothing better to do. When James Hoffa, the president of the Teamsters, says that ObamaCare is a nightmare, frankly, Senators shouldn't be asleep while the Nation is undergoing a nightmare.

The vote that matters is the vote on cloture on the bill. It will occur on either Friday or Saturday of this week. On that vote, 60 Senators, vote yes for cloture. That is a vote to shut off debate, a vote to say we will not debate anymore. What it does is it opens the door, it sets the stage. It allows the majority leader HARRY REID to fully fund ObamaCare with just 51 Democratic votes. That means for the Republican side of the aisle that any Republican who votes along with HARRY REID—and you quite rightly know that Leader REID and presumably all of the Democrats will vote for cloture on a bill with which most, if not all of them disagree. They get the joke. There is no mystery to this when the majority leader has announced: I am going to shut off all other amendments and I am going to add one amendment to totally gut the bill and to transform it, to do to this bill what they did to this bill.

Can you imagine if we were debating cloture? This is actually a very good analogy. Imagine if this bill were coming over, the bill that was turning into ObamaCare, and we had the same procedural arrangement—cloture vote first at 60 votes and then all amendments to be approved at 51 votes. Imagine if Republicans said: I support an act to amend the Internal Revenue Code to modify the first-time home buyer credit in the case of members of the Armed Forces. That is a good idea, so I am voting yes for cloture.

That is the bill I supported. It is the bill that came over, and it is the bill that I have right now.

Imagine if that were the scenario, and imagine that majority leader HARRY REID had announced: Once we get cloture, I am going to offer an amendment to strip every word of that bill you say you support, strip it all out and to replace it with 2,000 pages of ObamaCare.

I would suggest that any Republican who stood up and said: I am voting for cloture to give HARRY REID the ability to strip out the bill that I support—which he said he is going to do—and to replace it with a bill that I say I oppose and not just oppose slightly, that I say I oppose passionately, I would suggest that would be beyond irrational. Indeed, it would be so irrational to do that, and I would suggest no Member of the Senate is capable of such irrationality. This means, if they are saying that, it is for a deliberate purpose. It is because they affirmatively desire that outcome and yet they wish to be able to tell their constituents something different. It is fundamentally the same dynamic that leads to the cynicism about Washington that ''our elected leaders don't listen to us.''

I wish to note on a different front that serving in an elected office is a tremendous privilege. It is a humbling experience. You get to meet people from all over the State, sometimes from all over the country. You get to meet incredible people. You get to meet people who have done remarkable things.

One of the people I have been privileged to meet is my colleague and friend Senator MIKE LEE. We have learned tonight a number of extraordinary things about him, a number of things that border on the superhuman.

No. 1, we have learned that Senator MIKE LEE would be willing to purchase a ton of rocks and a Barry Manilow record simply to bring his wife milk and eggs. That is extraordinary matrimonial fidelity.

No. 2, we have learned that Senator MIKE LEE as a boy could be run over with a Buick filled with seven people and not have his foot injured. That, too, is extraordinary and superhuman.

No. 3, we have been privileged with a tour de force constitutional lecture with no notes, with no materials in front of him that, frankly, was reminiscent to me of a former boss of mine.

Senator LEE is the son of a legend in law. His late father, Rex Lee, was the Solicitor General of the United States. I did not have the opportunity to meet his late father but have known him by reputation for much of my life because he was revered as one of the finest Supreme Court advocates who ever lived. I think MIKE was all but weaned on the Constitution as a young lad.

The discourse Senator LEE just presented to this Nation reminded me of my boss, former Chief Justice William Rehnquist, who, like Senator LEE, had a deep love for the Constitution and, like Senator LEE, had an encyclopedic knowledge of the Constitution and could weave the battles we have had to rein in government power to protect individual liberty into a tapestry of narrative that explained what it is we are fighting for.

I will say that as we stand here now at 3:35 in the morning, I feel privileged. I feel fortunate to be standing side by side with my friend.

I will say this: If ever I am threatened by a Buick with seven people in it, I want to put MIKE LEE between me and the Buick.

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

Mr. CRUZ. I yield to the gentleman without yielding the floor.

Mr. LEE. First, by way of clarification, it was not a Buick but an Oldsmobile.

Those were not rocks I was purchasing in my hypothetical; it was instead a half ton of iron ore. I am not sure it is critical to the merits of the story, but I did think that deserved some clarification. I am not certain that I would, in fact, do that. I wish to be very clear. I did engage in a transaction like that.

It does remind me of how we are often asked to vote here. We tie together program after program. Things are funded not on their own merits but on the merits of other programs. When you tie every single piece of government spending together, then all of a sudden it becomes a must-pass piece of legislation. Everybody sinks or swims together, and it becomes a practice of collusive spending in which Congress funds things not because each program deserves to be funded but because nobody wants to have his ox gored, and that does become a problem.

I appreciate the Senator's comments about my late father. He has been dead for the last 17 years. We miss him. We have missed him every day since then.

The Journal of the American Bar Association once referred to him as ''Huck Finn in a morning suit,'' referring to the ceremonial dress worn by the U.S. Solicitor General. They regard him as sort of the Huckleberry Finn character. It was not typical that a boy from the Rocky Mountains, as he used to describe himself, ends up in that position, but he loved that position and loved it very much.

It is worth noting that I have met the father of the junior Senator from Texas. He is an inspiring speaker. He is a true patriot. Even though he was not born or raised in this country, the Senator's father has a great love of the United States of America that is unparalleled, certainly unexceeded by almost anyone I have ever met. He is one who certainly can understand the angst the American people feel about laws like ObamaCare. He is someone who I think can understand that in many respects the very best kinds of jobs program the Senate could enact, as my friend Jared Stone from Danville, CA, recently told me, would be legislation defunding ObamaCare. As my friend Jared Stone pointed out to me, ObamaCare presents a sort of double whammy for the American people. At once, it imposes a massive new tax on the middle class and at the same time kills job opportunities for the middle class. Most people who work in real jobs or want to have a good job understand this. That is why the overwhelming majority of Americans want the Senate to defund ObamaCare.

This is a principle that I think the father of the junior Senator from Texas understands very well. The father of the junior Senator from Texas came here as a young man, initially working at a restaurant waiting tables, as I recall. This was a young man who had escaped tyranny in various forms, originally the form of tyranny Cuba saw under Castro's predecessor, Fulgencio Batista.

The Senator's father had quite an experience coming to this country. I was wondering if the junior Senator from Texas would be willing to share a little bit more about his father's story, the story of Rafael Cruz, how he came to this country, and how the Senator's father might look upon ObamaCare based upon his rather unique experience coming to this country.

Mr. CRUZ. I thank my friend from Utah for his very kind comments regarding my father, and I will say that he and I—I will paraphrase Sir Isaac Newton, who said: If I have seen a little bit further, it is by standing on the shoulders of giants. I will say one thing. Senator LEE and I are both fortunate. We are blessed to be the sons of fathers whom we admire immensely and who, I think for both of us, played a big part in trying to raise us to be principled, to fight for liberty, and to fight for the Constitution.

When you think about the journeys to freedom that constitute who we are as American people, all of us have a story. It doesn't matter—in any group you go to, you could get 1,000 people in an audience, and each person could come up to the microphone and tell their family story of someone who risked everything to be here.

My dad as a kid was born in Cuba. We mentioned earlier that his father had come from the Canary Islands when he was 1. As a young man—my dad was 14 when he began to get involved in the Cuban Revolution. At the time, Batista was the dictator. Batista was cruel, corrupt, closely aligned with the Mafia, and he was oppressive.

The revolution occurred—dad was a 14-year-old boy, and I am looking at the pages who are sitting here now who are older than 14, and I would suggest, if you could imagine at the age of 14 finding yourself in a war, finding yourself fighting a war, hoping to liberate the country, being asked to fight against the army, and being asked to fight for freedom. The revolution was being fought on behalf of Fidel Castro, and indeed my father was one of many freedom fighters who fought on behalf of Castro. My father didn't know Castro. He was a kid. He was not a high ranking person in the revolution. I can tell you, my dad and the kids who were fighting, none of them knew at the time Fidel Castro was a communist. As my father describes it today, he says: Look, we were all 14- and 15-year-old boys. We were too dumb to know about that. We were just fighting for freedom. We just wanted to get out from under the boot of Batista.

For 4 years my father fought with the revolution. When he turned 17, my dad went out and partied. He was enjoying himself. He was a 17-year-old young revolutionary. He was in a white suit. You know, Senator LEE, Latinos love white suits. He was in a white suit and he was partying it up in Havana and he disappeared.

For several days my grandfather went looking for him. My grandfather—my grandparents knew their son was involved in the revolution. He hadn't hid that from his parents. And they also knew if your son is involved in the revolution and he disappears, it is a bad, bad thing. Well, after searching for him for several days—searching the jails, searching around—they found my dad. He was in a jail. He had been imprisoned, and he had been tortured.

I will confess to this day I don't know a lot about what happened. Different people have different experiences. My father doesn't talk much about it. To the best of my knowledge, other than our colleague Senator JOHN MCCAIN, whom all of us respect immensely for his tremendous service and sacrifice to this Nation, I am not aware of any of our colleagues in this body who have experienced anything like imprisonment and torture—and what my father experienced was a tiny fraction of what JOHN MCCAIN went through in the years he was in that Vietnam prison. But my dad, when I was growing up, never would really tell me what happened there.

But I remember one night when I was a kid—I think I was in high school, maybe junior high or high school, I don't remember—my dad and I had gone to see the movie Rambo. My dad and I both liked movies. He had taken me to see Rambo, and it was a fun movie to see as a kid. It happened that night—my parents owned a small business, and my dad had one of his clients over for dinner—that during the course of dinner, my father was talking to his client, and he was feeling a little gregarious, and he started talking. He said: You know, my son Ted and I went to see Rambo this evening. And you might remember there is a pretty nasty scene where Rambo is strapped to a bed frame and being subjected to electric shock. Not a very pleasant scene in the movie. My dad was saying: You know, the Cubans weren't nearly so fancy when it came to torture. We watched the movie Rambo. They didn't have any fancy bed frames and electric shock or anything. The Cubans were much more simple in their torture. Basically, they would just come in every hour and beat the living daylights out of you. They would just beat you, and beat you, and beat you. Then they would leave, come back in an hour and do it again.

I can tell you my grandmother said when my dad came out of that jail cell in Cuba the white suit he was wearing, you couldn't see a spot of white on it, that every inch of that suit was covered with mud and blood from where he had been beaten. And my father's teeth, she said, were dangling from his mouth in shards. Today, my father is a pastor in Dallas, and his front teeth are not his own because when he was a kid they were kicked out of his mouth in a Cuban jail.

He got out of that jail and at that point my grandfather told him, he said: Look, Rafael, they know who you are now. In fact, the Batista police were following my dad hoping he would lead them to others in the revolution. The only reason he got out is they thought: Well, maybe if we let him go he will be dumb enough to go to some other people in the revolution and we can track them down too. So my grandfather said: Listen, they know who you are. At this point they are just going to hunt you down and kill you. You can't stay here.

So my father applied to three U.S. universities. He applied to the University of Miami, he applied to LSU, and he applied to the University of Texas. It was pure happenstance that the first one to let him in was the University of Texas. Had it been otherwise, had it been the University of Miami, I might today be a constituent of our friend MARCO RUBIO. But it so happened it was the University of Texas, and that led to my father getting on a plane in 1957 when he was 18.

I want again to talk to the pages who are here. Some of you may be 18 or near it. I want you to imagine at the age of 18 getting on a plane and flying away from your family, thousands of miles away to another country—to a country where you don't know anybody, you don't have any family, and you don't speak the language. Imagine walking off the plane.

My father had the suit on his back. He couldn't take anything with him. He couldn't take a suitcase or anything. He was wearing a suit. The one possession he had was a slide rule that was in his pocket. I see looks of somewhat confusion on the faces of the pages. I note anytime I talk to young people they have utterly no idea what a slide rule is. That was the one possession he had that he had taken from Cuba. And my grandmother, before he left, sewed $100 into the inside of his underwear. She wanted him to have at least a little money when he landed.

So in 1957 he shows up in Austin, and his first priority was to get a place to live. So he went and found a place to live. And then he had to get a job. And the job he got was washing dishes. Why washing dishes? Because you didn't have to speak English. He couldn't speak English. He made 50 cents an hour. He didn't have to talk to anyone. He could take a dish, stick it under hot water, scrub it, and move on to the next one. That he could do.

My dad worked 7 days a week washing dishes and then as a cook to pay his way through the University of Texas. And times were tight. I can't imagine. I didn't have to go through that. I don't believe Senator LEE had to go through the experience of going to school full time and working full time. My dad worked 7 days a week while he was going to school full time as a student. It wasn't that he wanted to. He didn't have any other alternatives. There wasn't anyone else providing for him.

I remember a couple of stories my father told me of his time in college. With the indulgence of the Chair, I will share those stories because they are stories, I think, of the American experience; they are shared experience.

The great thing about working in a restaurant is they let you eat while you work. So during the 8 hours, he would eat those 8 hours. The other 16 hours he wouldn't eat. It was even better when he got promoted to being a cook, because as a cook you really got a chance to eat. For example, one of the things the restaurant served was fried shrimp. My dad had a policy that anyone who ordered a dozen shrimp, he would cook 13 and eat one. During the course of the day a lot of people would order fried shrimp, and he would just eat one steadily throughout the day. My dad used to try to drink 6 or 7 glasses of milk during the day. He figured there was no percentage in water, and he needed the nutrients. Because when he left, he was going another 16 hours without eating until he came back to work the next day. He didn't have money for food.

There was one little exception. There was a coffee shop he found in town. He went in one day, and he splurged. It was one of the few times he actually spent money, and he spent money for a cup of coffee. Another gentleman in the coffee shop came in and ordered some toast. My dad saw the waitress take out of a bag a fresh loaf of bread, take both of the heels and throw them away, and then take two other slices of bread, put them in the toaster and toast them. My father said: What are you doing? You are throwing away perfectly good food. And she said: well, we can't serve the heels.

When you are desperate and you are hungry, you have incentive to do all sorts of things, and so my father said: Listen, do me a favor. Save them for me. Just save them for me. You can't serve them, I will eat them. He used to go into that coffee shop, and that waitress very kindly would save the heels when she opened a new loaf. When he would come in she would have five, six, or seven heels. She would toast them and give him butter, and he would order one cup of coffee and have five or six heels of toast and drink his coffee.

Another similar story. There were a lot of immigrants at the University of Texas who didn't have two nickels between them, and he went over to some friends who I think were brothers and they invited him over for dinner. He was sitting down for dinner with a big pot of black beans. Cubans love black beans. When he was reaching in to get black beans, they said: Watch out for the nail. Watch out for the nail? What on Earth are you talking about? These two brothers explained: Look, we don't have money for food. So what little money we have, we have enough to have beans each night, and we have enough to purchase a little tiny paper-thin steak. The brothers said: Initially, we started to cut the steak in half so we would each eat it. To be honest, we both left hungry and we weren't happy with that. So we decided instead of doing that, we would take a nail, drop it in the beans, and we would fish for the nail. Whoever got the nail with their beans got the whole steak and the other brother didn't get any steak at all.

They said: Rafael, since you are our guest—and he was kind of waiting for them to say we are going to give you the steak, but they were not quite that generous. But they said: Since you are

our guest, we will give you half of the steak and we are going to fish for the nail for the other half.

One other story. In his freshman or sophomore year, I'm not sure which, my dad and a couple of other Cubans who were students there decided they wanted to have a Christmas dinner. The Cuban tradition of Christmas is to roast a whole pig.

Indeed, if I may digress, when I was dating my wife Heidi—Heidi is the love of my life, she is my best friend. She was raised in California. She and her whole family are vegetarians. I remember Heidi brought me back to meet her parents for Christmas, and we were sitting there having Christmas dinner. I would note that a vegetarian Christmas dinner is just like any other Christmas dinner except the entree never comes. Everything else is wonderful, but you keep waiting for them to bring out the entree and it is not there.

My now in-laws, who are wonderful tremendous people, who were missionaries and just wonderful people, they were trying to get to know this strange young man their daughter had brought home. And they said: Ted, tell us, how does your family celebrate Christmas? I said: Well, we are Cuban, and the Cuban tradition is that on Christmas Eve we roast a whole pig.

I must tell you the look of abject horror. If you can imagine a table full of California vegetarians, when I said we roast a whole pig. I don't think if I had said we consumed live kittens it would have more horrified them than that so viscerally carnivorous tale.

But my dad and a couple of his Cuban buddies decided they wanted to have a Christmas dinner, and to actually celebrate. So they drove to a farm just outside of Austin. They found some farmers in central Texas and said: Listen, is there any chance we could somehow buy a little piglet from you? Can we do something so we could get it and roast it? We would like to have it at Christmas Eve dinner. These farmers decided they wanted to have fun with my dad and these kids, so they said: Tell you what. We will take this little piglet and let him loose in a corral filled with mud. If you can catch it, you can have him for free. My dad and his friends chased that piglet for close to an hour, running around in the mud. They finally caught the piglet, the farmers gave it to them, they took it home, and they roasted it for Christmas Eve.

The epilogue to the story about my in-laws is that when Heidi and I became engaged, her mother called her and said: Sweetheart, are you prepared to catch the pig? Thankfully Heidi reassured her she was quite confident in our marriage that there would be no pig catching that she would indeed be carrying out, and that has indeed proven true.

All of us have stories about our families. My father has been my inspiration ever since I was a kid because I think it is a great blessing, a tremendous blessing to be the child of someone who has fled oppression, to be the child of someone who came here seeking freedom. It makes you realize that what we have in the United States of America is precious, it is wonderful, it is unique, and we cannot possibly risk giving it up.

At the same time, I am amazed at how commonplace my father's story is. Every American has a story just like that. Sometimes it is us, sometimes it is our parents, sometimes it is our great-great-grandparents. But I have yet to encounter someone who doesn't have a story like that in their background, often closer than one might think. I think the most shared characteristic among all of us as Americans is we are the children of those who risked everything for freedom.

Sometimes people ask, what differentiates Americans from, say, Europeans, Americans from other countries? I think more than anything it is in our DNA to value liberty and opportunity above all else.

When ObamaCare was being passed 3½ years ago, I think the proponents believed—in fact, they stated—that once it is in place Americans would come to love it and would give up their liberty, would give up their freedom in exchange for bread and circuses. Yet 3½ years later we see ObamaCare is less popular now than it was then. That is true all over the country. That is true in every region. That is true among Republicans, among Democrats, among Independents, and among Libertarians.

There are several reasons for that. One is simple facts. Forget party ideology affiliations. The simple fact is this isn't working. If you look at it on its face, it is a train wreck, as the Democratic Senator who was the lead author of ObamaCare has described. On its face it is a nightmare, as James Hoffa, the president of the Teamsters, has described it.

ObamaCare in practice is killing jobs all over this country. It is causing small businesses to stay small, not to grow, not to create jobs. It is causing Americans all over this country to forcibly reduce to 29 hours a week. Do you know who is being reduced the most? It ain't the rich. It ain't, as the President likes to put it, the millionaires and billionaires. The millionaires and billionaires are doing great. They are richer today than when President Obama was elected.

I think the biggest lie in politics is the lie that Republicans are the party of the rich. I think it is a complete and total falsehood. The rich do great with big government. Business does great with big government. Why? Because big business gets into bed with big government.

What have we seen with ObamaCare? The rich and powerful get special exemptions. Big businesses? The President exempts them. Members of Congress? The President exempts us. It is the little guy who doesn't have an army of lobbyists, doesn't have special interests, the little guy is the one left out.

So who are the people losing their jobs? Who are the people forcibly having reduced hours? Who are the people facing skyrocketing health insurance premiums? Who are the people having their insurance dropped? It is people such as the disabled retirees whose letters I was reading earlier today. It is people like my father.

If ObamaCare was the law in 1957, when my father was washing dishes, I think it is a virtual certainty that he would have found his hours forcibly reduced to 29 hours a week—if he had been lucky enough to get a job in the first place. He might not have been hired at all. That is happening to people all over the country. The people who are losing under ObamaCare are people like my dad, teenaged kids who don't speak English, who are recent immigrants, who are Hispanic, who are African Americans, single moms.

I have a good friend who is now a justice on the Texas Supreme Court whose mom was a single mom and waited tables. He computed the distance she walked as a waitress to bring him up. I don't remember the exact measurements, but it was some remarkable number of times walking from the Earth to the Moon and back that she walked so her kids could have a better life. That single mom who was waiting tables, her son is now a justice in the Texas Supreme Court. That is the story of America. But if ObamaCare had been in place, that single mom waiting tables is working 29 hours a week. Try feeding a family on 29 hours a week. You can't do it. It cannot be done.

So what happens instead? People get their hours forcibly reduced. They either can't earn enough to feed their family so they leave the workforce altogether and they go on welfare. Not that they want to. They want to be working. But if Congress has passed a law so that the only job they can get is 29 hours a week, that is not enough to feed their family. Right now one in seven Americans is on food stamps. What a travesty. It is not a travesty from the perspective of the budget; it is not a travesty from the perspective of the taxpayers. It is a travesty from the perspective of those people on food stamps who would rather be working, who would rather have the dignity of work to provide for their family and to climb the economic ladder.

My dad started washing dishes, but he didn't stay there. After washing dishes he got a job as a cook. After a cook he got a job as a teaching assistant. After a teaching assistant he got hired at IBM as a computer programmer. Then he started his own business. If he doesn't get hired washing dishes, he doesn't get the next job as a cook, he doesn't get the next job as a teaching assistant, he doesn't get the next job at IBM, he doesn't get the next job starting his own business.

If you look at those single moms who are waiting tables and suddenly get their hours reduced to 29 hours a week, if she ends up giving up, going on food stamps, going on welfare, saying I can't earn enough in the market to provide for my family, not only does that have devastating effects on her and on her kids, but it also means she won't have a chance to move up the ladder. She won't have a chance to get that next job. Maybe if she was waiting tables, she would get promoted to being assistant manager and then manager. Maybe she would have another opportunity moving up the ladder. But if she doesn't get on that first rung, we know to an absolute certainty you won't go to the second or third rung. What a travesty.

This is a country of unlimited opportunity, and ObamaCare is cutting off that opportunity. It is shutting down that opportunity. Those are who are hurt the most under ObamaCare.

There are many reasons why ObamaCare is problematic. It is problematic because it is the biggest job killer in America. It is a train wreck because it is forcing more and more people to be driven into part-time work 29 hours a week.

The second thing the single mom can do—suppose she doesn't give up. Suppose she says, Darn it, I want to work to provide for my kids. I am not going to give up. I am not going to go on welfare and stop working in the workplace. The other option is to go find another job. So then she has two jobs at 29 hours a week. Her kids now see less of their mom. And, by the way, neither one gives her health care. So the Affordable Care Act and all the great benefits of that haven't helped her at all. Instead of being at one job where she could work and focus on that one job and potentially climb the ladder to different opportunities, she is working two part-time jobs. Part-time jobs are much harder to advance in your career with. She is also dealing with commuting. She has got to get from one job to the other. For a single mom whose time is at a premium, who would like to be at her kids' soccer game if ever she could work the schedule to do that, if she has to drive from one place to the other back and forth, there are a lot of soccer games that single mom is never getting to, not to mention the headaches of having two different jobs and two different bosses. If you have boss No. 1 who says, I want you to work Tuesday morning, and boss No. 2 says, I want you to work Tuesday morning at my place, how do you balance those? Both of them say, I don't care about your other job. I need you here. What a nightmare.

ObamaCare is a train wreck. It is a nightmare because it is killing jobs, because it is driving up health insurance, because it is causing more and more people to lose their health insurance. But it is also fundamentally wrong for a broader reason: because it infringes on our liberty.

The Federal Government is telling every American: You must purchase health insurance. The individual mandate, we are going to make you purchase health insurance. If not, the IRS is going to come and find you.

The Federal Government is telling Catholic charities and Catholic hospitals, Christian companies like Hobby Lobby: You must pay for health insurance procedures that violate your religious dictates. They may not violate everyone's religious dictates. There may be a lot of people in this country who have no religious qualms about that whatsoever, and that is fine. Each of us is entitled—indeed, encouraged—to seek out God Almighty with all of our heart, mind, and soul as best we can, and we will follow different paths. But I guarantee you, if the Federal Government can tell Catholic charities and Catholic hospitals: You must violate your religious beliefs or we are going to fine you out of business; if the Federal Government can tell that to Hobby Lobby, a Christian company, they can tell that to you too. Whatever your religious beliefs happen to be, if the Federal Government can say: Violate your religious faith or we are coming after you, that is a dangerous Rubicon we have crossed.

We are a nation that was founded on liberty. Always defend liberty. You can't go wrong with that as a mantra.

In the interest of that, I would like to share a few excerpts of one of my favorite books, ''Atlas Shrugged'' by Ayn Rand. Let me encourage any of you who have not read ''Atlas Shrugged'' to go tomorrow and buy ''Atlas Shrugged'' and read it. What is interesting is in the last 3 years sales of ''Atlas Shrugged'' have exploded, because we are living in the days of Ayn Rand.

I will share a few excerpts that are all fundamentally about liberty and the liberty that ObamaCare infringes.

> Productiveness is your acceptance of morality, your recognition of the fact that you choose to live—that productive work is the process by which man's consciousness controls his existence, a constant process of acquiring knowledge and shaping matter to fit one's purpose of translating an idea into physical form, of remaking the earth and the image of one's values—that all work is creative work if done by a thinking mind, and no work is creative if done by a blank who repeats in uncritical stupor a routine he has learned from others—that your work is yours to choose, and the choice is as wide as your mind, that nothing more is possible to you and nothing less is human—that to cheat your way into a job bigger than your mind can handle is to become a fear-corroded ape—

There is a phrase you don't hear often in modern parlance.

> —on borrowed motions and borrowed time, and to settle down into a job that requires less than your mind's full capacity is to cut your motor and sentence yourself to another kind of motion: decay—

My, is that happening across this country as a result of ObamaCare, people being forced to settle down into jobs that require less than our mind's full capacity

> —that your work is the process of achieving your values, and to lose your ambition for values is to lose your ambition to live—that your body is a machine, but your mind is its driver, and you must drive as far as your mind will take you, with achievement as the goal of your road—that the man who has no purpose is a machine that coasts downhill at the mercy of any boulder to crash in the first chance ditch, that the man who stifles his mind is a stalled machine slowly going to rust, that the man who lets a leader prescribe his course is a wreck being towed to the scrap heap, and the man who makes another man his goal is a hitchhiker no driver should ever pick up—that your work is the purpose of your life, and you must speed past any killer who assumes the right to stop you, that any value you might find outside your work, any other loyalty or love, can be only travelers you choose to share your journey and must be travelers going on their own power in the same direction.''

A few other excerpts.

> What is morality, she asked. Judgment to distinguish right and wrong, vision to see the truth, and courage to act upon it; dedication to that which is good, integrity to stand by the good at any price.

Boy, that is counsel the Senate should listen to. That is counsel I would encourage for every Democratic Senator who feels the urge of party loyalty, to stand by their party, to stand by ObamaCare because it is the natural thing to do. Yet we saw union leaders, we saw the roofers union, we saw James Hoffa of the Teamsters say they cannot remain silent any longer. Why? Because of the suffering ObamaCare is visiting on so many working men and women. It is a nightmare, according to James Hoffa of the Teamsters. I encourage my friends on the Democratic side of the aisle, as difficult as it is to cross one's party leaders—I say with perhaps a little familiarity with the consequences of so doing that it is survivable and that ultimately it is liberating; that the Democratic Senators of this body maintain their fidelity, their loyalty not to the party apparatus, not to the party bosses, but to the men and women who sent them here, to the men and women like the union members of the Teamsters who are pleading with Members of Congress: Hear our suffering. ObamaCare is a nightmare.

With that prism in mind, let me reread Ayn Rand's excerpt:

> What is morality, she asked. Judgment to distinguish right and wrong, vision to see the truth, and courage to act upon it; dedication to that which is good, integrity to stand by the good at any price.

You know, at any price? Look, at the end of the day, a Member of the Senate bucks his or her party leadership, and to be honest, the prices are all pretty piddly. What a coddled world we live in that we think that if someone says a cross word to you at a cocktail party or, God forbid, even worse, leaks a scurrilous lie to some reporter, that truly is a grievous insult. Goodness gracious, compared to what the people have gone through, compared to the suffering my dad went through being tortured in a Cuban prison, that is all mild. To be honest, compared to the

single moms who are just wanting to provide for their kids, give them a good home, give them a good example, help them get a good future, the retribution any political party can impose on us for daring to buck the leadership is so mild and inconsequential, it is not even worth mentioning.

Let me encourage every Democratic Senator to try to meet that definition of morality:

> Judgment to distinguish right and wrong, vision to see the truth, and courage to act upon it; dedication to that which is good, integrity to stand by the good at any price.

Let me encourage my Republican colleagues, there may be some Republicans who are inclined to vote for cloture on this bill, to give majority leader HARRY REID and the Democrats the ability to fund ObamaCare on a straight party-line vote, as some of my colleagues have publicly said they are so inclined. It is my sincere hope that between now and the vote on Friday or Saturday, their better angels prevail.

Listen, any Democrat who crosses the aisle to vote with us will face swift retribution, but at the end of the day we have a higher obligation. We have an obligation to the constituents who sent us here.

Any Republican—I know there are some Republicans who are saying: I am going to support cloture. I am going to support giving HARRY REID the ability to fund ObamaCare. Why? Because my leadership is telling me to, and I am a good soldier. I will salute and march into battle in whatever direction leadership instructs.

I will confess that Republicans are sometimes even more susceptible to such commands to being orderly. Let me commend to every Republican, ask yourself that same test that Ayn Rand laid out.

> What is morality, she asked. Judgment to distinguish right and wrong, vision to see the truth, and courage to act upon it; dedication to that which is good, integrity to stand by the good at any price.

I can tell you this: If any one of the 46 Republicans in this body asks not what does our party leadership want us to do but asks the more important question of, what do our constituents want us to do, I tell you this: If I get any gathering of Texans, Texans are not conflicted. If I ask a gathering of Texans—and by the way, it doesn't matter what part of Texas—east Texas, west Texas, the panhandle, down in the valley.

I was in a gathering down in the valley a few weeks ago. The Rio Grande Valley in Texas is the poorest part of the State.

My friend Senator LEE knows the valley well because he was a missionary down in the valley. In fact, he has darned good Spanish as a result of living in the valley in Texas. In fact, I think that gives Texas a reason to claim him unofficially as a third Senator. He may not acquiesce to that, but we will claim him anyway.

I was at a gathering in the valley a few weeks ago, 200, 300 people. I would guess a significant percentage if not a majority of the people in that room were probably Democrats. A majority of them were Mexican Americans.

You know, I try to make a policy of giving the same remarks standing for the same principles regardless of whether I am talking with a group I think will necessarily agree with me or will not.

The bulk of the remarks I gave to that group before taking Q and A from the group for some time were focused on defunding ObamaCare, and it was really striking that in that group, which was largely if not predominantly Hispanic Democrats in the valley in Texas, when it came to defunding ObamaCare, to stopping the train wreck that is ObamaCare, the result was rousing sustained applause and cheers. Why? Because if you get out of the partisan prison that is Washington, it is not complicated.

There is a reason why labor unions want out. There is a reason the Teamsters, who describe that they have been knocking on doors as loyal foot soldiers for the Democratic Party, are saying: This is a nightmare. Repeal ObamaCare. Repeal it because it is a nightmare.

There is a reason why Members of Congress, why Majority Leader REID and Democratic Senators who support ObamaCare so much for the American people said: Good golly, get us out from under it. We certainly do not want to be subject to the same rules the American people are.

There is a reason why the IRS employees' union is saying: Even though we are enforcing ObamaCare, please get us out from under it.

Under the objective facts, this is not working.

I urge every Republican who is here, before you make a decision how to vote on cloture on this bill on Friday or Saturday—and I think certainly in the time I have been in the Senate this is the most consequential vote I will cast and I believe any Member of this body will cast during the time I have been here—I ask every Republican to ask not simply what this party leadership wants you to do but what is the right thing to do for your constituents. If you gather 100 of your constituents together in a room and you ask them: How should I vote on this motion—let me frame it a little more explicitly because, you know, politicians are sometimes crafty characters. Some politicians say: I could get 100 of my citizens, and I could frame in some abstract procedural way how I would vote on the cloture to take up the bill to do the whatchamacallit and it would really be supporting the House bill. What do you think? We can talk fast enough that we can confuse some people in the room for a few minutes.

But let me suggest to any Republican Senator, gather at random 100 of your constituents—I am going to suggest even broader: not 100 Republicans, 100 constituents—and pose the following question to them: Should I as your Republican Senator vote to allow HARRY REID and the Democrats to fully fund ObamaCare with no changes, no improvements to address the train wreck that is ObamaCare on a purely party-line partisan vote of only Democrats? I will wager all the money in my bank account that every one of the—by the way, you could pick the bluest State for which a Republican Senator represents that State—I will wager that in that State, if you grab 100 of your constituents, it would not be a 50–50 proposition. I don't even think it would be a 60–40 proposition. Your constituents overwhelmingly would say: No, don't vote to give HARRY REID the ability to fund ObamaCare without fixing this train wreck, without stopping this nightmare.

All that it takes for us to do the right thing is to listen to the people. It is not complicated. It is not rocket science. Listen to the people.

Ayn Rand in ''Atlas Shrugged'' also held:

> The nation which once held the creed that greatness is achieved by production is now told that it is achieved by squalor.

She also observed:

> Fight for the value of your person. Fight for the virtue of your pride. Fight for the essence of that which is man: for his sovereign rational mind. Fight with the radiant certainty and the absolute rectitude of knowing that yours is the Morality of Life and that yours is the battle for any achievement, any value, any grandeur, any goodness, any joy that has ever existed on this earth.
>
> God has created men and women to be free creatures. It is not benefiting anyone to strip them of their liberty, to make them dependent on government.

I cannot tell you how many times I have said: Thank the good Lord that when my dad was a teenage immigrant in Texas 55 years ago, how grateful I am that some well-meaning liberal did not come and put his arm around him and say: Let me take care of you. Let me give you a government check. Let me make you dependent on the government. Don't bother washing those dishes. Don't bother working. I am going to take care of your every need. And by the way, don't bother learning English. I respect your culture so much that I am going to lock you out of the business and professional classes in this country. I am going to make sure that if you do work, you are almost surely going to be consigned to menial labor because you cannot communicate with the significant majority of Americans.

What a destructive thing to do to someone. If someone had done that to my father and he had listened, I am hard-pressed to think of anything that would have been more destructive.

At the end of the day these points are not partisan or ideological; they are common sense. They are who we are as Americans. Ask any abuelo or abuela: What do you want for your grandkids? Do you want your grandkids dependent on government? Do you want your grandkids receiving government support or do you want them working? Do

you want them working in a job, working hard? Do you want them climbing the economic ladder to success? Do you want them in a career where they can have a better life than you had and their parents had? Do you want them working in a job? I don't know of a grandmother in this country who would find that a difficult choice. That is a choice that is basic common sense. It is fundamentally destructive to the human spirit not to be able to work and stand on your own feet.

After standing here for 14 hours, I can say that when you are standing on your own feet, sometimes there is pain and sometimes some fatigue that is involved. But you know what. There is far more pain involved in rolling over, far more pain in hiding in the shadows, far more pain in not standing for principle, not standing for the good, not standing for integrity. That is what it means to be an American. We do the hard things.

To all the Republicans who say fighting this fight is going to be very hard, I sure hope they didn't run for the Senate because they wanted something easy to do. I sure hope they didn't run for the Senate because they wanted to avoid hard challenges. To the Democrats who say, I couldn't buck the party leadership, gosh, it would make the White House mad, make the party leadership mad, and make our leadership in the Senate mad, we have to be united, Team, team, team. We are not a team. We represent the people. You know the team that each of us is on? It is the American team. It is a team where we have an obligation to the men and women who sent us here. Let me be clear: We have an obligation to all the men and women who sent us here. I have an obligation not just to Republicans in the State of Texas and not just to those who voted for me in the State of Texas, although there were quite a few voters in the State of Texas who voted for President Obama and voted for me.

If you listen to Washington conventional wisdom, they would suggest that is impossible. I was pleased to get a number of Texans who did that. Even those who voted against me and disagree with everything I am doing, I still have an obligation to represent them and to try to use my best judgment and try to listen to them and fight for them.

I am convinced that every one of the 26 million Texans in my State will be better. They will have a better future, a better life, and an environment where economic growth comes back and small businesses are thriving and creating jobs and not shrinking. They will have opportunities so they are not forced into part-time work but will have full-time opportunities so more people who are like my dad—teenaged kids who can't speak English—can get that first job washing dishes. That first job helps them to get the second job, the third job, and the fourth job.

I believe in the American dream with all of my heart and might. The American dream is being jeopardized by ObamaCare, and that is a travesty that should outrage and horrify everyone in the Senate. For everyone on the Republican side who said this is hard, we might be blamed; there might be some political blame; let's let it all collapse—I have heard Republicans say, especially the pundits, Gosh, to get on TV—I will tell you that one of the best ways to get on TV is to just advise and then run away from any battle that matters. They put you on TV a lot if that is your advice.

What they say is, if Republicans stand and fight this fight, the President and HARRY REID might force a shutdown and Republicans might get blamed and, gosh, that could hurt us politically. Beyond that you might hear—and this is the very clever Republicans—ObamaCare is such a train wreck and a nightmare that we just need to sit quietly. James Hoffa said he couldn't sit silent anymore, but Republicans say to sit silently and let ObamaCare collapse on its own weight.

Never mind that HARRY REID said when it collapses on its own weight, it will lead us to single-payer socialized health care. Why? Because it will destroy the private health insurance. Never mind that. We have been told that if we do nothing, it will collapse on its own weight and everyone will blame the Democrats.

Let me make it very clear: Who cares? Listen, if everyone will blame the Democrats, then consider me the person trying to actively save the Democrats from that blame. I would gladly celebrate any Democrat brave enough to stand and say: Listen, I used to think ObamaCare was a good idea. I supported it, and I am persuaded by the facts and by my constituents. This thing isn't working. People are hurting.

When President Obama reversed course and listened to bipartisan calls to submit his decision to launch a unilateral military attack on Syria to the will of Congress, I happily and loudly praised President Obama for submitting to the constitutional authority of this party. When he went even further and listened to the calls from the American people not to put us in the middle of that sectarian war, I again happily and enthusiastically praised President Obama for being willing to change his mind and turn back because he listened to the voice of the American people. That was the right thing to do.

For everyone who thinks this is hard, I would like to turn to some of my favorite remarks from a Republican President who I suspect many on the Democratic side of the aisle admire as well because he was one of the most progressive Republicans, although he was not shy in any way, shape or form.

Indeed, Teddy Roosevelt was once giving a speech, and he was shot during the speech. He finished the speech before seeking medical attention. There was an old episode on ''Saturday Night Live''—the pages have probably never seen this—that was ''Quien es mas Macho,'' which means who is more macho. You know what. Teddy Roosevelt quien es mas macho. If you get shot while giving a speech and stand there and finish the speech, you win. Even Sean Connery is looking at him and going, wow, that guy is tough.

I will read the words Teddy Roosevelt delivered at the Sorbonne in Paris on April 23, 1910. These are words for everyone who thinks this fight is too hard or that we shouldn't take a risk or we shouldn't risk political blame. These are words that every one of us should listen to:

> It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man—
>
> Or the woman—
>
> who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

Yes, you can avoid risk. You can avoid doing the hard thing. You can avoid doing the things where you might get politically blamed. You can stay silent and hope that the other party gets blamed because there will be political benefits for that. But I am going to suggest to you that is not doing our job. That is not what we were elected to do.

We were elected to stand and fight to do the hard things for the men and women of this country because it is an extraordinary and breathtaking privilege to serve in this body. I cannot tell you how it brings me virtually to tears to think about the opportunity I have to stand here at a time when our Nation is threatened as I have never seen before. You know what. The tears that I talked about, and am now experiencing a little bit, are a very small reflection of the very real tears I have seen from men and women all across Texas.

Men and women have looked me in the eyes and said: I am scared for my country, my kids, and my grandkids. We are losing America. We are losing the wonderful free enterprise system. We are losing the prosperity. We are losing growth.

Will my kids and grandkids have a better life than I did? I don't think so. I cannot tell you how many Texans have said that. You know what. When you say that, that is not something you say like reporting the weather: It is sunny today and 78 degrees. That is heartbreaking. As Americans, it is fundamental in who we are. We believe in a better tomorrow. We believe morning

can come to America, and we believe our kids and grandkids will live with a better challenge.

If we continue down this road, we will be mired in what I call the great stagnation. Over the last 4 years, our economy has grown on average at 0.9 percent a year. If we continue down this road, we will allow young people to be what economists are starting to dub ''the lost generation.'' I am sorry to tell young people that is what economists are calling them right now. This generation is coming of age at a time when there is no economic growth and no real prospect for that to change.

What it means as a practical matter is that young people are not getting that first job or they are getting jobs—and as Ayn Rand observed—that are far less than their mind, their capacity, and their talent is capable of. What that means is they don't get their next job or their next job, so they don't develop to their full potential, and that stays with young people for decades to come.

This body needs to listen to the American people. We need to make DC listen.

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

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. LEE. My question relates to the nature of our government and the nature of our system which is a system of laws. One of the reasons America has been attractive to so many people over the last few centuries and one of the reasons people have wanted to move here from all over the world is that this has always been a land of opportunity. It has been a place where you can be born into one station in life and die in a much better station. We worry that land of opportunity might cease to be. We worry about the fact that people are being trapped at the bottom rungs of the economic ladder and finding it increasingly difficult to move up along that ladder.

One of the reasons this is the case is because the distinction between what is properly within the domain of government and what is properly within the domain of people is sometimes blurred. In other instances, that which is properly within the domain of the Federal Government and properly within the domain of the State and local governments in this country is blurred.

On other occasions, it is because what is properly within the domain of the legislative branch is usurped by the executive branch or the judicial branch or a combination of the two. The more our legal system becomes deteriorated, the less faithful it becomes to the blueprint that was created for our government some 226 years ago, and the more we struggle in this country.

I quoted James Madison earlier. I referred to something he said in Federalist No. 62. I have the actual text of the language, which I largely paraphrased earlier, and I wish to expand on it a little more and explain some of what he was saying.

He writes:

> It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed? Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people. Every new regulation concerning commerce or revenue, or in any way affecting the value of the different species of property, presents a new harvest to those who watch the change and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with some truth that laws are made for the few, not for the many.
>
> In another point of view, great injury results from an unstable government. The want of confidence in the public councils damps every useful undertaking, the success and profit of which may depend on a continuance of existing arrangements. What prudent merchant will hazard his fortunes in any new branch of commerce when he knows not but that his plans may be rendered unlawful before they can be executed? What farmer or manufacturer will lay himself out for the encouragement given to any particular cultivation or establishment when he can have no assurance that his preparatory labors and advances will not render him a victim to an inconstant government? In a word, no great improvement or laudable enterprise can go forward which requires the auspices of a steady system of national policy.
>
> But the most deplorable effect of all is that diminution of attachment and reverence which steals into the hearts of the people, towards a political system which betrays so many marks of infirmity, and disappoints so many of their flattering hopes. No government any more than an individual, will long be respected without being truly respectable; nor be truly respectable, without possessing a certain portion of order and stability.

We see in this an age-old warning, a warning about what happens when governments do certain things which tend toward voluminous legislation, excessive regulation, and deliberate manipulation by those who have access to the power lovers of government, whereby they may commandeer the economic machinery of an entire civilization—commandeer it to their advantage, and thereby secure a position at the top end of the economic spectrum of that society. When people do this, they very frequently use really long, really complex laws. They necessarily rely on extensive regulation, the kind of regulation that can be found in a 2,700-page law passed by Members of Congress who have not read it, who pass it after being told they have to pass it in order to find out what is in it, who do so only to discover later that this 2,700-page piece of legislation has become 20,000 pages of regulation.

As we stand this evening, or this morning, or whatever we call this time of day as we move forward together on this path toward standing with the American people, I invite my colleagues to join me on a journey back to a place and time not unlike our own. It was a turbulent time of deep division within our young Republic. George Washington recorded the events of March 4, 1797—his last day as President of the United States. Washington wrote:

> It was with a heavy heart that I left my room today thinking not so much of myself as of our country . . .

Walking out onto Chestnut Street in Philadelphia, Washington continued:

> I was plain George Washington now, neither general nor President. Suddenly I realized I was not alone. People were following me, at first only a few, then a swelling crowd.
>
> For a long moment, I stood face to face with them—the young cobbler, the carpenter, the storekeeper, the laborer. All of them stood facing me. They said not a word. I realized that providence was showing me a vision of America, of what it will become. I could feel assured that, come what may, whether it be political bickering . . . or any other evil in government, . . . our country rests in good hands, in the hands of its people . . .

A similar crowd we might say gathers every time people converge at a townhall meeting. It is not necessarily a crowd consisting of carpenters, storekeepers, laborers, and cobblers. It might well consist of a crowd including schoolteachers, Web designers, business consultants, mothers and fathers and friends.

Every time I hold townhall meetings, as I look around the crowd and I see groups of people represented from those groups I described, I think about the fact that today, as in Washington's time, the hands of our great Nation rest in good hands. It rests in the hands of its people.

So hand in hand and acting on the instincts of our better angels and connected in the principle of civil society and in the principles that allow our country to be great, we know that we the people and not we the government will form a more perfect union and help ensure that the vision of George Washington becomes the destiny of the Nation.

Our discussions tonight have been about keeping the country in the hands of the people and making sure the government serves the people and not the other way around, making sure the people are in charge of their own government; that whenever the things that government does become destructive of the ability of the people to achieve happiness and secure their own lives and their liberty and their pursuit of happiness, it is important that the people restore to themselves the power which is rightfully theirs.

Throughout the history of the world, in many civilizations, people have called that idea radical. They have called it crazy. They have called it insane. Here we call it a very American ideal.

Here, tonight, we have been talking a lot about this law. We have been talking a lot about our ability to defund this law which we believe has become destructive of the people. We have been told by some of our colleagues—some from within our own party—that this effort is futile, that we shouldn't fight it because, as we are told over and over, we don't have the votes. Those things can change and they do change when the people speak to their elected representatives and they ask their elected representatives to do that which they were sent to our Nation's capital to do.

There is a man named William Morris, a man whose political philosophy I don't share in many respects, but a man who occasionally said things that were profound and reflect broader truths.

William Morris once wrote:

> One man with an idea in his head is in danger of being considered a madman; two men with the same idea in common may be foolish, but can hardly be mad; ten men sharing an idea begin to act, a hundred draw attention as fanatics, a thousand and society begins to tremble; a hundred thousand . . . and the cause has victories tangible and real; and why only a hundred thousand? Why not a hundred million and more . . . ? You and I who agree together, it is we who have to answer that question.

So when we find ourselves with an idea in our head, when we find ourselves listening to people, people who might begin with a chorus of one calling out for Congress to do something to protect the American people, we might be inclined to dismiss that one idea coming from that one person as the product of madness. When two people join together, when 10, when 100, 1,000, 10,000, and so forth—with each order of magnitude, we find that the idea acquires more potency, the idea acquires more lasting power, the idea moves more and more people.

The idea to defund ObamaCare is not new. It has been discussed since 2010, since shortly after the law's enactment, since about the time when many people were predicting that the Republican Party might gain control of at least one House of Congress. That is when it began in earnest.

We hoped, we expected, that once the Republican majority took hold, once Republicans took control of the House of Representatives in January 2011, in the wake of the 2010 election cycle, that the defunding of ObamaCare would be imminent. In fact, H.R. 1, the continuing resolution, as I recall, was filed at the beginning of the last Congress and originally was written to defund ObamaCare. I am not quite sure why that didn't move forward, but many expected it would happen. It didn't happen. We have continued to pass continuing resolution after continuing resolution since January of 2011 to keep the government funded and we have done so without defunding ObamaCare. There have been reasons for that. There were many who expected the Supreme Court would invalidate ObamaCare, thus obviating the need for Congress to go through the process of defunding it and later repealing it. That didn't happen.

There were those who expected that a Republican would be elected to President of the United States in the 2012 election cycle, thereby making it possible for ObamaCare to be repealed or perhaps at least stalled out with the assistance of the President and with the assistance of an Executive order suspending many of its major provisions. That, of course, didn't happen. We are now at the point when we are being asked to fund the operations of government potentially for the last time between now and the time when the law's major operative provisions will take effect.

This will not be the end of the debate, assuming this effort either does or doesn't succeed. I have no doubt this debate will continue for some time. If we do not succeed in defunding ObamaCare at this point, it doesn't mean the cause is lost forever. It may nonetheless mean it becomes far more difficult to stop this law.

Once a law such as this takes effect, it is frequently suggested it will be much harder to stop, much harder to defund, and much harder to repeal down the road. So before we take this step, I think it is appropriate that we consider very seriously defunding this law's implementation and enforcement, especially in light of taking into account the potentially devastating impact this law will have, could have, and is already having on our Nation's workers, the impact it is having with regard to wages, to employment opportunities, to access to health care, and to the cost of health care. We have to take that very seriously, as the House of Representatives has done in passing this continuing resolution.

As we take that up, we have to remember the fate of this Nation lies in good hands. It lies in the hands of the American people—the people who were represented well by the House of Representatives when it passed the continuing resolution funding the operations of government, while defunding ObamaCare.

I ask Senator CRUZ the question: What can we do as citizens, what can we do as Senators, to make sure the hands of our government will, indeed, remain in good hands, in the hands of its people, rather than in the hands of a perpetual oligarchy, albeit an elected oligarchy, a bipartisan political establishment that might limit the freedom of the American people?

(Mr. DONNELLY assumed the Chair.)

Mr. CRUZ. I thank my friend from Utah for that very fine question. The answer as to what we can do is to do what we must, as Americans, what we always have, which is to take the responsibility on ourselves, on our shoulders, to step forward, to engage.

Edmund Burke famously said: The only thing necessary for evil to prevail is for good men to do nothing.

One of the tremendous aspects of the American character is Americans have never been willing to sit back and do nothing.

People all over this country are disillusioned. They are disillusioned because Washington does not listen to us. They are disillusioned because Democratic Senators do not listen to the people and Republican Senators do not listen to the people. I understand that disillusionment. I feel the same way. Everywhere I go in Texas that sentiment is expressed. I do not think there is a State in the Union where they do not feel that sense.

But there are moments—moments in time when we can change that. You think back to earlier this year, to another filibuster that occurred on this Senate floor with our friend Senator RAND PAUL, when he was standing up to the administration's drone policy.

Senator PAUL began that filibuster, if I remember correctly, at 11:45 a.m. When he started, virtually every Senator in this Chamber viewed what he was doing as an odd crusade. They did not support it. They did not even understand it. What matters if the Federal Government can use a drone to target a U.S. citizen, to kill a U.S. citizen on U.S. soil? What matters that, thought most Senators.

Senator PAUL began a brave crusade. I would note, during that filibuster, I was honored to stand side by side with my good friend Senator LEE as we were the first two Senators to stand in support of that and to battle the length of those 13 hours in defense of the Constitution.

During the course of that filibuster, we saw what happens when the American people get engaged. Because the American people got engaged at an incredible level, and it forced a change. For 3 consecutive weeks, President Obama had refused to do what he did that very next day, which was admit in writing that the Constitution limits his authority to target U.S. citizens.

Indeed, earlier that day before the filibuster began, it so happened that Attorney General Eric Holder was testifying before the Senate Judiciary Committee. Senator LEE and I were both there as part of that testimony. I remember an exchange with the Attorney General where three times I asked the Attorney General if, in his view, the Constitution allowed the U.S. Government to kill a U.S. citizen on U.S. soil if that individual did not pose an imminent threat, and three times he responded: I do not think it would be appropriate to do so.

The first time he gave that response, I responded to the Attorney General. I said: Mr. Attorney General, you seem to have misunderstood my question. I was not asking about propriety. After all, he was not there testifying as an etiquette columnist for the local newspaper. I said: You are the Attorney General of the United States. You are the chief law enforcement officer for the United States of America. Does the

Department of Justice have a position on whether the Constitution allows the U.S. Government to use a drone to target and kill a U.S. citizen on U.S. soil if that individual does not pose an imminent threat? Again, the response was: I do not think it would be appropriate.

After the third time, I almost felt as if the response was: I do not understand this Constitution to which you are referring. Finally, he conceded in that back and forth: Well, when I say ''appropriate,'' I mean ''constitutional,'' which I find a curious notion that somehow ''appropriate'' and ''constitutional'' are coterminous.

You want to talk about what the American people can do? We saw during that, had not that filibuster and the American people mobilized, President Obama would have never admitted in writing what he admitted that next day, which was the Constitution limits his authority. And that matters.

We saw another example with the gun debate. Following the tragic shooting in Newtown, CT—which every one of us was horrified at—the President, sadly, did not come out and say: Let us go after violent criminals.

And listen, I think we should come down on violent criminals like a ton of bricks. Instead, the President, unfortunately, took it as an opportunity to go after the Second Amendment rights of law-abiding citizens, instead of targeting violent criminals, those who would prey on the innocent.

The conventional wisdom in Washington was the momentum behind those efforts was unstoppable. Indeed, all the talking heads, the same talking heads who during RAND's filibuster said this is foolish, this is a fool's errand, this cannot work—the American people rose up and spoke and that was proven wrong.

During the gun debate, those same talking heads—it is interesting, in the world of punditry there are no consequences for being proven wrong. You just keep going back to making those same gosh darn predictions. And you know what. If you keep making the same prediction often enough, eventually it is going to prove right.

In the gun debate all those same talking heads said: You cannot stop it. This is unstoppable. What happened again? The American people got involved by the thousands, by the tens of thousands, calling their Senators, e-mailing their Senators, speaking out at townhalls, saying: Defend the Second Amendment right to keep and bear arms. We want the constitutional rights of law-abiding citizens to be protected.

I remember on the floor of this Senate, when it came for a vote, every single proposal of the President that would have undermined the Second Amendment was voted down. That astonished observers. They said it was impossible. It was impossible until the American people engaged.

As we discussed not too long ago with Syria, the President advocated, said he was going to engage in a unilateral military strike within days. It was imminent. It was happening. There was bipartisan support from the leadership of both Houses of Congress. All those same pundits—Mr. President, if you are noticing a pattern here, there is a pattern here. These same pundits over and over again said: Whatever President Obama says, that is inevitable. It cannot be stopped. There is nothing we can do about it. There is nothing to see here. Move on.

At first the President, quite rightly, listened to bipartisan calls to submit that decision to the constitutional authority of Congress. I was quick to praise him for doing so. And, second, even more difficult, the President showed the wisdom, the prudence to listen to the voice of the American people when the American people spoke out overwhelmingly and said: We do not want to be involved in a sectarian civil war in Syria when we do not have a dog in the fight, when the rebels are in some significant way allied with Al Qaeda, Al-Nusra, radical terrorists, when there is no national security interest in getting us in the middle of this. It was overwhelming, and the entire ship of state turned on a dime. What was inevitable stopped. And it stopped because of the American people.

So the question my friend Senator LEE asked—what can the American people do? Do the same thing. But let me tell you now, you have to do it 10 times louder. You have to do it in even greater volume. Because I am sorry to say, Members of this body are dug in at a level they were not dug in on drones, at a level they were not dug in on guns, at a level they were not dug in on Syria.

The Democrats in this body, I am sorry to say, have not yet shown the willingness to speak out like James Hoffa of the Teamsters has, have not yet shown the willingness to speak out for their constituents and say: ObamaCare is failing and it is not working.

The Republicans in this body—there are quite a few of them who are angry we are having this fight. They believe it is not worthy of the time of this institution. They find themselves offended that the American people would expect us not just to have a symbolic show vote on a ObamaCare but actually to do something. Goodness gracious, this is Congress. We do not do something. Let's have another symbolic vote, and then we can put out a press release.

About an hour ago, a member of my staff showed me that this discussion—even though virtually every Senator has gone home and gone to sleep—that this discussion, this debate is not just trending No. 1 in the United States, but in one way, shape, or form is trending No. 1, No. 2, No. 3, and No. 4. I have never seen anything like that.

No. 2, I will confess, is Duck Dynasty, but I am going to claim Duck Dynasty as part of it since not too long ago I took the opportunity to read some words of wisdom from Duck Dynasty and I suspect that is not entirely disconnected.

I have to admit, I have seen things trend No. 1. I have never seen them trend Nos. 1, 2, 3, and 4 all at the same time.

Given the Senate Chamber has been largely empty for most of the night, it is self-evident that kind of involvement from the American people is not a factor of personalities. It is not a factor of myself or MIKE or anyone else. And by the way, everyone who wants to distract from the subject of this debate will try to make it about personalities. If they can get the Washington press corps to write stories about personal flights, about back and forth, about civil war—my goodness, how many times have we seen the words ''civil war'' in the last week in the press? I am wondering if reporters have it now on a macro: ''Alt'' ''C'' and it types ''civil war.'' Who cares? You know what. If you get out of Washington, DC, I do not know anyone who cares. What Americans care about is they want jobs back. They want economic growth back. They want to get back to work. They want their health care not to be taken away because of ObamaCare. Every effort to talk about anything else is all a deliberate effort to distract from the issue that matters.

The reason this is trending Nos. 1, 2, 3, and 4 is because, for a moment, at least, some in this body are listening to the American people. I hope and believe and think that a great many Americans want to believe that more of us will do so, that more of us on the Republican side of the aisle and more of us on the Democratic side of the aisle will forget party, forget the battle, and actually listen to the people and fight to fix these problems.

The question Senator LEE asked is: What can the American people do? I will say, nothing gets the attention of elected representatives more than hearing from their constituents in jaw-dropper numbers, in phone calls and e-mails and tweets and Facebook posts.

Some Members of this body express annoyance that why would their constituents have the temerity to dictate to us—the solons of Washington—what to do. The answer is simple. Because our constituents are our boss. We work for them. They have every right to dictate to us.

I will note, on a lighter note, my friend Congressman LOUIE GOHMERT, who has been here all night, handed me something that was quite nice. It is from the Daily News. It ran on Friday, November 4, 1949. It is entitled ''Ode to the Welfare State.'' It reads:

Mr. Truman's St. Paul, Minn., pie-for-everybody speech last night reminded us that, at the tail-end of the recent session of Congress, Representative Clarence J. Brown (R-Ohio) jammed into the Congressional Record the following poem, describing its author only as ''a prominent Democrat of the State of Georgia'':

It is titled ''Democratic Dialogue.''

Father must I go to work?
No, my lucky son.
We're living now on Easy Street
On dough from Washington.
We've left it up to Uncle Sam,
So don't get exercised.
Nobody has to give a damn—

We've all been subsidized.

But if Sam treats us all so well
And feeds us milk and honey,
Please daddy, tell me what the heck
He's going to use for money.
Don't worry bub, there's not a hitch
In this here noble plan—
He simply soaks the filthy rich
And helps the common man.
But father, won't there come a time
When they run out of cash
And we have left them not a dime
When things will go to smash?
My faith in you is shrinking son,
You nosy little brat.
You do too damn much thinking son,
To be a Democrat.

That is from the Daily News, Friday, November 4, 1949, apparently inserted into the CONGRESSIONAL RECORD by a Member of Congress.

Let's take it a different direction. We talked about liberty, liberty that is at stake here. I want to talk about that same principle. On one level, on the real, on the personal, on the hard-working American families, they are facing a loss of jobs. They are facing small businesses that are not growing. They are facing skyrocketing health insurance premiums. They are facing losing their health insurance.

But on another level, we are facing an assault on liberty. Before, we went through some of Ayn Rand's Atlas Shrugged. Now, I want to go further back to 1850, to read some excerpts from a classic that I would recommend to everyone to read, Frederic Bastiat's, ''The Law.'' The Law is a primer in free enterprise.

Though expansion of government programs may be tempting, the designers often have selfish aims, and the program almost always thwarts the liberty and prosperity of the people.

He warns of the dangers of programs and the way in which government programs deprive the people of their rights. So Bastiat observes:

Life is a gift from God, which includes all others. This gift is life—physical, intellectual, and moral life.

But life cannot maintain itself alone. The Creator of life has entrusted us with the responsibility of preserving, developing and perfecting it. In order that we may accomplish this, he has provided us with a collection of marvelous faculties. And He has put us in the midst of a variety of natural resources. By the application of our faculties to these natural resources, we convert them into products, and use them. This process is necessary in order that life may run its appointed course.

Life, faculties, production—in other words, individuality, liberty, property—this is man. And in spite of the cunning and artful political leaders, these three gifts from God precede all human legislation, and are superior to it. Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place.

Each of us has a natural right—from God—to defend his person, his liberty, and his property. These are the three basic requirements of life, and the preservation of any one of them is completely dependent on the preservation of the other two. For what are our faculties but the extension of our individuality? And what is property but an extension of our faculties? If every person has the right to defend even by force—his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly.

Thus the principle of collective rights—its reason for existing, its lawfulness—is based on individual right. And the common force that protects this collective right cannot logically have any other purpose or any other mission than that for which it acts as a substitute. Thus, since an individual cannot lawfully use force against the person, liberty, or property of another individual, then the common force—for the same reason—cannot lawfully be used to destroy the person, liberty, or property of individuals or groups.

Property and plunder. Man can live and satisfy his wants only by ceaseless labor; by the ceaseless application of his faculties to natural resources. This process is the origin of property.

But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.

Now, since man is naturally inclined to avoid pain—and since labor is pain in itself—it follows that men will resort to plunder whenever plunder is easier than work. History shows this quite clearly. And under these conditions, neither religion nor morality can stop it.

When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.

It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder.

But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction and support of a dominating force, this force must be entrusted to those who make the laws.

That would be us.

This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least effort possible, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery, their liberty by oppression, and their property by plunder. This is done for the benefit of the person who makes the law, and in proportion to the power that he holds.

I would note throughout the course of this debate, the central theme I have been focusing on is the disconnect between Washington and the people and the practice right now of Democrats and Republicans not to listen to the people. Let me read again that sentence from Bastiat written in 1850—not written in response to the Senate in 2013—in 1850. He says:

This is done for the benefit of the person who makes the law, and in proportion to the power he holds.

It seems almost as though Bastiat were writing about Congress right now, about the Obama administration granting exemptions from ObamaCare to the friends, to those with political influence, the giant corporations, and to Members of Congress. Why do Members of Congress get an exemption from ObamaCare that hard-working American families do not?

Bastiat tells us this 160 years ago. This is done for the benefit of the person who makes the law and in proportion to the power he holds. Bastiat goes on to talk about the victims of lawful plunder.

Men naturally rebel against the injustice of which they are victims. Thus, when plunder is organized by law for the profit of those who make the law, all the plundered classes try somehow to enter—by peaceful or revolutionary means—into the making of laws. According to their degree of enlightenment, these plundered classes may propose one of two entirely different purposes when they attempt to attain political power: Either they may wish to stop lawful plunder, or they may wish to share in it.

Now, let me note at this point, this goes directly to the question Senator LEE asked a little bit earlier this morning: What can the American people do? The plundered class, the hard-working American families that are finding their jobs going away, that are finding economic growth stripped away, they are finding themselves forcibly put into part-time work. They are seeing their health insurance premiums skyrocket or are seeing their health insurance jeopardized or taken away. They can come together and force our elected officials in both parties to listen to the people—make DC listen. That is what Bastiat is talking about there.

Woe to the nation when this latter purpose prevails among the mass victims of lawful plunder when they, in turn, seize the power to make laws! Until that happens, the few practice lawful plunder upon the many, a common practice where the right to participate in the making of law is limited to a few persons. But then, participation in the making of law becomes universal. And then, men seek to balance their conflicting interests by universal plunder. Instead of rooting out the injustices found in society, they make these injustices general.

As soon as the plundered classes gain political power, they establish a system of reprisals against the other classes. They do not abolish legal plunder. (This objective would demand more enlightenment than they possess.) Instead, they emulate their evil predecessors by participating in this legal plunder, even though it is against their own interest.

It is as if it were necessary, before a reign of justice appears, for everyone to suffer a cruel retribution—some for their evilness, and some for their lack of understanding.

It is almost as if that sentence was written about ObamaCare. I would suggest when you read that sentence and then you pick up and read the letter from James Hoffa of the Teamsters saying: We knocked on doors. We supported President Obama. We block walked. We phone called. We supported your agenda. Now we have discovered

that this law, which is your signature achievement that you fought for, is a nightmare that is hurting millions of Americans and their families. That is what James Hoffa said. Or, as Bastiat said:

It is as if it were necessary, before a reign of justice appears, for everyone to suffer a cruel retribution—some for their evilness, and some for their lack of understanding.

Bastiat continued.

Enforced Fraternity Destroys Liberty.

Mr. De Lamartine once wrote to me thusly: Your doctrine is only the half of my program. You have stopped at liberty; I go on to fraternity.

I answered him: The second half of your program will destroy the first. In fact, it is impossible for me to separate the word fraternity from the word voluntary. I cannot possibly understand how fraternity can be legally enforced without liberty being legally destroyed, and thus justice being legally trampled underfoot.

Legal plunder has two roots: One of them, as I have said before, is in human greed; the other is in false philanthropy.

At this point, I think that I should explain exactly what I mean by the word plunder. Plunder violates ownership. I do not, as is often done, use the word in any vague, uncertain, approximate, or metaphorical sense. I use it in its scientific acceptance—as expressing the idea opposite to that of property [wages, land, money, or whatever.] When a portion of wealth is transferred from the person who owns it—without his consent and without compensation, and whether by force or by fraud—to anyone who does not own it, then I say that property is violated; that an act of plunder is committed.

I say that this act is exactly what the law is supposed to suppress, always and everywhere. When the law itself commits this act that it is so supposed to suppress, I say that plunder is still committed, and I add that from the point of view of society and welfare, this aggression against rights is even worse. In the case of legal plunder, however, the person who receives the benefits is not responsible for the act of plundering. The responsibility for this legal plunder rests with the law, the legislator, and society itself. Therein lies the political danger.

The Law and Charity. You say: There are persons who have no money, and you turn to the law. But the law is not a breast that fills itself with milk. Nor are the lacteal veins of the law supplied with milk from a source outside the society. Nothing can enter the public treasury for the benefit of one citizen or one class unless another citizen or other classes have been forced to send it in.

If every person draws from the treasury the amount that he has put in it, it is true that the law plunders nobody. But this procedure does nothing for the persons who have no money. It does not promote equality of income. The law can be an instrument of equalization only as it takes from some persons and gives to other persons. When the law does this, it is an instrument of plunder.

I would note the adage that any legislator who proposes to rob Peter to pay Paul can always count on the support of Paul.

Going back to Bastiat:

With this in mind, examine the protective tariffs, subsidies, guaranteed profits, guaranteed jobs, relief and welfare schemes, public education, progressive taxation, free credit, and public works. You will find that they are always based on legal plunder, organized injustice.

Legislators Desire to Mold Mankind.

Now let us examine Raynal on this subject of mankind being molded by the legislator. The legislator must first consider the climate, the air, and the soil. The resources at his disposal determine his duties. He must first consider his locality. A population living on maritime shores must have laws designed for navigation. . . . If it is an inland settlement, the legislator must make his plans according to the nature and the fertility of the soil.

Frederic Bastiat—1915—explained principles of liberty that continue across the ages, principles of liberty that we owe it to every man and woman in America to protect his or her life, liberty, and property. ObamaCare does violence to the natural rights of every American; it does violence to their opportunity.

Do you know the cruelest joke of all? ObamaCare has been justified: Let's help the least among us. That is a noble goal. We should all care about helping the least among us. The cruelest irony is that the people who are being hurt the most by ObamaCare are the least among us.

The rich, as the President frequently inveighs, millionaires and billionaires, are not hurt by ObamaCare. They are doing just fine. In fact, they are doing better. The richest segment of this country is doing better today than they were when President Obama was elected.

Who is getting hurt? Who is losing their jobs? Who is not finding jobs? Who is getting their hours forcibly reduced to 29 hours a week? Who is losing their health insurance?

I have read one letter after another from people across Texas and across this country, and not one of these letters said: I am independently wealthy, cruising on my yacht in the Caribbean, and yet ObamaCare has crimped my style. That is not what is happening. These are letters I read from the retired couple in Bayou Vista who had saved their whole life to buy their home, and now they are at risk of losing their home because of ObamaCare.

Let me read from another constituent in Houston, TX, my hometown, who on July 11, 2013, wrote:

My wife and I are currently both working jobs where there is no provided health care coverage. My wife is a self-employed physician and I am in sales. We have never gone without health coverage our entire lives.

My father was in the military, so I had health care until I graduated college. My wife had coverage through her parents until she graduated. We never wanted to go without coverage, so anytime our coverage had a break we went ahead and bought catastrophic short-term coverage, even knowing we would have coverage soon.

While my wife was in medical school, I had employer coverage, and I bought an individual policy for her because it was much less costly than group coverage. When my employment status changed and neither of us had employer coverage, I bought individual policies for both of us. We would not risk going without health insurance.

Because we were both young and healthy at the time, the policies were very affordable, about $130 a month. Purchasing coverage was a no brainer.

While in her residency, we got family coverage through her work. When she finished her residency in 2012, neither of us had employer coverage, so it came time for another policy. We looked around at all the options for a family of four, two 30-year-old adults, a 2-year-old boy and a newborn girl. We found a HTIP plan for $400 a month with a $10,000 deductible.

We also had scrimped and saved so that in the event we had a catastrophe we would have a deductible coverage. After that our plan paid for 100 percent. This is the best coverage I had ever purchased. I had become an educated consumer in health care, shopping around for the best deals on medications, and informing doctors of our situation so they coded it properly. When we needed care we opted for urgent care and physicians' offices instead of emergency rooms.

Many of my young healthy friends now have these plans, either individually purchased or through their employers. As of January 1, most of these plans will go away for us, as most of my friends are around 30 years old. These plans are actually decreasing the cost of health care as they inspire us to be educated consumers. Unlike what the President said, I don't get to ''keep my plan.''

I never thought that not purchasing insurance would be an option for my family. I have done a fair amount of research using the IRS info, current and estimated prices, even my own insurance company's estimates. It looks like for the cheapest, bronze plan, the estimated cost will be about $1,600 per month, which is $20,000 per year. We don't qualify for subsidies.

If I choose not to comply, I would pay a fine which, for us, amounts to about $2,000 and save the $18,000 balance in a bank account. Our fine will max out at about $5,000, so I will still have $15,000 per year. I will now begin paying cash for my health care and negotiate with doctors and hospitals myself.

As I get older I will consider big insurance when it looks like the cost-benefit ratio is better. No one in my family has ever gone without coverage because health care is the No. 1 priority on our list. It still is, but this individual mandate has caused us to consider going without insurance for the first time. I would gladly keep my fine if I could keep my current insurance, but that is not an option either.

Here is one of my friends' stories. He is a high school teacher and his wife is a stay-at-home mom with two kids. His district pays for all of his coverage and none of his spouse's. This year they opted to purchase an individual plan for her because it was more affordable, $150 a month versus $500. Beginning January 1, she will be forced into the exchange, where her estimated cost will be about $400.

They currently cannot afford this, and they don't qualify for a subsidy because her employer offers coverage for her, even though her income would qualify her for a 50 percent subsidy. They will choose not to have insurance coverage on them.

Many of the young, healthy people I have talked to told me they plan to go without insurance—people who currently purchase individual plans—because the coverage would be too expensive and the fine for most of them is much less than the coverage.

As was told to the American people, if you like your health coverage, you can keep it. We now know that promise was simply, objectively, 100 percent false. For Americans all over this country, the facts are otherwise.

It is incumbent on us, representing our constituents, to look to the reality of these facts.

Look to the young people. I don't think you could design a plan designed to harm young people more than ObamaCare. It is more than a crying irony that some 70 percent of young people voted for the President. I recognize that young people didn't necessarily understand the consequences of ObamaCare and how it is impacting their future. It is one of the things on which I hope this debate will focus.

If you are a young person coming out of school, have some student loans, and let's say you are hoping for a job and for a future, if you can't get that first job or if you are forced into part-time work, you are not going to gain the skills you need to get that second job, the third job, the fourth job, or to build a career, to get married, and to provide for your family.

We read earlier from the Wall Street Journal describing how economists now talk about young people as the ''lost generation.'' One of the striking consequences of this is that young people are putting off marriage and putting off kids. We know that has societal consequences. That has societal consequences that are altogether detrimental. And they are doing it not for matters of individual choice, they are doing it because the economy is so terrible for young people that they have no options. They have no options to provide for a spouse, to provide for kids, so they rationally choose not to begin those families until they have a job sufficient to provide for their families.

This thing isn't working. Every one of us owes it to our constituents to listen, to listen to the young people who are suffering, to listen to the single moms, to listen to the seniors, to listen to those with disabilities, to listen to the African Americans, to listen to the Hispanics who aren't getting jobs, are getting forcibly put in part-time work, facing skyrocketing health insurance premiums, and who are losing their health insurance.

We can vote party loyalty. That is easy to do. It is the way Washington often works. We can vote and say: Congress is exempted. We have special rules that apply to us, so it is not our problem.

Yes, it hurts hard-working Americans. If there is one thing Washington knows how to do, it is ignore the plight of hard-working Americans. Or we can show a level of coverage that has been rare in this town and step up and say we will risk retribution from our own parties. We will stand up and speak the truth. We will stand up and champion our constituents. Elected officials need to listen to the people. Together, we must make D.C. listen.

Mr. LEE. Will the Seantor yield for a question?

Mr. CRUZ. I yield for a question without yielding the floor.

Mr. LEE. As the Senator was mentioning, the fact that it is time for people to stand for their own rights and it is time for the people's elected representatives in Washington to stand for them reminds me of the fact that sometimes people do take this challenge, and sometimes they don't. Sometimes people will square their shoulders heading into a challenge, and other times people will simply engage in shoulder-shrugging and ignore problems all together.

A few years ago I was traveling through southern Utah with my family, and we went to a restaurant. It was sort of a fast food restaurant that had a salad bar. For some strange reason, instead of ordering a cheeseburger, I ordered a salad. I don't know why, but I got the salad bar. I went through the salad bar with my plate, and I was putting all of these horribly healthy foods on my plate—lettuce, vegetables. Then I saw at the end of the salad bar something that I didn't expect, a little bonus. There was a little tub of chocolate pudding, and I thought, this is fantastic. I can feel like I am eating a healthy meal because I am eating a salad, but I get chocolate pudding in with salad, so I put a bunch of that on my salad plate.

I sat down a few minutes later, and, of course, rather than eating the salad, I went right for the pudding. There was only one problem: The pudding was disgusting. It was spoiled rotten. It tasted as if it had been left out overnight unrefrigerated for 3 nights in a row, which is not a good thing.

I immediately thought, I have to find somebody who works here. I have to tell someone that the pudding is bad so that they don't have to deal with any other customers eating rotten pudding. I found the nearest employee of the restaurant. I said to her in a sort of hushed tone of voice: Hey, the pudding is bad. You need to do something about it. You need to replace it. It is rancid. It is spoiled rotten. Please do something about it.

She looked at me with a sort of blank stare. She couldn't have been older than maybe 17 years old, and she just said: I am not on salad. Then she walked away. My response to that was, I am not suggesting that you are on salad.

I all of a sudden wondered whether I had stumbled across some rift among the employees of this particular fast food establishment. Maybe she didn't like the implication that she was one of the salad bar attendants. Maybe that was a bad thing. I don't know. All I know is that it was kind of strange because she worked for the same employer who ran the salad bar. I would have thought she would have cared about that. Instead, she said: I am not on salad, shrugged her shoulders, and walked away.

I wonder if that is sometimes what we have too much of here in Washington: I am not on salad. I am not on ObamaCare. I am not on excessive regulation. I am not on dealing with a law that is going to result in a lot of Americans losing their jobs, having their hours cut, their wages cut, or losing access to their health care benefits.

Well, our problems are acute. Our problems are, in fact, chronic. We have to do more than shrug our shoulders. What we need right now is more shoulder-squaring than shoulder-shrugging. We have to have people who will follow the admonition of Ronald Reagan, who declared more than 30 years ago that it is morning in America again. As it is now morning in Washington again, it is an appropriate time of day for us to bring this up. To paraphrase the words of Ronald Reagan, as spoken in his speech at the Republican National Convention in July 1980, and to apply those same words today, let me just say as follows:

> Our problems are both acute and chronic, yet all we hear from those in positions of leadership are the same tired proposals for more government tinkering, more meddling and more control, all of which led us to this state in the first place. Can anyone look at the record of this administration and say: Well done? Can anyone compare the state of our economy when this administration took office with where we are today and say: Keep up the good work? Can anyone look at our reduced stand in the world today and say: Let's have more of this?
>
> We must have the clarity of vision to see the difference between what is essential and what is merely desirable, and then the courage to use this insight to bring our government back under control and make it acceptable to the people. It has long been said that freedom is the condition in which the government fears the people and tyranny is the condition in which the people fear the government.

Throughout the duration of our history as a republic, we have enjoyed liberty, we have enjoyed freedom, and we have had a notable absence of tyranny. Sure, there have been excesses from time to time. We have kept those under control because the government has always been in good hands—in the hands of its people. When the people weigh in from time to time and decide they have had too much of something, it ends up having a benefit for everyone. Everyone benefits when the people speak and are heard. Everyone benefits when the people's elected representatives are willing to square their shoulders and stand up to a challenge rather than shrug their shoulders and walk away saying, as it were, I am not on salad.

Today, we are all on ObamaCare. We are all on it in the sense we can't walk away from it. We are all on it in the sense that we have no choice but to confront the many challenges facing our people. There is not widespread agreement as to what we can or should or must or might do.

In the absence of consensus, and understanding the widespread disruption to our economy this will create once it is fully implemented, some have suggested that a good compromise position might be to delay its impact. And the best way to fully delay it is to defund it—defund it for at least 1 year. The President himself has acknowledged the law is not ready to be implemented as written. The American people are reluctant to confront the many economic challenges this law presents.

It is, therefore, appropriate that we do this, and it is appropriate the House of Representatives passed a continuing resolution to keep government funded while defunding ObamaCare.

It is for that position we have been speaking, and it is for that position that we continue to insist that as we approach the cloture vote this week, that I and Senator CRUZ and a few others will be voting no on cloture on the bill because we support the House-passed continuing resolution—H.J. Res. 59. We support that, and because we support it, we cannot support a process that would enable Senator REID, the Senate majority leader, to strip out, to gut the most important provision within that resolution—the ObamaCare defunding legislation—by a simple majority vote without allowing any other votes on any other amendments, without allowing for an open amendment process, without ever allowing Members of this body to have an up-or-down vote on the legislation as a whole, as it was enacted, as is.

That is what we are fighting for. Is this difficult? Yes, absolutely it is. Do we have consensus within our own political party? Of course we don't. That is one of the reasons we are standing here today, to persuade our colleagues and to persuade more of the American people to join in with us. No one Senator can do this alone. Not one of us, certainly by means of our persuasive abilities, will be able to do this. But with the American people, we can do a lot of things.

It wasn't very long ago, it wasn't even 2 weeks ago when people were still saying it would not be possible to pass a continuing resolution such as H.J. Res. 59—one that keeps government funded while defunding ObamaCare. Yet when the people weighed in strongly in support of this measure, it became possible. I hope and I expect the same can be true in the Senate.

So I would ask Senator CRUZ: What is the best way the American people, in confronting this challenge and others similar to it, but in particular this challenge confronting ObamaCare, can square their shoulders and avoid the kind of shoulder shrugging that has resulted in so much expansion of government almost as if by default?

Mr. CRUZ. I thank my friend from Utah for that very fine question, and I wish to thank the American people for doing exactly what Senator LEE just asked—for over 1.6 million Americans signing a national petition to defund ObamaCare.

You want to know why the House of Representatives voted overwhelmingly on Friday to defund ObamaCare? The answer is simple: Because the American people rose and demanded it. At the end of the day, the House of Representatives is the people's House. I salute the House conservatives who fought and fought hard to get this done. I salute the House leadership. I salute Speaker BOEHNER for listening to the people.

It is not surprising the House of Representatives would do that first. For one thing, the House is designed to be the people's House. In our constitutional structure, the House has a different role than the Senate. The House of Representatives is up for election every 2 years like clockwork. In the House, you run, you get elected, you may get a little bit of a breather, enjoy Thanksgiving and Christmas with your family, and then you promptly turn around and start getting ready for the next election 2 years hence. Given that, the House is, by its nature, more responsive to the people because the risks are higher in the House to not being so. The House has shown over and over, when the elected representatives stop listening to the American people, the American people are very good, to use an old phrase, at throwing the bums out.

The Senate, on the other hand, is similar to a battleship. It turns slowly. Part of that is by constitutional design. Part of that was the wisdom of the Framers. In any given 2-year cycle only one-third of this body is up for election. It is one of the things that is interesting. If you look at those Republicans who have publicly said they intend to vote for cloture, they intend to vote to give HARRY REID the power to fund ObamaCare with 51 Democratic votes, they intend to give HARRY REID the power to gut the Republican continuing resolution, most of those Republicans who have said that are not up for election in 2014.

It is amazing how it can focus the mind if you have to actually stand before the citizens. I suppose some of the Republicans who are up in 2016 and 2018 might think: There will be time. There will be time. The voters will forget. The only way to move the battleship of the Senate is for the American people to make it politically more risky to do the wrong thing than it is to do the right thing.

When we were reading Bastiat's ''The Law,'' he talked about how do you prevent plunder. You make it more risky to engage in plunder than in hard work. The same is true of politics. You make it more risky not to listen to the voices of the people. How do you do that? The only way that has ever worked is a tidal wave of outpouring. It is what we saw with drones, it is what we saw with guns, and it is what we saw with Syria. But here it has to be bigger. It has to be bigger than any of those three. Why? Because the resistance is more settled in. The Democratic side of the aisle, the party loyalty is deeply entrenched.

I hope by the end of this week we see some brave Democrats who show the courage James Hoffa of the Teamsters showed. We haven't yet. I hope that changes. I hope by the end of this week we see a lot more Republicans, even Republicans who are not up in 2014 but who may have some chance by the next election cycle the voters will have forgotten. I am not convinced of that, but it is easy for politicians to convince themselves of that. I hope we see Republicans saying: Listen, this is a conscience vote. This is a vote to do the right thing.

I have to say that in my time in the Senate this is the first time I have seen Republican leadership actively whipping the Republican conference to support HARRY REID and give him the power to enact his agenda. I have never seen that before. I am quite confident it is not what Texans expect of me. I am quite confident, when each Republican goes back to his or her home State, it is not what their constituents expect of them.

I am also quite confident, if and when we return home and stand in front of our constituents and are asked: Senator, why did you vote yes on cloture to give HARRY REID the power to fund ObamaCare, to gut the House continuing resolution, I am quite confident if the answer was: Our party leadership asked me to do that; I am expected to be a good soldier, to salute and to march into battle—you know what, none of us were elected by party leadership. That is true on the Democratic and Republican side.

Listen, if we see Democratic Senators showing courage on this issue to break, I have no doubt the Democratic leadership will be very unhappy with them. I don't want to sugarcoat what the reaction would be. On the Republican side, none of us were elected by our party leadership. We have a different boss. Our boss is the American people. Our boss consists of the constituents who elected us. I am going to submit, if you strip away all the procedural mumbo jumbo, all the smoke and mirrors, our constituents would be horrified to know the games we play, to know this is all set up to be a giant kabuki dance—theater—where a lot of Republicans vote to give HARRY REID the authority to gut the House continuing resolution to fund ObamaCare and they go home and tell their constituents: Hey, I was voting in support of the House. Boy, with support like that, it is akin to saying you are supporting someone by handing a gun to someone who will shoot you.

We don't have to speculate. It is not hypothetical that maybe, kind of, sort of, possibly if you vote for cloture ObamaCare will be funded and the House of Representatives' continuing resolution will be gutted. We know that because HARRY REID has announced it. So any Republican who casts a vote for cloture is saying: Yes, I want HARRY REID to have the power to do that, and then I will vote against it once it no longer matters, once it is a free symbolic vote. I don't think those kind of games are consistent with the obligation we owe to our constituents.

I made reference to the IRS employees union asking to be exempted from ObamaCare, and the union sent a letter where they asked their members please send. I want to read that letter. This is

prepared, presumably, by the union bosses at the IRS employees union.

Dear Leader REID and Leader PELOSI:

Interestingly enough, this letter is directed to the Democratic leaders.

When you and the President sought our support, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat.

By the way, who is saying this? The IRS employees union, the people in charge of enforcing ObamaCare on us, the American people.

Right now, unless you under the Obama administration enact an equitable fix, the ACA will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

I think this letter I am reading may not be the IRS employees union; it may be, in fact, the Teamsters letter. I am going to set that aside and see if we can get the actual IRS union. It is a great letter. I may read it again in the course of this discussion. But I don't think that is the IRS letter since it is signed by James Hoffa. I am pretty confident that was not the IRS employees union.

Instead, let me read another note from a constituent. But don't trust me; don't trust any politician on what is happening on ObamaCare; trust the people.

A constituent from Spring, TX, wrote on April 12, 2013:

My late husband worked for the same company for over 40 years. Because of ObamaCare, this year that company decided it would no longer offer supplemental insurance to Medicare. The program I was forced into has increased my monthly premium by almost $100. Not only that, but the prescription plan has increased the drug plan—a generic one at that—by 30 percent.

Ridiculous. This body—Democrats and Republicans—needs to listen to the people. Together, we must make DC listen.

Mr. RUBIO. Would the Senator from Texas yield for a question without yielding the floor?

Mr. CRUZ. I am happy to yield to my friend from Florida for a question without yielding the floor.

Mr. RUBIO. My first question is, What did the Senator do last night?

Mr. CRUZ. I thank my friend from Florida for that question. I had a delightful night. I had a chance to read Bastiat, Rand, and read some tweets. There are few things more enjoyable than reading tweets. And I hope that the Senator and I and Senator LEE and many other Senators who participated in this—I hope we have had some positive impact on moving this debate forward and making clear to the American people both the train wreck, the nightmare that is ObamaCare, in the words of James Hoffa, the president of the Teamsters, but also that right now too many members of this body are not listening to the American people, and the only remedy for that is this week the American people demanding that we make DC listen.

Mr. RUBIO. Would the Senator from Texas yield for a followup question without yielding the floor?

Mr. CRUZ. I am happy to yield for another question without yielding the floor.

Mr. RUBIO. First an observation. It is interesting how much times have changed around here. If a decade ago you were to tell someone you were tweeting on the Senate floor, that would not be a positive thing. People would think that meant something else.

The world has changed a lot, and I think the Senator highlighted earlier in some of the speeches given here what a positive development that has been. It wasn't so long ago that in order to be able to do something in politics, to make a difference, to mobilize people to take action, you needed the benefits of the formal organizations that existed. You needed groups or the establishment—or whatever term people want to use—to get things done. But one thing that has really completely changed American politics is that anybody can become a political activist now. Because of access to social media, because of access to Facebook and Twitter and Vine and Instagram and all these other programs, anyone can now take action and speak out. Anyone can now connect with like-minded people halfway across the country or halfway around the world and begin a cause.

In many respects, that is what I think you see happening in this country now. There is a lot of talk about how Washington has changed, how there are things happening now that didn't used to happen before. I am convinced that one of the reasons is because people now have access to things that are happening in real time and they have the ability to speak out on these things in real time.

It used to be that you had to turn on the TV at 6:00 in the evening or 6:30 to watch the evening national news. Not anymore. News is reported on a minute-by-minute basis. Even as I speak now, there is someone out there covering it, there are people out there saying something about it. By and large, it has been a positive development because it has empowered individual Americans from all walks of life not just to be aware of what is happening in this Capitol but to engage in it, to speak out, and to be heard. At the end of the day, this Republic depends on that—on an informed citizenry who is also able to speak out on the issues of the day and communicate with the people who work for them.

Let me tell you what I hear from the people I work for in the State of Florida. I hear tremendous concern about the future. We focus a lot around here on specific issues, and we should. The national debt is a crisis. Our Tax Code is broken. Our regulations are out of control. We are talking about ObamaCare right now, which has been hugely detrimental to the American economy and to the aspirations of individual Americans. But overriding all of this is the central concern that I find increasingly on the minds of people. Let me describe it.

I know that as a country we are divided on a lot of issues. Look at the polls. Look at the elections. I know the country is divided on a lot of important issues. That is why this body and Congress are struggling to find consensus on many of the major issues we confront.

But let me tell you what I believe is still the unifying principle that holds our Nation and our people together. That unifying principle is the belief that anyone who is willing to work hard and sacrifice should be able to get ahead, the idea that if you are willing to work as hard as you can and make sacrifices, you should be rewarded for that with a better life.

By the way, when we talk about a better life, it is not a guarantee that you will ever be a millionaire or a billionaire, but it generally means the ability to find a job that is fulfilling, helps you feel like you are making a difference in the world, a job that allows you to do something you love for a living, and a job that pays you enough money to do things like buy a house, provide a stable environment for your family, and save so your kids can go to college and so that you can retire with dignity and security.

As a people, we are unified in the belief that it is unfair that people who are willing to work hard and sacrifice, as the vast majority of Americans are—it is unfair when people who are willing to do that cannot get ahead, when those people are held back. We have been told our whole lives that if you work hard, if you sacrifice, if you go to school and graduate, if you do all these things, you will get ahead, that this is that kind of country.

But now people are starting to wonder if that is still true. Across this country increasingly people are starting to wonder, that which we know as the American dream, is that still alive? They want to believe it still is. They believe in America, but they are starting to wonder if that formula I have outlined—hard work and sacrifice lead to a better life—if that formula still works. Why are they wondering that? It is not hard to understand. They are working hard. They are working harder than they ever have. Look at median incomes in America. Look at the people who feel as if their lives have stagnated. They are working hard. They are sacrificing. Not only are they not getting ahead, sometimes they feel as if they are falling behind.

Put yourself in the place of someone who is 56, 57, 58 years old and worked their whole life at some company or industry. Suddenly, they are laid off and they can't find anyone to hire them. They were getting ready for retirement. Now they don't know when that is ever going to happen.

Put yourself in the place of a student. You graduated high school. While

your friends were out playing around, you were studying so you could get good grades and get into a good school. You did that. You went to college. While your friends were out partying, you studied. You graduated with a 3.5, 4.0. You went to grad school and graduated from there as well. You did everything that was asked of you. Then you graduated, and you couldn't find a job in your career field. And here is what is worse: You owe $30,000 or more in student loans.

By the way, that is an issue I know. I know Senator LEE has confronted that as well. I had $100,000 in student loans when I graduated. I grant you, it was a wise investment in my education, but it was an anchor around my neck for many, many years. My parents were never able to save enough money to provide for our education, so I had to do a combination of grants, work study, and student loans. When I came to the Senate, I still had those loans. There were months when my loan payments were higher than our mortgage.

So you look at these things and you understand what people around the country are facing.

Think about the small businesses. You used to work for someone. You were an employee, and then one day you decided: I can do this job better than my boss can, so I am going to quit this job and I am going to risk it. I am going to take every penny I have access to, I am going to max out my credit card, I am going to take out my life savings, and I am going to open a small business because I believe in my idea. And I will guarantee that for most people who did that, those first years were tough. This idea that you open a business and tomorrow you are on Facebook is usually not the case. Usually you struggle those first few years. Oftentimes, people fail in business two or three times before they finally succeed.

Interestingly enough, as part of this process one of the most rewarding things I have been able to do is travel the country and meet and interact with very successful people in business and in life. It is amazing how many people you meet who—when you ask them how they got started and how they achieved, they usually focus on all the times they failed before they achieved. They take pride in the struggle because it means that they earned it, that they earned what they have. They take pride in that.

But put yourself in the position of someone who went through all that, someone who started this business by taking out a second mortgage on their home and literally came upon one Friday when they didn't know how they were going to make payroll or stay open but somehow they persevered and made it through, and now that business is open and functioning and yet it is struggling. And they are wondering—after all these years of hard work and sacrifice, they feel as though they are slipping backward instead of moving ahead.

There is a growing sentiment in this country about these things. Let me tell you why that is so dangerous. What I just described to you is what we have come to know as the American Dream. There is this idea among the minds of some that the American dream is a material thing, that the American dream is about how much money can you make so you can own more things. That may be an element of it for some people, but the American dream is largely about being able to earn for yourself a better life.

You can only understand the American dream by viewing it from a global perspective. For those of us who were born and raised in this country, who have lived here our whole life, who don't know anything else, sometimes it is easy to take what I am about to tell you for granted. In most countries around the world, for almost all of human history and even today, it doesn't really matter how hard you are willing to work and how much you are willing to sacrifice. If you don't come from the right family, if you are not well connected, you don't get into the right schools and then you don't get into the right jobs.

Put yourself in that position for a moment. Imagine now that you have big hopes, big dreams, and big talent, and your hope is to do something with it. By the way, it doesn't have to mean making a lot of money. Maybe you want to serve in philanthropy. Maybe you want to make a difference setting up a foundation. Maybe you are an artist or a musician. Whatever it may be, imagine now being trapped with all that talent and unable to put it into use. You would say that is unfair, and I would tell you that was the human condition up until 200 years ago everywhere in the world, and it is still the human condition in many parts of the globe today. The American dream is that here that is not true. Here, we believe that is wrong. Here, we believe that is unfair. Here, we believe all Americans—Democrats, Republicans, Liberals, Conservatives, everyone—we all believe it is unfair and it is wrong that someone should be prevented from achieving a better life because of where they come from, whom they come from, or where they started out in life. We believe that is unfair. We believe that is wrong. That is the American dream. That is us—the notion that you should be able to achieve whatever you were meant to be, to be able to fully utilize your talents in whatever way you find meaningful, the ability to have a career instead of a job, all these sorts of things.

That is what we are on the verge of losing, in the minds of many Americans, and that is supremely dangerous to the country. Why? Because I personally do not believe there can be an America as we know it without the American dream. Without the American dream, America is just another big powerful country, but it is no longer an exceptional one. That is what is at stake in all these debates we are conducting in this body.

What are the impediments? What is creating these problems we are facing? There may be more, but I have identified three that I hope we will focus on more.

The first, by the way, is societal breakdown. It is real. This idea that somehow you can separate the social well-being of your people from their moral well-being is absurd. The social well-being from the economic well-being—the idea that you can separate those is absurd. If you are born into a broken family, the statistics tell us that the chances that you are going to struggle significantly increase. The destruction of the family structure in America, the decline of it, is a leading contributor to poverty and educational underperformance.

The question for policymakers here in Washington is what can we do about that? Can we pass laws that will make people better parents? Can we pass government programs that will make families better? The answer is usually not. But I can tell you what we can start doing. We can start recognizing this is a real factor. This is not about moralizing. This is not about imposing our religious views or values on anyone. This is a free country. You have the right to believe in anything you want or believe in nothing at all. But you better believe this: It doesn't matter how many diplomas you have on the wall. If you don't have the values of hard work and sacrifice and respect and perseverance and self-discipline, if you don't have those values you are going to struggle to succeed, and no one is born with those values; no one. Those values have to be taught and they have to be reinforced.

One of the things that made America exceptional, one of the things that allowed the American dream to happen is that in this country we had strong families and strong institutions in our society that helped those families instill those values in children. Today there are millions of children growing up in this country who are not being taught these values because of societal breakdown. We refuse to confront it at our own peril. We better recognize it and start acting on it as a nation because I am telling you, children who are born into broken families, living in substandard housing, in dangerous neighborhoods, with no access to health care and with difficulty accessing good schools, these kids have five strikes against them. They are going to struggle to make it unless someone addresses that, and we are losing an entire generation of talent because of it. We better address it in a way that is good for the country and also good for those families.

The second issue, I would tell you, that is contributing to this is we have a significant skills gap in America. What that means is 21st century jobs

require more skills than jobs ever have. Here is a graphic example. Go to the grocery store. I was there Saturday. There used to be 12 checkout lines. That meant 12 cashiers, right? Twelve cashier jobs. Now there are eight checkout lines and the other four are these machines where you run the card over the scan. That means those four or five cashier jobs are gone, right? Yes, but those jobs have been replaced by the jobs of the people who installed those machines, the jobs of the people who built those machines, the jobs of the people who maintain those machines. A graphic example of the 21st century. The job has been replaced by a new job, but the new job—to be a cashier you have to be trained on the site. My mom was a cashier. But to build, fix, and maintain those machines you have to have a higher level of skills you have to learn in school somewhere. Too many people don't have those skills. We have to fix that. For the life of me I don't understand why we stigmatize career education in America. There are kids who don't want to go to Harvard or Yale. They don't want to go for a 6-year degree or a 7-year degree program. They want to fix airplane engines. They want to be electricians and plumbers. Those are good-paying jobs. We need those people. We should be teaching kids to do that while they are still in high school so they can graduate with a diploma in this hand and a certificate that makes them job ready in the other. We should do that.

Beyond that, our students today, many of them are nontraditional students. They are not just 18- or 19-year-olds who just graduated from high school. There, for example, a single mom is working as a receptionist at a dental clinic somewhere and she is the first one to get laid off every time things go wrong. How can she improve her life? By becoming an ultrasound tech or becoming any of these other paraprofessions you find in medicine. But to do that she has to be able go to school. How is she going to do that if she has to work full time and raise her kids? We have to answer that. Whether it is online programs or flexibility in study or programs that give you credit for life experience and work experience, we have to answer that.

We have to also address workers who in the middle of their lives have lost their job, a job that is never coming back. They need to be retrained. By the way, the traditional college route will still be the ticket for upward mobility for millions of Americans but better figure out how to pay for it because right now you have kids graduating with $30,000 and $40,000 around their neck and that is going to prevent them from starting a family, buying a house, and moving ahead. We had better figure out why it is that every time more aid is made available to these students it gets gobbled up by these tuition increases. We better address that problem and we better address the skills gap.

Here is the third, and it goes right to the heart of what Senator CRUZ from Texas is dealing with here. The free enterprise system is the single great eradicator of poverty in all of human history. Free enterprise, American-style free enterprise, has eradicated more poverty than all the government programs in the world combined. You want to wage a real war on poverty? Encourage free enterprise. Why? Because free enterprise is an economic system that rewards people for hard work, sacrifice, and merit. Free enterprise does not ask what did your parents do for a living? Who do you know? Where do you summer? Who do you hang out with over the summer? What clubs do you belong to? Free enterprise doesn't ask that. Free enterprise wants to know what is your idea? Is there a market for it? Are you willing to work hard and sacrifice and persevere? If you are, there is no guarantee, but if you are, you have a real opportunity to make it. You want to know proof that that works? I have 200-some-odd years of American history to show you. It works.

In fact, it works so well that other countries are trying to copy it in their own version. Why are there millions of people in China today that just a generation ago lived in deep poverty and now are consumers in the middle class? Why? Is it because they headed even more in the direction of communism or because they opened their economy to free enterprise principles? The same is true in Brazil, Mexico, India, all over the world. What are the countries that are finding increased prosperity and growth in the middle class doing? They are inching toward free enterprise, not away from it.

Does that mean there is no role for government? No, of course there is a role for government. There is an important role for government. It provides for our national security. It is hard to grow your economy when you are under attack. It provides for internal security. You know, it is hard for people to invest in an economy if they don't know there is a court system that is going to enforce property rights, if they believe crimes will go unpunished.

We believe in a safety net. Free enterprise doesn't work without a real safety net—not as a way of life. You cannot live your whole life on welfare and food stamps and disability unless you are truly disabled. That is what the real safety net is there for. It is there to help people who cannot help themselves and it is there to help people who have fallen to stand back up and try again. We believe in a safety net—not as a way of life but as a backstop to make people feel the confidence that they can invest in the future.

What else should government be doing? As I have talked about—national security, infrastructure, the roads and bridges we build in this country. It is not a jobs program but it does create the backbone for the economy to function. The problem is the most important thing government should do in all of our policymaking decisions is we must ask ourselves, before you do anything—you pass a law, you create a new program—ask yourself: Will this foster the free enterprise system or will it undermine it?

To answer that question, you have to first recognize how the free enterprise system works. What creates prosperity and opportunity? Here is what creates it. When someone invents something new, a new product, idea, or service, when someone starts a new business or when someone grows an existing business, that is what creates opportunity and middle-class prosperity in the free enterprise system, that is what makes upward mobility possible, that is what allows people to climb out of where they started in life and improve it and leave their kids even better off—when people innovate, when they invest by starting a new business or expanding an existing one.

As policymakers, every time we make a decision around here, if you want to help the middle class, the people who are trying to make it, make America the best place in the world to innovate, to start a new business or to expand an existing business.

Do you want to know what is wrong in America today with our economy? Look no farther than a series of government policies—by the way, pursued by both political parties, although my opinion is I have not seen anything like the last 6 years—but a series of policies that have undermined the free enterprise system, policies that make it harder, not easier, to start a business, to expand an existing business, and to innovate.

Chief among them right now before us is what the Senator from Texas has been talking about all night—ObamaCare. That is why we are passionate about this. If you watch the news a little bit, you would think this is all because it is President Obama's idea and the Republicans are against it because it is his idea and that is what is happening here. That is absurd. I certainly have an ideological objection to the expansion of government. But my passionate objection, at least why I am on the floor here today and why Senator CRUZ is on the floor all night, it is not because of ideology or theory, it is the reality that this law is going to hurt real people. It is going to hurt real people. I have met those people. I have talked to those people. If you have been to a Walgreen's lately you know those people, too.

Why? Because Walgreen's has announced that because of ObamaCare it has to get rid of its insurance program that its employees are generally happy with. That is why they are still working there, right? Now they get thrown into the great unknown.

Here is the problem with that. Imagine if you are chronically ill or imagine if you have children and you have this preexisting relationship with a doctor.

They know your history. You can call them when you need them. They are responsive. That is why you are going there all these years. Now you get thrown on this new insurance program and the doctor is not on the plan anymore. In fact, what we are hearing from these new exchanges that are being set up is one of the ways we are going to lower costs is limit our networks: less doctors, less hospitals. That is how we are going to save some money and make these things affordable. That is what we are going to put people into? So all of a sudden these doctors you have been going to these years, you cannot go to them anymore? That is wrong. That is hurting real people.

How about this for an example. Imagine now these small businesses I have met. I know the Senator talked about this, Senator CRUZ. I met a restaurant owner—we had a small business meeting here a couple of months ago—from Louisiana. He testified. He has great ideas. He has calculated that there is a market for him to open a new restaurant. He owns a chain. He wants to open one more. He is not going to because of ObamaCare, because the costs create uncertainty about the future for him, because he is worried about triggering mandates he cannot calculate for.

You may say he is a business owner, he already has X number of restaurants, why does he need anymore? Some people would actually say that. It is not him we are going to worry about. He would be the first to tell you I am going to be OK. Who is not going to be OK? If you open that new restaurant, he was going to hire 20 or 30 new people. There are 20 or 30 people in Louisiana right now who could have had a job, a job that could have helped them to provide for their family, a job that could have helped them to pay for their school. Those jobs are not going to be created. That is just one example. There are multiple examples.

How about this one? How about if you are a part-time worker now. The backbone of our economy can never be part-time work, but there is always a place for part-time work. I worked part time before. I think the Senator has talked about when he had to work part time before. Others have. There is a place for that in our economy. Primarily it helps young people and retirees. For young people, it helps them to work their way through school. Imagine, now, if you want to work your way through school because you don't want to owe $50,000 in student loans and you are in central Florida and you work for Sea World and right now maybe you are working 32 hours a week part time and using the rest of the time to go to school. But here comes ObamaCare so now Sea World has announced instead of 32 hours we are going to move you to 28 hours. That is real money. That is real money. That is hurting real people.

Here is one that doesn't get a lot of attention. Medicare Advantage is a great choice program. It is not perfect. There are ways to improve it, but it is a program on Medicare that basically allows patients on Medicare to sign up in a managed care system that manages their care but for that, it adds additional benefits to their package. My mom is a Medicare Advantage patient. I can tell you the outcomes are generally better than for people who are in the fee-for-service system and the services they offer are valuable.

In my mom's case she needs transportation to and from doctors' visits. That is one of the services the Medicare Advantage Program provides. ObamaCare takes money out of Advantage. You would think they are taking money out of Medicare Advantage to shore up the finances of Medicare because it is going bankrupt. No, they are taking the money out to fund ObamaCare.

So what is going to happen practically is that at some point here over the next few months, beneficiaries on Medicare Advantage are going to get letters in the mail and those are going to inform them of services they were once receiving and are no longer receiving.

With all the uncertainty created by ObamaCare, is it making America the easiest place, or an easier place, to start a business? No. Does ObamaCare make it easier to grow an existing business? Absolutely not. Does ObamaCare encourage innovation in the marketplace? Of course not. On the contrary, it undermines innovation in medicine. It undermines advances in medical technology that have added years and quality to the lives of millions of people.

This thing is a complete disaster, and now we are being asked to take the taxpayer dollars and pour more money into this broken thing? Of course we are passionate about being against that. So I go out across the State of Florida, and everywhere I go I have people who voted for the President telling me this thing is hurting them.

This is not a partisan issue. There are Democrats who are hurt by this. There are supporters of the President being hurt by this.

Earlier this evening—I lost track of when it was—Senator CRUZ read letters from the Teamsters Union and from other unions across the country. We received news that the union representing IRS workers who are in charge of enforcing this law through the fines or the tax—or whatever they decided to call it—want to be exempted from it. They don't want it to apply to them.

By the way, all these exemptions that people are begging for—whether it is Members of Congress or IRS employees or unions—is shining a light on this reality. Big government always benefits the people who have access to power. That is true everywhere in the world. Why? I will tell you why. Big government always writes a lot of regulations, rules, and has a lot complexity.

So if you are a multibillion-dollar corporation, a powerful labor union or a billionaire, you can come and hire the best lawyers in America and they will help you figure out the loopholes in those laws. Let me tell you what else you can do: You can hire the best lobbyists in Washington to help you get those loopholes written in.

You may not be shocked to know this, but in politics, sometimes businesses use government regulations and laws to give them an edge over their competitors and to keep other people from coming into their industry and competing against them. It happens because in big government that is possible. Big government always helps the people who have access to power because they are only ones who can afford to navigate it. So if you are a major corporation or major labor union, you can either deal with the impacts of ObamaCare or you can work to get an exemption or a waiver or what have you from it.

Who can't? I will tell you who can't. The person trying to start a business out of the spare bedroom of their home. By the way, I met someone like this. They weren't at a Starbucks, they were at a Dunkin' Donuts. They were using the free wi-fi, and that was their business. They were in the corner of the Dunkin' Donuts, and that is where they started their software business. Do you think they can comply with the complicated rules and regulations? They can't.

ObamaCare will force people either to go underground in their operations or not do it at all. It is not a question of why ObamaCare will fail, it is an example of why big government fails, and it is not fair. It is not fair for people in this country who are willing to work hard and are willing to sacrifice. It is not fair that we are making it harder on them through government policies being pursued.

By the way, ObamaCare is not the only one. We have a broken Tax Code. If I asked you: Please design for me a Tax Code that discourages people from investing money and growing their businesses, you would give me the U.S. Tax Code today. We have to fix that.

Our regulations are completely out of control. There is no cost-benefit analysis at all. These people write regulations here in Washington, and no one ever asks the question: How many jobs will this destroy? How many jobs will not be created because of this? No one asks those questions. They measure the theory behind what it might do, such as the environmental benefit and the societal benefit, but no one ever does the cost-benefit analysis. There is no employment impact statement attached to these laws. Think about the absurdity of that.

Here we are with a huge number of people dropping out of their search for jobs, a huge amount of underemployment, a vast majority of the new jobs being created are part-time jobs, and we are passing regulations that make

it harder for people to create jobs and opportunities. It is crazy. The regulations are out of control.

We are going to deal with the debt. In about 6 or 7 days the debt limit debate is going to come up. They want to raise it again. The President said: I am not negotiating on this. Let's just raise it again. Never mind the fact that he stood on the floor of this Senate less than 10 years ago and said that raising the debt limit back then was a failure of leadership.

Now things have changed because a $17 trillion debt is no longer pressing in his mind, and that is problematic. Why? Is the debt just an accounting problem? That is how they talk about it on the news. They talk about the debt as just an accounting problem. They say: They just spend more money than they take in, but if they only raised more taxes on richer people, they would pay off the whole thing. That is not true, guys.

If we took every penny away from people who made over $1 million this year, it doesn't even make a dent in this. Any politician who says: All we have to do is raise taxes and the debt is under control is lying to you—period.

The sooner we confront the debt, the better off we will be as a people. The debt is growing because we have important government programs that are structured in a way that is not sustainable. They spend a lot more money than they take in, and it only gets worse from here.

Medicare, Medicaid, and Social Security are important programs. My mom is on two of them. I would never do anything to hurt her benefits or people like her and that is why I am so passionate about reforming them. Those programs are going bankrupt, and we are going to have to deal with it. We cannot continue to spend $1 trillion more than we take in and not deal with it. The problem is the longer we wait to deal with it, the harder it is going to be to deal with it.

It is no different than medical conditions, right? Think about this for a second: Is there any disease or medical condition that you know of that is easier to treat the later you catch it? Is there? Is there any medical condition that is easier to fix the longer you wait to deal with it? Of course not. What are doctors always talking to us about? Early detection.

It is the same with the debt. The longer we wait to address this issue, the harder and more disruptive it is going to be to solve it, and that is what is driving our debt. People want to focus on other things such as foreign aid. They say: Cut foreign aid. That is less than 1 percent of our budget. That is not what is driving our debt. It is not even defense spending.

Are there ways to save money in defense contracting, of course there is, but that is not the driver of the debt. The driver of our debt are these unsustainable programs that if we want to save them, we must fix them. The debt is not an accounting problem. Why? First of all, it is a moral problem.

Never in the history of this country has a generation of Americans said to their kids: Guys, we are going to run up your tab and you figure out how to pay for it later. We have never had that happen in the history of the United States, but that is what they are doing. It is wrong. But it is more than that. This is not just about what taxes will be 50 years from now on our kids, this is about the jobs that are being destroyed right now.

Let's go back to the simple equation of how jobs are created. Jobs are created when someone invents something or when someone starts a new business or expands an existing business. People look at this debt and say they are going to have to deal with that debt one day through a debt crisis. They are going to have to raise taxes, make disruptive changes in the government in the future. They are not encouraged about investing in the future now because they are fearful about the uncertainty provided by the debt. They are fearful.

So there are jobs right now that are not being created. Right now there are jobs in America that do not exist and were not created. They were going to be created but were not created because of the national debt.

We are going to have a debate in a few days about it. The attitude from a lot of people around here is: Of course, we have to raise the debt limit, and we should not do anything about it. I stood on the floor of the Senate—my chair was back there in 2011—and I said: When are we finally going to deal with this thing? Well, 2½ years later and we are still not dealing with this thing.

This complaisance and lack of emergency about these issues is puzzling. You know what my fear is? My fear is that we fast forward 50 years into the future and historians are going to write that the country was falling apart, they were destroying the free enterprise system, the American dream was crumbling, and these guys stood by and did nothing.

That is what I feel is happening right now. It feels like the horror movies where you scream at the screen: Don't go in that room. Don't do it. But they do it anyway. In some ways, everything we are facing with the debt and ObamaCare is similar to a horror movie. We know how it ends if we stay on this path. We know what happens in the horror movie if they open the door. The bad guy is on the other side.

It is the same thing with the issues we are facing. We know what happens if we continue on the path we are on now—we decline as a nation. The sad part is that doesn't have to happen.

There is no reason the 21st century cannot also be an American century. There is no this reason the next generation of Americans cannot be the most prosperous people who ever lived, but it requires us to act. It requires us to reform our Tax Code, not as a way of raising taxes but as a way of creating new taxpayers through economic growth. It requires us to deal with regulations.

By the way—and I think the Senator from Texas would agree with this—ObamaCare, as much as anything else, is a massive authorization to write a bunch of rules. It is not just a law, it is a bunch of regulations that are hurting job creation, discouraging investment, and discouraging people from starting a new business or expanding an existing business. We have to fix that, and we have to deal with the debt.

All of these issues have to be dealt with. None of them get easier to fix as time goes on. They all get harder and more disruptive.

I don't know how the Senator from Texas did this for 18 hours. I am already tired.

I guess I will just speak personally. The one issue that makes me so passionate about all of this in its sum total—I often wonder what would my life would have been like if America had never existed. What if in 1956 there wasn't a place my parents could go to where people like them had a chance for a better life? I doubt very seriously whether I would be standing on the floor of the Cuban Senate. There isn't one now.

I can't imagine what my life would be like if America never existed. If God had not given my parents the opportunity to come to the one place on Earth where people like them—born into poverty and little formal education—actually had a chance to build a better life.

I think about the millions of people out there trying to do what my parents and Senator CRUZ's parents did—what so many of our parents did, by the way. The great thing about this country is when you tell your story, everybody has one just like it. We are all the descendants of go-getters.

Every single one of us is the descendant of someone who overcame extraordinary obstacles to claim their stake on the American dream. They overcame discrimination or poverty. In many cases they overcame this evil institution of slavery. This is who we are as a people. We are all the descendants of go-getters.

I think about how that has changed the world. There is literally no corner of this planet that you cannot go to where you will not find people who feel frustrated and trapped. I cannot tell you how many times I meet people from abroad who disagree with all sorts of things that America does. Yet they have a begrudging admiration for it. You know what that admiration is rooted in? That someone just like them who came from where they come from, is doing extraordinary things. They are doing things they never could have dreamt of in the Nation of their own birth.

I think we should all ask ourselves: What would the world look like if

America was not exceptional? What if America was another rich country in the world with a big military and some power, but it wasn't special? What would the world be like? The answer is: The world would be more dangerous, less free, and less prosperous. So when we debate the future of our economy—and in many ways we are debating the future of the world.

If America declines, I want you to ask yourself this: Who replaces us? The United Nations replaces us? Really? Who replaces us? China? China doesn't even care about the rights of their own people. Why would they care about the rights of people anywhere else? Who replaces us? Russia? Who replaces us on the world stage?

If America declines, who will inspire people around the world to seek not just freedom but economic opportunity? Who will stand as proof that it is a lie to tell people they can't achieve? Who will stand as an example that that is not true if America declines?

The one thing that will lead quickest to America's decline is not simply the debt or taxes or these unconstitutional violations we see on a daily basis. The quickest way to decline is to undermine the American dream and lose our identity as the one place on Earth where anyone from anywhere can accomplish anything. That is the fast track to decline. That is why we are so passionate about ObamaCare. It is a direct threat to the American dream.

The irony of it is that ObamaCare was sold as a way to help the people who are trying to make it. How was it sold to people? Here is how it was sold to people: If you are working class, if you are poor and you can't afford health insurance, the government is going to provide you with health insurance. Tell me the truth. That is what a lot of people perceived this to be. If they don't have insurance now, this is going to allow them to now have insurance—maybe for free, if not at a very low cost. By the way, anyone who already had insurance, this wasn't going to hurt them at all. That is how it was sold. That is how it was sold to people: This is going to be cheap, easy-to-get insurance for people who are struggling.

I understand why someone who is struggling to make it would look at it as something that is appealing. Guess what. That is not what it is. People who have existing health insurance right now, many of them are going to lose it. When they told us we could keep what we had, they were not telling us the truth. People who were told this is going to provide them access to cheap, quality health insurance, guess what. I can't tell people what they are going to get because it doesn't exist yet. But theoretically, on October 1, people are going to have a chance to sign up for one of these exchanges and here is what I predict we will find: less choices, a higher price than we anticipated, perhaps higher than we can afford, and less choices in hospitals and doctors included in those exchanges. This is a disaster all the way around. By the way, while these exchanges are being set up, people may ultimately be getting a notice from their employer that they are going to reduce their hours or maybe even their job. So that is why this is a fight worth having.

It is interesting to see it—Senator CRUZ has not had a chance to see it because he has been here—but it is interesting how the news covers all of this. Political reporters—and they have a job to do—always cover this through the political angle: Who is going to win? Who is going to lose? If this is a college football game, who is the winner and who is the loser on the scoreboard and all of that kind of thing? They love to talk this up, and there is a place for that. People aren't shocked to know there are politics around here.

This issue is so much deeper than that, though. It really is. There is not a lot of attention being paid to that. I think we should, because it is having an impact on real people in a real and powerful way. All of this attention being paid, if we watch the news among the political classes, the process: When are they going to vote? Who is going to win the vote? Who is going to vote which way?

That is fine, guys. I understand that is part of this process and we all enjoy watching it from time to time, right? What they are missing is the why. Why is someone willing to stay up all night—two people, basically, willing to stay up all night to speak about this? Why are people willing to fight on this issue? Why are so many Americans against it? The why. No one is asking the why. The answer is because it is undermining the opportunity for upward mobility. That is why. We are not fighting here against the President; we are fighting for people—for people who voted for us and people who will never vote for us; for people who voted for Mitt Romney and for people who voted for Barack Obama—for real people; people who may never agree with us on any other issue, but they are going to be heard about ObamaCare. People who, as we speak here, are about to wake up, get their kids ready to go to school, put in 8 to 10 hours at work, come back home, try to make dinner while they make sure their kids are doing homework, put them to bed. By the time all that ends, they are exhausted, and they have to get up and do it all over the next day and the next day and again the next week. The last thing these people need is another disruption in their life. The last thing these people need is to go to work tomorrow and be informed: I am sorry, but we are cutting 4 hours out of your work week. I am sorry, but we are changing your insurance plan, so that doctor you have been taking your asthmatic child to or that doctor you have been going to for your pregnancy, you are not going to be able to see them anymore because this new insurance plan does not include them. That is the last thing people need, and that is what they are going to get. That is wrong and it is unfair.

I will close with this, and I alluded to it earlier. I hope we will do everything we can to keep America special, to keep it the shining city on the hill, as Reagan called it, because as I outlined earlier, I think the future of the world depends on it, the kind of world our children will inherit depends on it.

I think it is important to remind us that America has faced difficult circumstances before. In fact, every generation of America has faced some challenge to what makes us exceptional and special—every single one. They were different, but they were challenges. This country had a Civil War that deeply divided it. This country lived through a Great Depression. This country lived through two very painful world wars. This country had to confront its history of segregation and discrimination and overcome that. It had a very controversial conflict in Vietnam that divided Americans against each other.

In the midst of all that, it had to wage a Cold War against the expanse of communism. We forget, but there were many commentators in the late 1970s and early 1980s who would ask Reagan, Why don't you accept the fact—not just Reagan, but anybody—we have to accept the fact that Soviet expansion is here to stay. That was a real threat. Again, it is easy to forget that, but that was the way the world was just 25 years ago.

Every generation of America has had to face challenges and confront them, and every generation has. Not only have they solved their problems, every generation has left the next better off—every single one. Now it is our turn.

We have a very important choice to make, and it is a pretty dramatic one. We will either be the first generation of Americans to leave our children worse off or our children will be the most prosperous Americans who have ever lived. It is one or the other. There is no middle ground, in my mind, on that. When we debate the future of this health care law and ObamaCare, we are debating that question.

I am reminded of the story of the Star-Spangled Banner and how it was written. I was reading it this morning. During the attack on the fort, it was hard to imagine that after that bombardment the United States could survive. After that bombardment the notion was there is no way they are going to make it through the night. But that next morning when the Star-Spangled Banner—when that flag was hoisted, when it was raised, it was a signal to the British and the world that this idea of freedom and liberty had survived. It is interesting how time and again that idea has been tested, both in external and internal conflict. My colleagues may not realize this, but when the Senate is in session, the flag is up. So, usually, when I am walking in early in the

morning to the Capitol, there is no flag up at 5 in the morning because there is nobody here. I didn't have my TV on this morning, but I looked over at the Capitol and I said, My goodness, the flag is still up; these guys are still talking. I am glad they are, because what is at stake is the future of our country, economically in ways just as dramatic as those challenges we faced at the inception of the Republic. This debate is not just about whether a program named after the President will stay in law; this debate is about a program that undermines the American dream, about the one thing that makes us special and different from the rest of the world, and if there is anything worth fighting for, I would think that is. If there is anything worth fighting for, I would think the American dream is worth fighting for. I think remaining exceptional is worth fighting for.

I think after its history of poverty eradication, the free enterprise system is worth fighting for. I think as someone who has directly benefited from the free enterprise system, I personally have an obligation to fight for it. I hope we will all fight for it not just on this issue but in the debate to come next week. This is what this is all about.

I will close by asking the Senator from Texas, as I highlight all of these challenges we face, is this issue, at the end of the day, about us fighting on behalf of everyday people who have no voice in this process, who can't afford to hire a lobbyist to get them a waiver, who can't afford to hire an accounting firm or a lawyer to handle all of this complexity? At the end of the day the rich companies in America are going to figure this out. They may not like it, but they can deal with it. They shouldn't have to, but they can. The people we are fighting for are the ones who cannot afford to navigate this.

I ask the Senator from Texas: Isn't this what this is all about?

Mr. CRUZ. Mr. President, I thank the Senator from Florida for his inspired comments and for his question. He is absolutely right. This fight is about whether hard-working Americans get the same exemptions and the same benefit President Obama has given big corporations and Members of Congress.

I wish to respond to the inspirational remarks of Senator RUBIO by making five comments, the last two of which I think may well be likened to Senator RUBIO who will be inspired to ask a question in response to it.

The first point is a very brief one, which is to simply thank the Senator from Florida for telling that story about the flag. I will confess as we stand here a few minutes before 7 a.m., I am a little bit tired. Senator LEE is probably a little bit tired. I will tell my colleagues, the image of the dust clearing, the smoke clearing, seeing the Star-Spangled Banner waving under the rockets' red glare, that vision is inspiring and I appreciate it. It was very kind of the Senator to tell that story and it is very meaningful, so I thank him.

Secondly, Senator RUBIO talked about how the political reporters have been focusing predominantly on the game, on the political process. He is right, I haven't seen any of the news coverage; we have been here on the Senate floor so I don't know what the coverage is. But what he reports doesn't surprise me because that is the nature of political reporting in Washington. So I am going to make a request directly to those reporters who are covering this proceeding—those reporters who are reporting this proceeding—to endeavor to have at least half of what they say be focused on the actual substance of this debate, on the fact that ObamaCare is a train wreck that is killing jobs, that is forcing more and more Americans to part-time work, that is driving up their health insurance premiums, that is causing more and more Americans who are struggling to lose their health insurance. My real request would make all of the coverage to be on that, but I know that is too much to ask. But I am going to suggest if all of the coverage or most of the coverage is on the political process, on this personality or that personality, or who is up or who is down, or how this impacts the 2042 Presidential election, I am going to suggest two things. No. 1, that is not doing the job you have stepped forward to serve and do. All of us have a job. Those of us in this body elected to serve have a job to listen to the people and to fight for the men and women of America, but those of you who serve in the media have a job to report to the men and women of America what is happening, and not just on the political game.

Secondly, I want to say, if you just report on the personalities and political gains, you are taking sides on this issue. Why is that? Because those who want to keep ObamaCare funded, those who want, on Friday or Saturday when cloture comes up for a vote, for Members of this body to vote for cloture, to give HARRY REID the ability to defund ObamaCare with 51 partisan Democrat votes, they want all the coverage to be about the personality, about the politics—about anything, anything, anything other than the substance. So if you choose to cover just the personalities and the politics, you are doing exactly what some partisans in this body would like, and that is, I am going to suggest, not responsible reporting. I know each one wants to be a responsible steward of informing the public, and it would strike me that the debate we have had here impacts people's lives in a way that nobody gives a flip about the politicians involved.

A third observation about Senator RUBIO's question, when he compared ObamaCare to a horror film, I enjoyed that comparison. In fact, in my mind, I heard the music from ''The Shining''—not ''The Shining,'' from ''Psycho'' in the shower scene. And it occurred to me that perhaps one of the great philosophical conundrums with which we must all wrestle is whether ObamaCare is more like Jason or Freddy. That, indeed, is a difficult question. You can put forth a powerful argument for Jason because ObamaCare is the biggest job killer in this country and when Jason put on his hockey mask and swung that machete, there was carnage like nothing else. On the other hand, we could make a powerful argument for Freddy, because as James Hoffa, the president of the Teamsters said, ObamaCare is a nightmare. It is a nightmare for the men and women of America.

While the Senate slept, the men and women of America didn't get a respite from the nightmare that is causing them to lose their jobs, never getting hired, causing them to be forced to be reduced to 29 hours a week, driving up their health insurance premiums, and jeopardizing their health care.

The only way they get a respite from that nightmare, the only way we stop—there was a movie ''Freddy Vs. Jason.'' I forget. They fought each other. I forget even what happened in that movie. But the only way we stop Jason and/or Freddy is if the American people rise up in such overwhelming numbers that the Members of this Senate listen to the people and we step forward and avert this train wreck, we step forward and avert this nightmare.

Those are three observations I wanted to make at the outset. Then I want to make two more. I would note, Mr. President, as you know well, the rules of the Senate are curious at times. While I am speaking, I am not allowed to pose a question to another. I am allowed to answer questions, but not to pose a question to another Senator. But there is no prohibition in my asking a rhetorical question to the body, which may, in turn, prompt Senator RUBIO to ask a question of his own and to comment perhaps on the rhetorical question I might raise.

The rhetorical question I would raise to the body—and I have two I want to ask—but I want to start the body thinking about Senator RUBIO's family story. And listen, I am inspired by Senator RUBIO's story every time I hear it. I am inspired. Part of it is because his family, like mine—we share many things in common. His parents, like my father, fled Cuba. His father was a bartender. My dad washed dishes. His mother, I believe, cleaned hotel rooms, if I remember correctly. My mother was a sales clerk at Foley's Department Store.

The question I would ask the Chamber is: What would have happened if when Senator RUBIO's parents came from Cuba, when they arrived here, if ObamaCare had been the law of the land? What would have happened to his father and mother as they sought that job as a bartender, cleaning hotel rooms, if we had an economy with stagnant growth, where jobs were not available, and they were not able to get

hired? What would have happened if they had been lucky enough to get that job and their hours had been reduced forcibly to 29 hours a week against their wishes? What would have happened if they had faced the economic calamity for working men and women—for those struggling—that is ObamaCare? I wonder—I have thought many times about what would have happened to my parents. I know it would have been catastrophic in our family. But I wonder how it would have impacted the Rubio family if ObamaCare had been the law when Senator RUBIO's parents came to this country seeking the American dream. Would it have benefited them or would it have harmed them?

(Mr. MANCHIN assumed the Chair.)

Mr. RUBIO. Will the Senator from Texas yield for a question without losing the floor?

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. RUBIO. I heard the rhetorical question the Senator posed to the body, and it involved a direct question about how my family would have confronted those challenges, so let me back up and talk about that for a second because while it is my family—and I always refer to it—the reason why I got in politics and my view of the issues of the day are all framed through my upbringing, as all of ours are. You cannot escape where you come from or what you were raised around. It influences the way you view the world and the way you view issues, and the experience my family had has influenced me.

I earlier talked about the student loans I once had. I paid them off last year, by the way, with the proceeds of a book, which is available now in paperback, if anyone is curious. But anyway, all joking aside, when I wrote that book, it required me to go back and learn a lot more detail about my parents. Because like anybody else, when you grow up you listen to your parents talk and you kind of repeat it to other people, but when you are growing up and you are in a hurry, you do not always have time to sit down and listen to the details. This actually forced me to go back and learn details about their lives.

What ended up happening is I ended up meeting and discovering two people whom I never knew. I knew something about them. I had grown up with them. But I knew my parents in their forties and fifties. I did not know them in their twenties and thirties. Sometimes when you are young, you forget your parents used to be young too. Sometimes you forget that when they were your age, they had their own dreams and their own hopes and their own aspirations. And they certainly did.

It reminds me, as I learned about these stories, I learned that when they came to this country, it was not an instant success. The immigrant experience rarely is. You do not just get here and a week later you are running a very successful company or whatever. It does not work that way. My parents struggled. They were very discouraged those first few years. My dad bounced from temporary job to temporary job. My mom was hurt in an accident making aluminum chairs at a factory. She cut her hand.

They struggled. Those first years were tough. But they persevered, and what ended up happening was my father found a job as a bar assistant, basically, on Miami Beach. Then eventually, through hard work, he was promoted to bartender, and then one of the top bartenders at the hotel. It was not going to make him rich, but it made him stable.

By 1966, 10 years after they had arrived, they felt so confident in the future they bought a home. Five years after that, they were so confident that even though they were both over 40 years of age, they had me and then my sister a year and a half after that.

The Senator asked the question rhetorically to the Chamber—and I am going to answer it—what would it have been like if a program such as this would have been in place? But it is not just a program such as this. It is not just ObamaCare. It is all the other things the government is doing. To answer that question, I have to focus on why they had opportunities to begin with.

Why was my dad able to raise our family working as a bartender at a hotel on Miami Beach, and then in Las Vegas, and then back in Miami? Because someone who had access to money risked that money to open that hotel. That was not a government-run hotel. That hotel existed because people who had access to money—I do not know if they borrowed it; I do not if it was their own; I am not sure of the history behind it—but someone with access to money said: Instead of leaving it in the bank or investing it in another country, I am going to risk this money and open and operate this hotel. The result is the jobs my parents had existed.

But that is how you open a business. How does it continue? How does that business survive? It survived because Americans—after they were done paying their taxes and all their other bills—had enough money left over in their pocket to get on an airplane and fly to Miami Beach or to Las Vegas and stay three or four nights at the hotel where my parents worked.

The answer to the Senator's question is, the reason why my parents were able to own a home and provide us a stable environment in which we grew up was because free enterprise works. Free enterprise works. It encouraged someone with access to money to open those hotels, and it left enough money and prosperity in people's pockets after they paid their bills and their taxes so they could take a vacation and go to hotels where my parents worked. Without people in those hotels, there is no job for our parents. They were able to achieve for us what they did because of free enterprise.

To answer the Senator's question about the impact of ObamaCare, anything that would undermine free enterprise would have undermined those hopes and those dreams. And ObamaCare is undermining it.

I cannot say for certain what would have happened. But here is a possibility. ObamaCare could have encouraged the hotel they worked at to move employees from 40 hours to 28 hours, hire two bartenders part time instead of one. That would not have been good. ObamaCare could have led them to hire two cashiers at the Crown Hotel in Miami Beach instead of one—two part-timers like my mom. That would not have been good. Even beyond that, because ObamaCare is cutting people's hours all over the country, because ObamaCare is keeping people from getting hired all over the country, because ObamaCare is costing people their jobs all over the country, I suspect the number of visitors to that hotel would have been diminished.

When you lose your job, when you get moved from full time to part time, the next move you make is not to get on an airplane and go on vacation. The next move you make is to scramble to make up the difference. That is called personal discretionary spending, and people do not do that when they are uncertain about tomorrow. ObamaCare would have made many Americans uncertain about tomorrow. It is going to make many Americans uncertain about tomorrow. The bottom line is, it would have directly and indirectly harmed my parents' aspirations for themselves and our family.

Here is what is troublesome. There are millions of people in this country today trying to do what my parents did. If you want to find them, walk out of this building and walk three blocks to the nearest hotel and you will meet them there. They clean the hotel rooms. They serve food at the restaurants. They cater the banquets, as did my dad or the gentleman or the lady standing behind that little portable bar serving drinks at the next function at which we speak. They are right down the street.

They are in the halls of this building. You will meet them. They have a little vest on. You will see them with a little cart, cleaning the bathrooms and the floors and providing an environment where we can work. These are people who are working hard to achieve a better life for themselves and oftentimes for their children. These are folks, many of whom have decided: I am going to sacrifice and work a job so my children can have a career.

I cannot tell you how many of the people who work in this building I have talked to, such as the company that caters our lunches or are in the cafeterias here. I cannot tell you how many of them have said to me the reason why they are working these jobs is because they hope one day their children

can do something such as stand on the floor of this Senate.

I say to Senator CRUZ, that happens to be our story. That happens to be the American story too. We forget that some of the greatest heroes in the American story are not the people who have been on the cover of magazines. Some of the greatest heroes in the American story are not people who have had movies made about them. Some of the greatest heroes in the American story are not the famous people who are on CNBC being interviewed all the time about how successful they are. They are heroes too. But some of the greatest heroes in the American story are people you will never learn about, about whom books will never be written, whose stories will never be told. Some of the greatest heroes in the American story are people who have worked hard at jobs—back-breaking jobs, difficult jobs—so their children can have careers.

I want you to think about what that means. Think about reaching a point in your life when you realize, you know what, for me, this is about as far as I am going to be able to go—because of age, because of circumstances—but now the purpose of my life will become making sure all the doors that were closed for me are open for my children. Imagine that. Because that is what millions of people are living right now.

It is not that they are not talented, it is not that they are not smart, except they are 45 or 40 or 46, and time is running out on them. But what America is going to give them a chance to do is, it is going to give them a chance to open doors for their children that were closed for them.

They are not going to be able to leave their children trust funds. They are not going to be able to leave their children millions of dollars. They are not going to be able to leave their children a home even. But they are going to be able to allow their children to inherit their unfulfilled dreams and fulfill them.

There are millions of people in this country who are trying to do that right now. There are people who work in this Capitol who are trying to do that right now. There are people working within blocks of here who are trying to do that right now. ObamaCare is going to make it harder for them to do that. It is ironic because ObamaCare was sold as a plan to help people like that. Instead, because it undermines the free enterprise system, it is hurting them.

Many of those people who are being hurt may not have realized it yet. I think the job of leadership is to explain the consequences to people. But in the end, I feel as though we have an obligation to fight on their behalf. I feel as though we—especially those of us who are a generation removed from that experience—have a special obligation to fight for that.

The American story is not the story of people who have made it and then say: Now everyone is on their own. The American story is the story of people who have succeeded and want others to succeed as well. That, by the way, is one of the fundamental differences between the view of big government and the view of free enterprise. Big government believes that the economy cannot really grow, and so what we need government to do is divide it up among us. Right? The economy is a limited thing. There is only so much money to go around, so we need the government to step in and make sure the money is distributed fairly. That is what we are going to use taxes for. That is the view big government has.

What makes America different is we rejected that. We said that is not true. We believe in free enterprise, and free enterprise believes the economy can always continue to grow bigger.

That means if you are successful you can stay successful, and other people can become successful as well. What makes America special is that free enterprise believes you do not have to make anybody worse off in order to make someone better off. That is different from the rest of the world, and it works.

I remember growing up, especially when I lived in Las Vegas. There were not a lot of—back then, especially, there were not a lot of family friendly things to do on the weekends. One of the things we used to do—my parents liked to do this—they would drive us through the nice neighborhoods with the nice houses. I remember Liberace's house was in Las Vegas. It was one of the nice houses.

They would drive us through these neighborhoods and they would show us these houses. When we looked at these houses they would not say to us: Look at the people living in those houses, look at how much money they are making. That is unfair. Right? They are making all that money, and that is why we are struggling. The reason why we live in a small house is because people like them live in big houses.

They did not teach that to us. On the contrary. Do you know what they used to say to us. Look at what these people accomplished through hard work and sacrifice. That can be you if that is what you want. Look at what these people were able to do. That can be you.

That is the difference in some ways between us and the rest of the world. We have never been a place of class envy and class warfare. We have always pointed to these stories as an example of what you can do as well. We celebrate success in America. It inspires us because we know it is not a zero sum game. We know that you can be successful and I can be successful. We know that you can have a successful business and I can have a successful business.

We know that in order for me to be more prosperous I do not have to make anyone less prosperous. That is a big deal, because that is not the way the world has functioned for most of its history. For most of its history, governments did not view it that way and peoples did not view it that way. They always viewed that there had to be a winner and there had to be a loser. One of the things that made us really unique is that we never viewed it that way. In America we have viewed it as you can be a winner and I can be a winner. We can both benefit from each other, because that is how free enterprise works.

In free enterprise you need your customers to be well off. You need your customers to be doing well economically. You cannot afford to bankrupt people by raising your prices because then they cannot buy stuff from you. It is all interrelated. Last year during the campaign there was this big debate about job creators, whether or not you realize it. Every time you go shopping at a department store you are a job creator. Every time you order something on the Internet you are a job creator. Every time you spend money in our economy you are a job creator.

Some people open a business. But every American is a job creator because in the free enterprise, the better off you are the better off we are. And we can all be better off. That is not the direction we are headed. That is one of the things that they are trying to influence in this debate on ObamaCare. They are trying to argue that this is an effort to deny people something. Not true. This is an effort to protect people from something, especially people that are vulnerable to this. I repeat; I am telling you that I have talked to a lot of successful people, people that are making a lot of money or have made a lot of money. They do not like ObamaCare but they are going to be fine with it. They are going to deal with it. They can afford to deal with it. They do not like it. They are going to have to make decisions in business that they do not want to make. But they are going to figure out how to deal with this one way or the other.

At the end of the day, they are going to be fine with whatever we do. They are not going to be the ones who are going to be hurt by this. The ones who are going to be hurt by this are the people who are trying to make it, the people whose hours are going to be cut, whose jobs are going to be slashed, who are going to lose benefits that they are happy with.

Sadly, because they are so busy with their lives, working and raising their kids, they may not realize why all of this is happening until it is too late. So the question the Senator posed to the body was a very insightful one. It goes to the heart of what this debate is about: Who are we fighting for? What are we fighting about?

I fear that too many people that are covering this process think this is all about an effort to keep the President from accomplishing something that he feels strongly about. Not true. This is an effort to fight on behalf of people who are going to be hurt badly. This is

an effort to fight on behalf of people who do not have the influence or the power to fight here for themselves. That is why we are here. This is an effort to fight on behalf of people who are trying to do what my parents did. This is an effort to fight on behalf of the people who are trying to start a business out of the spare bedroom of their home—probably in violation of the zoning code, but they are trying to do it.

This is an effort to fight on behalf of the people who are working every single day to achieve their full potential. This is an effort to fight on behalf of people who are working hard at jobs that are hard to get up for in the morning to go do. But they are going to go do it, because the purpose of their life is to give their kids the chance to do anything they want.

Do you how many people I know like that? You cannot walk 10 steps in my neighborhood without running into people like that. The whole purpose of their life, the singular focus of their life, is to make sure that their kids have a chance to do all the things they never got the chance to do. Do you know how many people there are like that around this country? They depend on the jobs that are being destroyed by ObamaCare. They depend on the opportunities that are not being created because of ObamaCare. That is wrong. I hope we will be successful with this effort.

Now, people are going to focus on how the vote is going to go down. This is not going end here, guys. We are not going to stop talking about this no matter how the vote here ends up. We are going to continue to do everything we can to keep this from hurting the American people because it undermines the essence of our Nation.

The reason why I am so passionate about this goes right to the heart of the question the Senator asked, because ObamaCare and big government in general make it harder, not easier for people that are trying to do what my parents did to achieve their dreams.

I think the question of Senator CRUZ goes to the heart of what this debate is all about. I would yield back to the Senator to encourage him to continue to highlight the impact that this law is having on real people and their real lives, because I think it is going take some time to break through the narrative that this is all a big political fight, that this is between the President and his opponents.

Whether this law was called ObamaCare or not, we would have to oppose it, because it is hurting real people who are trying to achieve the American dream.

Mr. CRUZ. I thank the Senator from Florida for his answer on how the law would have impacted his family. I will say this: I have no doubt that at every gathering in every hotel where Senator RUBIO speaks, there is not a bartender, there is not a waiter, there is not a dishwasher in the room who does not look over and think: I wonder if some day my daughter, my son, could be in the Senate.

What an extraordinary statement. Do you know what. If we were in almost any other country on earth you could not say that. In most countries on earth, if you are not born into a family of power and prestige and influence, you have no chance whatsoever of serving in a position of significant political leadership. Only in America. That is the opportunity this country is. I have no doubt of the inspiration it serves every day when Senator RUBIO shares his story.

I have no doubt also that Senator RUBIO is right that if ObamaCare had been the law when his parents came from Cuba, when they were immigrants, when they were looking for jobs, when they wanted to support their family and eventually their young family when they had kids, that if they had not been able to get those jobs or if they had had their hours forcibly reduced to 29 hours a week so they could not earn enough to provide for their children, to give them the food, to give them the education, to give them the housing that they needed, it could have had a dramatic impact.

If ObamaCare had been the law, it may very well have been the case that Senator MARCO RUBIO would not be in the Senate right now, because it may have been that his parents would have struggled so much to make ends meet that they would not have been able to provide for him as a young boy the way they did, to give him the opportunities they gave him. He might not be here and our country would be far the poorer.

I know for me and my family, if my dad had not had that opportunity to get a job washing dishes for 50 cents an hour, if my mom had not gotten the opportunity to get her first jobs, there is a very good possibility I would not have had the chance to represent Texas.

When you cut off opportunity for those who are struggling to climb the economic ladder, it impacts for decades. It does not just impact them, but their children and their children's children. That leads to a second rhetorical question that I want to ask the Chamber, but it would not surprise me if it prompts, in turn, a question from Senator RUBIO.

That is, Senator RUBIO and I both have the privilege of representing States in which there is a tremendous Hispanic community. We both come from the Hispanic community, were raised in the Hispanic community. We both have the great honor of representing a great many Hispanics, he in Florida, me in Texas.

Some of the discussion of the Hispanic community focuses on his parents, like my father, who were young immigrants struggling, who may not speak English and who are on the first or second rung of the economic ladder. That describes a great many in the Hispanic community but there are others who are not necessarily in that circumstance.

In the United States there are right now approximately 2.3 million Hispanic small business owners. The Hispanic community is tremendously entrepreneurial. There are roughly 50 million Hispanics in the United States. That means roughly 1 in 8 Hispanic households is a small business owner. So the question I would pose, rhetorically, to the Chamber, is, what is the impact of ObamaCare on the Hispanic community? What is the impact of the crippling impact on jobs, of the punitive taxes, of the 20,000 pages of regulations? What is the impact on those 2.3 million Hispanic small business owners? What is the impact on economic growth and achieving the American dream? What is the impact on the Hispanic community, because I am convinced there is no ideal that resonates more in the Hispanic community than the American dream, than the idea that any one of us, regardless of who our mother or father is, regardless of where we come from, any one of us through hard work and perseverance, through the content of our character can achieve the American dream.

The question I would pose: Has ObamaCare made it easier or harder to achieve the American dream? How has ObamaCare impacted the Hispanic community?

Mr. RUBIO. Would the Senator from Texas yield?

Mr. CRUZ. I would yield for a question without yielding the floor.

Mr. RUBIO. The Senator asked actually a great question. We talk about people who are trying to make it. We talk about the people who are working hard to sacrifice and to leave their children and families better off.

A disproportionate number of people who are trying to do that find themselves in minority communities. You asked about the Hispanic community. I live in a Hispanic neighborhood even now. I live just blocks away from the famed Calle Ocho, 8th Street, in Miami.

If you have never been, I encourage you to come. The President visited an establishment about 4 blocks from my house, I think back in 2010 when he was in town campaigning for one of the candidates. Literally, I mean literally, every business, one after another after another is a small family-owned or family-operated business.

Every single one. It is the bakery, next to the dry cleaner, next to the liquor store, next to the grocery store, next to the uniform shop that sells uniforms next to the gas station, next to the banquet hall. It goes on and on and on. I invite you to come down and see it. There is a Popeyes there, and you will find a McDonald's. But even those franchises, by the way, are owned by families.

Literally, every business on 8th Street, on Calle Ocho, just blocks away

from my house, one after the other after the other, is a small business. So are all of my neighbors.

I have a neighbor who runs an electronic alarm company and another neighbor who runs a pool-cleaning business. I am just speaking about my neighborhood. That is the story of the country.

Listen, there are very successful people, Americans of Hispanic descent, who started out as a small business and now are a big business and have been very successful too of course. It is sort of like the rest of the population. It reflects the concerns of whatever challenges they are facing.

But an enormous percentage of Americans of Hispanic descent also happen to be people who are trying to accomplish the American dream. Perhaps the strongest burning desire you will find in minority communities in general—and in particular the one I know best, the Hispanic community—is that burning desire to give their kids the chance to do everything they couldn't. Maybe by the time you got here you were already into your late twenties or early thirties. Because you could succeed, there are many stories of people who have come here at that age and have accomplished extraordinary things. They started in small business, and before you knew it they were being publicly traded. That is a great part of the American story. We celebrate that.

But there are also countless people who worked jobs their whole life. That is what they end up doing. They worked those jobs so their kids could have the opportunity to get ahead. That is a very prevalent story in the Hispanic community.

Interestingly enough, the Hispanic community is very diverse on a lot of different things. Obviously, we have a strong Cuban-American presence in South Florida, but we also have a significant presence from South America. My wife's family is from Colombia. We have a very vibrant Venezuelan community, by the way, coming to the United States to escape Big Government gone horrible.

They just posted—if you read this yesterday—posted military officers at the toilet paper factory in Venezuela because they are not producing enough toilet paper. They think it is some sort of capitalist, imperialist plot to deny the people of Venezuela toilet paper. They have now stationed troops at the toilet paper factory.

This is a country where many of those who find themselves on the American left love going down and extolling the virtues of Chavez, about how great a country it was. They can't—well, let me not say on the Senate floor what they cannot do anymore—but they are struggling to provide toilet paper for their people.

That is how Big Government works. If you want to see another socialist paradise, go to Cuba. The infrastructure is struggling and people are trying to get out of that economy. There are no political freedoms in Cuba, but the economic freedoms are a disaster.

It is because Big Government does not work. Compare that to Chile, to Panama, to Colombia. Compare Colombia to Venezuela, two countries living next together.

A decade ago Colombia was caught in a deep struggle with drug lords and drug cartels. They still have problems with the guerrillas and the FARC, things such as that, but Colombia has turned things around. Why? Two things; one, real leadership at the political level; and, two, free enterprise. They embraced free enterprise.

We have a free-trade agreement with Colombia. There is prosperity in Colombia. Compare that with next-door Venezuela, an energy-rich country, a country that is rich with oil, a country that has natural resources and advantages that Colombia doesn't have, Venezuela. They can't even produce toilet paper because Big Government failed.

In fact, there has been a massive migration of experts in the oil industry leaving Venezuela and moving to Colombia. Compare to Mexico. Mexico still has some challenges, but Mexico has a vibrant middle class. There is a real middle class in Mexico, and it is growing. Look at the moves the new President is making. They are not going to open the oil industry there the way we would do it in the United States, but they are going to make changes to the oil industry because they want to grow and they want to create prosperity.

This holds great promise for our country. Stronger integration between Canada, the United States, and Mexico is very promising. We can cooperate on all sorts of things from energy to security issues. I think that holds great promise. North American energy has the opportunity to displace energy coming from unstable parts of the world such as the Middle East.

But how is Mexico growing its economy? What is Mexico thinking in order to grow its economy and provide more prosperity for its people. They are thinking about embracing more free enterprise.

Look at the countries in Latin America that are succeeding: Peru, Chile, Panama, Mexico, Colombia. I hope I am not leaving anyone out. These are countries that are moving ahead.

They have struggles and challenges, and it is not a clear upward trajectory because there are challenges in the global economy, but they are moving ahead.

Look at the countries that are a disaster: Cuba, Venezuela, Bolivia, Ecuador, and Nicaragua. What is the difference? What is the starkest difference between these countries other than perhaps the individual lunacy of some of these individuals in this country. What is the difference?

The difference is the countries that are failing and embarrassing their people are the countries that are embracing Big Government and socialism. The countries that are providing middle-class opportunities and upward mobility are the countries that are embracing more and more free enterprise.

When you ask about the Americans of Hispanic descent, these are the countries they came from. They came here to get away from Big Government. Why is there a vibrant and growing Venezuelan community in Miami-Dade County where I live? Because Big Government is destroying Venezuela.

Why are there over 1 million Cuban exiles living in Miami, New Jersey, and concentrated in different parts of the country, including a sizable community in Houston, TX? Because they came here to flee, not just Big Government, but the oppression that comes from very Big Government, socialism and Marxism.

Why do people cross the border from Mexico and come into the United States in search of jobs and opportunities—because for a long time Mexico didn't embrace free enterprise policies. It is now increasingly—and what is happening in Mexico, a vibrant and growing middle class, a sense of upward mobility. Every country has challenges. They have challenges in Mexico, but they are trying to turn it around and they are doing some good things to try to do that because they are embracing free enterprise.

The unique thing about it, Senator CRUZ, is that Americans of Hispanic descent, particularly those here in the first generation or the second, have come here to get away from Big Government policies, because in countries that have Big Government, you are trapped. You are trapped. In countries that have Big Government, the people that come from powerful families and powerful enclaves, they are the people who keep winning.

In places where the government dominates the economy, as is disproportionately the case, and the countries that immigrants come here from, those are the places where the same people keep winning.

The biggest company 50 years ago is still the biggest company. The richest family in the country is still the richest family. The President is the grandson and the son, over and over.

That is what Big Government does. It traps people in the circumstances of their birth.

What happens if you are a talented, ambitious, and hard-working person living in a country like that, frustrated and trapped? You try to get to the only country in the world where people like you even have a chance, the United States.

We have millions of people living in this country of Hispanic descent that experience that, that know what it is like to live in a place where you are trapped in circumstances of their birth. The reason why they love America is because here they are not limited by that.

I have said oftentimes—and I think you would share this perception in the

story of your father, Senator CRUZ—it is true that immigrants impact America. It is true they do. Immigrants impact America, they contribute to America, they change America.

But I promise you that America changes immigrants even more. You find that in the Hispanic community, the impact that America has on immigrants once it opens opportunities for them. Long before my parents became citizens, they were Americans in their heart. That is still true. You will still find that out there in the Hispanic communities. You will still find people who understand how special this country is because of the opportunities it is giving them and their children. This is why I think they will and are starting to understand how damaging this law may be.

If you watch Spanish-language television, they are running these advertisements now, talking about sign up for ObamaCare, it is good for you. They are making it sound like this is going to be cheap and free insurance for people. When you are working hard 10, 12 hours a day and not making a lot of money, maybe your employer doesn't provide health insurance and along come these politicians telling you we are going to give you health insurance cheap and free. It is enticing, but it is not what is going to happen. When people realize that, not only are they going to be upset, they are going to be livid.

When they go to work one day and they tell them: Guess what. You are now a part-time worker, they are going to be livid. When they go to work because they are working part-time because of where they go to school and they lose hours, they are going to be livid.

When they go back to work one of these days, they may be working at one of these places where they have health insurance, as over 70 percent of Americans do, and they are happy with it. All of a sudden they found out: You know that health insurance you have, that is not our health insurance anymore. You have to go on this Web site and shop for a new one.

If they go on the Web site today they can't shop for anything. It isn't set up yet. They are going to be livid.

When we talked about defending people who are trying to make it, people who are working hard to persevere and move ahead, I think that is the epitome of what you will find in the Hispanic community in this country. That is the typical story of people who are here. They are working hard to get ahead and they want their children to have a better life than them.

There is only one economic system in the world where that is possible and that is the American free enterprise system. ObamaCare directly undermines it. If for no other reason we should repeal ObamaCare because it undermines the free enterprise system—the single greatest eradicator of poverty in human history, the free enterprise system. It is the only system in human history that allows people to emerge from poverty and into a stable middle class and beyond, the free enterprise system. It is the only economic system in human history that rewards hard work, sacrifice, and merit, the American free enterprise system. ObamaCare is undermining it.

As I yield back to the Senator, is it not the case that what we are doing is not to stand against ObamaCare. We are fighting against the only system in American history, American free enterprise, where upward mobility is possible for so many people.

Mr. CRUZ. I thank the Senator from Florida for his passion, for his heartfelt commitment to opportunity and understanding.

This is not about the rich and powerful. We are rich and powerful. The rich and powerful are just fine with ObamaCare. Indeed, the rich and powerful are better than just fine with ObamaCare. The rich and powerful get special exemptions. The rich and powerful get treated better because they are buddies with the current administration. Big business and giant corporations get exemptions from ObamaCare. Members of Congress get exemptions from ObamaCare.

Mark my words, if Congress doesn't act to defund ObamaCare to stop this train wreck before the end of the President's administration, unions are going to end up getting an exemption from ObamaCare. It is going to be everyone who is a political friend of the administration, has juice and has power, will get extensions.

The people who are left, you have nothing to worry about unless you don't happen to have several high-paid Washington, DC, lobbyists on your staff, unless you happen just to be a Hispanic entrepreneur, a single mom or a hard-working American trying to provide for his or her family, then maybe you will have something to worry about. But you are not going to get the exemption because what the Senate has been saying to you is exemptions for everybody else but not for hard-working American families.

I believe if it doesn't apply to everyone, it should apply to no one. The Senate shouldn't be picking and choosing winners and losers and who are the favored political class.

The Senator from Florida talked about Cuba. Some, particularly in Hollywood, like to lionize Cuba as this workers' paradise, but I would note Cuba has socialized medicine. Majority leader HARRY REID has stated his intention that he believes ObamaCare will lead, inevitably, to socialized medicine, to single-payer, government-provided health care. Some in Hollywood have lionized Cuba as this workers' paradise. Yet I am reminded of a comment President Reagan said in the midst of the Cold War.

The funny thing he said is if you go to the Berlin Wall and look at the Berlin Wall, the machine guns all point in one direction.

The same thing is true about Cuba. People talk about, the workers' paradise. The funny thing about Cuba, the rafts all go in one direction.

In the decade since Fidel Castro seized control and began brutally oppressing the people of Cuba, destroying that once great Nation I am not aware of a single instance since the day of that revolution of one person getting on a raft in Florida and heading over to Cuba—ever. I am not aware of it ever happening. So if socialized medicine is this oasis, if we are to believe the Michael Moores of the world in Hollywood, one would expect Floridians to be jumping on rafts. You know, that 90 miles, it crosses both ways. In fact, Floridians can probably get a better boat than they can in Cuba, but nobody goes that way. They flee to freedom. They flee to America.

What gives freedom such vibrancy—you want to talk about what matters to the Hispanic community, you want to talk about what matters to the African-American community, you want to talk about what matters to single moms? It is the opportunity to work. It is the opportunity to get a job. When we talk about what matters to young people, it is the opportunity to start a career and to move toward advancing to providing for your family, to having the dignity and respect of working toward your dreams, toward your passions, toward your desires. ObamaCare is stifling that, and that is a tragedy. It is a tragedy. And the only way it will stop is if this body begins to listen to the American people. Together, we must make D.C. listen.

Mr. ROBERTS. Mr. President, would the distinguished Senator from Texas yield for a question?

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. ROBERTS. How is the Senator doing?

Mr. CRUZ. I thank the Senator from Kansas. And I will tell the Senator, I am doing fabulous. I am inspired and I am motivated by the American people.

Mr. ROBERTS. I saw a black car down there in the parking lot with a Texas license plate, and I figured that was the Senator's. Didn't see him in it. Everybody was wondering as they got up this morning, after listening to the Senator last night, whether he would still be standing, but here he is. I appreciate this.

I think the thing I appreciate the most—and the question will follow, Mr. President—is how the Senator has conducted himself because throughout the night he has had some folks at least making their point of view, which is obviously very different from his. Sometimes folks in this body get a little critical—arrows and slings—and although not necessary, those wounds heal. But in each and every case of a person who has brought a different point of view, the Senator has very deftly and very skillfully, acting like a Senator, respected their point of view. Not once did I see him do anything else.

I gave up about midnight, by the way, my wife about 11. She fell asleep. But I thank the Senator for that. I thank him for being truly senatorial and basically doing what Senators do; that is, respect everybody's point of view.

I especially liked the comment of BERNIE SANDERS, whom I also like. You wouldn't know it, but he does have quite a sense of humor. A different point of view but very honest about it. So I thank the Senator for that.

If the Senator wants breakfast, if he is about ready to sit down, I will be happy to buy him breakfast. But we will let that go.

The other thing I want to ask is how does the Senator feel coming here as a new Senator and knowing how the Senate used to operate and knowing that in the Senate I came to, every Senator, on an important issue, had the opportunity to offer an amendment. It could be germane or it could not be germane. But for the last 5 years that has not been the case. There have been a few exceptions when we have had what is called regular order. Folks back home don't know what regular order is, but it is the way the Senate used to operate. It is the difference between the Senate and the House. It is the reason I left the House and ran for the Senate, because I wanted to have that opportunity to be an individual Senator.

Last year I made a reference to the farm bill, which has somewhat something to do with what the Senator is talking about because it involves the ability of America to feed not only us but a very troubled and hungry world. Of course, food helps your health, obviously, but you show me a country that cannot feed itself and I will show you a country that is in chaos. So we do farm bills. They are much maligned. Right now not too many people even care about them, but they are terribly important. And farmers and ranchers now see no certainty out there because, like the health care law, at the end of this fiscal year the farm bill is going to expire, and they wonder what on Earth we are doing. We are in a perfect storm.

In the last farm bill—not this one, in the last farm bill—in talking to the majority leader—whom I affectionately call Smoking Joe because he is a fan of boxing and Joe Frazier—I said: We can do this in 2½ days. And the chairperson of the committee, Senator STABENOW, also obviously weighed in, but we did the farm bill in 2½ days. That was a record.

The first amendment on the farm bill was the amendment of the Senator from Kentucky dealing with Pakistan and saying no more aid to Pakistan until they freed that doctor who was very helpful to our intelligence community with regard to what happened with Osama bin Laden. What did that have to do with the farm bill? Nothing.

RAND PAUL came to me and said: Do you think we can get this amendment?

I said: Yes. We have an open rule.

There were 73 amendments considered—73; this last farm bill, only about 10, probably less than that. Senator THUNE had very key amendments, Senator JOHANNS had very key amendments, Senator GRASSLEY had key amendments, and I, the former chairman of the House agriculture committee, the former ranking member, had some key amendments. All of the senior members on the agriculture committee, all of us who had contributed to that process were locked out—sorry, it is over, no amendments. What is that all about?

We have a one-person rules committee in this Senate. And if there is anything I am upset about, it is the lack of ability and the lack of opportunity for the Senator from Texas or Kentucky or Kansas or anybody else in this body to offer an amendment.

So here we are—what is it—5 days away from the law that says: Prescribed by law, these exchanges and everything that has anything to do with the unaffordable health care act is going to take place. And the Senator has demonstrated time and time again, with every allegory one can possibly come up with, how this is a train wreck.

Yesterday afternoon, when the Senator started—well, it was in the evening—I came to the floor and said: Look, isn't it worth the fight, isn't it worth the effort—and the Senator is making the effort, and I appreciate that so much—knowing this is the first, second, and third step—skip to my Lou, my darlin'—going right into socialized medicine? And who says that? Well, let's start with the President; then the Secretary of Health and Human Services, Kathleen Sebelius; then NANCY PELOSI in the House; and then the distinguished majority leader here saying: Yes, we want a single-payer system.

A single-payer system means national health care; it means socialized medicine; it means, as the Senator has pointed out during all of this rather unique and incredible time he has taken before the Senate, the government pays for it, which means we all pay for it and premiums go up and the insurance companies have a heck of a time and there will be exactly what the Senator has described in Cuba. I am hoping it won't be that bad, but at least he has pointed it out.

So my question to the Senator is, after all of that rambling rose, wouldn't it be nice, wouldn't it be in the best interests of this body, wouldn't it be in the best interests of Americans to open this Senate, go back to regular order, and at least have an opportunity to offer amendments?

Some of the folks who were somewhat critical of the Senator said: Well, what are you going to offer?

There are about five amendments I would like to offer. I don't know what the Senator thinks the key amendments are that he would like to offer as a positive answer as opposed to shutting down the Affordable Health Care Act with a lack of funding. We could only do that partially because a lot of it gets in with taxes, and that is the mandated funds we allegedly can't touch. But would the Senator please list about two or three amendments he would like to offer.

I think I would like to see the medical device tax repealed, but, again, that is one of those mandatory things we have to deal with in the Finance Committee, of which I am a member. But let's get on the positive side of this and say: OK, if the Senator had the opportunity to offer amendments and everybody else had an opportunity to offer amendments—and the Senator has spent a great deal of time here overnight. What was it—2:40 in the afternoon? That is what they keep flashing on the news. Quite frankly, I was listening to Ray Price singing ''For the Good Times,'' and I flipped over to FOX News, and there you were again. I thought, my Lord, there he is, still standing and still talking.

So give me just about three amendments the Senator might offer. We shouldn't do more than three things because people forget about it after three.

There is one other thing I want to mention. I got a lot of derision and a lot of criticism when this bill was first passed. I serve on the HELP Committee—Health, Education, Labor and Pensions. We spent a great deal of time on this bill. I had three amendments to prevent rationing by the rationing board. Everybody says they are not rationing, but they are. So those decisions are not being made by the patient and doctor, they are being made by appointed bodies or we can use the term ''bureaucrats.'' That is usually a pejorative term. At any rate, I was upset, and I said: We are riding hell for leather into a box canyon, and there are a lot of cactuses in the world. We don't have to sit on every one of them, but, by golly, we are. We are about to do that. And I had some other allegories we use in Dodge City, KS, and I had a few marine stories to tell, and then I got derided even on national news: Oh my gosh, here is this cowboy from Dodge City. I am not. I am an old newspaper person.

At any rate, I am in here saying we are going into a box canyon only to find out four or five other people now have referred to it as a box canyon. We are in it. Everybody understands what a box canyon is, and we have to ride out. So when we are riding out, what are we going to do, I would ask the Senator from Texas. Give me three amendments.

Mr. CRUZ. I thank the Senator from Kansas for his very fine question, and I will make a couple of general points about the Senator from Kansas first, and then I will answer his important question.

I want to say that Senator ROBERTS is an old lion in the Senate. He was here last night, he was here this morning supporting us, and that is a big

deal. The Senator from Kansas is a respected leader of this body, a graybeard, and, I would note, a very well-liked Senator.

One point I will make about Senator ROBERTS is that, in my humble opinion, I think he is one of the two funniest Senators in the Republican conference. I would say Senator ROBERTS and LINDSEY GRAHAM both have a fantastic sense of humor.

Mr. ROBERTS. Will the Senator yield on that point?

Mr. CRUZ. I will be happy to yield for a question but not yield the floor.

Mr. ROBERTS. Well, the question is, some people are funny and some people are humorous. I may be one of the most humorous, but Senator GRAHAM is truly funny.

Mr. CRUZ. I will note on that question that I can provide no response other than to say, as they say in mathematics, QED. That point is granted.

But I will note that for the Senator from Kansas, as a respected senior Senator, to come and support this effort and even more importantly for the Senator from Kansas to have the courage to disagree with party leadership and express a willingness to vote against cloture—because doing so would allow the majority leader of the Senate, HARRY REID, to fund ObamaCare on a straight party-line vote with no input from Republicans—takes courage.

I guarantee you, it is noticed that Senator ROBERTS is standing with us. It is noticed that Senator SESSIONS is standing with us. It is noticed that Senator ENZI is standing with us. It is one thing for the young Turks, it is one thing for those who have been dubbed the ''wacko birds'' to be willing to stand and fight, but when we see senior elder statesmen of the Senate standing side by side, I would suggest we are starting to see what I hope will happen this week, which is seeing Republicans unify.

I would like to see all 46 Republicans vote together on cloture on Friday or Saturday, whenever that vote occurs. I would like to see all of us stand together and vote against cloture because we say we can't, in good conscience, with the commitments we have made to our constituents, vote to allow the majority leader to fund ObamaCare on a straight 51 partisan party-line vote. I would like to see that happen, and I would note that Senator ROBERTS' presence here at night and in the morning is beneficial to making that happen. I hope it causes other respected leaders in our party to give a second thought that perhaps the division in the Republican conference is not benefiting the Nation or benefiting the Republican Party. Perhaps it is not serving the interests of our constituents.

Before I answer the question directly, that point is an important point to make—that the Senator's support is significant.

I also wish to acknowledge Senator ROBERTS' very kind compliment about the way I have endeavored to conduct myself.

Senator MIKE LEE has always conducted himself with respect for the views of others, not speaking ill of any Member of this Senate—Republican or Democrat. That is certainly what I have endeavored to do, and it is meaningful.

Senator ROBERTS comments that it is his judgment we have had some modicum of success achieved. I would note that characterization is at least mildly at odds with what one might think if one simply read the New York Times. If one read the New York Times, one would expect that perhaps I am leaning over, biting my colleagues with bare fangs. So I appreciate the observation of the Senator from Kansas that, in his judgment, we have not conducted ourselves that way. The reason is simple: The New York Times wants to spill gallons of ink on personalities, on people, on politics, and on anything except the substance.

I would have been perfectly happy if not a single story coming out of this ever mentioned my name. If every story just focused on: ObamaCare, is it working or not? Is it helping the American people or is it hurting? If every story simply said the Senate stayed in session all night because ObamaCare is a train wreck; because ObamaCare is a nightmare—in the words of James Hoffa, the president of the Teamsters; because the American people are losing their jobs or being forced into part-time work or are facing skyrocketing health insurance premiums or are losing their health insurance, that is why the Senate was here. So I would be thrilled if all of the coverage focused on the substance instead of the distraction that is the silliness that is the back and forth.

Senator ROBERTS posed a very important question, and it went to process. It went to how this proceeding is moving forward.

There used to be a time when this body was described as the world's greatest deliberative body. I don't think anyone familiar with the modern Senate would describe it as that, because this body doesn't work anymore. This body is no longer a deliberative body. This body is now an instrument of political power used to enforce the wishes of the Democratic majority, both on the minority but more importantly on the American people, disregarding the American people's views and the American people's concerns.

So what are we told? In the Senate of days of old there were two cardinal principles that were the essence of what it meant to be in the Senate: one, the right to speak; and, two, the right to amend. For a couple of centuries any Senator could offer any amendment on just about anything. That is what made this process work, open amendments.

Did that make a few people take votes they didn't necessarily want to? Yes. But if we are being honest with our constituents, that shouldn't trouble you. If you are telling your constituents what you believe and if you are voting your principles, there shouldn't be a vote you are afraid of. Votes are only problematic if you are trying to tell your constituents one thing and trying to do something else in Washington.

What is the process that is supposed to play out here on this continuing resolution and this continuing resolution to defund ObamaCare—to fund all the Federal Government and defund ObamaCare?

We are told that, first, there is going to be a vote on cloture on the bill to shut off debate. If 60 Senators vote to do so, if Republicans cross the aisle and join HARRY REID and Senate Democrats in shutting off debate, we are told we will get one amendment—apparently drafted by the majority leader HARRY REID—and that amendment will fund ObamaCare in its entirety and will gut the House bill, will deliberately do it. That is the stated intent. We are also told that other amendments will not be allowed.

In the course of this discussion we have discussed a number of other amendments, all of which I think would be terrific. One amendment the Senator from Kansas mentioned would be an amendment to repeal the medical device tax. I would note that is an amendment which we had a vote on in the budget process, and an overwhelming majority of Senators in this body voted for it. My recollection is nearly 80 Senators voted for it. Yet it didn't pass into law because of the peculiarities of the budget process. So that is an amendment presumably that, if it were allowed, would be adopted. I would suggest that is perhaps the reason why it won't be allowed: because it would be adopted.

Repealing the medical device tax would take one aspect of ObamaCare—the punitive, crippling tax that is hammering the medical device industry, that is driving medical device companies out of business or near out of business, that is hammering jobs and that is restraining innovation—that is restraining medical device innovation. We know with certainty that if there is not innovation, if there is not research and development, if there is not investment in medical devices, there will be new medical devices that aren't discovered. There will be people whose pain is not alleviated, whose suffering is not alleviated, perhaps whose lives are not saved. So that would be one of them.

Another amendment I think we ought to have a vote on would be Senator VITTER's amendment to revoke the exemption that President Obama, contrary to law, unilaterally put in place for Members of Congress and their staff. Senator VITTER's amendment would subject every Member of Congress, every staff member, and the political appointees of the Obama administration to the exchanges just as millions of Americans are going to be.

Indeed, I supported an amendment that some Republican Senators have talked about that would expand Senator VITTER's amendment to all Federal employees because our friends the Democrats frequently tell the American people what a wonderful thing ObamaCare is: Look at this tremendous benefit we are bringing the American people. If it is so wonderful, then the majority leader and the Democratic Senators and the congressional staff should be eager to get it if it is such a tremendous improvement. If it is so wonderful, President Obama—after all, his name is on the bill, ObamaCare in the popular vernacular—should be eager to get—his political appointees who are forcing it on us should be eager to get it and the Federal employees should be eager to get it. We all know they are not.

We all know this exemption came after a closed-door meeting in the Capitol with the majority leader HARRY REID and the Democratic Senators where, according to press reports, they asked: Please let us out from under this, because it will be so devastating, we don't want to lose our health care.

I understand that. Look, I would not be eager myself to be on the exchanges. I am certainly not eager for my staff to be on the exchanges. Many of them are very concerned about it. I may lose very good staff over it. But I think there is a broader principle, which is that different rules should not apply to Washington that apply to the American people.

If we are willing to subject millions of Americans to the exchanges, if we are willing to let people lose their health insurance, as is happening all over this country—take the UPS. UPS recently sent letters to 15,000 employees saying you are losing your spousal coverage. Your husbands and wives who were covered are losing their coverage.

President Obama promised: If you like your plan, you can keep it. That has proven categorically wrong.

A great many of those husbands and wives who had health insurance may be forced onto these new exchanges with no employer subsidy. That is a lousy place to be. It is exactly the lousy place to be that Members, Senators, and congressional staff are complaining, Don't put us in that briar patch. But if Congress is going to put the American people in that briar patch, then you had better believe we should be there with them. And if we don't like it, the answer isn't exempt us, the answer is exempt the American people. If it is intolerable for us to endure, it should be intolerable for the American people.

Another amendment I think we ought to vote on is an amendment stripping the IRS of enforcement authority on ObamaCare. We have seen the political abuses the IRS is capable of. I don't know anyone who is eager to have the IRS have the world's largest database of our health care information.

(Mr. DURBIN assumed the Chair.)

Mr. ROBERTS. On that point, would the Senator yield for a question?

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. ROBERTS. There are six Federal agencies in the meta database that are involved in it. When I kept inquiring, when the distinguished chairman of the Finance Committee, Senator BAUCUS, asked the representative from the Center for Medicaid and Medicare Services—CMS, referred to in the health provider community as ''It's a Mess''—and said, Who is the navigator? This is before we understood that it was pretty much all community organizers. There are three basic organizations in Kansas, 1.5 million, and so they are out there knocking on doors.

The problem is we don't know what people are signing up for, or they don't know and I don't know, and we have made all sorts of inquiries.

Finally I got the 16 pages that you have to fill out to be eligible to sign up and the 61 pages that you had to fill out then to be a member of the exchange. That got a lot of news. So they reduced the number by simply reducing the font size from about 16-point or 12-point down to 8-point. They said, Just read more carefully. I got to page 3.

I would not put down the information they wanted to know. There have been stories about scammers who are looking at these regulations or these signup sheets—no matter how big they are—saying, Aha, if they have to give their Social Security number, I can call them and say it is the law and you are going to have a lot of fraud and abuse. Maybe the IRS can take a look at that.

One other thing about the IRS. The Finance Committee in a bipartisan effort—we haven't held many hearings, but we are getting closer and closer to what happened with the IRS denying people First Amendment rights. I would give a lot of credit to Senator HATCH and Senator BAUCUS working in a bipartisan effort.

Along about November there is going to be quite a story. There is a V, and we have Lois Lerner here, and it goes up here to the Justice Department and it goes wider. We are getting a lot of communications. We are not making a lot of hearings about it, not standing in front of the mirrors. So we will get there.

But the Senator makes an excellent point about the IRS. With all the problems they have had over this denial of First Amendment—not only to the tea party groups, conservative groups, but pro-Israel groups and a whole bunch of other groups, and they are still doing it.

Consequently, the Senator has made an excellent point. Why on Earth would we want the IRS to be in charge of your health care, not to mention five other agencies, in a huge database? That information should be between you and your doctor, and you should have to break down the doggone doors in the dead of night in order to get that kind of information, as opposed to giving it to the Federal Government with all those different agencies with all sorts of opportunity for fraud, abuse, and virtually everything else.

I am sorry to get wound up on that, but the Senator made an excellent point and I am trying to think of a question to make this legal.

Doesn't the Senator think this is a trail we don't want to go down?

Mr. CRUZ. I thank the Senator from Kansas for that excellent question. I would like to make two points in response, and I want to give an opportunity to the Senators from Kentucky and Oklahoma who are both waiting, I believe, to ask questions, so I want to move expeditiously, allowing them to do so. Before that, it is important to address the very good point the Senator from Kansas raised.

I would say as the first observation, there are at least three more amendments that ought to be voted on in connection with the continuing resolution. One the Senator from Kansas suggested is an amendment defunding these navigators, defunding this slush fund that is being used to basically fund liberal special interest groups in the States, much like the stimulus, yet another plan that is used to write checks to groups that are little more than political action groups. That would be a vote we should have.

Another vote we should have is a vote to protect the privacy of our information. The IRS has created the largest database in history of our personal health care information, and there has been report after report that the protections and the privacy of cyber security are pitifully, woefully inadequate; that there are identity thieves, that there are unscrupulous characters getting ready to mine those databases.

The Senator from Kentucky, who shortly will ask a question, has been a leader on privacy. The idea of the Federal Government collecting personal information about all of our health care and then putting it in one place so, A, the Federal Government can have it; and, B, if it is poorly secured, anyone can break in and steal it. We ought to have an amendment to require real protections for our privacy before any of this goes online.

Yet another amendment we ought to have is—the President has unilaterally delayed the employer mandate. We ought to have a delay of the individual mandate. I note the House passed that and a substantial number of Democrats voted for it.

That went through 6 amendments and I am pretty sure we could come up with more. I note that earlier in the evening I had an exchange with Senator KAINE from the State of Virginia who asked a question. I forget the exact terms of it, but to paraphrase, he said: Can't we work together on improving ObamaCare, stopping it from being—he didn't say this, but this is me saying it—to stop it from being this

train wreck, the nightmare, the disaster that it is? My answer was: Absolutely. We should fix it, we should have amendments, and I listed some of these we discussed now. The problem is, I suggested to the Senator from Virginia, you should address your concern to majority leader HARRY REID, because he is the one who is shutting down the process, saying the Senate is not going to operate with open amendment, we are not going to have an opportunity to improve it.

Let me make a final point. In terms of the political theater that is Washington, why does this matter right now? There are lost Republicans who would like votes on everything I said, and there is some virtue to getting a vote. But to be honest, many Republicans are fighting to get that vote in some context where it is purely symbolic. They are real happy because every Republican can vote together and every Democrat can vote against it, and then it can become fodder for a campaign ad.

Let me suggest a far better approach is to have these amendments voted on in a context where they can be passed into law. The continuing resolution is that context. Everyone understands that at one stage or another. This is must-pass legislation. Everyone understands that we will fund the Federal Government. We have to fund the Federal Government. Nobody wants a government shutdown.

We may get one if HARRY REID and President Obama force one, but nobody wants it. So voting on it now in the context of this continuing resolution is different from a symbolic vote, a political vote, because it actually could fix these problems. It is not simply Washington symbolism. That is why I find it all the more striking that so many Senate Republicans are suggesting they may be willing to vote with majority leader HARRY REID and with the Senate Democrats to cut off debate, to allow one amendment drafted by the majority that would totally fund ObamaCare that would gut the House bill and shut off every other amendment.

If this were any other context, my colleagues on the Republican side would be up in arms. We would see the so-called old bulls of the Senate united in saying the process is being abused, and we would get 46 Republicans voting against cloture.

By the way, nobody, if there were any other context, would make the silly arguments that voting for cloture is really supporting the bill. The majority leader has indicated that once cloture is granted he is going to introduce an amendment to gut the bill and go the exact opposite way, allowing him to do so in a 51-vote partisan vote. That is not supporting the bill; it is undermining the bill.

The stakes of this fight right now are whether this body is willing to listen to the American people—whether Democrats are willing, whether Republicans are willing. I would say what has to happen to change how this body operates is that we must make DC listen.

Mr. INHOFE. Will the Senator yield for a procedural question?

Mr. CRUZ. I am happy to yield for a question without yielding the floor.

Mr. INHOFE. Last night at 10 o'clock I was privileged to be down here with the Senator and we went over a lot of things. Something happened this morning. I went home, I went to bed, I ate. I am back here now.

The Senator from Kentucky has been waiting 40 minutes. I am not going to use his time, but what I would like to do is this. Something happened after I left last night, after a statement I made having to do with Hillary health care. I want to share that with the Senator. But I do not want to do it now on his time. Hopefully, if you are going to be here at 9 o'clock I would like to get back in line and share what happened last night after I left here. Is that all right?

Mr. CRUZ. I thank the Senator from Oklahoma. I can tell him as I said at 2:30 in the afternoon yesterday that I intend to stand against ObamaCare as long as I am able to stand. At this point I feel confident that at 9 a.m., I will still be able to stand. There will come a point when that is no longer the case, but we have not yet reached that point.

Mr. INHOFE. I appreciate the Senator from Kentucky allowing me to come in front of him.

Mr. PAUL. Will the Senator from Texas yield for a question?

Mr. CRUZ. I am happy to yield for a question of the Senator from Kentucky without yielding the floor.

Mr. PAUL. There has been some discussion. The Senator from Kansas recently put this question forward, how we would fix ObamaCare if we were allowed to. I think there are two parts to that. The first part of the question is, will we be allowed to offer any amendments to try to make ObamaCare less bad, to try to fix ObamaCare? Will Republicans, which is virtually half of the country, be allowed to participate in this process at all?

ObamaCare was passed with entirely Democratic votes, not one Republican vote. It is a policy that has been very partisan. It is a policy that now even supporters of ObamaCare are saying: My goodness, this is going to really be a problem for the country. But the Senator is exactly right, we are getting ready to go through a process where there are going to be no amendments on fixing ObamaCare. There will not be one thing offered.

Former President Bill Clinton is saying there are problems with it, the Teamsters, Warren Buffett, the 15,000 people at UPS who lost their spousal insurance are saying there is a problem with this. Are we going to be allowed to offer amendments?

It appears as if there will not be any amendments. It appears there is nothing forthcoming that there will be a need to debate. This is important for the American people because this is being portrayed as the Republicans are obstructionists, that Republicans don't want to do this, Republicans don't want to do this.

It is exactly the opposite. The President wants 100 percent of ObamaCare as he wrote it, as the Democrats wrote it, with no Republican input. So when we go around the country and people say why can't you guys get along, figure out some way of making our health care system better, it is because we are getting 100 percent of ObamaCare as written by the President and it is his way or the highway.

What he is talking about is really, even though they say the opposite, he wants to shut the Government down. They salivate at shutting the government down. Over the last 3 months as the Senator brought this issue forward, who has been talking about shutting the government down? Has the Senator been talking about it? No. Have I been talking about it? No. We have been specifically saying we don't want to do that. Who talks about shutting the government down, nonstop, every day? The Democrats, the President, and their liberal friends in the media.

As I get to my question, what I want to ask is about how we would fix it. I think Senator ROBERTS is right. The other side says they don't have any answers, they are not willing to fix ObamaCare. The truth of the matter is we have been talking about this for years now but we have been drowned out by the ObamaCare I want everything all the time, everything I want I am going to get. There are many fixes for our health care.

I am a physician and practiced for 20 years. I saw it every day. The No. 1 complaint I got: Health insurance costs too much. So what did ObamaCare do for health insurance costs? It drove them up. It did absolutely nothing. Even they are admitting it. But you have to understand why health care costs went up. Health care costs went up because we are mandating what health insurance.

People say I would like to have my kids covered. Sure we can cover your kids, but it is not going to be free. It is going to have a cost. So everything the people say they want is not free. It elevates the price of your health insurance. When you elevate the price of health insurance, what happens? Poor people have more difficulty buying their health insurance.

What else did ObamaCare do that we did, that is exactly the opposite of what we should do. There is something called health savings accounts that originated about 10 or 15 years ago. They were expanded gradually and they were the best thing to happen to health care probably in the last 30 years. But what happened? We went the opposite way. ObamaCare is now narrowing the health savings account. Why are the health savings accounts important? Because you can save

money tax-free, you can carry it over from year to year, and then you can buy higher deductibles. So contrary to what people think, it may be counter-intuitive to some people, the way to fix health insurance is to have higher deductibles, because what does that mean? Cheaper insurance. You want cheaper and cheaper insurance. As you have higher deductibles, you have cheaper insurance. When you have cheaper insurance, you have all this extra money that you can use to pay for day-to-day health care. When you do that, what happens? You drive the price of health care down. I know that is exactly right.

As you increase deductibles, as you get the consumer involved in health care, your prices go down. In my practice as an ophthalmologist, there are two things that insurance did not cover at all and the prices were reduced most dramatically in the two areas in which the health insurance did not cover anything. If you want to buy contact lenses, most of the time health insurance doesn't cover it. The price went down every year. Lasik surgery to get rid of the need for glasses, much more expensive but the price went down for 20 years because the consumer paid.

What would the consumer do—or the patient? The average patient calls 4 doctors before they have Lasik surgery, so the thing is they drive prices down. People say I don't want to pay more out of pocket, I want to pay less. That is a natural impulse to want to pay less. You may pay less at the door, but you are paying more for premiums. Or if you are not paying it and your employer is paying more for premiums, what ends up happening is there are fewer jobs.

I know the Senator from Texas is familiar with philosopher and parliamentarian and French writer Frederic Bastiat. Bastiat often talks about the seen and the unseen. It is the consequences that are visible to the naked eye before you get started, but then there are the things you didn't realize were going to happen, the unintended consequences. It is like saying let's have government build the hospitals. Let's have government hire the doctors. Let's have government build everything. We would see all these bright, shiny things and we would not see where the money came from, where the money was not spent, where the economic growth could have occurred. What we have to think about when we think about ObamaCare is we have to think about do you believe in freedom or coercion? ObamaCare is riddled with mandatory, mandatory this, mandatory that, I think there are several mandates.

When you hear the word mandate that is not freedom, that is your government telling you that you have to do something. It should be about mandatory versus voluntary. We should have bills that originate here that say you are free to do things. We have gone the opposite way. We are taking away freedom and we are adding mandates. At its core, ObamaCare is about freedom versus coercion and as you add in these levels of coercion, not only do you lose your freedom, they cost money so it becomes more expensive.

We took a health care system where 85 percent of the people had insurance and we made it more expensive for everybody. We made it more expensive by mandating what goes into the insurance. For example, for a 30-year old, or for a 32-year-old, it is illegal to buy a high deductible policy. You will not hear this. ObamaCare has made it illegal to buy a high deductible policy. You can get it under age 30 but not over 30. Why would you want that? Maybe you are a plumber in your own business and you want to have a $5,000 deductible so up can pay $1,000 a year in premiums or $2,000 a year in premiums. But how do you ever get there? You never get there unless you allow freedom. You need the freedom of the marketplace. Instead of limiting it, realize what you are getting. When you ask for ObamaCare you are getting ObamaCare, you are getting mandates, but you are getting limited choices. Freedom means choices. Mandates, coercion, means less choices.

The exchanges will be very few choices. I will be on the exchanges. I will have to go to the exchange in Kentucky and buy my insurance. I am not very happy about it. In fact I think if I have to do it I think Justice Roberts ought to have to do it. Justice Roberts loves ObamaCare so much I am for voting to have Justice Roberts trot on down to the ObamaCare registry, the ObamaCare index, and get his insurance like the rest of us.

We talked about some amendments to include people, I think everybody, all Federal employees. If ObamaCare is so good, everybody ought to get it. The thing is we would be so fed up that we would rebel in this country. That is what I think the Senator from Texas has started, hopefully a rebellion against coercion, rebellion against mandates, a rebellion against everything that says that big government wants to shove something down your throat, they say take it or we will put people in jail. People say we aren't going to put anybody in jail. The heck they won't. You will get fined first. If you don't pay your fines, you will go to jail. They are telling you that you have to take their health insurance as they conceived of it, with absolutely no Republican input. Not one Republican vote, and they are unwilling to have any amendments.

What is this fight about? This fight is about whether or not we are going to have a society or a Congress where we can debate over how to fix things. ObamaCare is a disaster. Even its own authors are now saying it is a train wreck waiting to happen. Even the President, who is in love with this ObamaCare, is saying it is going to be a problem. He is delaying the individual mandate. He is delaying the individual mandate.

But realize on another level what some of our complaints are. Some of our complaints are that by making it mandatory, and by him doing it after the fact, he is not obeying the law. This is pretty important.

We talk about the rule of law a lot of times around here, but what is important about the rule of law is that Congress passes legislation and the President can sign it and execute it. ObamaCare was passed with only Democratic votes. But here is the thing, he is now amending it after the fact.

We saw one of the union officials coming out with a gleeful smile on his face from the White House. Is he going to get a special deal that nobody else gets? Is the President going to come to your town or my town in middle America and meet with me and give people in my town an exemption? No. He has been giving exemptions to his friends. This is patently un-American, and it is unconstitutional. We will fight this through the court cases, but it will take a year or so before we can get to the Supreme Court.

Can the President amend legislation? Can he write legislation without the approval of Congress? That is what he is doing. His argument would be: I am trying to fix the problems the legislation created. Yes, the legislation was 2,000 pages and nobody read it, and then they created 20,000 pages of regulations.

We have no idea who to call in many of the States. If you do know who to call and there has been an exchange set up, there are limited choices. Where you might have had hundreds of choices, you will now have two or three choices. Where you once had freedom, you are going to have coercion. Where you once had the ability to buy cheaper insurance and pay your out-of-pocket expenses on a day-to-day basis yourself and buy cheaper insurance, it will no longer exist because the government now says they know what is best for you. They know what you should do. Your choices have gone out the window.

We talked about amendments. If we were allowed to have amendments and the ability to try to fix ObamaCare, I would try to bring the price down. The best way to bring the price down is not to tell people they have to have a deductible or an HSA, but it is to expand their ability to choose an HSA. An HSA is a health savings account.

Before ObamaCare, you could put $5,000 a year in your HSA, and now it has gone to $2,500 a year. If you have a child who is autistic or a child with spinal bifida or a child with a severe learning disability, you can spend $10,000 a year on their health care in trying to help them adapt to life.

Right now what is happening is they are limiting that ability. Health savings accounts should be unlimited. We should take them from $2,500, where the President has squashed them, and make them unlimited. If you get lucky

and don't get sick, your health savings account should be able to go into your kid's education. Health savings accounts should not be for just the family but for every individual of the family. They should be enormous over time, and then you would buy cheaper insurance.

This is also the answer as to how you drive the price down. Here is something, as a physician, people would say to me: I went to the hospital and had heart surgery that cost $100,000. When I looked at my bill very closely, the mouthwash was $50, and I was infuriated. I would say: Did you call? Did you try to negotiate with the hospital? They would answer: No, my deductible is $50.

When you have a low deductible and you don't have to pay, you are not connected to the product. Unless you are connected to the product, prices don't come down. This is a fundamental aspect of capitalism. That is why when you go to Walmart or any retail store such as Hobby Lobby, the prices are bid down because there is competition and you ask about the price.

Think about it. If you went to Walmart and your copay was $10 every time you went to Walmart, would you ever look at any prices after you paid $10? You can see what would happen to the entire retail world if we had health insurance for buying goods. If you had a health insurance copay of $100 to buy a car, the price of cars would go through the roof because you wouldn't care about the price. This is about having some sense.

The people who gave you ObamaCare are not bad people. They have big hearts but not necessarily big brains. They want to help people, but they have not figured out that the unintended consequences of ObamaCare are that part-time workers will have less hours, and full-time workers, who are on the margin, as far as their hours go, with a business that is struggling will lose their jobs.

If I have 51 employees, I may go back to 49 employees if I am struggling. If I have 1,000 employees, and I provide health insurance for them but my competitor decides to dump them on the government exchange, maybe I have to do that too so I can compete because maybe I have to offer the lowest price. Maybe the end result of ObamaCare is the people it was intended to help are precisely who it is going to hurt.

I think we have to think this through. We have to think as a society whether we are for choice or against choice, whether we are for mandates or for volunteerism. I think it is very important that we look beyond the immediacy of what we are trying to do, and, as I said, I don't discount the motives of the people on the other side. I think they want to help people, but I think they are going to hurt the people they want to help.

As we look at this ObamaCare debate and this disaster, there is another question you might ask: If ObamaCare is such a great thing, you would think you could give it away—this is something that will be free. And they are having trouble giving it away. So what have they done? They are spending tens of millions of dollars to advertise to you that it is such a great thing. If you can't sell somebody something that is free, I think there is a problem. ObamaCare is free and they can't sell it. They have enlisted the President now to sell it. They are going to barnstorm all across America selling something that is free. They will have government agents on planes flying hither and yon, knocking on your door, saying: Please take this free health care. Please sign up for free health care. If you cannot sell free health care, there must be a problem with it.

We are spending tens of millions of dollars on TV, and millions more having people going door to door to convince people that it is a good idea. Ultimately we should try to help those who cannot help themselves, but in order to figure out how you want to help the 15 percent who don't have health insurance, we should have looked at the problem more carefully. Of the 15 percent who don't have health insurance, one-third of them are young and healthy and make more than $50,000 a year. So one-third of the problem had nothing to do with not being—well, it did have something to do with not being able to afford it. It had to do with the health insurance costing too much. So we should have tried to figure out how we lower health care costs, and if you are a young, healthy person, we should have expanded health savings accounts. There are ways we could fix this.

What I would ask the Senator from Texas is: Does he see a way forward? Does he see that we can get the other side to come forward and tell the American people that, yes, we made some mistakes? We made some mistakes, and even our friends are telling us we made these mistakes and we want to work with you. Because I think the problem, the perception out there is that we don't want to work with them, but it is completely the opposite of the truth. The truth of the matter is, as I see it, they won't work with us. They won't open the process and we can't have a debate. We are having a debate, but where is the other side? Why can't we influence legislation? Why can't we be part of trying to fix health care? I don't know if ObamaCare is fixable, but health care is fixable.

The main problem of health care is price. It costs too damn much. Can we fix that? Could they come to the Senate floor and say: We are going to have amendments, we are going to have an open amendment process, and we are going to try to fix ObamaCare?

Does the Senator see an opening where maybe the President would compromise and come and say: Yes, I am willing to work with you in order to fix health care in this country?

Mr. CRUZ. I thank the Senator from Kentucky for his very fine question. The answer is absolutely yes, I believe there is an opening to do that. I believe we can address the train wreck and the nightmare the American people are facing that is ObamaCare. We can address the very real harms that are being visited upon Americans as a result.

I want to note that the Senator from Kentucky has been a clarion voice for liberty. That is one of the many things I appreciate about my friend Senator RAND PAUL. I think my favorite phrase from his question is a phrase that occurred about midway through his question where he said something to the effect of: We need a rebellion against oppression. I like that phrase. That is a particularly excellent turn of a phrase. I will confess that it reminded me of a movie series that was in the theaters when the Senator from Kentucky and I were both kids—young adults—and that was the ''Star Wars'' franchise and the discussion of a rebellion against oppression. I think it captures a lot of what is going on here. We started this debate some 18 hours ago talking about the divide between the Washington establishment that is not listening to the American people, that is forcing its will on the American people, and the people of this country.

I will confess that phrase of rebellion against oppression conjured up to me the Rebel Alliance fighting against the Empire—the Empire being the Washington, DC, establishment. Indeed, immediately upon hearing that phrase, I wondered if at some point we would see a tall gentleman in a mechanical breathing apparatus come forward and say in a deep voice, ''MIKE LEE, I am your father.''

This is a fight to restore freedom for the people. This is a fight to get the Washington establishment—the Empire—to listen to the people. And just like in the ''Star Wars'' movies, the Empire will strike back. But at the end of the day, I think the Rebel Alliance—the people—will prevail.

The Senator from Kentucky asked: Can we actually make real progress in this? Yes, if the people do it. To be perfectly honest, the Senator from Kentucky can't get it done; I can't get it done; Senator MIKE LEE can't get it done. I don't think there is an elected official in this body who can get it done. Only the American people can speak with a loud enough volume that it forces, No. 1, all 46 Republicans to unite, as we should be uniting, against cloture and say: No, not a single Republican will vote to give HARRY REID and the Democrats the ability to force through a single amendment that guts the House continuing resolution, that funds ObamaCare, and has 51 partisan Democratic votes and shuts out all other amendments; and No. 2, if the people rise up in sufficient numbers.

I believe the Democrats have good faith. We will ultimately have no choice but to do the same thing—listen

to the people. During this debate we have read and we have discussed the letters from the roofers union, the letter from the Teamsters. Each of them used the same phrase: They ''could remain silent no more.'' Both of those letters began by saying they were Democrats who supported the President, who supported Democrats for the Senate, supported Democrats for the House, who had campaigned and worked for them, yet they ''could remain silent no longer'' because ObamaCare is hurting millions of Americans. In the words of James Hoffa, president of the Teamsters, it is a nightmare.

If they can remain silent no longer, then I say to the Senator from Kentucky, I do have faith that there will be Democratic Senators who will feel the same pang of conscience to remain silent no longer but to actually speak up for the American people. But it will only happen when Republicans are united. If Republicans are divided and throwing rocks at each other, we cannot expect Democrats to cross their leadership. The Republicans have to unite first in order to get Democrats to come together and listen to the people. You want to know what this whole fight is about? Together we must make DC listen.

Mr. PAUL. Mr. President, I have a followup question for the Senator from Texas.

Mr. CRUZ. I am happy to yield for a question, but I will not yield the floor.

Mr. PAUL. One of the questions that should not only be asked of the Senator but should be asked of the President: Why doesn't the President voluntarily take ObamaCare? It is his baby, and if he loves it so much, why doesn't the President take it? He could voluntarily go on the exchanges. I am sure they would welcome him down at the DC exchanges. In fact, I think that ought to be a question they ought to ask him at the press briefing today: Mr. President, are you willing to take ObamaCare? If you don't want it, why are we stuck with it?

So if the President can't take it, if Chief Justice Roberts doesn't want it—here is the thing. If we want to see a rebellion, we should ask Federal employees to take ObamaCare—that is what my amendment says—not just Congress. I am willing to take it. I don't want it. I absolutely don't want it, and I have been frank about it. I am not a hypocrite. I didn't vote for it, I think the whole thing is a mess, and I don't want it. But the thing is, if I have to take it, I think the President ought to get it. He ought to get a full dose of his own medicine.

I think Justice Roberts should get it. I think he contorted and twisted and found new meaning in the Constitution that isn't there. So if he wants it so much, if he thinks it is justified, if he is going to take that intellectual leap to justify ObamaCare, he ought to get it. There are millions of Federal employees. They don't want it. Guess who they vote for usually?

I think it is a partisan question. I think if we were to put it forward and say ObamaCare is such a wonderful program for everybody, let's give it to the Federal employees, my guess is we wouldn't get a single vote from the opposition party, but we will not even get a chance because they don't want to talk about it: ObamaCare is good. We want to shove it down the rest of America's throat, but we exempt ourselves.

I have a constitutional amendment. I frankly think Congress should never pass any law if they are exempted from it. I think there is an equal protection argument for how it would be unconstitutional for us to do so. Yet we have done it repeatedly.

But my question to the Senator from Texas is, What does he think? Does the Senator from Texas think maybe we should ask the President to come down today and sign up for ObamaCare? I think we should ask him that today, every day, and henceforth: Mr. President, if it is such a good idea, why don't you get it?

Mr. CRUZ. Mr. President, I thank the Senator from Kentucky and my answer is, yes, yes, a thousand times yes. Indeed, if the Washington press corps would focus on the substance of this debate, on the issues that matter to the American people, the reporters would ask the question at every news conference the President conducts and at every opportunity they have: Mr. President, are you willing to be subject to ObamaCare, to be put on the exchange that millions of Americans are being forced to do? They would ask the majority leader of the Senate, and indeed every Democratic Senator who met with the President and who, according to press reports, at whose behest Members of Congress were exempted.

If the press were doing the job of a watchdog press holding leaders accountable, actually speaking truth to power, they would ask every Democratic Senator not once, not twice but over and over and over: Are you willing to be put on the exchanges without an employer subsidy, just like millions of Americans who are losing their health insurance because of ObamaCare? If not, why?

As I have noted multiple times during the course of this debate, I very much support what Senator PAUL suggested about making every Federal employee subject to ObamaCare. Let me be clear. Doing that is a lousy thing to do to Federal employees. It is a lousy thing to do to Members of Congress. It is a lousy thing to do to congressional staff. None of them like it. As the Presiding Officer and I know well, it is hard to find an issue that causes more dismay, if not panic, among congressional staff than the idea that they might be thrown into the exchanges with no employer subsidies, as will millions of Americans; ironically enough, including, presumably, many of the staff who worked on drafting ObamaCare, and it is why the American people are so fed up with this. It is a manifestation good enough for thee but not for me.

Washington plays by separate rules. The rich and powerful, those who stroll through the corridors of power, they get exemptions, just not hard-working Americans. If you are at home and it happens to be the case that you have two or three high-paid Washington lobbyists on your payroll, you may be in good shape. You might get an exemption. But if you don't have the ability to walk into the West Wing, if you don't have the ability to pull the levers of power, then what President Obama, the majority leader, and the U.S. Senate are saying to you is you are out of luck. We answer to the friends of this administration but not to the American people. Listen, I think under no circumstances should Members of Congress be treated better than what we are doing under the law, forcing upon millions and millions of Americans.

I would note that during the course of this debate, I have been privileged to receive support from a great many Senators but two in particular I wish to mention right now: Senator RUBIO and Senator PAUL. I wish to mention them because on any measure of hipness or coolness, I will readily concede I can't hold a candle to them. Indeed, I remember in the debate over drones, Senator RUBIO began quoting from rap lyrics, and I will confess to being clueless enough that I didn't even know what he was referencing. I was sure it was something far too hip for me to know. Although I will note I did read Toby Keith lyrics, but that is probably not quite the same genre, and I will note that Senator PAUL has a following of, as he describes it, folks in Birkenstocks and beards and earrings, a different sort of cool that again I could not remotely hope to compete with. I am a lawyer from Texas.

But what I can try to do to keep up—because, after all, we all have a little bit of competitiveness in wanting to keep up—I would like to provide a little more detail about something I referenced earlier, which is the speech that Ashton Kutcher gave at the Teen Choice Awards. To be honest, referring to the Senator from Florida and the Senator from Kentucky as cool, as terrific human beings, as both of them are, it is almost oxymoronic, because I think I will take it as a given that there is no politician on the planet who would actually qualify as cool. Ashton Kutcher I don't know and I don't expect to ever meet. Yet at the Teen Choice Awards he gave a speech that I thought was remarkable. He was there to accept an award for playing Steve Jobs in the movie ''Jobs,'' and he did much more than accept a trophy. He talked about the importance of hard work.

His speech was so remarkable that I took the opportunity and tweeted out because, frankly, Ashton Kutcher can reach young people in a way that I

never can, that no Member of the Senate can, and I thought the message was important and it is important because of a principle that is imperiled by ObamaCare. Let me read from the relevant portions of Mr. Kutcher's speech. He said:

I believe that opportunity looks a lot like hard work. I have never had a job in my life that I was better than. I was always just lucky to have a job. Every job I had was a stepping stone to my next job, and I never quit my job until I had my next job. So opportunities look a lot like work.

He went on:

The sexiest thing in the entire world is being really smart and being thoughtful, and being generous. Everything else is—

And he used a mild expletive for manure.

It's just ''manure'' that people try to sell to you to make you feel like less. So don't buy it. Be smart, be thoughtful, and be generous.

Then he ended his speech by saying:

Everything around us that we call life was made up by people that are no smarter than you. You can build your own things. You can build your own life that other people can live in. So build a life. Don't live one, build one. Find your opportunities, and always be sexy.

I salute that message. I think it is a message that I hope every young person in America hears. But it is also a message that embodies what is imperiled by ObamaCare.

What Mr. Kutcher talked about ''I was always just lucky to have a job. I never had a job in my life that I was better than,'' it makes me think about my father. When he came from Cuba, his first job was washing dishes making 50 cents an hour. He was lucky to have that job. He certainly was not better than that job. If he hadn't had that job—the next sentence Mr. Kutcher said: ''And every job I had was a stepping stone to my next job.'' As we have discussed during this debate, if he hadn't had that first job, he wouldn't have gotten his next job as a cook. If he hadn't had that job, he wouldn't have gotten his next job as a teaching assistant. If he hadn't had that job, he wouldn't have gotten his next job as a computer programmer at IBM. If he hadn't had that job, he wouldn't have been able to start a small business and work toward the American dream.

We want to talk about the tragedy of ObamaCare. It is the millions of young people, the millions of single moms, the millions of Hispanics, of African Americans who are struggling, who want to achieve the American dream and who, because of ObamaCare, can't find a job. Because of ObamaCare small businesses are not hiring, they are not expanding. Small businesses create two-thirds of all new jobs.

That first job washing dishes, if ObamaCare were the law in 1957, I think there is a very good chance my father never would have gotten that job washing dishes. If he had gotten the job, if ObamaCare were the law, I think it is virtually certain his hours would have been forcibly reduced to 29 hours a week, and he couldn't have paid his way through college on 29 hours a week. So one of two things would have happened. He either would have had to drop out of college or he would have had to get a second job at 29 hours a week and juggle the balance between each of them.

That is what is so critical about this issue, is maintaining the opportunity for those struggling to achieve the American dream.

Secondly, I wish to share with my colleagues some more material. During the wee hours of the morning, we had the opportunity to consider some excerpts from Ayn Rand. I want to point to some more excerpts from Ayn Rand that I think are relevant to the battle before this body.

First, from ''Atlas Shrugged:''

We are on strike, we, the men of the mind. . . . We are on strike against self-immolation. We are on strike against the creed of unearned rewards and unrewarded duties. We are on strike against the dogma that the pursuit of one's happiness is evil. We are on strike against the doctrine that life is guilt.

Another on the filibuster, on the effort of the American people to get Washington to listen to us, from ''The Fountainhead'':

Integrity is the ability to stand by an ideal.

Also from ''The Fountainhead'':

. . . no speech is ever considered, but only the speaker. It's so much easier to pass judgment on a man than on an idea.

That particular quote I think more than anything is addressed to our friends in the media. I wish to read it again:

. . . no speech is ever considered, but only the speaker. It's so much easier to pass judgment on a man than on an idea.

I, like every Member in this body, am a flawed human being, a man of many imperfections. If a reporter wants to write on those imperfections, there is no shortage of material. But as long as they are writing on those, they are not talking about the ideas. As long as they are writing about the personality, they are not talking about the American people who are suffering. As long as they are writing about the personalities, and the back-and-forth, the game playing and the insults and all of the nonsense, they are not talking about the millions of Americans who are desperate for greater opportunity, desperate for a job, desperate for work to provide for their families, desperate to hold on to their health insurance. We read letter after letter after letter of real live people who are losing their health insurance.

Another quote:

Fight for the value of your person. Fight for the virtue of your pride. Fight for the essence of that which is man: For his sovereign rational mind. Fight with the radiant certainty and absolute rectitude of knowing that yours is the Morality of Life and that yours is the battle for any achievement, any value, and grandeur, any goodness, any joy that has ever existed on this earth.

Another from ''The Fountainhead'':

Throughout the centuries there were men who took first steps down new roads armed with nothing but their own vision. Their goals differed, but they all had this in common: that the step was first, the road new, the vision unborrowed, and the response they received—hatred. The great creators—the thinkers, the artists, the scientists, the inventors—stood alone against the men of their time. Every great new thought was opposed. Every great new invention was denounced. The first motor was considered foolish. The airplane was considered impossible. The power loom was considered vicious. Anesthesia was considered sinful. But the men of unborrowed vision went ahead. They fought, they suffered, and they paid. But they won.

Let me suggest that quote speaks directly to the millions of Americans who are speaking up right now, who are saying Washington says we can't stop ObamaCare. Washington says we have to accept this train wreck, this nightmare. There is nothing we can do. Yet the message, as Rand says, is that if the American people stand together, if they believe in their vision, together we can make DC listen.

Indeed, also from ''Atlas Shrugged'' in terms of the divide we see in this body, as Rand observed:

There are two sides to every issue: one side is right and the other is wrong, but the middle is always evil. The man who is wrong still retains some respect for truth, if only by accepting the responsibility of choice. But the man in the middle is the knave who blanks out the truth in order to pretend that no choice or values exist, who is willing to sit out the course of any battle, willing to cash in on the blood of the innocent or to crawl on his belly to the guilty, who dispenses justice by condemning both the robber and the robbed to jail, who solves conflicts by ordering the thinker and the fool to meet each other halfway.

(The Acting President pro tempore assumed the Chair.)

Mr. President, I would suggest that comment speaks volumes to this dispute. As we observed during the middle of the debate, there are some Members of the Democratic Conference—indeed, one we discussed: Senator SANDERS from Vermont—who openly embraces his ideas. Indeed, there was a time when he ran for public office not as a Democrat but as a Socialist.

Mr. SANDERS and I agree on very little when it comes to public policy. But I will say this, I respect his fidelity to his principles. I respect the honesty with which he embraces them. And as I observed earlier in this proceeding, I would far rather a Senate with 10 BERNIE SANDERS and 10 MIKE LEEs to a Senate where the views, the actual commitments, are blurred by obfuscation.

When it comes to the Republican side of the aisle, there are some Senators who have been quite open in saying they do not think we can defund ObamaCare. I will respect any Republican Senator who says: I am convinced we cannot do this and, therefore, I am voting for cloture because we cannot do it, and so I am voting against it. I do not agree with that. I think that is a defeatist philosophy. But it is an honest philosophy.

I would suggest it is far different for a Republican to say: I am going to vote for cloture, I am going to vote for HARRY REID and 51 Democrats the ability to fund ObamaCare in its entirety with no amendments, no changes whatsoever, but at the same time I am going to go to my constituents and say: I fully, I enthusiastically support defunding ObamaCare. Indeed, I am leading the fight. That is not being honest with the American people.

If we are to listen to the people, part of listening to the people is being honest with the people. Part of listening to the people is embracing, quite candidly, the position we hold. If those Members of this conference want to disagree with this strategy and say we agree with HARRY REID, that ObamaCare should not be defunded on the continuing resolution, then let them say so openly, not cloaked in robes of procedural deception and obscurity. Let them say so openly to the American people. And let them make their case. That has the virtue of truth.

On ObamaCare, in ''Atlas Shrugged'' Ms. Rand wrote:

> There's no way to rule an innocent man. The only power any government has is the power to crack down on criminals. Well, when there aren't enough criminals, one makes them. One declares so many things to be a crime that it becomes impossible for me to live without breaking laws. . . . But just pass the kind of laws that can neither be observed or enforced nor objectively interpreted—and you create a nation of lawbreakers—and then you cash in on guilt. Now that's the system, Mr. Reardon, that's the game, and once you understand it, you'll be much easier to deal with.

That is a profound insight on the train wreck, on the nightmare that is ObamaCare.

One statement the Senator from Kentucky made that I would disagree with slightly—the Senator from Kentucky said President Obama is committed 100 percent to ObamaCare, to making no changes, no alterations, to defending it as is, not to improving it. Actually, I do not think that is accurate. I think what the President has done is far worse than that, actually, which is the President has opposed legislative changes to fix the tremendous failures in ObamaCare that are hurting the American people, but the President has over and over unilaterally—abusing executive power—disregarded the law.

When the President decided unilaterally that the employer mandate that was set to kick in on January 1 of next year would be delayed for a year for big businesses, there is no basis in law for him to do so. The statute says otherwise. But his decision was simply: L'etat c'est moi. I am the state; therefore, this is delayed.

Likewise, when the President made the decision that the eligibility verification for subsidies, written into the statute, would not be enforced, that is contrary to law. The President does not have the authority to disregard the statute. If he does not like it, he can come to Congress and ask for an amendment. But the statutes written in the law books are binding law, and he simply announced: No, they are not. I am not going to enforce it.

Of all the different unilateral changes, that may be the most consequential. It is one of the least discussed, but it is consequential because its effect is essentially to encourage liar loans. Whether you are eligible for subsidies or not, just say you are, and we are not going to check to find out.

Perhaps most egregious was the President's action exempting Members of Congress. The statute provides that Members of Congress shall be subject to ObamaCare, shall be put on the exchanges without employee subsidies, just like millions of Americans.

Mr. President, as you and I both know well, that had Members of Congress, that had congressional staff in a panic. So majority lead HARRY REID and Democratic Senators met with the President and, according to the public press accounts, asked for an exemption, said: Please exempt us—although the statute is clear. It was written that way, I would note, because of my friend, Senator CHUCK GRASSLEY, who added that amendment on the principle that if we are going to put a burden on the American people, we should feel it, we should have skin in the game.

According to the press reports, the President said he would take care of the problem. Shortly thereafter, his administration did so and said: We are going to disregard the law of the land. We are going to disregard the statute.

Let me say, when the President of the United States begins picking and choosing which laws to follow and which laws not to follow, when the President of the United States looks at this mess that is ObamaCare and begins pulling out the eraser and saying: I am going to erase this part of the statute, I am going to erase this part of the statute, and I am going to pick that it applies to these people, but I am going to pick that it does not apply to these people, that is the height of arbitrary enforcement. It is also contrary to his constitutional obligation. Article II of the Constitution obliges the President to take care that the laws be faithfully executed. To deliberately, willfully, and openly refuse to enforce the law is the antithesis of taking care that the laws be faithfully executed. Indeed, it is taking care to refuse to faithfully execute the laws of the United States.

That is the pattern we have seen. For any President to do so, Democrat or Republican—and I can tell you this: If there were a Republican President in office, and he were saying: I am going to disregard the laws of the United States, I can promise you I would be right here on the floor of the Senate decrying that Republican President, just as loudly as decrying President Obama for disregarding the law.

Look, I think ObamaCare is a disaster. I think it is a train wreck. I agree with James Hoffa, the president of the Teamsters: It is a nightmare. But I do not think the President can just say: I am going to refuse to apply it to everyone. You have not heard me call on President Obama granting a lawless exemption to everyone. He did not have authority to grant an exemption to big business. He did not have authority to grant an exemption to Members of Congress. He does not have authority to grant an exemption to the American people. Only Congress does.

That is why Congress needs to act. That is why this body, why Democrats in this body, why Republicans in this body, need to listen to the American people. Together we must make DC listen.

Mr. INHOFE. Will the Senator yield?

Mr. CRUZ. I am happy to yield to the Senator from Oklahoma for a question but not yield the floor.

Mr. INHOFE. I mentioned a few minutes ago, when I was here last night something was said, and I went back and I got some phone calls because people did not believe it. I say to my good friend Senator CRUZ, I think sometimes people like you who are living this issue 24 hours a day—literally 24 hours on this day—may assume people understand the significance of some things that they do not. Because I got these phone calls last night when I was talking about—and I quoted our leader here in the Senate, Senator HARRY REID. A couple days ago on the PBS program ''Nevada Week in Review,'' Senate majority leader HARRY REID was asked whether his goal was to move ObamaCare to a single-payer system, and his answer was: ''Yes, yes. Absolutely, yes.''

I know I said this last night. But a lot of people did not realize that because there is—and if the Senator does not mind, I am going to take a few minutes here to kind of set the question up because I think it is important.

As the Acting President pro tempore will remember, since he was in the other body when I was elected many years ago to the House of Representatives—I recall at that time nobody thought the Republicans would ever be a majority of anything, the House or the Senate. I know that would have pleased the Acting President pro tempore. It is kind of interesting because we became very good friends, and yet we are philosophically apart from each other.

But I observed four things, and I did not think about this until this morning and how this subject fits into this. At the time Republicans were totally insignificant in the House of Representatives, so I spent my time sitting on the floor, and I listened and I observed some things, and I actually wrote a paper about this. I am going from memory now, but I recall in this paper I said there are, in my opinion, four flawed premises on which Democrats' policies are based, and I listed those four flawed premises. They were: The cold war is over. We no longer need a strong military. Punishment is not a

deterrent to crime. Deficit spending is not bad public policy. And then the fourth one: that government can run our lives better than people can. Well, I kind of went through that.

I remember so well that one time there was an amendment on the floor—and I know those who were there at the time will recall this—that we were going to take some of these closed bases, because of the cost of incarceration for prisoners, and we were going to take those and take the fences and turn them around to keep people in instead of people out. Well, that made sense.

So I had an amendment on a bill, and it was a bill that I remember was a big punishment bill that became very controversial at that time. But I had that amendment to do that, and they defeated the amendment. The reason they defeated it was they said: We cannot expect our prison population to live in such substandard housing. Then I remembered, wait a minute. I was in the U.S. Army. I lived in that housing. I know a little bit about that. So that was kind of the punishment.

Then at the end of the Cold War—you know, so we do not need the military—a lot of them were saying: We need to cut back. And we did. We actually cut back, and Republicans and Democrats agreed at that time. But now it has changed because what we are doing now—I call it the Obama disarming of America. I can remember—and a lot of times when you talk about people as being liberals or conservatives, you are not name-calling, you are saying: What is the involvement of government? A liberal believes the government should have a greater involvement in our lives. Conservatives believe the government has too much control and, therefore, we do not need to do that.

Anyway, I went to Afghanistan when the first budget 4½ years ago came out.

I stood over there knowing I would get national attention, knowing this would be the first step in what I call the disarming of America by Obama. So I stood over there. I recall in that very first budget he did away with our only fifth-generation fighter, the F–22; he did away with our lift capacity, the C–17; he did away with our future combat system, which would have been the first advancement in ground capability in 50 years; and he did away with the ground-based interceptor in Poland. By the way, we are paying dearly for that now because we realize now, with Iran having the capability they have and our intelligence saying they are going to have a delivery system by 2015, we need to have something to defend that coast. Then we went through, and, of course, if you extend the budget of the President, it took $487 million out of the military.

So I just wanted to say that is true. This is after several years, way back when I was in the House of Representatives. Deficit spending, not bad public policy—that is something we have heard quite often from some of our more liberal friends on the other side.

But the fourth thing is that government can run our lives better than people can. Now, I tell my friend from Texas, this goes all of the way back to the late eighties; this observation was made by me. That is exactly what we are looking at today—a recognition by some people that somehow government can run this system better than people can.

So last night when I was honored to stand with my good friend from Texas—I recall having been here back during the Clinton administration. We had a thing called Hillary health care. That goes right along with the same thing. So a lot of the phone calls I got last night after being on the Floor with you were people saying: Well, I do not even remember that. I did not know we tried that before.

The big point here is that they thought it was over, it was done. They were going to have Hillary health care; as Senator REID said, yes, a single-payer system. This is what they want. That is what they wanted back in the early and middle nineties. So we had Hillary health care. They thought it was over. They said: It is over; we are not going to win this. Consequently, you know, a lot of people actually believed that.

Last night I talked about after we finally had victory. It happened that there was a full-page ad in the Wall Street Journal by the AMA saying that we embrace Hillary health care because they thought they were going to lose it.

That is kind of where we are today. At that time they thought there was no way in the world we were going to win this. They were going to be able to defeat it because it was a done deal.

That is why I admire our good friend Senator CRUZ for having the tenacity to stay in here and recognize that we went through this once before. If we did it once before, we can do it again.

The reason Hillary health care lost way back in the middle nineties was that people realized it as socialized medicine. Again, you ask the question. It does not work anywhere else. It does not work in Sweden, Great Britain. Why would it work here? And the answer? I know they will never say it, but what they are thinking is, well, if I were running it, it would work. It is kind of a mentality that government can run our lives better than people can.

So I want to say one thing before I ask my question; that is, I have had a great blessing in my life, which is getting to know a great American whose name is Rafael Cruz. Rafael Cruz came to this country the tough way. He recognized from his past experience what real freedom is.

I have some quotes here that I wrote down because I use these quite often. He said: ''Our lives are under attack. ObamaCare is going to destroy the elderly by denying care, by even perhaps denying treatment to people who are in catastrophic circumstances.'' I hear people say all the time that this will never happen in America. It is happening in America. It is happening in America, and our rights are being eroded more and more every day.

In one of his speeches he gave not too long ago, he said:

> I think the most ominous words I've heard was in the last two State of the Union addresses, when our President said, ''If Congress does not act, I will act unilaterally.''

Scarily reminiscent of how things were done in Cuba. A law that no Republican voted for is now the law of the land; governing by decree, by Executive order, just like Cuba, the country he left behind.

This is Rafael Cruz, who happens to be the father of our own Senator TED CRUZ. He is one who came over. He escaped the very overbearing power of government to come here for that reason.

So I look at that, and I remember one of the greatest speeches—I have said this often. I know a lot of people do not agree with it. Probably the greatest speech I have heard in my life was ''A Rendezvous With Destiny'' by Ronald Reagan. In his speech, he tells the story of someone who could have been Rafael Cruz, someone who was escaping from Communist Castro Cuba to come to this country and risking his life.

In his speech ''Rendezvous With Destiny,'' Ronald Reagan said—this is way back when he was the Governor of California. He said: The boat came up. It washed up on the shore in southern Florida. There was a woman there, and he was telling the woman about the atrocities in Communist Cuba.

When he was through, she said: Well, we do not know how fortunate we are in this country.

He said: No, we are the ones who are fortunate because we had a place to escape to.

Does that not tell the story? That was a government running everything. They escaped that and came to this country, risked their lives, and they are over here.

I know that my kids—Kay and I have 20 kids and grandkids. I was listening last night when the Senator was reading a bedtime story to his little kids. Ours are not little kids anymore, but my grandkids are. The Senator stopped and said: What kind of America, what kind of America are these kids going to be inheriting? Why is it popular now? Why would someone who believes government should have a larger role in our lives be reelected? What has happened to the American people and the values we held for so many years so close to us?

Well, that is a hard thing to answer. But I know there are several of them—people who have experienced that, leaving slavery to come to this country.

By the way, last night when I was reading the various things, I did not have any statements from the people from Oklahoma, so I was reading from

LOUIE GOHMERT, who represents the eastern part of Texas. He had a lot of anecdotal stories from people in East Texas—just like Oklahoma. We are not that far apart. But since that time, someone called last night and they said: You should use stories from Oklahoma.

K. Matheson said:

Stand with Senator Ted Cruz. Defund ObamaCare. A single-payer health care system is nothing more than a socialized system.

She is from Bethany, OK. I do not want to give her last name. She did not want it given.

Sue said:

Thank you. What's to protect people from being victims of identity theft with all of these so-called advisors having access to people's financial and health care records? Why aren't members of Congress, the White House and their staffs included?

Well, they should be included. We have been talking about that. The Senator from Texas has been talking about that.

We had a tweet that came in this morning. It said:

What allows the executive branch to pick & choose who must follow ObamaCare & what parts to enforce?

So we have got a lot of that stuff. But the thing I wanted to bring up last night—one of the things—is that something really good is happening. We are talking about the bad things, but there is another opportunity. We have a great guy in Oklahoma by the name of Scott Pruitt. He is our attorney general. In fact, I tell my friend Senator CRUZ that while he was running for attorney general, I flew him around. Aviation is kind of my thing. I was flying him around the State. I got to know him quite well. He told me at that time that he saw this threat coming. So what he has done is he has filed a lawsuit.

I am proud to say that Oklahoma and the attorney general, through the courts, are leading the charge to dismantle ObamaCare and put an end to its onerous taxes. Just last month a judge overseeing the lawsuit ruled against a motion filed by the administration to dismiss the case, which means the case will proceed. Well, that was a major obstacle. No one thought he would be able to overcome this motion to dismiss. So it is still out there.

The law is a train wreck. We know that. There have been several proposals to prevent further damage. We need to defund the law. We need to make sure no additional taxpayer money would be used.

If he is successful, that will affect some 34 States that are in the same situation as Oklahoma. If he is successful, that is going to pull the funding out of ObamaCare, and it could be that just one guy in the State of Oklahoma will be responsible for that. So this is happening.

Yes, there are all of the efforts that are taking place here, primarily by my good friend from Texas, but we are in Oklahoma. We are involved in this too. We are hoping to be able to have that opportunity.

I want to mention one other thing because this came in. I am going to read this. It is a letter. It is not all that long, but I think it is really revealing. It says:

I cannot tell you how distressed I am with regard to the Affordable Health Care Act—

This came from Lynn in Oklahoma. This came in last night—

Obama-care. I am fearful for my kids, now 18 and 20. There is the effect it is having right now—employers are not allowing their workers to have full-time hours. They are hiring more part-time workers to make up the difference for the company so they won't be penalized for not providing health insurance. Both of my kids are unable to get full-time employment. For a year, my daughter was able to work 40-plus hours a week. Then, with the implementation of the ACA, no one can work over 29 hours a week. Instant pay cut. My son, who just graduated from high school, finally found a job at a restaurant, and they give him 4 hours a day. He is still looking.

Additionally, I have adult friends whose hours are being cut at UCO so they don't get penalized for not providing health insurance to their part-time people, adults with families getting their wages cut—

This is just a normal citizen out there. This is not a professional. This is what people are thinking, at least in my State of Oklahoma and I think throughout the Nation.

—adults with families getting their wages cut so the employer does not have to pay for health insurance. Did you not think employers would not find a way out of this at the expense of the American people? Is everyone in Washington so blind or is it selfish?

My husband's employer now wants to penalize us if I choose to stay on his health coverage rather than take the inferior health care package at my employment.

Mr. Inhofe, I dedicated my life to raising my kids and taking care of my family. I currently make $12.25 an hour. I have a bachelor's degree. It would be senseless for me to pay for health care on a salary when my husband's health care is so much better, and I have been on it for the last 13 years.

Thirteen years. She would have to give that up.

He takes care of me as my husband. I should not be penalized for wanting to work full time at this juncture of my life. If his company pushes the issue, I feel as if I will not be able to stay employed full time, which is a violation of my basic human rights. Now that my kids are grown, I need and want to work. At 52 it is highly unlikely that I am going to make a wage that is going to allow me to pay for health insurance. It is against my constitutional right to force me to purchase health insurance I do not need. The law is unconstitutional and un-American. Please tell me what we can do. The American people deserve to be able to work full time without being penalized.

I am tired of Washington and its dirty politics. Everyone in Washington should be held to the same laws it passes for the American people.

Amen.

Each one of you need to have the same health coverage expenses that we have.

I feel as if our country is headed, at lightening speed, for a major breakdown. What are you going to do to stop it and how can I help? I am frightened for the future of my children and the future of America. I am tired of DC politics.

That was Lynn from Oklahoma City. This came in last night. I have several others that just came in overnight.

But I think the thing that people did not realize and that we were able to talk about last night was the fact that this has happened once before, and they came dangerously close to pulling it off back in the middle nineties.

You know, I have to say this. There is a brilliant strategy going on right now. I didn't realize it until yesterday. There are some pro-ObamaCare people who are doing robocalls. I know the occupier of the chair knows what robocalls are, but a lot of people do not. These are automated calls where they call and a voice comes on and it gives a message. People listen to that. Sometimes they believe it, sometimes they do not. Most of the times they do.

So there are robocalls that are going on by the pro-Obama health care people, going to the strongest opponents of ObamaCare and trying to make people think they are supporting it. It is to confuse the electorate. When you stop to think about it, that is pretty brilliant, and they did it.

All day yesterday there were calls going around my State of Oklahoma by someone. The message was something like this: This is Joe Smith. I am with the ABC tea party—these are not tea party people, but nonetheless that is how they identify themselves—your Senator JIM INHOFE is supporting ObamaCare and you have to call his office. This is what his number is.

We started getting calls and people didn't even know there were 14 of us who joined together with Senator CRUZ about 6 weeks ago. I was 1 of the 14 and one of the strongest supporters of his cause. Yet they were trying to make people believe something else just to confuse them. Frankly, it is dishonest, but it is brilliant.

When we are looking and we are seeing what happened, what is going on today, I do applaud my friend. I feel guilty, I have to say to my friend, Senator CRUZ, because I left him last night at 10 o'clock.

I went home, had dinner, and went to bed. I got up and he was still talking. That is the depth of his feeling about this. I believe what we learned, a lesson we can remember back in the middle of the 1990s, the lesson we learned there, when it was all over, we had lost, but we didn't lose because the American people came to our aid. We were a minority at the time, but they came to our aid and we turned this whole thing around. That is exactly where we are today.

My question to my good friend, Senator CRUZ, is I believe that history could repeat itself. Does the Senator?

Mr. CRUZ. I thank the Senator from Oklahoma for his learned insight for that very good question. The answer, in short, is yes. Yes, yes, absolutely, I think to use the same phrasing majority leader HARRY REID used when asked

if he supported single-payer government socialized health care.

I wish to make three comments in response to Senator INHOFE's question and his thoughts that he has shared with this body. First is simply a word of thanks to the Senator from Oklahoma. Senator INHOFE is an elder statesman of this body. He has served many years. He has earned the respect of his colleagues on the Republican side of the aisle and on the Democratic side of the aisle.

From day one, when Senator MIKE LEE began this fight, Senator INHOFE has been with us on saying ObamaCare is such a train wreck, such a nightmare, such a disaster that we should defund it.

I observed earlier, it is one thing for the young Turks, the so-called wacko birds, to stand in this spot. It is another thing altogether to see elder statesmen, Senator INHOFE, Senator PAT ROBERTS, Senator JEFF SESSIONS, and Senator MIKE ENZI, standing with us.

That is significant, particularly when the leadership of our party is publicly urging Republicans to go the other way. I am grateful for the friendship. I am grateful for your steadfastness. I am grateful for the principled and courageous willingness of the Senator from Oklahoma to fight for the American people.

I will say it makes a real difference. If you trust what is written in the media, this battle is doomed. Indeed, I recall reading a day or two ago an article that purported to be an objective news story—not an editorial—by a reporter allegedly reporting on the news that began with something like: The fight to defund ObamaCare, which is doomed to fail.

That was reported as a fact. There was no editorializing, apparently. That is just an objective fact that it is doomed to fail.

I would say the momentum has been steadily with us. They said this fight was doomed to fail 2 months ago. We saw the American people unite, over 1.6 million Americans, signed a national petition saying defund ObamaCare now because it is a train wreck, it is a disaster, and it is hurting Americans.

They said it was doomed to fail, the House of Representatives would never pass a continuing resolution conditioned on defunding ObamaCare. It wouldn't happen.

Then last Friday the House of Representatives did exactly that because courageous House conservatives stuck their neck out and because House leadership, in an action for which I commend them, listened to the American people.

This week the press says it is doomed to fail that Republicans be united. Yet I would note seeing elder statesman after elder statesman come down and support us, it indicates the momentum that is with this movement. Listen, this is not a movement by any 1, 2, 3 or 100 Senators. This is a movement from the American people.

Why are we seeing momentum move in favor of defunding ObamaCare? Why are we seeing momentum for Republicans in favor of voting against cloture so as to deny HARRY REID the ability to fund ObamaCare on a 51-partisan vote? Because the American people are rising up and their voices are being heard. That is the first point I wished to make in response to the Senator from Oklahoma.

Mr. INHOFE. Before the Senator continues, would he yield for one followup question.

Mr. CRUZ. I yield to the Senator for a question but not the floor.

Mr. INHOFE. It was interesting. I don't think I have ever been referred to as the senior statesman, but I kind of like that. I wondered, when the Senator mentioned the four of us coming down—he put us in that category. We have been here for a while. There is one thing we all four had in common. We all had a career in the real world first.

One of the problems we have that I have observed, I say: What do you want to do?

The reply is: Oh, I want to be a Member of Congress.

So they leave the fraternity house and they move to Congress. They have never been in the real world.

People ask me the question: what should I do if I want to get into politics. I say go out for at least 15 years, live under this system, and learn how tough things are. In my case I spent over 20 years, did a lot of building and developing in the State of Texas where Senator CRUZ is from. I have talked to his father, Raphael, several times about this.

I remember there I was doing things that Americans are supposed to do. I was making money, losing money, expanding the tax base.

Yet the obstacle I had all during those years was the Federal Government, and I was doing what Americans are supposed to be doing. I remember that is when I decided.

The last thing I did down in Texas, a pretty good-sized development, and I had to go to 25 governmental agencies to get a dock permit. I thought, wait a minute, they are supposed to be on our side. I decided I would run to come to Congress and try to save the free enterprise system.

That is what all four of us have in common. We may have been here for a while, but we are here with a cause and here with experience.

How abusive government can be. I have not seen a time when the abuse is greater than it is today on what is happening to us, to think that we have a policy by the President, as he has been able to sell the idea, get the votes, get it through, and it is socializing medicine. It is something that has failed year after year after year in every country where they have tried to do it.

Does my friend from Texas see anything different about the United States of America, how socialized medicine would work here when it hasn't worked anywhere else?

Mr. CRUZ. I think the Senator from Oklahoma raises a very good question. The clear facts are everywhere in the world socialized medicine has been implemented, it hasn't worked. It produces results consistently. We can predict where socialized medicine leads. It leads to scarcity. It leads to waiting periods. It leads to poor quality health care. It leads to government rationing. It leads to government bureaucrats deciding what health care you can get and what health care I can get.

If you go in for a health treatment, a government bureaucrat may say, Mr. INHOFE, you can get that treatment in 6 months or maybe a year. On the other hand, perhaps your mom goes in for a treatment and the government bureaucrat may say: Ma'am, I am afraid you don't get that treatment. We have determined on our schedule we are not allowing it.

That is what happens with socialized medicine. If you want not to be able to pick your doctor, if you want a government bureaucrat making health care decisions for you instead of you and your doctor, then you should welcome what Majority Leader REID says is the inevitable result of ObamaCare. That is single-payer government socialized medicine. That is where this law is headed.

Mr. INHOFE. Would the Senator yield one last time for a question?

Mr. CRUZ. I yield to the Senator for a question without yielding the floor.

Mr. INHOFE. I hope my wife will forgive me, because I know she is watching, or I suspect she is watching because she has an equal interest in this issue for a totally different reason.

Kay and I have been married—our 54th wedding anniversary is coming up. We have 20 kids and grandkids.

She went through an experience, and our whole family went through the experience with her a short while ago, less than 1 year ago. She discovered she had a serious heart problem with the aortic valve. I have to praise her for not telling me anything about it for 4 months. She knew she was going to have to have this very serious operation. She is only 1 year younger than I am. She knew she was going to have the operation and she didn't want to say anything because she didn't want to worry me. She was writing things out about what things would go to what kids because she didn't think she was going to make it. She thought there was a good chance she wouldn't. We went through that experience with her.

I will tell you what is funny. All our grandkids call us—my name is Inhofe, so ''I'' is for Inhofe so they called us Mom I and Pop I. That is how they have referred to us. Since she had a valve put in her heart that was from a cow, instead of calling her Mom I, they call her Moom I. She went through this very difficult procedure with the best medical care in St. John's Medical Center in Tulsa, Dr. Robert Garrett, all the nurses, all the people all the way down.

I was thinking, that is my first experience at my age, my senior age, of seeing this system work.

Where would she have been in Canada? I have talked to people and they said: No. At her age she would have waited in such a long line that she probably would not have been able to make it.

It is serious things she is going through. I don't think I am the only one who has had this experience, but that was a wakeup call. I would hope and suggest to the Senator that other people speak up, even though it is somewhat uncomfortable. I thank God we had the system that allowed Kay and me to be able to look forward to our next 54 years of marriage.

Mr. CRUZ. I thank the Senator from Oklahoma for that excellent question, and I will make several points in response; first, is hearing that story of your wife and her courage. It reminds me, I will confess, I knew there were many reasons why the Senator and I had become friends, why I like and admire the Senator. I discovered yet another. It sounds as if the Senator and I married very similar women.

If it is anything like our marriage, at least in my marriage, I married way, way, way above myself.

I will tell you a story that your story reminded me of, which is my wife Heidi was taking a car to the airport. The car was hit. It was hit by another car, T-boned. The driver was very upset. Heidi called 911, and an ambulance came and took the driver to the hospital. Heidi proceeded to call a cab and take the cab to the airport, got on a plane and flew to a business meeting she had in New Mexico.

At the end of the meeting she noticed: Gosh, I am kind of hurting. My head hurts and my shoulder hurts. She went to the hospital that afternoon in New Mexico and discovered she had both a concussion and a broken collarbone.

Much like Senator INHOFE relayed, Heidi did not share this news with her husband until that evening. She didn't call me when the accident occurred. She didn't call me even when she got the diagnosis. She called me and was describing her injuries to me. She said: Sweetheart, I wanted to let you know I had a car accident. I am all right, but I do have a broken collarbone. I have a concussion.

Oh, my goodness. It is very disconcerting when your wife tells you that. She was describing where it happened. As she described the street in Houston, I am thinking: Wait, if it happened in Houston, what are you doing in New Mexico if you were in a car wreck in Houston?

She said: I got on a plane and flew, without going to the doctor, with a broken collarbone and concussion and went to the business meeting, completed the business meeting, before bothering to get treated.

Let me say to anyone watching this, I do not commend my wonderful, love of my life, wife's conduct to anyone who has had an accident. I would suggest getting medical treatment immediately. I would strongly suggest not following the path of the wife of the Senator from Oklahoma and my wife and not telling your husband.

I would strongly encourage, call your spouse and let them know. I certainly urge, should that happen again to my wife: Sweetheart, please let me know when it happens and not 12, 14 hours later.

But it is the virtue of marrying strong women who know what they want and are able to tackle the world. I, for one, am blessed and I have no doubt that you feel deeply blessed with 20 kids and grandkids. You know, the psalmist talks about my cup runneth over, bountiful blessings, and 20 kids and grandkids certainly qualifies as that.

Indeed, an additional point I wanted to make is I wanted to thank the Senator from Oklahoma for his very kind comments about my father. As the Senator knows, my father has been my hero my whole life. I have admired him for as long as I can remember.

I also want to note something particularly meaningful the Senator from Oklahoma did. Every week in the Senate there is a prayer breakfast. It is a bipartisan prayer breakfast, which is nice. There are not a lot of bipartisan things we do here in the Senate. There are a number of Senators who attend regularly, Republicans and Democrats, and they invite a different Senator each week to share his or her testimony, share some thoughts. Some weeks ago I was invited to do so, and I felt honored to have the opportunity. I had attended the prayer breakfast a number of times.

The way it typically works is another Senator is asked to introduce whoever is speaking that day. So at this particular prayer breakfast Senator INHOFE was asked to introduce me. It is really quite interesting to me. Almost anyone, when asked to introduce someone, would do so fairly easily. Maybe they would print out a bio to pick a little biographical fact or two. Most treat introductions as fairly routine efforts, but Senator INHOFE didn't treat it that way. He picked up the phone and he called my dad. He picked up the phone and he called my college roommate. He picked up the phone and called one of my dearest friends here in Washington, for whom Heidi and I are the Godparents of their kids.

The Senator made these calls totally out of the blue and said: Hi, this is JIM INHOFE. I have been asked to introduce Ted and I was wondering if you could share any particular stories, and they shared a few mildly embarrassing stories. Actually, I give them all credit for finding exactly the right balance of stories that were just embarrassing enough but not quite so scandalous that the blood drains from your face when they are told. I would say that showed a personal level of consideration that is unusual in this town and I appreciated that.

I thanked the Senator then, but I wanted to take this opportunity to thank the Senator publicly for putting that degree of personal consideration in trying to tell not just that I went to so-and-so college and did this and this—not just the empty biographical facts—but in trying to put a little color on who this individual is.

The final point I will make is a point that goes to the substance of some of the remarks the Senator from Oklahoma made in the process of asking his first question, which is he talked about the battle of HillaryCare. I think it is quite fitting to the battle we are having right now over defunding ObamaCare. When the battle over HillaryCare was occurring—I remember it well—I was in law school. I wasn't serving in the Senate. If you remember the context at that time, when HillaryCare was playing out, all of the media said this is unstoppable. All of the media said this is going to happen and there is nothing the hapless Republicans can do to stop it. Indeed, there were a number of Republicans who came forth and said: We can't stop this, so we propose, what I derisively referred to at the time as—perhaps due to being a law student—HillaryCare light.

I remember watching that. During the course of that debate, I almost put my boot through the television set. I remember yelling at the TV set a sentiment that perhaps maybe more than a few people watching us feel, where you feel you don't have a voice in the process. Certainly, as a law student I didn't have a voice in the process. But I remember yelling at the TV set: What on Earth do we believe? What are we doing? If we are going to accede to marching down the road to socialized health care, what the heck are we doing? I remember saying: All right. To heck with all of this. I am going to move to an island and fish all my life. Heck, I'm Cuban. I like to fish. That would be a great life.

And Senator INHOFE will remember, because he was part of this effort. At the time I was particularly focused on the Senator from my State of Texas, Senator Phil Gramm. Senator Gramm had been a hero of mine for a long time. Indeed, I am particularly honored that the desk at which I sit used to be Senator Phil Gramm's desk. His name is written on the side drawer.

This is one of the curious traditions of the Senate; that Senators, when they leave the Senate, scrawl their signatures on the drawer of the desk. You are actually encouraged to deface government property, and with some frequency. I hope the next individual fortunate to have this desk appreciates it. I find it an inspiration to sit at the desk that was Senator Phil Gramm's.

But I remember at the time, when it seemed the whole stampede in the Republican conference back then was listening to the media, which was saying:

You can't win. You must accede to this. HillaryCare is unstoppable. I remember Phil Gramm walking out to a microphone and saying, in his inimitable drawl: This will pass over my cold, dead political body.

I have to tell you, when Phil Gramm said that, it was fairly lonely. He didn't have a whole lot of allies when he marched out and did that. Senator INHOFE knows, because he was part of that fight and he bears the scars from that fight. But because of that leadership and standing and fighting—it was very interesting that it ended up where we saw Republicans looking all around, and Gramm was standing there and he didn't get killed. They all essentially ran behind him saying: Yeah, yeah, what he said. But I am convinced if we hadn't had a handful of leaders back then who had the courage to not read the papers and believe all those who were saying: Oh, we have to concede, the papers say they have already won, we are going to HillaryCare, if we hadn't had a handful of leaders willing to buck the conventional wisdom and saying we can win, when they are being told no you can't, ObamaCare would have passed 19 years earlier and it would have been called HillaryCare instead. That is the power of leadership.

So everyone in this body who said 2 months ago and who are saying this morning that we can't win this fight, I point out that history is replete with example after example after example of those who stood up and listened to the American people and fought for the principles, for the values the American people share, fought for the interests of the American people, and who, with the support of the American people, won those fights.

That is what we are fighting for. Listen, it is my hope that by the end of this process we will see all 46 Republicans unite in opposing cloture and saying: No, we are not going to allow HARRY REID and a bare majority of Democrats on a partisan political vote to fund ObamaCare. It is my hope over time, once that happens, we start to get one Democrat after another, after another to come with us.

Now, will that happen now? Probably not. As long as Republicans are publicly divided, no Democrat is going to join us. But if we unite as Republicans, and if particularly those Democrats running for reelection in red States where their citizens passionately oppose ObamaCare and the damage it is doing to the economy, and the damage it is doing to jobs, and the damage it is doing to all of the people who are being hurt—if they hear from more and more and more of their citizens, 5,000, 10,000, 20,000, 50,000—that starts to change the count.

People have asked over and over: What is the end game? How can you possibly win? I can't win. There is no way I can win, nor can any elected official win. The only way we can win is with the American people. That is it. When people ask: What is your end game, it is very simple. I have faith in the American people. And ultimately I have faith, or at least hope, in the 100 Members of the Senate.

I share the frustrations of Americans across this country that politicians on both sides of the aisle don't listen to people, that instead the political establishment in Washington protects itself, maintains its power, entrenches its power and does things like exempt itself from ObamaCare while letting the American people suffer under this train wreck of a disaster—this nightmare. But I also know at the end of the day, if enough people speak up, that every Member of this body at some point is compelled to listen to the constituents he or she represents. It is why I am so encouraged by the outpouring we have seen over the last 19½ hours, with all of the people engaged, all of the people tweeting the hashtag ''MakeDCListen.''

The citizen activists are transforming this debate. Listen, all of Washington wants to tell you, the citizen, it can't be done. You cannot win. Your view will not be listened to. The disaster, the train wreck, the nightmare—and I have used the word nightmare over and over. Let me be clear, for those who are just tuning in, where nightmare comes from. Nightmare is not my term. Nightmare is the language that James Hoffa, president of the Teamsters, used to describe ObamaCare because it is hurting millions of Americans. So at some point I believe, I hope, Republicans will unite and that Democratic Senators will start listening to their people.

It is striking if we listen to the letter from Mr. Hoffa. With permission I want to share that letter again, because I think it is powerful, it is potent. It is something, frankly, I think every Democrat in this body who is supporting ObamaCare, who is opposing defunding ObamaCare, who is going to vote with the majority leader, should be asked about by reporters. I think the President should be asked about this letter.

Let me just read it. These are not my words, these are the words of the president of the Teamsters.

> Dear Leader Reid and Leader Pelosi: When you and the President sought our support for the Affordable Care Act (the ACA), you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you and the Obama administration enact an equitable fix, the ACA will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour work week that is the backbone of the American middle class.

Now, that is not a Republican saying that. That is not a politician saying that. That is the head of the Teamsters, who supported ObamaCare. The letter continues:

> Like millions of other Americans, our members are front-line workers in the American economy. We have been strong supporters of the notion that all Americans should have access to quality affordable health care. We have also been strong supporters of you.

I remind you, this letter is addressed to Senate majority leader HARRY REID and House minority leader NANCY PELOSI.

> In campaign after campaign we have put boots on the ground, gone door-to-door to get out the vote, run phone banks and raised money to secure this vision.

So it is worth emphasizing the Teamsters are not fair-weather friends. They have been active, aggressive, full-throated members of the Democratic coalition and played a significant part in helping to elect this Democratic majority in the Senate and helping elect this President.

> Now this vision has come back to haunt us.

What vision is that? The vision of electing Democrats as a majority in the Senate, electing the President. Why? Because ObamaCare is the law of the land and they are discovering it isn't working. What does Mr. Hoffa say next?

> Since the ACA was enacted, we have been bringing our deep concerns to the Administration, seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of non-profit health plans. As you both know first- hand, our persuasive arguments have been disregarded and met with a stone wall by the White House and the pertinent agencies.

Now, let me stop at this point and make a comment. For all of you at home who are not leaders of powerful unions and who have been major supporters of the President of the United States, major supporters of the Democratic majority in the Senate, my guess is you may not have the same access to the west wing, to the Oval Office, to the office of the majority leader of the Senate as James Hoffa, head of the teamsters does. Yet James Hoffa, head of the teamsters says in writing that he was met with a stone wall by the White House and pertinent agencies.

Listen, if a major union—that in its own words had boots on the ground, went door-to-door to get out the vote, ran phone banks and raised money to secure a democratic vision—was met with a stone wall, what do you think we the citizens will be met with? Do you think this administration listens to a single mom working at a diner who is saying ObamaCare is slamming her and making her life harder? Do you think this administration listens to you even if the politically powerful are lamenting what is happening with them?

Mr. Hoffa continues:

> This is especially stinging because other stakeholders have repeatedly received successful interpretations for their respective grievances. Most disconcerting of course is last week's huge accommodation for the employer community—extending the statutorily mandated ''December 31, 2013'' deadline for the employer mandate and penalties.

Notably, two things are included there. One, Mr. Hoffa on behalf of the Teamsters said that deadline for the employer mandate is statutorily mandated; that the law requires it. What he is saying there is that the President is

ignoring the law because it is statutorily mandated. No. 2, it is a gift for big business that is not being given to others.

Mr. Hoffa continues:

Time is running out: Congress wrote this law; we voted for you. We have a problem; you need to fix it. The unintended consequences of the ACA are severe. Perverse incentives are already creating nightmare scenarios:

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is two-fold: Fewer hours means less pay while also losing our current health benefits.

This is the president of the Teamsters saying ObamaCare is causing workers to have their hours forcibly reduced. That means less pay, and they are losing their current health insurance. Anytime the majority leader of the Senate goes on television and says that ObamaCare is working terrifically, this letter stands in stark contrast to that assertion.

Second, millions of Americans are covered by non-profit health insurance plans like the one in which most of our Members participate. Those non-profit plans are governed jointly by unions and companies under the Taft-Hartley Act. Our health plans have been built over decades by working men and women. Under the ACA as interpreted by the administration, our employees will be treated differently and not eligible for subsidies afforded other citizens. As such, many employees will be relegated to second-class status and shut out of the help the law offers to for-profit insurance plans.

And finally, even though non-profit plans like ours won't receive the same subsidies as for-profit plans, they'll be taxed to pay for those subsidies. Taken together, these restrictions will make non-profit plans like ours unsustainable, and will undermine the health-care market of viable alternatives to the big health insurance companies.

This next paragraph is critical:

On behalf of the millions of working men and women we represent—

Let me note, that is not hundreds, that is not thousands, that is millions of working men and women we represent:

—and the families they support—

So millions more

—we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy—

not weaken, not undermine, not slightly impair but destroy

—the very health and wellbeing of our members along with millions of other hard-working Americans.

We believe that there are commonsense corrections that can be made within the existing statute that will allow our members to keep their current health plans and benefits just as you and the President pledged. Unless changes are made, however, that promise is hollow.

We continue to stand behind real health care reform, but the law as it stands will hurt millions of Americans including members of our respective unions.

We are looking to you to make sure these changes are made.

James P. Hoffa, General President, International Brotherhood of Teamsters.

When you have the Teamsters coming out and saying this is hurting millions of working men and women and their families, it begs the question: If Mr. Hoffa can no longer remain silent, if the Teamsters can no longer remain silent, how long can the Democratic Members of the Senate remain silent?

I have no doubt Mr. Hoffa and the Teamsters received harsh criticism for this letter, because politically this letter was inconvenient for the party they have supported with time, blood, and treasure. Yet Mr. Hoffa said: We can no longer remain silent because of the devastation being inflicted on the working men and women of America.

If that is true, I am hopeful that among the 54 Democrats in this body we will see first one and then maybe two and then maybe three and then maybe a dozen Democrats with the same courage that James Hoffa shows, the courage to say, Listen, I am willing to make a statement that is contrary to the political leadership of the party I belong to and have fought for.

To any Democrats who are contemplating doing so, let me note that bucking your party's leadership inevitably provokes a reaction, inevitably provokes expressions—and often strong expressions—of displeasure. But let me also encourage any Democrats, there are worse things in life than a few harsh words being tossed your way. To be honest, that pales compared to the suffering of the working men and women of this country who are losing their jobs, who are losing their health care, who are being forced into part-time work. Any politician who whines ''Someone has said something mean about me'' has totally lost perspective compared to the hurt the American people are feeling. So I am hopeful.

I want to appeal to the better angels of our Democratic Senators that they show the same courage Mr. Hoffa showed to be willing to buck party leadership and speak out for the men and women who are your constituents.

I make that same plea to the Republicans, that you show the courage to buck party leadership and stand up to the men and women who are your constituents who are suffering under ObamaCare. Any Republican who votes for cloture, who votes to give HARRY REID the ability to fund ObamaCare on a 51-vote partisan vote is directly participating in and responsible for funding ObamaCare.

If a Republican wants to say openly, I don't think we can defund ObamaCare; I don't agree with this fight, so I am siding with HARRY REID because on principle I think it is right, I don't agree with that, but I respect that view. You are entitled to that view. You are entitled to articulate that view. But I will tell you this, I don't think you are entitled to vote with HARRY REID and the Democrats, give HARRY REID and the Democrats the ability to fund ObamaCare, and then go to your constituents and say, I agree with defunding ObamaCare. You don't get it both ways.

If we are going to listen to the people, we need to be honest with the people and tell them what we are doing. That is what this fight is about, whether Democratic Senators and Republican Senators will listen to the people. We need to make DC listen.

Mr. VITTER. Will the Senator yield for questions and comments without yielding the floor?

Mr. CRUZ. I am happy to yield to my friend from Louisiana for a question without yielding the floor.

Mr. VITTER. I appreciate the Senator's comments, and certainly his correct recitation about what the real impact of ObamaCare is across the country, particularly for hard-working men and women. And the Senator is right. These descriptive phrases such as ''nightmare'' and another one is ''train wreck,'' are not his words, they are not my words. They are actually words from supporters of the law.

''Nightmare,'' as the Senator pointed out, comes from the leader of the Teamsters, a very powerful organization on the Democratic side politically that strongly supported the law.

The chairman of the Senate Finance Committee that helped write the law called ObamaCare implementation a ''train wreck'' a few months ago. Not coincidentally, that was right before he announced he wasn't running for reelection.

I appreciate the notation of those descriptions from folks on the Democratic side of the aisle, from folks who helped pass ObamaCare. This is clear proof that this is not ready for prime time, causing real pain and dislocation to hard-working Americans: job loss, folks being moved into part-time work, jobs not being created, folks losing the health care they have now which they enjoy.

But did the Senator know, I think the leader of the Teamsters, James Hoffa, is even more upset today than he was when he wrote that letter because in the intervening time something else has happened, which is that the administration bailed out Congress with a special exemption, with a special subsidy, with a special rule, hasn't helped the working-class Americans Mr. Hoffa represents through the Teamsters, but has bailed out Congress?

That is what I have an amendment on the CR about. It would be a germane amendment. I will present it. Unfortunately, it seems clear that the plan is for the majority leader to block out all amendments, including mine, except the ones he chooses that would take out the defunding language from the House-passed bill.

Again, what I am talking about is a special bailout exemption subsidy for Congress. This goes back to the original ObamaCare debate, and our distinguished colleague Senator GRASSLEY of Iowa proposed language which so many of us strongly supported that said every Member of Congress and all congressional staff would have to go to the

same fallback plan under ObamaCare as there is for all Americans. First it was called the public option, then eventually the exchange.

Amazingly, happily—I was pleasantly surprised at the time, that language got in the bill and was passed into law. That became a classic case of what NANCY PELOSI said: We have to pass the bill to figure out what is in it. Because after that language got in the bill and passed into law, then lots of folks around Capitol Hill read that provision and they said, Oh, you know what, they said, Wait a minute. We can't live with this. We can't deal with this, because we are going to be in the same fallback plan as there is for every other American with no special treatment. We can't deal with that.

Then, because of that, furious lobbying started on the Obama administration, folks such as the distinguished majority leader talking directly to President Obama himself, saying, We need a bailout. We need a special fix, a special rule just for us.

Sure enough, that lobbying yielded results. By many press reports, President Obama got personally involved to ensure that a special rule was issued by his administration. The draft version of it was issued conveniently just after Congress left town for the August recess and got away from the scene of the crime. That draft rule is completely improper, completely illegal, because it goes beyond the statute and is inconsistent with the statute, but it is a special exemption for Congress. It essentially does two things:

First, even though the ObamaCare statute explicitly says that every Member of Congress, all congressional official staff have to go to the exchange, the rule basically negates that in a way and says, Well, we don't know what ''official staff'' means, so we are going to leave it up to each individual Member to decide which of their staff is official and which is not, who has to go to the exchange and who doesn't.

The statute doesn't say that. The statute is very clear: All congressional official staff have to go to the exchange. There is no discretion to individual Members.

Then the second thing that this special rule, this special exemption does is even more egregious. It says, Oh, and by the way, whoever does go to the exchange, whatever Members and whatever congressional staff do go to the exchange, they get a huge taxpayer-funded subsidy that follows them there. That is not in the statute. That is nowhere in ObamaCare. That is nowhere in that Grassley provision as passed into law. In fact, there are other sections of ObamaCare that make it crystal clear that employees who go to the exchange lose their previous subsidy from their large employer that they may have enjoyed previously. That is clear in the law, completely inconsistent with this illegal rule made up out of thin air.

So Washington is getting a special exemption, a special bailout, a special subsidy completely unavailable to other Americans. That is not right, and that is why I have an amendment. I tried to present it last week, was blocked out by the majority leader. I am here again on the CR. It is important, it is necessary we vote, and we should, before October 1, when this illegal rule will otherwise go into effect.

My amendment is simple. It negates that illegal rule. It says, Yes, every Member of Congress, all congressional staff. And, oh, by the way, other Washington policymakers—the President, the Vice President, all of their political appointees—have to go to the exchange with no special treatment, no special exemption, no special subsidy unavailable to other Americans. So if you are a lower paid staff member and you qualify by your income for a subsidy available to every other American who goes to the exchange at that income level, fine. That is certainly available. That is equal treatment. That is Washington being treated like the rest of America, but no special exemption or bailout or subsidy, only those available to all other Americans going to the exchange.

We need a vote on this provision. It is directly relevant to the CR. It is directly relevant to this debate.

This illegal Obama administration rule will go into effect October 1 unless we act. That is why I demanded a timely vote last week. Unfortunately, it was blocked out by the majority leader. After threatening and bullying did not work, he claimed he had no objection to the vote. But still he did not let it happen.

Here we are in the CR debate and that is why we need that debate and that vote now. What the problem is, and it is clearly the plan of the majority leader, it is clear this upcoming cloture vote would block all that out again. The majority leader would get his select amendments to take out of the House bill the provision that defunds ObamaCare but nobody else would get any other amendment. I would not get a vote on my amendment. There are plenty of other relevant and germane amendments. We would not have votes on those. That is the plan being laid out for this week and that is what voting yes on cloture on the bill will enable. So I cannot do that.

I commend the Senator from Texas for helping lead this fight, helping point out the dangers and the tragedies of ObamaCare, particularly for working men and women and also for supporting the broader effort to make sure, however America is treated, Washington should be treated exactly the same. That should be the first rule of democracy.

The Founders talked about that basic principle, Federalist Paper No. 57 by Madison. He specifically talks about this basic principle: Whatever is good for America needs to be good for Washington. Whatever is applied to those who are ruled needs to be applied equally in full force and in the same way to those who make up the rules. That is what this specific part of this debate is all about.

I again thank the Senator from Texas for his leadership on this and the general issue. I ask, does he think, now that that special exemption has come out since the Hoffa letter, would he guess Mr. Hoffa is more or less upset now that Washington has been protected but the working Americans Mr. Hoffa represents are still in the dire straits described in that letter?

Mr. CRUZ. I thank the Senator from Louisiana for that very good question. I thank him also for his support of this effort, his vocal support, his support from day one. I thank him for appearing with us last night, appearing with us today, standing together to defund ObamaCare, standing together to oppose cloture because it would empower HARRY REID and the Democrats to fund ObamaCare with a partisan 51-vote, party-line vote. It would shut out amendments to address and ameliorate the harms that are coming from ObamaCare that are hurting hard-working Americans.

As to the question the Senator from Louisiana asked, I certainly do not want to put words in Mr. Hoffa's mouth. He is quite capable of speaking for himself. But I cannot imagine, given the language of his letter, that the exemption for Congress would be in any way different from the exemption for big business. They are both exemptions for political friends of the administration. According to the language of his letter, he expressed dismay that they and other political friends of the administration did not get an exemption.

I will note part of that letter is asking: Give us a special exemption too. But that did not happen. But I will make a prediction. If the Senate doesn't act now, doesn't defund ObamaCare, if it doesn't stand and stop this, before President Obama leaves the White House he will grant an exemption to those union bosses. It is the trifecta of the privileged classes being excepted. I understand politically it was an inopportune time to grant that now. It would be lawless, it would be contrary to law to grant an exemption to the union bosses but it is also contrary to law to grant an exemption to big business and Members of Congress and that hasn't slowed the President down. If he is willing to disregard the law for them, there is no reason to think he would not be willing to disregard the law for his union boss friends except for the fact right in the middle of the defund debate it is not rocket science that that would not be ideal politics.

The courage of the Senator from Louisiana in introducing his amendment—he has endured vilification that has been beyond the pale and I appreciate his courage standing for the basic principle that Congress should be bound by the same rules as everyone

else. The American people, millions of Americans, should not be put onto exchanges subject to pain that Members of Congress are not. We should not operate under the principle one rule for thee, a different one for me.

For all of you who say this fight is not winnable, I would like to share a letter talking about fighting and winning unwinnable fights, because none of us can win this fight but the American people can.

Fans of Rush Limbaugh know that every year he reads something that his father wrote about the true story of the price paid by the signers of the Declaration of Independence. I think it is fitting to read this morning. It is called ''The Americans Who Risked Everything.''

''Our Lives, Our Fortunes, Our Sacred Honor''

It was a glorious morning. The sun was shining and the wind was from the southeast. Up especially early, a tall bony, redheaded young Virginian found time to buy a new thermometer, for which he paid three pounds, fifteen shillings. He also bought gloves for Martha, his wife, who was ill at home.

Thomas Jefferson arrived early at the statehouse. The temperature was 72.5 degrees and the horseflies weren't nearly so bad at that hour. It was a lovely room, very large, with gleaming white walls. The chairs were comfortable. Facing the single door were two brass fireplaces, but they would not be used today.

The moment the door was shut, and it was always kept locked, the room became an oven. The tall windows were shut, so that loud quarreling voices could not be heard by passersby. Small openings atop the windows allowed a slight stir of air, and also a large number of horseflies. Jefferson records that ''the horseflies were dexterous in finding necks, and the silk of stockings was nothing to them.'' All discussing was punctuated by the slap of hands on necks.

On the wall at the back, facing the president's desk, was a panoply—consisting of a drum, swords, and banners seized from Fort Ticonderoga the previous year. Ethan Allen and Benedict Arnold had captured the place, shouting that they were taking it ''in the name of the Great Jehovah and the Continental Congress!''

Now Congress got to work, promptly taking up an emergency measure about which there was discussion but no dissension. ''Resolved: That an application be made to the Committee of Safety of Pennsylvania for a supply of flints for the troops at New York.''

Then Congress transformed itself into a committee of the whole. The Declaration of Independence was read aloud once more, and debate resumed. Though Jefferson was the best writer of all of them, he had been somewhat verbose. Congress hacked the excess away. They did a good job, as a side-by-side comparison of the rough draft and the final text shows. They cut the phrase ''by a self-assumed power.'' ''Climb'' was replaced by ''must read,'' then ''must'' was eliminated, then the whole sentence, and soon the whole paragraph was cut. Jefferson groaned as they continued what he later called ''their depredations.'' ''Inherent and inalienable rights'' came out ''certain unalienable rights,'' and to this day no one knows who suggested the elegant change.

A total of 86 alterations were made. Almost 500 words were eliminated, leaving 1,337. At last, after three days of wrangling, the document was put to a vote. Here in this hall Patrick Henry had once thundered: ''I am no longer a Virginian, sir, but an American.'' But today the loud, sometimes bitter argument stilled, and without fanfare the vote was taken from north to south by colonies, as was the custom. On July 4, 1776, the Declaration of Independence was adopted.

There were no trumpets blown. No one stood on his chair and cheered. The afternoon was waning and Congress had no thought of delaying the full calendar of routine business on its hands. For several hours they worked on many other problems before adjourning for the day.

Much To Lose

What kind of men were the 56 signers who adopted the Declaration of Independence and who, by their signing, committed an act of treason against the crown? To each of you, the names Franklin, Adams, Hancock and Jefferson are almost as familiar as household words. Most of us, however, know nothing of the other signers. Who were they? What happened to them?

I imagine that many of you are somewhat surprised at the names not there: George Washington, Alexander Hamilton, Patrick Henry. All were elsewhere.

Ben Franklin was the only really old man. Eighteen were under 40; three were in their 20s. Of the 56 almost half—24—were judges and lawyers. Eleven were merchants, nine were landowners and farmers, and the remaining 12 were doctors, ministers, and politicians. With only a few exceptions, such as Samuel Adams of Massachusetts, these were men of substantial property. All but two had families. The vast majority were men of education and standing in their communities. They had economic security as few men had in the 18th Century. Each had more to lose from revolution than he had to gain by it. John Hancock, one of the richest men in America, already had a price of 500 pounds on his head. He signed in enormous letters so that his Majesty could now read his name without glasses and could now double the reward. Ben Franklin wryly noted: ''Indeed we must all hang together, otherwise we shall most assuredly hang separately.'' Fat Benjamin Harrison of Virginia told tiny Elbridge Gerry of Massachusetts: ''With me it will all be over in a minute, but you, you will be dancing on air an hour after I am gone.''

These men knew what they risked. The penalty for treason was death by hanging. And remember, a great British fleet was already at anchor in New York Harbor.

They were sober men. There were no dreamy-eyed intellectuals or draft card burners here. They were far from hot-eyed fanatics yammering for an explosion. They simply asked for the status quo. It was change they resisted. It was equality with the mother country they desired. It was taxation with representation they sought. They were all conservatives, yet they rebelled. It was principle, not property, that had brought these men to Philadelphia. Two of them became presidents of the United States. Seven of them became state governors. One died in office as vice president of the United States. Several would go on to be U.S. Senators. One, the richest man in America, in 1828 founded the Baltimore and Ohio Railroad. One, a delegate from Philadelphia, was the only real poet, musician and philosopher of the signers. (It was he, Francis Hopkinson not Betsy Ross who designed the United States flag.)

Richard Henry Lee, a delegate from Virginia, had introduced the resolution to adopt the Declaration of Independence in June of 1776. He was prophetic in his concluding remarks: ''Why then sir, why do we longer delay? Why still deliberate? Let this happy day give birth to an American Republic. Let her arise not to devastate and to conquer but to reestablish the reign of peace and law. ''The eyes of Europe are fixed upon us. She demands of us a living example of freedom that may exhibit a contrast in the felicity of the citizen to the ever-increasing tyranny which desolates her polluted shores. She invites us to prepare an asylum where the unhappy may find solace, and the persecuted repost.

''If we are not this day wanting in our duty, the names of the American Legislatures of 1776 will be placed by posterity at the side of all of those whose memory has been and ever will be dear to virtuous men and good citizens.''

Though the resolution was formally adopted July 4, it was not until July 8 that two of the states authorized their delegates to sign, and it was not until August 2 that the signers met at Philadelphia to actually put their names to the Declaration.

William Ellery, delegate from Rhode Island, was curious to see the signers' faces as they committed this supreme act of personal courage. He saw some men sign quickly, ''but in no face was he able to discern real fear.'' Stephan Hopkins, Ellery's colleague from Rhode Island, was a man past 60. As he signed with a shaking pen, he declared: ''My hand trembles, but my heart does not.''

''Most Glorious Service''

Even before the list was published, the British marked down every member of Congress suspected of having put his name to treason. All of them became the objects of vicious manhunts. Some were taken. Some, like Jefferson, had narrow escapes. All who had property or families near British strongholds suffered.

Francis Lewis, New York delegate saw his home plundered—and his estates in what is now Harlem—completely destroyed by British Soldiers. Mrs. Lewis was captured and treated with great brutality. Though she was later exchanged for two British prisoners through the efforts of Congress, she died from the effects of her abuse.

William Floyd, another New York delegate, was able to escape with his wife and children across Long Island Sound to Connecticut, where they lived as refugees without income for seven years. When they came home they found a devastated ruin.

Philips Livingstone had all his great holdings in New York confiscated and his family driven out of their home. Livingstone died in 1778 still working in Congress for the cause.

Louis Morris, the fourth New York delegate, saw all his timber, crops, and livestock taken. For seven years he was barred from his home and family.

John Hart of Trenton, New Jersey, risked his life to return home to see his dying wife. Hessian soldiers rode after him, and he escaped in the woods. While his wife lay on her deathbed, the soldiers ruined his farm and wrecked his homestead. Hart, 65, slept in caves and woods as he was hunted across the countryside. When at long last, emaciated by hardship, he was able to sneak home, he found his wife had already been buried, and his 13 children taken away. He never saw them again. He died a broken man in 1779, without ever finding his family.

Dr. John Witherspoon, signer, was president of the College of New Jersey, later called Princeton. The British occupied the town of Princeton, and billeted troops in the college. They trampled and burned the finest college library in the country.

Judge Richard Stockton, another New Jersey delegate signer, had rushed back to his estate in an effort to evacuate his wife and children. The family found refuge with friends, but a Tory sympathizer betrayed

them. Judge Stockton was pulled from bed in the night and brutally beaten by the arresting soldiers. Thrown into a common jail, he was deliberately starved. Congress finally arranged for Stockton's parole, but his health was ruined. The judge was released as an invalid, when he could no longer harm the British cause. He returned home to find his estate looted and did not live to see the triumph of the Revolution. His family was forced to live off charity.

Robert Morris, merchant prince of Philadelphia, delegate and signer, met Washington's appeals and pleas for money year after year. He made and raised arms and provisions which made it possible for Washington to cross the Delaware at Trenton. In the process he lost 150 ships at sea, bleeding his own fortune and credit almost dry.

George Clymer, Pennsylvania signer, escaped with his family from their home, but their property was completely destroyed by the British in the Germantown and Brandywine campaigns.

Dr. Benjamin Rush, also from Pennsylvania, was forced to flee to Maryland. As a heroic surgeon with the army, Rush had several narrow escapes.

John Martin, a Tory in his views previous to the debate, lived in a strongly loyalist area of Pennsylvania. When he came out for independence, most of his neighbors and even some of his relatives ostracized him. He was a sensitive and troubled man, and many believed this action killed him. When he died in 1777, his last words to his tormentors were: ''Tell them that they will live to see the hour when they shall acknowledge it [the signing] to have been the most glorious service that I have ever rendered to my country.''

William Ellery, Rhode Island delegate, saw his property and home burned to the ground.

Thomas Lynch, Jr., South Carolina delegate, had his health broken from privation and exposures while serving as a company commander in the military. His doctors ordered him to seek a cure in the West Indies and on the voyage, he and his young bride were drowned at sea.

Edward Rutledge, Arthur Middleton, and Thomas Heyward, Jr., the other three South Carolina signers, were taken by the British in the siege of Charleston. They were carried as prisoners of war to St. Augustine, Florida, where they were singled out for indignities. They were exchanged at the end of the war, the British in the meantime having completely devastated their large landholdings and estates.

Thomas Nelson, signer of Virginia, was at the front in command of the Virginia military forces. With British General Charles Cornwallis in Yorktown, fire from 70 heavy American guns began to destroy Yorktown piece by piece. Lord Cornwallis and his staff moved their headquarters into Nelson's palatial home. While American cannonballs were making a shambles of the town, the house of Governor Nelson remained untouched. Nelson turned in rage to the American gunners and asked, ''Why do you spare my home?'' They replied, ''Sir, out of respect to you.'' Nelson cried, ''Give me the cannon!'' and fired on his magnificent home himself, smashing it to bits. But Nelson's sacrifice was not quite over. He had raised $2 million for the Revolutionary cause by pledging his own estates. When the loans came due, a newer peacetime Congress refused to honor them, and Nelson's property was forfeited. He was never reimbursed. He died, impoverished, a few years later at the age of 50.

Lives, Fortunes, Honor

Of those 56 who signed the Declaration of Independence, nine died of wounds or hardships during the war. Five were captured and imprisoned, in each case with brutal treatment. Several lost wives, sons or entire families. One lost his 13 children. Two wives were brutally treated. All were at one time or another the victims of manhunts and driven from their homes. Twelve signers had their homes completely burned. Seventeen lost everything they owned. Yet not one defected or went back on his pledged word. Their honor, and the nation they sacrificed so much to create is still intact.

And, finally, there is the New Jersey signer, Abraham Clark.

He gave two sons to the officer corps in the Revolutionary Army. They were captured and sent to that infamous British prison hulk afloat in New York Harbor known as the hell ship Jersey, where 11,000 American captives were to die. The younger Clarks were treated with a special brutality because of their father. One was put in solitary and given no food. With the end almost in sight, with the war almost won, no one could have blamed Abraham Clark for acceding to the British request when they offered him his sons' lives if he would recant and come out for the King and Parliament. The utter despair in this man's heart, the anguish in his very soul, must reach out to each one of us down through 200 years with his answer: ''No.''

The 56 signers of the Declaration Of Independence proved by their every deed that they made no idle boast when they composed the most magnificent curtain line in history. ''And for the support of this Declaration with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.''

My friends, I know you have a copy of the Declaration of Independence somewhere around the house—in an old history book (newer ones may well omit it), an encyclopedia, or one of those artificially aged ''parchments'' we all got in school years ago. I suggest that each of you take the time this month to read through the text of the Declaration, one of the most noble and beautiful political documents in human history.

There is no more profound sentence than this: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness . . . ''

These are far more than mere poetic words. The underlying ideas that infuse every sentence of this treatise have sustained this nation for more than two centuries. They were forged in the crucible of great sacrifice. They are living words that spring from and satisfy the deepest cries for liberty in the human spirit. ''Sacred honor'' isn't a phrase we use much these days, but every American life is touched by the bounty of this, the Founders' legacy. It is freedom, tested by blood, and watered with tears.

That is the story of the Signers of the Declaration of Independence. It is the story of our shared legacy.

I will make this note to my friends on the Republican side of the aisle and the Democratic side of the aisle, as Benjamin Franklin wryly noted: Indeed, we must all hang together, otherwise we should most assuredly hang separately.

That is the message all of us should think about. Are we going to hang separately because we disregarded the will and the view of our constituents and have given in to the Washington establishment or are we going to stand together and say: Let's break the broken pattern of Washington, of empty showboats, of fixed procedures, and ignoring the will of the people? Instead, let's come together—much like James Hoffa, president of the Teamsters, has—and say: We will remain silent no longer. We cannot ignore the suffering of the millions of Americans who have lost their jobs, cannot find jobs, have had their hours forcibly reduced to 29 hours a week, facing skyrocketing health insurance premiums, and are losing or are at risk of losing their health insurance.

Our constituents, the American people, are hurting and suffering, and it is the role of Congress to answer their call. All of us must listen to the people. Together we must make DC listen.

Mr. RUBIO. Would the Senator from Texas yield for a question and a comment without yielding the floor?

Mr. CRUZ. I am happy to yield to my friend from Florida for a question without yielding the floor.

Mr. RUBIO. First of all, that is a very inspirational letter that the Senator read, and it reminds us of our shared legacy as a nation. It also makes me appreciate the freedoms we have in this country, and the opportunity to stand here today and have this vibrant debate. I am reminded that around the world people don't have this opportunity. I am reminded that around the world people are still losing not just their freedom but their lives for the purposes of speaking out.

I will confess that I hope we can avoid the hanging part of the situation the Senator have outlined, and I am sure we will because we are so blessed to live in this Republic.

I do something every week where I take letters from my constituents, read them in a video on the air, and then I answer them. I call it the constituent mailbox. I have been doing that since I have gotten here. It is important because it allows us to answer the real questions of real people, and their comments.

They are not always nice letters, by the way, but we address those too because that is important. One of the benefits we have with the advances in technology is that the people we serve and work for can now reach us directly and speak to us in real time as opposed to the days gone by where people had trouble accessing their elected officials.

So, with Senator CRUZ's indulgence—as you have given me time but have not yielded the floor—I would like to read a few e-mails I have received.

The first e-mail is from someone named Luis. He lives in Cutler Bay, FL, which is south Florida down where I live in Miami-Dade County.

Here is what he writes:

There are so many companies with a large number of part time workers. The latest company Trader Joes in which I have a family member will lose her part time health benefits because of ObamaCare. She works as a substitute English teacher in New Jersey and the job does not offer any health benefits to part time substitute teachers. She has to be a full time teacher in order to receive

health benefits. She decided not to leave her job at Trader Joes because they offered her health benefits as a part time worker. Put yourselves as present grandparents and parents in her own situation what a hard pill to swallow. What is she supposed to do now?

This letter talks about a family member of hers who is a part-time teacher in New Jersey, but also works at a restaurant called Trader Joe's. The reason why she works there is for the health benefits that she is offered, but now she is losing that. Unfortunately she is not alone.

This is an article from Bloomberg from September 19 of this year. It highlights all these upheavals that are going on by private employers. UPS is dropping coverage for employed spouses; IBM is reworking its retiree benefits. Let me explain that one for a second. They are going to send their retirees to the private exchanges. They said the move was made to help keep premiums low for the rest of their workers that are impacted by ObamaCare.

Walgreens, the largest U.S. drugstore chain, has told 160,000 workers that they must buy insurance through a private exchange rather than continuing to have it offered by the company, by Walgreens. They are not alone. Stanford University researchers voiced concerns in a study last week. They wrote that ''the rising premiums can drive workers from employer plans to coverage under the health law, boosting costs for the government by as much as $6.7 billion.''

There are other examples of businesses that are doing this. I talked about Trader Joe's. That is a closely-held supermarket chain. I said a restaurant. I apologize, it is a supermarket chain. It said it would end health benefits next year for part-time workers.

This is the real disruption in real lives. So one thing is to stand here and have people debate about the theory of ObamaCare and what great things it might do for some people, according to the supporters of this law. Another thing is to put a human face on the story. We already know, just from this e-mail alone, of one person in America, living in New Jersey, a part-time teacher and a worker at Trader Joe's who has lost her benefits and will now be thrown into this uncertain world of exchanges, because of this law, because of ObamaCare.

Here is another e-mail. This one comes from Kissimmee, FL. That is in central Florida. My colleagues may know that as the home of Walt Disney World. This is from Patty. She writes:

As mentioned in your letter—

She is referring to a letter I sent to Secretary Sebelius—

urging her to visit Sea World to discuss the impact of ObamaCare that will be enacted in the near future, I—

Patty, the writer of this letter—

am a part-time employee at Valencia College in Orlando.

Valencia is a community college. By the way, I am a big fan of community colleges. They are the backbone of retraining, but also the only access point available to many of our people. So if you are out there trying to work to support your family—let's say you are a single parent trying to raise three kids and you have to work during the day—community college is also one of the few places where you can get an advanced degree and the skills you need for a better job. One of the best ways to improve your pay and your economic security is to get an education. Community colleges are an access point for people all over the country. I am a huge fan of community colleges. We have great ones in Florida. She is a part-time employee of Valencia College in Orlando. She continues:

My hours too have been cut from 29 hours to 25 hours to avoid any negative impact of the Obamacare health care act. I have numerous e-mails from my supervisor and human resources stating that my hours are being cut specifically because of this.

I have lost the hours that made it possible to live in a severely reduced income and know that I will never get those hours back as positions have been created by the extra hours, so we have more people working and earning less. I am not really asking anything; I'd just like you to know what this government is doing to my ability to survive.

This is not an e-mail from a millionaire or a billionaire. This is not an e-mail from someone who has made it and is making a ton of cash. This is an e-mail from a part-time worker at a community college with desperation that comes out in the e-mail: a part-time worker losing hours. Did we know what those hours mean, 4 hours a week of a pay cut to someone? She writes about it. She says: ''I would just like you to know what this government is doing to my ability to survive.''

Do we want to know why a growing number of Americans are starting to doubt whether the American dream is still alive? Read this e-mail.

Unfortunately, we are hearing stories about this all the time. Here is an article from CNBC published Monday, September 23, this week. It leads off with this line:

With open enrollment for Obamacare about to begin, small- and medium-sized businesses are not hiring because of the uncertainty surrounding the implementation of the new law, the CEO of the Nation's fifth-largest staffing company said on Monday.

Companies are really not interested in hiring full-time people. ''That's really the issue with Obamacare,'' Express Employment Professionals boss Bob Funk told CNBC's ''Squawk Box'' on Monday.

By the way, Mr. Funk is the former chairman of the Kansas City Federal Reserve.

Now, someone—the former auto czar at Treasury, Mr. Steve Rattner—disputes his assertions. He says:

I don't think with the approach of Obamacare you see in the numbers people suddenly stopping hiring.

Mr. Funk argues—and he counters very persuasively—he says:

We're out there on Main Street and Obamacare is affecting the job hiring picture. Whether it's in the numbers or not, it is affecting small and medium-sized businesses. They're not going to hire until they know what their costs are going to be.

We don't know what the rules are going to be, but they haven't written half of the rules . . . and it is affecting businesses out there. That's why our industry is growing quite rapidly.

So here we have a person tied to the government basically saying these guys don't know what they are talking about; the numbers don't bear this out. And then we have someone who reminds them that he is on the front lines. That is what Mr. Funk is doing. He is very clear. He says, ''We are out there on Main Street and Obamacare is affecting the job hiring picture.''

Listen again to what Patty from Kissimmee says in her e-mail. This is what she says:

I have lost the hours that made it possible to live in a severely reduced income and know that I will never get those hours back as positions have been created by the extra hours.

Do my colleagues know what she is saying? She is saying what they have done is reduced her hours and then just hired additional people to make it up. They have created another part-time job to make up for it. This is the impact of ObamaCare.

By the way, with all due respect to my colleagues, I will tell my colleagues right now in case people are wondering, every single member of the Republican Conference here in the Senate is prepared to repeal ObamaCare right now. The debate we are having in the party is about the tactics, the right way to do it. The one thing I would say, however, is what the last day has provided us, which is an extraordinary opportunity to tell these stories.

There is more. Here is an e-mail from Bill in Panama City, FL. That is in northwest Florida, a great place for spring break if you are in college and can afford to go. Maybe you lost your part-time job so now you can't. Bill says:

This is just a note to let you know that you can include me as another one of your constituents who has seen my health care cost go up by over $200 a month. I also just learned that my girlfriend, who works for a major corporation, is losing her health care after she retires because of Obamacare. I hope you will continue your fight to defund this disastrous bill.

I wish, Bill, that—I obviously feel terrible for the situation you are facing and certainly for the situation your girlfriend is facing. Unfortunately, you are not alone.

Let me read something to my colleagues that Jim Angle from Fox News published on the 24th of this month, I guess that was yesterday, right? He tells the story of Andy and Amy Mangione of Louisville, KY, and of their two boys. He leads off by saying:

These are just the kind of people who should be helped by ObamaCare, but they recently got a nasty surprise in the mail.

''When I saw the letter when I came home from work,'' Andy said, describing the large red wording on the envelope from his insurance carrier, (it said) ''your action required,

benefit changes, act now.'' Of course I opened it immediately.

Guess what that letter that was in the mail said? It had stunning news. His insurance—the insurance for his family, his two boys, his wife and him—insurance they were buying on the individual marketplace—was going to almost triple next year, from $333 a month to $965 a month. In the letter, the carrier made it clear that the increase was in order to be compliant with the new health care law.

He goes on to say:

This isn't a Cadillac plan, this isn't even a silver plan. This is a high deductible plan where I'm assuming a lot of risk for my health insurance for my family. And nothing has changed, our boys are healthy—they're young—my wife is healthy, I'm healthy. Nothing in our history has changed to warrant a tripling of our premiums.

His wife adds:

Well, I'm the one that does the budget. Eventually, I've got that coming down the pike that I gotta figure out what we're gonna do, to afford a $1,000 a month premium.

The insurance carrier, Humana, declined to comment, but the notice to the Mangiones carried this paragraph: If your policy premium increased, you should know that this isn't unique to Humana—premium increases generally will occur industry-wide.

Increases aren't based on your individual claims or changes in your health status.

It continued:

Many other factors go into your premium, including: ACA compliance—

which is ObamaCare—

Including the addition of new essential health benefits.

Robert Zirkelbach, who is the spokesman for American Health Insurance Plans, which represents insurers, explains that:

For people who currently choose to purchase a high-deductible, low-premium policy that is more affordable for them, they are now being required to add all of these new benefits to their policy. That,

He says,

is going to add to the cost of their health insurance premiums.

This is a real life story. It is not a letter from a millionaire or billionaire, and this is not the story of a millionaire or billionaire; this is the story of a husband and wife and two children who are buying insurance as individuals from the individual marketplace who will now have to cobble together another $700 a month and they have no idea how they are going to do it. This is the real story of ObamaCare. Here it is. These are the people we are supposed to be helping. These are the people who—when they passed this thing, they went around telling people, We are going to help you get insurance. These are the people it is supposed to be helping, but look what it is doing. I wish that was the only example, but I have an e-mail here from Florida that says that, too. Here is another one from Barbara in Palm Coast, FL:

I am a master's level RN who up until last week held a good job with good benefits. Due to the many new restrictions on employers, I have been reduced to part-time without benefits at age 64.

It is starting to sound like a broken record.

Many healthcare workers are being cut in hours due to Obamacare. My company tried to offer me an insurance plan that I could afford to purchase, but I received a letter stating that it didn't meet the standards of the Affordable Care Act, and so I had until January 1st to purchase more costly insurance or have consequences.

She writes:

This is a terrible, despicable law—

And I agree—

that has damaged many more people than just myself.

Then she closes with this extremely powerful sentence. This is not from a millionaire or a billionaire, from the infamous 1-percenters that we hear these protesters against. This is from a nurse in Florida, and here is what she finishes with:

I just want to live in a free country where I can work hard and support myself. Repeal Obamacare.

Well, one may ask themselves: Is this really happening? People are losing access to their coverage? Let me read something from a conservative, right-wing newspaper, ''The New York Times,'' dated September 22, 2013:

Federal officials often say that health insurance will cost consumers less than expected under President Obama's health care law. But they rarely mention one big reason: Many insurers are significantly limiting the choices of doctors and hospitals available to consumers.

One more impact of ObamaCare.

. . . They have created smaller networks of doctors and hospitals than are typically found in the commercial insurance plans.

In a new study, the Health Research Institute of PricewaterhouseCoopers, the consulting company, says that ''insurers passed over major medical centers'' when selecting providers in California, Illinois, Indiana, Kentucky and Tennessee, among other states.

In New Hampshire, Anthem Blue Cross and Blue Shield, a unit of WellPoint, one of the Nation's largest insurers, has touched off a furor by excluding 10 of the state's 26 hospitals from the health plans that it will sell through the insurance exchange.

Anthem is the only commercial carrier offering health plans in the New Hampshire exchange.

What does this mean? Let me tell my colleagues what it means. ObamaCare says if you can't find insurance, we are going to set up these government exchanges. Theoretically, that is not a terrible idea. You go online, you shop between different companies, they compete against each other, you find a price that works for you, you find coverage that works for you, and that is where you are going to be required to go. That is where the people who got cut off from Walgreens insurance plans have to go now. It is where a bunch of other people have to go.

What are these companies doing? There are a couple of things happening. First, in States such as New Hampshire, only one insurance company applies. There is no choice. There is no competition. The exchange is one company: Anthem.

No. 2, what are these companies doing in order to offer these plans? They are basically narrowing the doctors and the hospitals that will see you. One may say, at least I get to go to a hospital or a doctor. Let me tell my colleagues where the problem is. Remember what they said when this passed? If you have health insurance and you like it, if you have a doctor and you are happy with that doctor, you can keep it? Not if you are on the exchange. If they are narrowing the number of people, the number of doctors and providers, that means chances are that you will no longer be able to keep going to the same doctor and the same hospital you were going to before.

So now let's work that out. Let's walk through this for a second. Put yourself in the position of this nurse who wrote to us. Let's say you are chronically ill. Let's say your child has asthma or some other condition. Let's say you have four healthy kids but you have to take them to the doctor at least once a year, right? You love the doctor you go to. They know your family and your history. When you have a problem you can call them on the phone at 2 in the morning and you get a call right back, avoiding emergency room visits, by the way; you can get your doctor on the phone. Now you wake up and all of a sudden your company comes to you and says the insurance plan you are on right now, we are not offering it anymore, go get it on the exchange.

So you go over to the exchange and you find two things: No. 1, it is more expensive, and, No. 2, your doctor ain't on the plan. That is a broken promise. That is specifically what they said this law would not do, and that is what it is doing.

This is the real-life story of what is happening. You want to know why there is passion about this issue? You want to know why every Republican Member of the Senate wants to repeal this thing? You want to know why privately some Democrats wish it would go away? Because of this. This is whom we are fighting for. This is not just a fight against a bad law. This is a fight on behalf of people across this country who are going to get hurt by this.

By the way, I have no idea—these people who have written me or others who are suffering, I do not know whom they voted for in the last election. It does not matter. I do not know if they ever voted for me in 2010. I do not know if they supported the law when it first came out. But I know they are being hurt by this, and I know they are being hurt by this in ways that will hurt all of us, that will hurt every single one of us.

I talked about it earlier this morning. I repeat it today: There is nothing more important than preserving, reclaiming, and restoring the American dream. It is the essence of what makes us special as a country. It separates us from the world.

What is the American dream? It is pretty straightforward. This is a country where if you work hard and you sacrifice, you should be able to get ahead and earn a better life for yourself and for your family. Does this sound like the story of a law that is making it easier for people to get ahead? Does being moved from full-time to part-time work make it easier to get ahead? Of course not. Does losing a doctor whom you are happy with make it easier for you to get ahead? Of course not. Does the fact that businesses are not hiring make it easier to get ahead because they are afraid of ObamaCare? Does it make it easier to get ahead? Of course not. Does having your hours reduced from 29 to 26—or whatever the figure was I read a moment ago—does that make it easier to get ahead? Of course not.

If for no other reason, this law needs to be repealed because of the impact it is having on the American dream. I will reiterate what I have said time and again on this floor and here as part of this process: You lose the American dream, you lose the country. What you have then—what you have then—is just another rich and powerful country but no longer an exceptional one.

The American dream is at the cornerstone of what makes us different and special, and it is being threatened by this. That is why I feel so passionately that we must do everything we can—everything we can—to call attention to what this is doing and try to change it.

I think if nothing else, Senator, the great service of these last—what is it now? 19 hours, as your tie continues to loosen—if nothing else, I think people today across this country know more about this law and its impacts than they did 1 day ago. If nothing else, the people in this country are now increasingly aware of all the implications of this law on their lives, on their dreams, on their hopes, and on their families.

I believe this is just the beginning, and I hope we can prevent these harmful effects from happening. But it does not sound like it. It sounds like there are still people here who are willing to shut down the government unless this thing is fully funded, unless we continue to pour your hard-earned taxpayer dollars. The irony of it is, for Luis in Cutler Bay, for Patty in Kissimmee, for Bill in Panama City, for Barbara in Palm Coast, FL, for all the people who were cited in these articles, for the Mangione family in Louisville, KY, guess whose money is paying for this disaster. Yours. Your taxpayer dollars are paying for this catastrophe because of the stubbornness of saying: This is our law, and we are going to go through with it, no matter all these anecdotal things that are coming out.

By the way, the only way you can get relief from the negative impacts of this law is if you can afford to hire a lobbyist to come up here and get you a waiver. The only way you can avoid some of the disastrous impacts of this law is if you can somehow figure out a way to influence this administration to write the rules in a way that benefits you.

That is wrong. That is wrong. I hope we will do something about this. I think the last 19-some-odd hours have been a huge step in that direction.

I guess my question to Senator CRUZ would be: I am sure he is getting letters such as these from Texas and across the country given the events of the last day. This is what this is all about, isn't it? This is not a fight just against a law; this is a fight on behalf of the people who are being hurt by it in the most fundamental way possible. It is hurting their hopes and dreams they have for themselves, for their families. It is undermining the American dream. Is that not what this is all about?

Mr. CRUZ. I thank the junior Senator from Florida, and I would note that is precisely what this is about. This is a fight for the millions of men and women who are facing a stagnant economy, who are facing jobs that are drying up or disappearing altogether, who are finding themselves being forcibly put in part-time work, being forced to work 29 hours a week or less, who are finding their health insurance premiums skyrocketing, and who are being threatened or facing already their health insurance being taken away. All of these are the very real consequences of ObamaCare right now for millions of Americans.

Listen, there are people in this body who in good faith 3½ years ago could have believed this was a good idea, it might work. I did not think it at the time, but I understand that people in this body did.

At this point, with all the evidence, I would suggest that case can no longer be made, that the evidence is abundantly clear. It is why the unions are jumping ship. It is why Members of Congress have asked for an exemption. It is why it is now abundantly clear that this train wreck, this nightmare, is hurting Americans all over this country.

I will note a couple of things. First of all, I note that my assistant majority leader is on the floor, and I would make a request that either—I do not know if the assistant majority leader is in a position to speak for the majority leader or, if he is not, I would make a request, if the majority leader is monitoring this proceeding, that he come to the floor because I would like to promulgate a series of unanimous consent requests. I do not want to surprise the majority leader or the assistant majority leader, so I would like the opportunity to explain those requests before promulgating them, to give Democratic Party leadership an opportunity to think about it, to spend a little bit of time contemplating it, to make a decision whether they would consent.

So I would make a request, unless the assistant majority leader is prepared to speak for the majority leader, that I would ask that the majority leader, if he can—I know his schedule is certainly very busy—but I would ask if he can come to the floor so I may lay out the unanimous consent requests that I would like to promulgate.

I would also note that for some time Senator GRASSLEY from Iowa has been waiting, and he has requested time to raise a question. So if Senator GRASSLEY at this point would like to ask a question——

Mr. DURBIN. Mr. President, I would like to enter into a dialog with the Senator from Texas without jeopardizing his control of the floor, if I could have consent for that purpose.

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

Mr. CRUZ. On the condition that it does not jeopardize in any way my full control of the floor, I am amenable to that request.

Mr. DURBIN. First, I do not come in the place of the majority leader. He will speak for himself. We do not know what the Senator's unanimous consent requests might be. If the Senator would articulate it, describe it, I am sure we will take it under consideration, as we do with any request from any Senator. But this comes as a surprise at this moment, as the Senator can understand.

I just wished to come to the floor and continue the dialog we started last night. After listening to my friend and colleague Senator RUBIO describe a situation, I wanted to ask the Senator from Texas, if I could, a question about the situation he described.

Senator RUBIO talked about the insurance exchanges and the insurance marketplaces and the fact that some of the lowest cost health insurance plans that are being offered have limitations as to doctors and hospitals that a person can use under those low-cost plans.

I would ask the Senator from Texas—I talked to him last night about Judy, who is a housekeeper at a motel in southern Illinois. She is 62 years of age. She has worked her entire life, has never had health insurance one day in her life—not once—never had it offered by an employer, never could afford it, and now will be able to have health insurance for the first time in her life, and she qualifies under Medicaid in the State of Illinois. She will not pay for it. It is going to be coverage. In her case, even a limitation on doctors and hospitals is a dramatic improvement over no doctor, no hospital, and relying on emergency rooms for her diabetes.

So I would ask the Senator from Texas, try to put yourself in the shoes of this woman who has worked her entire life. If you are being told you have a limitation on doctors and hospitals you can use, but you have health insurance, isn't that a dramatic improvement over a lifetime of no health insurance?

That is what ObamaCare is going to offer to her for the first time in her life. To say that we should not give her that opportunity is akin to someone

saying: If you can't fly first class, you can't get on the airplane. Listen, a lot of people would be glad to sit back in economy if they could just make the trip that the Senator and I can make because we are blessed with health insurance.

I would say to the Senator, as you condemn ObamaCare, I go back to the question I asked you last night: Judy, 62 years old, a lifetime of work, diabetes, first chance to get health insurance—do you want to abolish the ObamaCare program that will give Judy that first chance?

Mr. CRUZ. I thank the Senator from Illinois for that question, and I would respond threefold.

No. 1, for Judy, as the Senator describes her circumstances, I would certainly support health care reform that increases competition and increases free market alternatives that lower the rate of health insurance that is available to people by allowing interstate competition, creating a national marketplace. But, in my view, any health care reform should empower individuals and patients to make health care decisions in consultation with their physicians—not having a government bureaucrat get in between them and their doctor.

If I may finish the remainder of my points, concomitantly, the Senator has told the story of Judy, and I do think we should have reforms to address her circumstance, but over the course of the last many hours we have read scores, if not hundreds, of stories that are a small representation of the thousands or millions of people who are losing or are in jeopardy of losing their health insurance right now. They have to be balanced in this equation as well.

ObamaCare is causing people all over this country to lose their health insurance or be at risk of losing their health insurance, and I am sure if I were to promulgate the question to the Senator from Illinois: Do you want all of these people who are losing their health insurance to lose their health insurance—all of the names I read—I am sure the Senator would say no. But to date, no one on the Democratic side of the aisle has proposed any way to fix that.

Let me make a second point, and then I am going to have a third point. Then, if the Senator would care for another question, I am happy to do my best to respond.

The second point: The Senator from Illinois made a reference to Judy not needing to be in first class but being content to be in coach. I think that analogy is a powerful one, but what it highlights is the special exemption that has been put in place for Members of Congress. Because President Obama has put an exemption in place for Members of Congress that says: Members of Congress will fly first class, to use the Senator's airline analogy, but average Americans who are being forced onto exchanges, where their employers cannot subsidize their premiums, are not even flying coach. They are being put in the baggage department.

I will say I agree with the intent and the spirit of Senator GRASSLEY's amendment to ObamaCare that was adopted, that is part of the law that the President is disregarding, which is that if we are going to force millions of people to lose their health insurance, be forced into these exchanges, then we should have skin in the game. Congress should not be treated any better than the millions of Americans we are forcing onto the exchanges.

Mr. DURBIN. Will the Senator yield on that point?

Mr. CRUZ. Let me make my third point, and then I am happy to yield at that point for a question.

The third point is twice I have read in the course of this debate the letter from Mr. Hoffa, the head of the Teamsters.

I assume the Senator from Illinois has read that letter. In fact, I expect the Senator from Illinois has had direct conversations with the author of that letter. I do not know that.

I would ask the Senator from Illinois, No. 1, has he read that letter; No. 2, does he think Mr. Hoffa is telling the truth; and No. 3, in particular, does he agree with the following paragraph?

> On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and wellbeing of our members along with millions of other hardworking Americans.

So my question is, does the Senator believe Mr. Hoffa is telling the truth when he says that? If so, does the Democratic majority in this body have any plans, any proposals, any amendments to fix that problem for what Mr. Hoffa describes as ''millions of working men and women'' whose health care will be—the word he uses—destroyed.

I am happy to hear the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Texas for this dialog. First class health care. Let me tell you who has first-class health care. The Senator from Texas has first-class health care. The Senator from Illinois has first-class health care. You see, Members of Congress, Members of the Senate and the House, under the Federal Employees Health Benefits Program, have the best health insurance in America. We fly first class. Our employer, the Federal Government, as it does for every other employee, pays 72 percent of the monthly premium. Some 150 million Americans have that benefit where an employer pays some share of it. Ours pays 72 percent. We are lucky. We are fortunate. So are our families and so are our staff.

But what the Senator is saying in abolishing ObamaCare, you not only want to fly first class, you do not want other people to get on the plane. Fifty million Americans have no health insurance. You want to abolish the opportunity through the marketplace for them to buy affordable health insurance for the first time in their lives for many people. That is what it comes down to.

Don't say you want Members of Congress treated like everybody else if you are currently under the Federal Employees Health Benefits Program. May I ask Senator CRUZ, are you currently—you and your family—covered by the Federal Employees Health Benefits Program, which includes a 72-percent employer contribution from the Federal Government for your family's health care protection?

Mr. CRUZ. I appreciate the Senator's question, but I will answer the Senator's question when the Senator first answers the three questions I asked him, none of which the Senator has chosen to answer, namely: Have you read Mr. Hoffa's letter? Do you agree with that paragraph? Do you think he is telling the truth? What, if anything, does the Democratic majority purport to do about millions of working men and women whose health care, according to Mr. Hoffa, is being destroyed?

I would note that the Senator from Illinois made an allegation impugning my motive, saying that I wanted 50 million people to be denied health care. Let me be very clear. That statement is categorically false. I want a competitive marketplace where health care is accessible, it is affordable, where it is purchased across States lines, where it is personal, where it is portable, and where people have jobs so they can get health insurance. ObamaCare is what is denying health insurance to millions of Americans. If you do not take my word for it, I assume you do not contend that Mr. Hoffa is being less than truthful?

Mr. DURBIN. I would like to respond to that. If this were a courtroom—and you are an attorney, and I once practiced law myself—I would say: Your Honor, the witness refused to answer the question about his very own health insurance policy.

Now let me address the issue about Mr. Hoffa. I have been approached by many labor unions. Some of them have Taft-Hartley plans, some of them have trust fund plans, some have multistate plans. They need provisions made in the ObamaCare law to deal with their specific circumstances.

Under the ordinary course of legislative and congressional business, over the last 3 years we would have addressed these anomalies in the ObamaCare program. Sadly, we cannot get anyone to come to the table from the Senator's political party. Now 42 or 43 times the House Republicans have voted to abolish ObamaCare. Not once have they proposed sitting down to work out any differences, work out any problems within the law. I am prepared to do that. I have told the labor unions, including Mr. Hoffa, the same. I know the administration feels the same. But, unfortunately, those who are opposed to this plan want it to descend into chaos. They want as much confusion,

as many problems as possible. They do not want to work to cover the 50 million uninsured in America.

What the Senator just described and said he could sign up for, frankly, is ObamaCare. We are talking about a marketplace. Do you know how many companies will be offering health insurance in the State of Texas under the ObamaCare plan? Let me make sure I get this correct. My understanding is that at least 54 plans are going to be offered in the State of Texas—54. There will be choice and a marketplace for the first time ever for many people who were stuck with one plan or who could not get into any plan.

Let me ask you this question as we get back to this point. Does the Senator still believe we should abolish the provision in ObamaCare that says you cannot discriminate against people with preexisting conditions who apply for health insurance?

Mr. CRUZ. I will answer that question. Since I have not yielded the floor, I would like to make a broader point after that and have a colloquy. I will point out why, which is that we are operating under some time constraints. So I want to do what the Senator asked of detailing the unanimous consent requests that I want to promulgate so he and the majority leader may consider them. I also want to be respectful of Senator GRASSLEY and Senator SESSIONS, who have been waiting to speak. The Senator and I have engaged in multiple exchanges, both now and earlier, and so I want to be respectful of the other Senators on the floor.

But let me answer the question. I believe we should repeal every word of ObamaCare. I think it has failed. I agree with James Hoffa that on behalf of millions of working men and women and the families they support, that ''the Affordable Care Act will destroy the very health and well being of our members, along with millions of other hard-working Americans.'' So I think we should repeal it. I think we should defund it in the interim. This is not a fight over repealing, it is a fight over defunding it. Then I think we should adopt free market plans to lower prices, make health care more affordable, make it portable, and allow it to go with individuals.

Mr. DURBIN. Now will the Senator answer my question of whether his family is protected by the government-administered Federal Employees Health Benefits Program—the best health insurance in America—where his employer, the Federal Government, pays 72 percent of his monthly premium? Will the Senator from Texas for the record tell us—and those who watch this debate—whether he is protected.

Mr. CRUZ. I am happy to tell the Senator. I am eligible for it. I am not currently covered under it.

Let me note that the Senator from Illinois embraced the analogy and said: Yes, we in Congress have first-class health care. Under his analogy, he wants to stick Judy in coach class. What Senator GRASSLEY's amendment was all about is, you know what, if you stick Judy in coach class, guess what. Members of Congress are going back in coach class. The Senator and I may disagree. I do not think Judy is in coach class, I think she is down in the baggage claim.

Regardless, in his hypothetical the Senator is conceding that the congressional health care plan right now is better than Judy's under ObamaCare, and he is saying that he supports a special exemption for Members of Congress that Judy does not get.

I agree with Senator GRASSLEY's amendment that we should not be forcing millions of Americans into coverage we are not willing to experience. I recognize the passion of the Senator, but I would note that I have not yielded the floor.

I would like to describe the unanimous consent requests that I would like to promulgate. I would ask the assistant majority leader and the majority leader to confer with my staff and simply let me know if these requests would be amenable. I am not promulgating them at this time because I do not want to surprise leadership staff without giving you time to consider them.

The first unanimous consent request that I would propose to promulgate is a request that we vitiate the cloture on the motion to proceed that is scheduled this afternoon and agree by unanimous consent to proceed to this bill. To my knowledge, I am not aware of any Senator in this body who opposes proceeding to this bill. I think all of us agree that we should proceed to this bill, we should keep the government open. Some of us think we should keep the government open and defund ObamaCare, others think we should fund it, but to the best of my knowledge, no one disagrees. So if the majority is amenable, I would propose vitiating the cloture motion and simply agreeing to the motion to proceed. That would be the first unanimous consent request I would promulgate if it is agreeable to the majority.

The second unanimous consent request that I would promulgate is, if it is agreeable to the majority, as I understand in the timing, all of the delays are put in place. Cloture on the bill would be scheduled to occur on Saturday. In my view, in order to defeat cloture on the bill—you know I want to defeat cloture on the bill. That is no secret. I think the best chance to defeat cloture on the bill is for this bill to be visible to the American people—highly visible. So accordingly, I would be amenable to shortening the time for postcloture debate such that that vote on cloture on the bill occurs on Friday afternoon rather than Saturday. Why is that? Because I think that on a Friday afternoon, a lot more American people are going to pay attention to what we are doing than a vote on Saturday during football games and when people are paying attention to other things. That may or may not be amenable to the majority, but if it is, we can shorten this time by a period because I think we have a better chance in prevailing in this fight if that vote—I note the majority leader is here. I do not know if he heard the initial unanimous consent, which, if it is amenable to the majority leader, we would negotiate the language with him and promulgate.

So the first one I offered, Mr. Leader—and I have not yielded the floor, but I am describing during my time on the floor the unanimous consent requests I would promulgate if the majority would be amenable. The first would be to vitiate the cloture request and simply agree on the motion to proceed because to my knowledge everyone in this body agrees we should proceed to this bill, although we have sharp disagreements on what we should do.

The second unanimous consent request, if it is amenable to the majority, that I would suggest—and I think the majority leader heard this as he was walking in—is to agree to shorten the time of postcloture debate such that cloture on the bill would occur Friday afternoon rather than Saturday. The reason is—I am being very transparent about my reasoning. I think it is better for this country if this vote is at a time that is visible for the whole country so that the American people have a voice in it. I think sticking it in Saturday in the middle of football games disserves that objective.

Then the third request—if the majority leader would be amenable—I would put forward is, as I understand it, under the rules of the Senate, in some 35 minutes, my time will be automatically cut off as the new legislative day begins and it begins with a prayer. When I started this filibuster yesterday afternoon, I told the American people that I intended to stand until I could stand no more. I will observe to the majority leader that although I am weary, there is still at least strength in my legs to stand a little longer. So the third thing I would simply ask is if the majority would consent to allow me to speak until the conclusion of my remarks and then begin the next legislative day and have the prayer at the conclusion of those remarks. If the majority says no, then my time will end at noon under the rules of the Senate. So it is entirely up to the majority whether to let me continue to speak. But given that I began by saying I will speak until I can stand no more, I believe I should at least ask if those consents are amenable.

I would note that under the rules of the Senate, if the majority leader cares to ask a question, I can yield for a question in which he might share his views or, if the majority leader wants to think about it, to discuss it with his staff, then I would note that the majority leader could simply convey to my staff if any or none of those unanimous

consent requests are amenable. If none of them are, that is fine and we will conclude at noon.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, is there a consent?

Mr. CRUZ. I want to clarify. I have the floor. I have not yielded the floor to anyone. Neither the majority leader nor any other Member has the right of recognition right now. If the majority leader wishes, he may ask me to yield for a question. I might yield for that limited purpose. But other than that, no one has the floor, if I understand the rules of this body correctly.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRUZ. So I make that note. If the majority would care to ask a question, I would be amenable to yielding for a question. If the majority leader would not, that is certainly his prerogative, and I am happy to continue talking about the issues this debate has focused the country on because they are issues of vital importance.

Mr. REID. I am without a question.

Mr. CRUZ. Mr. President, I would simply note to the majority leader that if those unanimous consent requests are amenable, I would ask that his staff convey that to my staff. If they are not, I would ask that his staff convey that to my staff simply so we know which way to proceed. Regardless, I want to make sure before we wrap up because I assume now in 31 minutes we will be concluded. I want to yield to Senator GRASSLEY in just a moment because I do not want to miss—I apologize to Senator GRASSLEY, but I do not want to miss the opportunity within the limited time to do something that is imperative that I do, which is to thank the men and women who have endured this Bataan Death March. I want to take a little bit of time to thank them by name.

I would like to start by thanking the Republican floor staff and cloakroom. I thank Laura Dove for her fairness, for her dealing with crises and passion on all sides, and for her effectiveness in the job. This is an interesting occurrence to occur so early in her job. I thank her for her service.

I wish to thank Robert Duncan, Patrick Kilcur, Chris Tuck, Megan Mercer, Mary-Elizabeth Taylor, and Amanda Faulkner.

I wish to thank Democratic floor staff and cloakroom: Gary Myrick, Tim Mitchell, Trish Engle, Meredith Mellody, Dan Tinsley, Tequia Delgado, Brad Watt, and Stephanie Paone. I wish to thank the clerks and Parliamentarians. I wish to thank the Capitol Police, the Sergeant at Arms, and the Secretary of Senate employees.

The Parliamentarians are Elizabeth MacDonough, Leigh Hildebrand, Mike Beaver; the Legislative Clerk, Kathie Alvarez; the Journal Clerk, Scott Sanborn; the Bill Clerk, Mary Anne Clarkson; the Daily Digest, Elizabeth Tratos; the Enrolling Clerk, Cassie Byrd; the chief reporter, Jerry Linnell; CONGRESSIONAL RECORD, Sylvia Oliver, Val Mihalache, Pam Garland, Desi Jura, Joel Breitner, Doreen Chendorain, Julie Bryan, Patrick Renzi, Mark Stewart, Wendy Caswell, Ann Riley, Patrice Boyd, Mary Carpenter, Octavio Colominas; captioning, JoEllen Dicken, Jim Hall, Sandy Schumm; Sergeant at Arms and Secretary of the Senate employees; the Senate pages, many of whom I caused to miss school. I appreciate you all for enduring this, and all those who work in the Capitol complex.

I wish to thank my entire staff, many of whom have been here all night.

I ask unanimous consent to have printed in the RECORD a note of sincere gratitude to my staff, who worked tirelessly to help me prepare and sustain extended floor remarks. I especially appreciate their appearance in the Chamber throughout the night, which was a great source of encouragement. I extend my appreciation to each of the following individuals:

Chip Roy, Chief of Staff; Sean Rushton, Communications Director; Amanda Carpenter, Speechwriter & Senior Communications Advisor; Catherine Frazier, Press Secretary; Josh Perry, Digital Director; Brooke Bacak, Legislative Director; Jeff Murray, Deputy Legislative Director; Scott Keller, Chief Counsel; John Ellis, Senior Counsel; Bernie McNamee, Senior Domestic Policy Advisor and Counsel; Kenny Stein, Legislative Counsel; Alec Aramanda, Legislative Assistant; Max Pappas, Director of Outreach & Senior Economist; Victoria Coates, Senior Advisor of National Security.

Jeremy Hayes, Military Legislative Assistant; David Milstein, Research Assistant; Dougie Simmons, Director of Scheduling; Christine Shafer, Deputy Director of Scheduling; Kimberly Henderson, Administrative Director; Dan Soto, IT Director; Amy Herod, Scheduling Assistant & Assistant to the Chief of Staff; Hunter Rome, Legislative Correspondent; Samantha Leahy, Legislative Correspondent; Martin Martinez, Legal Assistant; Melanie Schwartz, Legislative Correspondent; Caitlin Thompson, Legislative Correspondent; Ben Murrey, Legislative Correspondent; Brittany Baldwin, Press Assistant; Nico Rios, Staff Assistant; John Landes, Staff Assistant.

I wish to thank Democratic Senators who have presided: Senator BALDWIN, Senator MANCHIN, Senator WARREN, Senator DONNELLY, Senator KAINE, Senator MURPHY, Senator SCHATZ, Senator BALDWIN again, Senator DONNELLY, Senator DURBIN, Senator HEITKAMP, and Senator MARKEY.

I wish to thank the Republican Senators who have spoken in support of our efforts: Senator SESSIONS, Senator RUBIO, Senator PAUL, Senator INHOFE, Senator ENZI, Senator ROBERTS, Senator VITTER, and very soon, Senator GRASSLEY.

I wish to thank the House Members who have come over. Representative AMASH, Representative BROUN, Representative HUDSON. I wish to make a special note of Representative GOHMERT who was here the entire night enduring this.

I wish to make a point, particularly to the floor staff and to everyone: You all didn't choose this. I appreciate the hard work and diligence going through the night. That is not part of your typical job responsibility. I would not have imposed on your time and energy if I did not believe this was an issue of vital importance to the American people. I wish to thank you for your hard work, diligence, and cheerfulness through what has been a very long night.

I wish to thank, second to last, Senator MIKE LEE. Senator MIKE LEE began this fight. Senator MIKE LEE has been here throughout the course of this battle. Senator MIKE LEE has been always cheerful, always focused, always ready to march into battle and always ready to focus on the ultimate objective, which is serving the American people by standing and fighting to stop the train wreck, the nightmare, the disaster that is ObamaCare.

We wouldn't be here if it weren't for Senator LEE's principle, for his courage, for his bravery under fire. I feel particularly honored to serve as his colleague and consider him a friend.

Last, I wish to thank the American people. I want to thank people all across the country who watched on C–SPAN, tweeted, engaged, and have been involved in this process. This is ultimately about the American people. What this whole fight is about is whether this body, the Democratic Senators and the Republican Senators, will change the broken ways of Washington and start listening to the people. That is what this fight is all about.

With those thank yous, I apologize, but I felt obliged to conclude before 12 o'clock when my time will be cut off by force. I will note at this point Senator GRASSLEY had wished to ask a question.

I am prepared to yield for a question if Senator GRASSLEY wishes to ask me a question.

The PRESIDING OFFICER (Ms. BALDWIN). The majority leader.

Mr. REID. I ask my friend from Texas to yield to me, without losing his right to the floor, for a colloquy.

The PRESIDING OFFICER. Will the Senator so yield?

Mr. CRUZ. With the reservation that I do not lose the right to the floor, I am pleased to engage in a colloquy with the majority leader.

Mr. REID. Madam President, first, this is not a filibuster. This is an agreement that he and I made that he could talk.

Let me say this: We are going to have a vote about 1 o'clock today. After that is over, we will follow the rules of the Senate. My goal is to get this to the House of Representatives as quickly as possible.

I think a lot of this time has been—without talking about what has transpired at this point—I would hope that we could collapse the time dramatically and move forward so the House of Representatives can get what we are going to send back to them.

There is a possibility they may not accept what we send them. They may

want to send us something back. If we use all this time under the rules as they now exist——

Mr. CRUZ. I have decided to not yield my right to the floor. I was amenable to a colloquy. The majority leader is giving a speech.

Given that, as I understand, the majority leader is not going to consent to extend the time, I have 24 minutes, I am going to reassert my time on the floor since I have not yielded my time on the floor.

Mr. REID. If I could ask for a unanimous consent agreement with my friend.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. There is objection. I am sorry. I cannot be asked to consent to an unnamed consent agreement.

Given that the majority leader, as I understand, is not going to consent to extend my time, then let me say quite simply to the majority leader that I will yield time to him for a question when the majority leader is prepared to yield to the American people. But I am not prepared to yield prior to that because Senator GRASSLEY, Senator SESSIONS, and Senator INHOFE are waiting to speak. I believe they are endeavoring to listen to the American people. If the majority is going to cut off and muzzle us in another 24 minutes, then at this point I don't feel it is appropriate to allow the majority leader to consume that time.

I will note to any Senators who were here—if anyone would care, I know a number of Senators are waiting to ask questions, I am prepared to yield to a question from any of them.

Mr. REID. I have a question I wish to ask my friend from Texas.

The PRESIDING OFFICER. Will the Senator from Texas yield for a question without losing the floor?

Mr. CRUZ. I yield for a question without yielding the floor.

Mr. REID. Between 12 and 1 o'clock, would my friend yield to Senator MCCAIN for 15 minutes of that time?

Mr. CRUZ. That question is asked, but it will not prove necessary, absent the consent that I promulgated. I am assuming it would not be acceptable to the majority because my time will end at noon. There is nothing left to yield because, as I understand it under the Senate rules, when the new legislative day begins and the prayer begins, my time yields.

Mr. REID. Madam President, he has the right to speak from 12 o'clock to 1 o'clock. What I am asking the consent for is would he allow, during that period of time, Senator MCCAIN to speak for 15 minutes.

Mr. CRUZ. It is my understanding my time expires at noon. Absent a consent to extend it, I will honor the Senate rules and allow my time to expire at noon, so there is nothing to yield.

I will note Senator SESSIONS is standing.

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

Mr. CRUZ. I yield for a question without yielding the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. Does the Senator from Texas yield for a parliamentary inquiry?

Mr. CRUZ. Given the majority leader has cut off our time in 20 minutes, no, I am sorry, I do not. The majority leader was welcome to come down any time in the last 20 hours and ask parliamentary inquiries or questions. I would note Senator DURBIN did so, Senator KAINE did so, others Senators did so.

At this point, our time is expiring and I wish to allow other Republican Senators who appeared and asked to ask questions to have the opportunity to do so.

The PRESIDING OFFICER. The majority leader.

Mr. REID. May I direct a question to my friend from Texas?

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. CRUZ. I yield for one more question without yielding the floor.

Mr. REID. The question is the Senator seems to not understand that he has time, after the prayer is given at 12 o'clock, time until 1 o'clock. During that period of time my question was, because the Senator still has the floor, would the Senator yield 15 minutes to JOHN MCCAIN.

Mr. CRUZ. It is my intention, if the consent request that I asked is not agreed to, to accept the end of this at noon under the Senate rules.

Mr. REID. I understand.

The PRESIDING OFFICER. Does the Senator from Texas yield for a question?

Mr. CRUZ. I yield for a question without yielding the floor.

Mr. SESSIONS. I thought that a very gracious question of the author of unanimous consent, that we would vitiate the vote and 30 hours of debate. The Senator asked very little in exchange for it, other than to continue to talk.

Mr. CRUZ. Let me briefly clarify, I asked nothing in exchange for that. None of those were contingent on each other. Those were three independent unanimous consent requests—which the majority leader wanted consent to any of those. It wasn't an offer of horse trade, it was simply—I think all three of those make sense. I think any one of the three of them makes sense. If he chooses to reject them all, that is his prerogative and that is fine. I was only suggesting we not waste this body's time by doing so.

Mr. SESSIONS. To follow up on that then, it seems to me that what the Senator was saying would be an offer that most everyone here would be pleased to receive and accept, unless they have some surreptitious motive.

In addition, I think the Senator's continued request to be allowed to continue to speak is reasonable. I think the Senator has earned the right to ask that. The Senator has now spoken. The American people are watching the fourth longest time any filibuster or floor time has been held by a Senator. I think that is a perfectly reasonable request. It will allow the Senator to continue to express the concerns that he has expressed. I am somewhat taken aback that it wasn't agreed to.

Again, to make clear, it would seem to me little if any reason that they would object to that, the majority would object to that.

Mr. CRUZ. I thank my friend from Alabama.

I would note that unfortunately I am not surprised that none of the consents were taken. I note the first two consents, one would think, would be quite amenable. Yet, look, throughout this debate, the problem has been the majority does not wish to listen to the American people and doesn't want a debate in front of the American people, particularly about the merits of ObamaCare. They don't want to talk about how ObamaCare is failing millions of Americans. They don't want to talk about how millions of Americans are losing their jobs and how they are not being hired. They don't want to talk about how millions of Americans are facing being pushed into part-time work. They don't want to talk about how millions of Americans are either losing their health insurance or are at risk of losing their health insurance.

This process is all about, sadly, the Democratic majority not listening to the American people. The whole purpose of this filibuster was to do everything we could to draw this issue to the attention of the American people so the American people could be heard.

If the American people speak with sufficient volume, I continue to have confidence that this body, that the Senators on both sides of the aisle, will have no choice but to listen.

Given that we have 16 minutes remaining, I inadvertently omitted in my thank yous the doorkeepers by accident.

The doorkeepers were: Tucker Eagleson, Dawn Gazunis, Elizabeth Garcia, Rocketa Gillis, Marc O'Connor, Laverne Allen, Daniel Benedix, Cindy Kesler, Scott Muschette, Tony Goldsmith, Jim Jordan, Megan Sheffield, David West, Denis Houlihan, and Bob Shelton.

Let me say for any of the floor staff or others, if I inadvertently omitted someone, please accept my apology. It was my intention to endeavor to thank anyone. If I have made an inadvertent omission, that is my fault and I take responsibility for it.

I wish to note also that an additional Member of Congress, Congressman STEVE KING, has joined us. I wish to thank Congressman KING for joining us.

I would note, as we are in the last 15 minutes, that if my friend and colleague Senator MIKE LEE wished to ask a question, I would be prepared to yield as we are wrapping up.

Mr. LEE. Will the Senator from Texas yield for a question?

Mr. CRUZ. I yield for a question without yielding the floor.

Mr. LEE. From day 1, there have been those in the Washington establishment who have been working against this, and it was the American people who stood up in strong support of us. It was the American people who served as the heroes of this story who spoke overwhelmingly to the Congress and spoke overwhelmingly to the House of Representatives and convinced the House of Representatives to pass this great continuing resolution—one that keeps government funded and allows it to avoid a shutdown while defunding ObamaCare. That is what this effort has been all about. It has been all about the people we are trying to protect from this horrible law.

Across the country Americans stayed up with us overnight forging this argument, helping us distribute this argument, choosing to forego sleep and to show their support of this effort, and we greatly appreciate that. I want to take a moment to reflect on how all of us who have been up all night feel right now—with dry eyes, with a certain amount of grogginess, and yet ultimately this is an exhilarating moment. It is exhilarating because we are inspired by the American people who have informed this message and who have expressed their views so well and so forcefully, and I am grateful to have been part of this effort.

I ask the Senator from Texas: As we come to the end of this uphill climb we have experienced over the past 24 hours, give or take, we see the cards are somewhat stacked against us. Today, although Washington may appear to have the upper hand, in our hearts don't we know the American people are with us, and don't we know the American people will have the final word, and that as George Washington predicted a couple of centuries ago, this country will always remain in good hands—in the hands of its people?

Mr. CRUZ. I thank my friend Senator LEE from Utah, and I think that is exactly right. At the end of the day it is the United States of America—''we the people''—who are sovereign. Ultimately every Member of this body works for ''we the people.'' The reason there is such profound frustration across this country, the reason this body is held in such abysmally low esteem is that for too long Washington has not listened to the American people. Every survey of the American people, no matter what State, no matter whether you are talking Republicans, Democrats, Independents or Libertarians, the answer is always the same: The top priority for the American people is jobs and the economy.

The Presiding Officer and I both began serving 9 months ago as freshmen in this body. I will tell you my greatest frustration in this body during those 9 months is that we have spent virtually zero time talking about jobs and the economy. We spent 6 weeks talking about guns and taking away people's Second Amendment rights. But when it comes to jobs and the economy in this Senate, it doesn't even make the agenda.

We spend no time talking about fundamental tax reform. We spend no time or virtually no time talking about regulatory reform. When it comes to defunding ObamaCare, the single biggest thing we could do to restore jobs in the economy, the Democratic majority is not interested in that conversation. Indeed, for the bulk of this conversation, with a couple of exceptions, the Democratic majority chose not to engage in the debate. Why? I would submit it is because on the merits, on the substance, the defense of ObamaCare is now indefensible.

There may have been some, even many, who 3½ years ago, when ObamaCare was adopted, believed in good faith it was going to work. But at this point the facts are evident that it is not. At this point we have seen small businesses all over this country who are losing the ability to compete, who are not expanding, who are staying under 50 employees, who are not hiring, and who are forcing employees to move to part-time work.

According to the Chamber of Commerce survey of small businesses, half of small businesses eligible for the employee mandate are either moving to part-time workers or forcing full-time workers to go part time. This is not a small problem. This is not a marginal problem. This is a problem all over the country. We are talking to millions of small businesses. Another 24 percent, I believe is the number, are simply not growing, are staying under 50 employees, which means they are not hiring people.

So anyone in America right now who is struggling to find a job—and small businesses provide two-thirds of all new jobs—small businesses are crying out that ObamaCare is killing them. Unfortunately, the Senate is not hearing their cries. For the millions of Americans who are facing the threat of being forced into part-time work, unfortunately, the Senate is not hearing their cries. For the millions of Americans who are facing skyrocketing health insurance premiums and facing the reality or the risk of losing their health insurance, the Senate is not hearing their cries.

The people who are facing this are not the wealthy, they are not the powerful, they are not, as the President likes to say, the millionaires and billionaires. They are the most vulnerable among us. They are young people who are being absolutely decimated by ObamaCare. They are single moms who are working in diners, struggling and suddenly finding their hours reduced to 29 hours a week. The problem is 29 hours a week is not enough to feed your kids. Single moms are crying out to the Senate to fix this train wreck, to fix this disaster. And for the struggling single moms, for young people, unfortunately, the Senate is closed for business.

Mr. RISCH. Madam President, will the good Senator yield for a question without yielding the floor?

Mr. CRUZ. I am happy to yield for a question without yielding the floor, although I would note we have all of 6½ minutes until the time will expire.

Mr. RISCH. I will be brief. I want to talk briefly and ask a question about the area the Senator was just talking about. My good friend Senator RUBIO made reference to the story I am going to tell. My good friends on the other side of the aisle are good about bringing out pictures of people with sad faces. My only regret is I don't have a picture of somebody with a sad face, but I can assure you these people are greatly saddened by this.

We had a hearing in the Small Business Committee and we brought in people from around the country, small businesses who are suffering under this terrible burden. The Senator was not here in the middle of the night when this abomination was shoved down the throat of the American people on a straight party-line vote. I can assure him that we fought it tooth and nail, but now the American people are having to live with this, and so it is good to be reminded again of what we have here.

But this gentleman operated a business called Dot's Diner in Louisiana. He had, I forget whether it was six or seven diners, and this man was living the all-American dream. He had quit a very good job, cashed in his retirement, borrowed money and he and his wife opened this diner. The diner did well because they worked hard. Like the Senator did all night tonight, sometimes they worked that hard. They opened more diners and were just about to open another one when the Senate announced they were going to force ObamaCare on the American people and on the small businesses of this country.

They immediately stopped their plans to open a new diner and then looked at what ObamaCare was going to cost them. The cost of ObamaCare was substantially higher than the profits they were making in the business every year. So what they did, they went and got counsel and said: How can we get around ObamaCare? What they were told is, if you have 49 employees, you are outside of ObamaCare. So given that, what they did is they closed the diners and got down to 49 employees and that is where they are.

Will the Senator tell me, because I would like to hear his thoughts on that and whether he believes the American government that our Founding Fathers fought for and died for should be visiting this on the American people, particularly on small businessmen who are the backbone of this economy?

Mr. CRUZ. I thank the Senator from Idaho for his question and for his steadfast leadership and willingness to

stand and fight for the American people to stop this train wreck that is ObamaCare. And the answer to my friend's question is: Of course not. Small businesses all over this country are getting hammered by ObamaCare, and the real loses are not even to the small business owners. The real losers are the people, the teenaged kids who would get hired, the single moms who would get hired, the African Americans, the Hispanics who are suddenly finding themselves without a job or are being forcibly reduced to 29 hours a week and denied the opportunity to get to that first rung of the economic ladder, which would then get them to the second, the third, and the fourth.

Millions of Americans are hurting under ObamaCare. It is my plea to this body, to the Democrats, that they listen to the unions that are asking on behalf of millions of Americans who are struggling to repeal ObamaCare, that we not have a system where the rich and powerful or big corporations and Members of Congress are treated to a different set of rules than hard-working Americans. President Obama has granted illegal exemptions to big businesses and Members of Congress. I don't think the American people should be subject to harsher rules.

So my plea to this body is that we listen to the American people, because if we listen to our constituents, the answer is: Defund this bill that isn't working, that is hurting the American people, that is killing jobs and forcing people into part-time work, that is driving up health insurance premiums and that is causing millions to lose or to fear they will lose their health insurance.

As the time is wrapping up, I will close by noting that at noon we will have a prayer. I think it is fitting this debate conclude with prayer, because I would ask that everyone in this body ask for the Lord's guidance on how we best listen to our constituents, listen to the pleas for help that are coming from our constituents.

The final thing I will do is to make two unanimous consent requests I mentioned, and the majority leader may or may not agree to them. The first is:

I ask unanimous consent that the cloture vote at 1 p.m. be vitiated and that at the conclusion of my remarks the motion to proceed to the resolution be agreed to.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, my friend has had an opportunity to speak. I will speak for a longer time period in a few minutes about statements he has made in the last several hours. But he has spoken.

At 1 p.m. the Senate will speak, and we will follow the rules of the Senate. I have said very clearly on a number of occasions that we should be moving quickly to get this to the House as soon as we can.

I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. CRUZ. Mr. President, my second request is:

I ask unanimous consent that if a cloture motion is filed on the underlying measure, that cloture vote occur during Friday's session of the Senate, notwithstanding the provisions of rule XXII.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, we are going to have a cloture vote at 1 o'clock and any consent agreements after that I will be happy to listen to them. At this stage, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. CRUZ. Well then, it appears I have the floor for another 90 seconds or so, and so I simply will note for the American people who have been so engaged that this debate is in their hands. Ultimately, all 100 Senators—all 46 Republicans, all 54 Democrats—work for you. The pleas from the American people—certainly those in Texas—are deafening. The frustration that the United States Senate doesn't listen to the people is deafening. So I call on all 46 Republicans to unite, to stand together and to vote against cloture on the bill on Friday or Saturday; otherwise, if we vote with the majority leader and with the Senate Democrats, we will be voting to allow the majority leader to fund ObamaCare on a straight party-line vote of 51 partisan votes.

The American people will understand that. Voting to give that power to the majority leader, I would suggest, is not consistent with, I believe, the heartfelt commitment of all 46 members of this conference who oppose ObamaCare. The only path, if we are to oppose ObamaCare, is to stand together and oppose cloture. I ask my friends on the Democratic side of the aisle to listen to this plea.

The PRESIDENT pro tempore. Pursuant to the order of February 29, 1960, the hour of 12 noon having arrived, the Senate having been in continuous session since convening yesterday, the Senate will suspend for a prayer from the chaplain.

PRAYER

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

Let us pray.

Eternal God, our refuge and strength, may the fact that this Chamber has reverberated with a marathon of speaking help us to remember to direct our thoughts and words toward Your throne in continuous prayer for our Nation. You have challenged us to pray without ceasing, for the fervent prayers of the righteous avail much.

During this challenging season, give our Senators the wisdom to make full and complete their commitment to serve the American people. Equip our lawmakers with the power to clearly discern right from wrong so that integrity will govern their words and actions. Lord, make them this day sentinels on the walls of freedom worthy of the power and responsibility they exercise. Guide and sustain them in the great unfinished tasks of achieving peace, justice, and understanding among all people and nations.

We pray in Your great Name. Amen.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, we all admire the Senator from Texas for his wanting to talk. With all due respect, I am not sure we learned anything new. He had talked about it before on a number of occasions—in fact, endlessly. It has been interesting to watch, but, for lack of a better way of describing this, it has been a big waste of time.

The government is set to shut down in a matter of hours. In just a few days the government will close. And it is a shame. We are standing here having wasted perhaps 2 days—most of yesterday and a good part of today—when we could pass what we need to pass very quickly and send it back to the House of Representatives. They are waiting for us to act.

It seems that in recent years, rather than trying to get things done, we have a mindset in some people's minds to delay and stall and try not to get anything done. I have talked about this before. I do believe that what we have here with the so-called tea party is a new effort to strike government however they can, to hurt government. Any day that government is hurt is a good day for them. It is, as I said before, the new anarchy.

We should get this matter back to the House of Representatives as soon as we can. They may want to change something in this, and we believe that if they have to do that—I don't think they should, but if they feel they have to, get it back to us. Each hour we waste is one less hour we will have an opportunity to look at this. Our rules are different from the rules in the House. So this has been untoward, and I would hope we don't have to waste more time prior to sending it to the House.

Under the Senate rules, there are lots of opportunities to waste time, and that is what we do around here now—we waste time.

The Presiding Officer has been here longer than any other Senator, and he has seen how Senators have worked together over the years to get things done, not to stop things from happening.

I haven't been here as long as the distinguished Presiding Officer, but I have been here quite a while. I came to the Congress in 1982. I have seen the work of Democrats and Republicans. I look back with such pleasure that Senator Hatfield and Senator Danforth, an Episcopalian from Missouri—both Republicans—worked to get things done.

The late John Heinz was taken from us far too quickly in an unfortunate

plane accident, but he was a Republican Senator who worked to accomplish things for this country.

John Chafee. If he did now what he did for me in my reelection in 1992, he would be booted out of the Republican Party. Do you know what he did then? He was chairman of the Environment and Public Works Committee. I sat on his committee. He came to me and said: HARRY, I want you to get reelected, and I am going to help you get reelected. We will do some hearings in Nevada, and you are going to wind up conducting those hearings. That is how we used to work together to get things done. He liked the work I did on the committee. He was a Republican, but he worked to get things done. He was a patriot. He was a hero on the coldest war, the Korean war. Brady's book written about the Korean war was mostly about John Chafee.

It is unfortunate that so much time is now spent wasted, not accomplishing anything. That is what this has been about—wasting time. The American people know. They have been called upon by the junior Senator from Texas time and time again: the American people, the American people. I will tell you something. The American people know that every hour that he has spoken or speaks pushes us another hour closer to a Republican government shutdown.

I have witnessed a government shutdown. The gross national product was hammered by tens of billions of dollars quickly. We had a meeting this morning, and Bob Rubin, former Secretary of Treasury, talked. He said: I was here, I know all about that shutdown. He said: But the world had more confidence in the United States then than they do now.

With the government being hammered every angle by the anarchists, he doesn't know how badly we would be hurt with another government shutdown. He thinks it would be worse than the first one.

If anyone has any doubt that there are Republicans rooting for a shutdown, they should just turn on the television. It is not all Republicans, and we know that, but they can look at TV and see that there are some working to almost singlehandedly force us into a shutdown because, remember, a bad day for government is a good day for the tea party.

We could finish this bill within a matter of hours, but instead we find ourselves being pushed closer and closer to another shutdown. I know the majority of my Republican colleagues recognize this strategy for the foolishness it is, and I am glad to see them speak up. Two dozen have spoken saying, among other things, that it is the dumbest idea he had ever heard. Another said they were being forced into a box canyon and he could see no way out. One Senator said it was political suicide. So I am glad to see them speak up for common sense. Actions speak louder than words.

In just 50 minutes, it will be time for common sense to prevail. I still have hope that we can avoid a government shutdown, but every hour we waste on this floor diminishes the hope of that.

Mr. REID. Mr. President, I ask that following Senator MCCONNELL's remarks, the time until 1 p.m. be equally divided, with the two leaders controlling the time.

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

The PRESIDING OFFICER (Ms. BALDWIN). The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I wish to start by acknowledging the work of my colleague, the junior the Senator from Texas, who held the floor for nearly a day speaking passionately about an issue that unites every single Republican: ObamaCare is wrong for America and needs to be repealed. The Senator from Texas has focused on the dangers of this law, explaining once again why we are all on this side of the aisle committed to overturning it. Later this week every Republican will unite to vote against any amendment to add funding for ObamaCare.

This afternoon I would like to call on my colleagues across the aisle to once again listen to their constituents and actually join us in this effort. I would like to ask Senators to take their minds back to Christmas Eve 2009. Some of us remember it very, very well. In the early hours of the morning, the majority leader rammed through a massive 2,700-page takeover of the U.S. health care system against the will of the American people, against the principles of open and accountable government, and, I would argue, against their better judgment because the people who voted for this bill didn't have to listen to all the speeches I was giving back then to realize it would never, ever do what the President said it would. But they in the end obeyed the orders of the Washington Democratic leadership anyway, and now our friends on the other side are seeing the results of their votes.

ObamaCare is just as bad as many of us said it would be, and it is about to get a lot worse. This train is picking up speed, and there is a bridge out ahead. It is sort of like one of those Wile E. Coyote cartoons, except this isn't funny because these are people's lives we are talking about. We are talking about the college graduate who is faced with a choice between exorbitant premiums and government tax penalties. We are talking about the working mom forced to scrape by with less hours and smaller paychecks. We are talking about the small businesses that are unable to grow and hire more Americans. And that is not even getting into the concerns about glitches that could expose personal information to fraud or about Americans losing the health care they like and want to keep.

Even the administration is having a terrible time spinning this law. Just look at the cherry-picked report they released today. About the best they could claim was that some premiums would be lower than projected. Let me say that again: Some premiums would be lower than projected. Note that I didn't say ''lower'' but ''lower than projected.'' Basically, this law is a complete mess.

So Washington Democrats may have been able to brush the American people off back in 2009—just brushed them off—but they have no choice but to deal with reality now. We have seen how this has worked out over the last 4 years.

It is hard to blame them for looking back at their ObamaCare vote with a lot of regret. But here is the good news. Later this week the Senate will take up the House-passed CR. If the House-passed CR passes, it will keep the government from shutting down without increasing government spending by a penny and—and—defund ObamaCare.

So for all those Democrats who shanked it back in 2006, here is your opportunity for a mulligan. Here is your chance to finally get on the same page with the American people because the American people overwhelmingly oppose this law, and you can't open a newspaper these days without being struck by some new reason you should be opposed to it too.

Remember, it is more than just our constituents who are opposed to ObamaCare. Small businesses are opposed. Even big labor bosses are souring on it. All we need is five Democrats to show enough courage to stand against their party and with the American people on this vote. That is enough to pass the bill—enough to keep the government open and to keep ObamaCare funding out of it—before this train collides with reality.

I urge my Democratic colleagues to join us, the members of my conference who are already united in our opposition to ObamaCare. Democrats, on the other side of the aisle, can help us get this job done.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Madam President, I came to the floor several times while Senator CRUZ was speaking and addressed questions to him about his position on ObamaCare. What I asked him about were specific provisions in ObamaCare and whether he thought he agreed with them. He made it very clear at the end he doesn't want any part of ObamaCare. What he has said is basically the provision in ObamaCare which says you cannot discriminate against a person or family offering health insurance if they have a preexisting condition, that provision in ObamaCare Senator CRUZ and the tea party Republicans object to.

Is there one of us alive who doesn't have someone in their family with a preexisting condition—asthma, diabetes, cancer survivors, high blood pressure, high cholesterol? Think of all those possibilities. It could be your

child who disqualifies your family from buying health insurance without the protection of ObamaCare. Senator CRUZ and Republicans would repeal that protection.

There is also a provision in there that says you cannot limit how much a health insurance policy will pay. Why did we include that in the bill? Because tomorrow morning's diagnosis of someone you dearly love could mean they are in for surgery or cancer therapy that could cost hundreds of thousands of dollars and you may not have the coverage if your plan does not have the protection of ObamaCare. Senator CRUZ and the tea party Republicans would repeal that protection.

Senator STABENOW in the State of Michigan just held a press conference. She tells me that over 60 percent of health insurance policies in America today do not offer maternity care, maternal benefits for the baby and mother—over 60 percent. The ObamaCare provision requires every policy in America to protect new moms and their babies, every policy. Senator CRUZ and the tea party Republicans would repeal that provision.

Let me tell you what else it includes. In ObamaCare we say if you have a young son or daughter fresh out of college looking for a job and they can't find one or only a part-time one or one that doesn't offer benefits, you can keep your son and daughter on your family health insurance plan up to age 26. That is peace of mind for a lot of parents. My wife and I have been through that, raising our kids. Senator CRUZ and the tea party Republicans would abolish and repeal that protection for family coverage.

I will also tell you that today, across America, they are announcing the marketplace insurance plans under ObamaCare. In my State it has been announced that the rates for families for health insurance are 25 percent below—below—what was expected. What it means for many families across Illinois and across America is, for the first time in their lives, there will be competition offering them health insurance for their families. For the first time ever. Repeatedly I asked Senator CRUZ about a friend of mine, 62 years old, a hard-working lady in southern Illinois. She has worked her whole life. She is not lazy. She is trying everything she can. She never had health insurance 1 day in her life and she is 62. This gives her a chance for health insurance, and I have asked Senator CRUZ, would you repeal that provision? He said yes.

That to me is what the debate comes down to, 50 million Americans without health insurance, others with health insurance that is not there when you need it. These are people who are looking to us to make sure that the marketplace works for them and make sure that competition works for them. That is what this is about. The sad reality is that Senator CRUZ and the tea party Republicans would rather shut down the Government of the United States than to give these protections to American families. That is what it comes down to.

I don't think all Republicans on that side of the aisle agree with Senator CRUZ. I think that is why repeatedly he has been appealing to his fellow Republicans to stick with him, but many of them, as Senator REID said earlier, understand this is not a good message for America. We should not be threatening to shut down the government over an issue. We should not be threatening when it is clear that they do not have the votes on the floor to achieve that. Yet they are going to take us right to the brink. I think it is wrong. Whether they are going to default on America's debt for the first time in history or shut down our government, it is going to hurt America's economy. We need to create jobs and build a strong economy. This kind of desperation scenario is going to hurt businesses and it is going to kill jobs. That is not good for America's future.

Let's work together. There are ways to improve this bill, ObamaCare. I am willing to sit down at a table any day in the week to explore those in a constructive, positive way. But simply threatening to shut down the government unless ObamaCare comes to an end sadly does not speak well of those who support it and it certainly doesn't address the serious issues we face in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, we have had, I think, a national discussion and the American people have begun to focus on what is imminent and that is that the implementation of the ObamaCare legislation is going to be a disaster. It is not prepared. As Senator BAUCUS, the chairman of the Finance Committee, said: It would be a train wreck. That is where we are headed. The Democratic majority has absolutely refused to allow any serious negotiation, amendments, legislative reform to fix the problems with the legislation. That is the fundamental problem we have here.

Senator MCCONNELL recalled how this bill was first passed by the Senate on Christmas Eve nearly three years ago—and it was against the will of the majority of the American people. I remember Senator Scott Brown in Massachusetts ran against the health care to fill the vacant seat, Senator Kennedy's seat. He campaigned and said: Elect me in liberal Massachusetts and I am going to kill the health care bill. Republicans hadn't been elected to the Senate in Massachusetts in decades—and he won. He was prepared to kill the legislation, providing that single vote that would deny them the 60 votes they had to have for passage. They were able to rush it through before he could take office and move it in that fashion. It had problems that could not have been fixed otherwise and they were able to do that.

I want to recall to the American people the power, the force that was used to pass this bill despite the consistent pleas of the American people not to do it. I have not forgotten that. I don't think the American people have.

What has happened now? The Senate refuses to discuss it. They do not want to discuss it because they do not want to enter into a legislative process that you would think would be perfectly sensible. The bill was passed, what, in 2009? It is now about to hammer us and the negative impacts are quite clear. It is about to hammer us and they refuse to bring it to the floor. So the House funded the U.S. Government. They sent a bill to the Senate that funds the U.S. Government except it does not fund the ObamaCare part, requiring us to confront this issue once again.

What does the majority say? What does the President say? They are saying we will shut down the government. We will never pass anything that allows us—that makes changes in this bill. We will not send back a compromise. We will not agree to have hearings and discuss how to fix it and make it better. No. Absolutely. We are going to use the brute power of the majority party in the Senate to deny that process. I do not think that is right.

Let me say it is not a little bitty matter. My friend here has the toughest job in Washington, being majority leader of the Senate. I respect Senator REID. But recently in Nevada he was asked: Do you believe in a single payer for health care America? And the quote I saw was: Yes, yes, absolutely yes.

Yesterday in the Budget Committee the ranking Republican on that committee—one of our esteemed Democratic colleagues when this matter came up, said: "I support single payer system."

In the Budget Committee—earlier in the year Senator SANDERS said this bill is not going to work. The only thing that is going to work is a single payer. Senator SANDERS, as we know, is known, at least in the past, as a Socialist and has run as a Socialist. The leader in the House, NANCY PELOSI, has said she believed in a single payer. But President Obama, in 2003, clearly said he favored a single-payer health care policy for America. What does that mean? Who is that payer? I asked Senator CRUZ that. He said: Of course the payer is the U.S. Government. What they are proposing, what they desire, what they intend to impose on the American people—because they had a brief shining moment, they had 60 Senators in this body and they rammed through a fundamental change in the health care policy of this country—and the American people do not want it. Senator CRUZ did not waste time. Senator CRUZ raised this issue in a way I hope resonates throughout this country, just how serious it is, the health care question facing our country. It is fundamentally the biggest change in government and the size of government we have had in decades, I guess at least

since Medicare; maybe bigger than Medicare. And they say it is paid for. Don't worry, it is all paid for.

The American people know this cannot be so. How can you do all that and not cost money? We have a score from the Congressional Budget Office over the life of this bill. They have gimmicked it up to make it look as though there is an advantage in the short term, but it is not. Over the long term, the Government Accountability Office told us that it is going to add at least $6 trillion to the debt of the United States over the next 75 years. That is close to how much our unstable Social Security will add to the deficit of America. So we have Social Security, we have Medicare that is even a larger unfunded mandate than Social Security over the next 75 years, and we are adding another $6 trillion to it? And the American people do not want it.

This was a recent paper from the University of Chicago economist Casey Mulligan who found that by 2015, a little over a year from now, the work disincentives in ObamaCare will have essentially erased all gains in labor productivity over the last decade.

We know this legislation is hammering the American economy. Do you not listen to colleagues? I traveled my State in August. I had several meetings with small businesses. It just pours out. Business are trying to keep their number of employees below 50 so they will not be impacted. They are putting people on part time.

Let me say we have never seen this in America. It has never happened to us before in our history, in my knowledge, nothing close to it. We have had marginal job gains since January, hampered fundamentally by a lot of things, but ObamaCare being one of them—clearly one of them. But more dramatically, 77 percent of the jobs that were created in this country since January were part time, caused many ways by the ObamaCare matter. Clearly, we have been told repeatedly that businesses are hiring people part time to avoid the mandates of this terrible, disastrous legislation. So they have decided: In for a penny, in for a pound, as James Carville said, I guess. We are going to stick and we are not going to allow it to come up for improvement, we are not going to allow it to come up for debate.

I know Republicans have all indicated they support a way to deal with preexisting illnesses in America. We can work on that. We can do a deal, legislation so that young people can stay on parents' policies longer. Those things are all possible. What about people not getting jobs? What about people getting part-time jobs with no health insurance? This is not a waste of time. Write it down: This is just the beginning. As John Paul Jones said: We have just begun to fight.

We are not going to allow this country to socialize medicine. That is what the goal is, and we are not going to allow it. We are going to fight it, fight it, fight it, and we are going to demand that this legislation come back so it can be improved and made to work. It is not working now. It is a train wreck, and it is hampering this economy.

Allan Meltzer, the famed economist, testified yesterday at the Budget Committee. Mr. Meltzer said he first testified before Congress in 1949. He was so good and so clear. I think he is 91 years old. There is no doubt that he is one of the most distinguished economists over the last 50 years. He has written a number of books. He said 77 percent of workers being hired part time is directly attributable to ObamaCare. He said it is bringing down employment rates. It is creating uncertainty in the economy, of which there is no doubt. I don't think anybody can deny that.

People are losing jobs, and they are working at part-time jobs, and it is hammering the economy, creating uncertainty, lack of growth, and it is going to continue to do so, and rates have gone up.

We can improve the current system of health care. There is no doubt about that. But I am telling you, we do not need to have a system of health care in America that is run by the U.S. Government. We do not need to do that.

We can all disagree about the right procedures to move forward in this body. Senator CRUZ stood courageously in order to highlight this issue, and it has served a valuable national purpose. I thank him for it.

It is time for all of us to confront the reality that this is not working. It is hurting America. It has to be fixed, and we are going to insist on it as time goes by.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senator from Arizona be given 15 minutes and that I have 5 minutes after him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, not 15 minutes of our time, 15 minutes of their time.

The PRESIDING OFFICER. The minority does not have 15 minutes.

Mr. REID. He can use whatever time he needs from us.

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

Mr. SCHUMER. Madam President, a point of information. I am in order after the Senator from Arizona?

The PRESIDING OFFICER. That is correct.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I won't take a lot of time here on the floor. The floor has been well used over the last day or so.

I would like to make sure my colleagues—especially those who were not here in 2009—understand that there are many of us who are opposed to ObamaCare, as it is called, or the Affordable Care Act. We mounted an opposition in 2009.

It is a matter of record that the Senate Finance Committee considered the Affordable Care Act over several weeks and approved the bill on October 13, 2009. At that time members of the Finance Committee submitted 564 amendments, 135 amendments were considered, 79 rollcall votes were taken, and 41 amendments were adopted.

Then the Senate Health, Education, Labor, and Pensions Committee approved the Affordable Care Act by a vote of 13 to 10. After a month-long debate, 500 amendments were considered, and more than 160 Republican amendments were accepted. Then it came to the floor of the Senate.

The Affordable Care Act was on the floor for 25 straight days, including weekends, between Thanksgiving and Christmas of 2009. There were 506 amendments filed, 228 of which were Republican, 34 rollcall votes were held. Most of the rollcall votes resulted in party-line votes, including a motion which I had to commit the bill to the Finance Committee for a rewrite.

The final passage of the bill—because of our insistence in exercising every reasonable parliamentary procedure we could—took place on Christmas Eve of 2009, much to the discomfort of many of my colleagues. We fought as hard as we could in a fair and honest manner, and we lost. One of the reasons we lost was because we were in the minority. In democracies the majority almost always governs and passes legislation.

I was extremely proud of the effort that we on this side of the aisle made to attempt to defeat what we thought was a measure that was not good for America. I think it was an interesting and educational debate.

I see my friend from Illinois is here. On several occasions he and I had debates on the floor of the Senate, in which, of course, I won every one.

The fact is this legislation was hard fought and went through the legislative process. I didn't like the end of it, but I am proud of the effort we made and, frankly, the other side of the aisle allowed that debate to take place. We finally finished up on December 24, 2009, at 7:05 a.m. So to somehow allege that many of us haven't fought hard enough does not comport with the actual action that took place on the floor of the Senate.

Many of those who are in opposition right now were not here at the time and did not take part in that debate, and I respect that. But I would like to remind them that the RECORD is very clear that this was one of the most hard-fought and fair, in my view, debates that has taken place on the floor of the Senate in the time I have been here.

Then I would remind my colleagues that in the 2012 election, ObamaCare, as it is called—and I will be more polite, the ACA—was a major issue in the campaign. I campaigned all over America for 2 months everywhere I could,

and in every single campaign rally, I said: We have to repeal and replace ObamaCare. Well, the people spoke. They spoke, much to my dismay, but they spoke and reelected the President of United States.

That doesn't mean that we give up our efforts to try to replace and repair ObamaCare, but it does mean that elections have consequences and those elections were clear in a significant majority. The majority of the American people supported the President of the United States and renewed his stewardship of this country.

I don't like it. It was not something that I wanted the outcome to be, but I think all of us should respect the outcome of elections which reflects the will of the people.

We just went through a long many-hour—I can't call it a filibuster because a filibuster is intended to delay passage of legislation. There was no doubt that there was a time certain that time on the floor would have to expire. So I guess the kindest depiction I can say is that there was an extended oratory that took place for many hours on the floor of the Senate, which is the right of any Senator to do. I respect that right, and obviously the longevity of the discussion was something that was certainly admirable. But during the course of that discussion conducted by my friend from Texas, he said:

> If you go back to the 1940s, Nazi Germany. Look, we saw in Britain, Neville Chamberlain, who told the British people, ''Accept the Nazis. Yes, they'll dominate the continent of Europe, but that's not our problem. Let's appease them. Why? Because it can't be done. We cannot possibly stand against them.''

Then he went on to say:

> I suspect those same pundits who say it can't be done, if it had been in the 1940s we would have been listening to them . . . and they would have been saying, ''You cannot defeat the Germans.''

I resoundingly reject that allegation. That allegation, in my view, does a great disservice for those brave Americans and those who stood up and said: What is happening in Europe cannot stand. When the ship was turned back and the passengers on that ship were sent directly to the gas chambers, when Czechoslovakia fell and the slaughter continued, there were many who raised their voices. Then there were those who went to war because of the barbaric and great threat to civilization and everything we stand for. Amongst them were my father and grandfather.

I do not agree with that comparison. I think it is wrong, and I think it is a disservice to those who stood and shouted at the top of their lungs that we cannot appease and that we must act and we did act. It is a disservice to those who did act.

I spoke to Senator CRUZ about my dissatisfaction about his use of this language, and he said he only intended it to be applied to pundits and not to Members of the Senate. I find that a difference without a distinction. I find that something that I think I had to respond to.

I do not begrudge Senator CRUZ or any other Senator who wants to come and talk as long as they want or as long as they can, depending on the rules of the Senate, but I do disagree strongly to allege that there are people today who are like those prior to World War II who didn't stand and oppose the atrocities that were taking place in Europe.

I have an open and honest disagreement with the process of not agreeing to move forward with legislation, which I agree with, that was passed through the House of Representatives. Comparing that to those who were the appeasers, as Senator CRUZ described them, is an inappropriate place for debate on the floor of the U.S. Senate.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 15 minutes remaining for the majority and no time remains for the minority.

Mr. DURBIN. Senator SCHUMER is going to come to the floor shortly. As soon as he arrives, I will yield to him. I would like to respond to Senator MCCAIN's remarks. Senator MCCAIN's father, grandfather, and son—I am sure there are other family members as well—have made an extraordinary contribution to this country, and I know he has a great deal of pride in that. I am proud to count him as a friend and fellow colleague in the Senate. We have debated at least to a draw on several occasions, and I respect him very much even when we disagree. We started in Congress with Senator REID and Senator MCCAIN and I together in the House in 1982. I hope his statement is taken for face value. We respect very much all of those who have stood and fought for America, and though we may have many differences politically on the floor on issues, we will never question those who have risked and given their lives in defense of this great Nation.

At the risk of taking more time than I should, at the conclusion of this debate, we will have an important vote on the floor of the Senate. It is a vote on cloture on the motion to proceed. Basically, what it says is this: Shall we proceed to consider the bill that was sent to us by the House of Representatives?

The bill sent to us by the House is not one I agree with. I hope we can change it. But I certainly believe it would be a serious mistake for us not to give the 60 votes necessary to proceed to debate on this bill. That would literally bring us to a point where the government faces a shutdown. I don't want that to occur. Whatever one may have as a position on the Affordable Care Act or any other provision, I hope we have a resounding, positive, bipartisan vote to proceed to the debate.

Thirty hours after that, we will vote on the motion to proceed and then we will talk about bringing this bill to a close. Senator REID has made it clear that he wants to move this through as quickly as possible in an orderly fashion so everyone has a chance to state their positions on the important issues that are before us.

What I feel about it is very basic. First, we have a responsibility to fund this government. One of my assignments is chairman of the Defense Appropriations Subcommittee. It is an awesome assignment. Almost 60 percent of all of the domestic discretionary spending of the U.S. Government goes through this one subcommittee. It funds our Department of Defense and our intelligence agencies. Any failure or any reduction or delay we have in bringing this matter forward can jeopardize their important activities securing the safety of our Nation.

I see my colleague Senator SCHUMER has returned.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Madam President. I thank my colleague from Illinois for his courtesy and I thank the Senator from Arizona for his outstanding remarks, as usual.

For 21 hours, we have heard the Senator from Texas hold forth. What has he accomplished? He has alienated many of his own colleagues. He has taken 21 hours unnecessarily, although he is entitled to speak when he wants, because the vote would have occurred whether he said 10,000 words, 1 word or no words. So as Leader REID said, this was not a filibuster. But, most of all, he has shown the American people what he is willing to do.

We all know the Senator from Texas has very strong views about ObamaCare. Fair enough. That is why we have a Senate. There is a time and a place to debate them. But he, in his view that he is right and everyone else is wrong, is willing not only to hold forth on the Senate floor in a meaningless exercise, but, more important, urge his colleagues to hold the American people hostage until everyone agrees with his view. He wants to hold the cancer patient hostage who will not get NIH treatments if the government shuts down. He wants to throw the construction worker out of work who is doing a job that is federally funded and will not be funded if the government shuts down. He wants to tell the recipient of Social Security that they may not get their checks if there aren't enough people at the centers to send those checks and make sure they get to the right place because he wants to shut down the government.

The Senator from Texas has passionate views. Fair enough. But when the Senator from Texas thinks he is so right that he can trample on the rights not only of his own colleagues who are in a bit of a tizzy about what he has

done, but, far more important, on the needs of the American people, something is wrong.

In this country, we have always eschewed ideologues—people who are so sure they are right they don't listen to anyone else, they don't care about anyone else, and they don't care about the damage they cause as they pursue their goal. That seems to be what the Senator from Texas is doing. I was appalled last night when he tried to make the analogy to World War II and Hitler. As somebody who lost brothers in the Holocaust, to compare the two was absurd. I know my colleague from Arizona mentioned that as well.

I was also surprised he used the book ''Green Eggs and Ham'' as he read to his daughters, because anyone who knows that book knows the moral of that book is to try something before you condemn it. You might actually like it. The main character in ''Green Eggs and Ham'' resisted eating green eggs and ham. Maybe if he were a Senator, he would speak on the floor for 21 hours. But then when he tasted green eggs and ham, he actually liked them. Maybe as the President's health care bill goes into effect, Senator CRUZ may actually find that he and his constituents actually like it.

So the bottom line is very simple. There is a time and a place, as the Scriptures say. We will certainly debate ObamaCare in the 2014 elections. I would note we did in the 2012 elections and not a single Democrat who voted for ObamaCare in this Senate lost. Every single person who was up for office had voted for ObamaCare and was not defeated, even though that issue was used against them over and over again. If we want to have that debate again in 2014, fine, we welcome it. By the way, we welcome it in 2016 as well. If the Senator from Texas wants to have a debate on the floor of the Senate about ObamaCare, fine. But don't hold—not just this body because his exercise was meaningless—don't hold the American people hostage simply because he is so sure he is right and everyone else is wrong.

Don't hold the Social Security recipient hostage. Don't hold the road worker hostage. Don't hold the person who depends on inspectors who inspect our food or patrol our borders hostage. Debate ObamaCare all you want, but please don't threaten to shut down the government because you can't get your way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I would ask if it is in order for me to ask unanimous consent to yield back the remainder of our time and start the vote.

The PRESIDING OFFICER. That would take consent.

Mr. REID. I ask unanimous consent that be the case.

I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 195, H.J. Res. 59, a joint resolution making continuing appropriations for fiscal year 2014, and for other purposes.

Harry Reid, Barbara A. Mikulski, Carl Levin, Patrick J. Leahy, Elizabeth Warren, Charles E. Schumer, Richard J. Durbin, Christopher A. Coons, Christopher Murphy, Edward J. Markey, Patty Murray, Tim Kaine, John D. Rockefeller IV, Bill Nelson, Angus S. King, Jr., Benjamin L. Cardin, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.J. Res. 59, making continuing appropriations for fiscal year 2014 and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—100

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Barrasso	Grassley	Nelson
Baucus	Hagan	Paul
Begich	Harkin	Portman
Bennet	Hatch	Pryor
Blumenthal	Heinrich	Reed
Blunt	Heitkamp	Reid
Boozman	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rockefeller
Burr	Inhofe	Rubio
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Chiesa	King	Shaheen
Coats	Kirk	Shelby
Coburn	Klobuchar	Stabenow
Cochran	Landrieu	Tester
Collins	Leahy	Thune
Coons	Lee	Toomey
Corker	Levin	Udall (CO)
Cornyn	Manchin	Udall (NM)
Crapo	Markey	Vitter
Cruz	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Fischer	Mikulski	
Flake	Moran	

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, we now start 30 hours. I would hope we can yield back the vast majority of that time. I have no problem with Senators being allowed to speak under what the rules are postcloture. But I would hope we can expedite this. We have a lot to do. We should get there as quickly as we can.

As I have indicated before, every hour that we delay is an hour closer to shutting down the government. There were all kinds of articles written today about the disaster of that. Closing the government will hurt our gross domestic product by tens of billions of dollars just like that.

This is leading up to the real battle we have of raising the debt ceiling; that is, to have the government pay its bills which we have already incurred. So I hope everyone would keep that in mind. Again, as I said at some length earlier, we have wasted enough time of the American people the last few months. Let's start moving forward and get things done rather than just stalling, stalling. Everything is a big slow walk. We have to get past that.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I certainly do not think we have been wasting time. We have been talking about an issue that is on the minds of every American as we are careening toward implementation of the ObamaCare health care plan.

We have heard from Senator CRUZ and others, and you will be hearing from all of us on the Republican side of the aisle as to why we object to Obamacare and why we are working so hard to open the door to repeal, to replace, to correct the inequities that exist in this particular legislation. We have had discussions about this in our caucus. We are all prepared to come and to speak.

I give Senator CRUZ credit for being first through the door. He chose to use all of the 30 hours. That is his right as a Senator. He brought to the attention of the American people the very issue which we are debating. I think he made some very persuasive arguments. I wish to address some of those in a minute.

He also said we need to start listening to the people. Listening to the people is what all of us in the Republican Party are doing. We have heard their concerns. The majority leader of the House famously said of Obamacare: ''After it is passed we will learn what is in it.'' It was passed without any Republican support. We have now seen what is in it and how it is being fully rolled out.

I take seriously the majority leader's point about moving this legislation along, so we can get this back to the House instead of sending it back Monday, the day our government runs out of money at midnight, and we can give the two chambers the opportunity to go back and forth and debate. I think that is important.

So I will shorten my remarks in that regard. While I was not here when Congress passed the health care law and I was not here when this law was written in the backrooms restructuring one-sixth of our entire economy, I was

watching what was happening with dismay. I was watching the world's best health care system—people from all over the world come here for their health care provisions if they have any kind of a crisis—I was watching that being wrapped into one gigantic piece of legislation that tried to take one-sixth of our entire economy and structure it into a law which, as we are finding now, just simply is not working.

I have testimonials from people. I have been all over the State of Indiana. During my campaign year of 2010, this was the biggest issue. This was the issue. I visited with providers and hospitals and patients and those receiving benefits in our health care system.

I can guarantee you I would not be here today if the people of Indiana thought Obamacare was a good idea, that this was in their best interests going forward. I have continued to travel across the State, meeting with people, health care providers, and citizens on the street. Their messages have poured in by the hundreds every day during the last few weeks on this issue that we are debating right now.

I recently have spent the weeks back in Indiana talking to people about this. So it is very important that we not just simply rush this through or waste time—wasting time is certainly not the case. I take a backseat to no one in terms of my desire to replace this bill with something far more sensible. I have offered a number of proposals, which I think would be more sound, sensible, cost-effective, quality, effective health care proposals that many others have also put forward. To simply say there is nothing we can change, there is nothing we can address is to deny the very conclusions of many of our colleagues who originally voted for this legislation or who are still supporting this bill, the so-called train wreck coming down the line. We have to fix this. We have to make adjustments. We have to modify this law. Yet, when we get the opportunity where we have the opportunity to do that, the door is slammed shut. It is all or nothing, my way or the highway as someone said.

That is the story that came from the White House.

What I wish to share—and I know my colleague from Oklahoma is going to go into more detail—is how even as we have worked through this issue and had a difference of opinion in terms of how to best achieve this, the goal is to replace Obamacare. The reality we have to live up to and recognize is a hard truth: Republicans are a minority here in the Senate. We are united, every one of us, 46—46 is short of 51, and it takes 51 in order to make a change.

We have seen no evidence whatsoever that any Democrat is willing to cross the aisle and join with us in trying to bring some constructive changes to this law. We are going to need at least five of them to cross that aisle and join us in a vote if we are going to make a difference, if we are going to have an opportunity to do what all 46 of us would like to do and what I think the majority of the American people would like to do.

I can't speak for people in States outside of my State. Although I read the news, I think the stories are the same. I can speak for the people of Indiana. A sound majority of, Hoosiers see this bill as a disaster—a disaster for their economy, a disaster for their medical future. It is not working.

We read about it every day. The exchanges have not been put in place. There are exemptions and waivers that are shamelessly given by the White House to people who get their ear, leaving others in the lurch. There are promises that have been broken repeatedly what this law will do, what it will provide, how it won't hurt, and how there will be no negative impact. The broken promises are too long to recite. I am keeping a collection of them. It is pages of promises of what this law would do. ''Fabulous'' was one of the words. None of those promises have been kept.

That is why we are here fighting hard to address this issue, but we can't do it when we are a minority. We can't achieve it. It is a hard truth. It is a reality. Without five people crossing the aisle, Republicans are not going to be able to go forward. In the meantime, a government shutdown is on the verge of occuring.

I wish to talk about shutting down the government. It hasn't been talked about here. We haven't looked at what the end result of a shutdown will be.

As we determine, as we work through, as we decide how to move forward tactically to achieve what we want to achieve, keep in mind that the President of the United States has not said: Gee, Americans, I am sorry, that Affordable Care Act was a big mistake. Give me a pen, let me sign this bill that repeals this, and let's start over. We will work together, and we will do it in a bipartisan manner this time.

I haven't heard that coming out of the White House, and I don't expect to hear that coming out of the White House. I have heard exactly the opposite. And I haven't heard that message from our friends across the aisle instead we have heard exactly the opposite.

The reality is that we have to determine how we would go forward. Some of us would like to take a vote. We would like to put Members on record as to whether they support funding Obamacare. We would like that record to be put forth to the American people, and in the next election they can decide whom they want to send back to Congress. Do they want to send somebody back here who supports ObamaCare or do they want to send somebody back here who opposes ObamaCare?

The reality is that we are not going to go for a year with a government shutdown. I wish to speak a little bit about the consequences of a shutdown, and I think we need to weigh some of this information in terms of what we do so that we understand the reality that exists, the hard truth that exists.

No. 1, shutting down the government will not stop ObamaCare. It will not stop ObamaCare. The Congressional Research Service, at the request of Senator COBURN, who will be speaking next, has given us a nonpartisan report that simply says the majority of the funding for ObamaCare is not under our control. It is mandatory. It is automatic. The 13 or 14 taxes in this bill don't get stopped, so the American people keep getting taxed for this law, and significantly more than half of it—I think Senator COBURN will be able to go into more detail on this—we can't even affect.

So, No. 1, whatever we do here will not stop ObamaCare from moving forward, which is why some of us have tried to look at, OK, what is the next step, what is the next alternative? We don't have the votes to defeat it. We would need 13 Democrats to come across the aisle to support a sure veto by the President should 5 of our friends decide to support us in this effort. The reality is that we will need 13 Democrats to override a Presidential veto, and I don't think we are going to get those. In fact, I am sure we won't.

What does a government shutdown mean? Let's discuss this.

I attended a deployment ceremony about a month ago in Indiana where we sent some of our brave men and women to Afghanistan. If we shut down the government, their spouses at home will not get a paycheck. Trying to hold down the home, maybe raising two or three children, paying the bills, with a husband over in Afghanistan in harm's way, putting his life on the line for our defense—they don't get paid. That is a consequence of a shutdown.

Veterans lining up for the benefits they deserve and the care they need when they come home from the battlefield are going to be standing in a long line waiting for their applications to be processed.

People waiting for Social Security checks and Medicare checks and Medicare reimbursements—even though those will be coming, as we have learned from past shutdowns, the staff won't be there to process them on a timely basis.

We have a major naval facility in Indiana. Six thousand people work at Crane. They are doing cutting-edge work on electronic warfare and prevention of IED casualties. They are the go-to place for commanders who need something tomorrow. We have engineers and contractors down there with Ph.D.s and master's degrees from Purdue University, Rose-Hulman, and a number of schools around the country. I have heard from the Chief of Naval Operations, Marine Corps, Army, Air Force—this is the go-to place for our armed services to fulfill a commander's request on how to save the lives of the

people they are commanding, and they have an incredible record down at Crane of finding solutions—usually through electronic warfare initiatives—solutions to problems that are saving American lives. These workers will be furloughed. Those people won't be able to work. When the commander calls in and says ''I need this next week. My guys are dying. I need a way to stop it,'' he will be told ''Sorry, the government is shut down.''

Our defense contractors who work in those areas talked to me about how critically important it is to have this capacity to save American lives, to help us as we address conflicts around the world and provide a defense for the American people. Those people will not be paid; they will not be at work.

There are some major drug manufacturers and medical device companies in Indiana. They have products waiting to be approved by the FDA, lifesaving products, improving-health products. Those will not be processed if we shut down.

I could go on and on.

I wish to add one more. The last time we had a shutdown we had 10,000 Medicare applicants. We hear about 10,000 baby boomers every day. In the last shutdown the number was far less than this, but today, because 10,000 Americans are retiring every day—those applicants in our past shutdown were all turned away. So people who have been paying into Medicare, people who have been waiting to enroll when they turn 65—it will all be put on a hold.

A government shutdown suspends the hiring of local law enforcement and border security officials. We had a great debate, a long debate, a contentious debate, and an important debate about how we need to tighten our border and get more agents on the border to deal with our immigration problem. That will all be suspended.

Before we rush to judgment on how we ought to go forward, I would suggest that we think about this. I would suggest that we think about the fact that whatever we do here doesn't stop Obamacare implementation. Whatever decision we make has consequences. We do need to fund this government, and we know we are not going to shut down this government for the next 3 years and 4 months until we get a new President, so something has to give.

I didn't sleep through Senator CRUZ's 30-hour discussion. First, I commend him for bringing the issue up here and his passion about it. This isn't a question of whether we are for or against, this is a question of tactics, how we can best achieve our goal. I paid attention. I wasn't here because obviously he was going to hold the floor for the full 30-hour time. This is why I am speaking now instead of yesterday or last evening. All I could have done last evening was ask a question. I tuned in. I didn't hear everything. I did get some sleep last night, but I listened to a fair part of what he said.

One of the things that caught my attention was when Senator RAND PAUL asked what I thought was a very pertinent question relative to what is the end game here. At some point—we are not going to shut the government down forever. Somebody, something has to give.

He asked: Senator CRUZ, would you be willing to consider some compromise?

That got my attention because I have offered a compromise. If the repeal failed and we couldn't get the Democrats to come across the aisle, couldn't get the President to change his mind, which I didn't think we could, maybe there some options or things we could accomplish.

I joined with the Congressman from southern Indiana, TODD YOUNG, and introduced the same bill that passed the House of Representatives in a bipartisan vote. I introduced it here in the Senate. The Senate minority leader liked it. It calls for a 1-year delay in the individual mandate.

The President has already said he is going to give employers a 1-year delay. If he is going to give employers a 1-year delay to work out the messy details of all of this and to try to come to a better resolution—acknowledging a failure of the bill and a failure of the administration to get this put into place how is it fair to impose it on individuals when he is giving employers a break?

A lot of people are getting kicked off their employer's insurance because of the definition of a full-time worker. That is another issue where amendments have been offered on a bipartisan basis, but we will not be able to discuss it.

This 1-year delay for individuals will give us an opportunity to vet and work through these important issues. This compromise is the next best thing because we can't achieve the best thing, which would be defunding.

If it turns out that we can't fund Obamacare, at some point we are going to have to look at some type of compromise. I think, Senator PAUL asked a legitimate question. Shouldn't we be looking at some type of compromise that keeps this issue alive, gives us a chance to continue to debate this law and other attempts to change, modify, reform, repeal, replace, whatever, and ultimately put it in front of the American people in 2014 and say: Where do you want to go with this?

Well, people say we did this in 2012. In 2012 much of Obamacare had not been implemented. People didn't understand what was in it. There is still great confusion about this law, but we are learning more every day. By 2014—now that this is being implemented, we are learning a lot. What we have learned we don't like. It is even worse than we thought, worse than our worst nightmares.

The American people will have a chance to decide at the poll whether they want to continue going forward with ObamaCare or whether they want something different.

I think the result will speak for itself. Maybe that is the reason why they want to rush this thing through, they didn't want to face that possibility. But at least that is the possibility of something that may gain bipartisan support, and may put us on a path to addressing this issue.

If we are not willing to come up with some alternative for which we can get bipartisan support in order to keep this government going so we can pay those spouses whose husbands or wives are in the line of duty overseas serving this country, how can we tell them they are not going to get paid? You have to stay on duty, you can't come home and take another job, you can't take off your uniform. They are overseas putting their lives on the line.

As ambassador to Germany, I spent time at Landstuhl, the hospital in Germany that cares for all the wounded and critically wounded troops, just hours after an IED has taken off their legs or their arms. In visiting those soldiers, I can't help but think how we tell them they are not going to get their pay because Washington says that if a goal is not achieved now, that is it. The government is shut down.

So I am just asking my colleagues, before we make a decision on this now, to consider those spouses at home raising kids while their husband or wife is on the front line of duty. Better think about those veterans coming home who need help, who have brain injuries or wounds that need to be addressed. You need to think about those people turning 65 and retiring and who want to apply now for Medicare because their company has dropped them. You need to think about those individuals out there who will be mandated while employers get a break. You need to think about all the consequences here before we rush to some kind of false judgment that a shutdown isn't going to really affect us. It is. The President is not going to take the microphone and say: Folks, I am so sorry. I am so sorry I brought this health care law forward. This thing isn't working. I am hearing it, too, I am hearing it back home. So, yes, let's reopen the government and repeal and replace the health care law. I wish he would, but we know he won't say that.

I am asking my colleagues to weigh all these things before we come to a final conclusion on this and let us not be lured into the seduction of saying this vote will determine whether or not we will ever be able to deal with this Obamacare issue. And this is not even a substantive vote. It is not even a vote on the issue itself. It is simply a vote on moving forward to debate. It is nearly impossible to explain our procedural motions around here But this isn't an up-or-down vote on ObamaCare, this is a procedural vote.

I know Senator CRUZ would like to turn it into ''the vote'' in order to prevent something else from happening. I personally think that is a tactic that won't work, but we share the same

goal. I am not criticizing Senator CRUZ. He has energized people, he has brought this issue forward, and I support that. But let's think about the end game and let's think about what may or may not be accomplished by our decisions and let's make sure we weigh the consequences of our next action and its impact on the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I also rise to speak on the continuing resolution. We are coming up on the 150th anniversary of the most famous speech ever given in America, the Gettysburg Address, delivered by Abraham Lincoln in Gettysburg, PA, in November of 1863. In that address, President Abraham Lincoln, the founder of the modern Republican Party, talked about the meaning of the battle and stated that all Americans should resolve that ''government of the people, by the people and for the people shall not perish from the earth.''

That is what we are debating today. Should the American government be defunded and shut down? Should our government perish? The answer to this question is easy and obvious: Of course not. Of course not.

If a shutdown threat to the American government were external, because of an act perpetrated by an enemy or anthrax put in the mail and sent to us, the American people would rally with every ounce of their energy to battle against a government shutdown. That is what is so amazing. There is a proposal on the table by a faction of Congress themselves to shut the government down. Not an external enemy but a proposal by Members of Congress, a faction in both Houses, to shut the government down.

Last night on the floor of the Senate, I presided and then I took to my feet and asked the Senator from Texas a basic question: Will you vote against the funding and continuation of government if you do not get your wish on the defunding of ObamaCare? And his answer was very simple: Yes. Yes. In his view, and in the view of others who support this position, after 237 years of our national life, if you do not get your way on one issue that is important to you, it is acceptable to shut down the American government.

Needless to say—and the Senator from Indiana did a good job of saying it—the consequences of shutdown are severe. The 26 days of shutdown in 1995 and 1996 cost taxpayers $1.4 billion by the estimate of the Congressional Budget Office.

As Senator COATS mentioned, our Active-duty military are required to stay on duty, but they do not get paid. Their paychecks get delayed and then we have to come back and try to figure out a way to pay them late. They and their families don't deserve that treatment.

Many civilians working in our military, army nurses, for example, might get furloughed and not paid, as well as cyber security professionals, aviation mechanics, and I mentioned army nurses.

We won't take new applications for Medicare as people become eligible for Medicare. In 1996, 10,000 seniors a day who were becoming eligible for Medicare were turned away every day during the government shutdown. There will be 2.4 million Federal workers who won't get paid in a government shutdown, hurting their families. Many of those get furloughed, so whether it is meat inspectors or cancer researchers or folks who are negotiating trade deals to improve the economy, they will not be able to do the work the Nation needs them to do.

And private businesses, such as the Newport News Shipyard, the manufacturers of the most sophisticated manufactured items on Earth find that their contracts are put in question and their employees are, therefore, put at risk.

A shutdown is a huge blow to our economy and jobs. Make no mistake, these economic consequences of a shutdown are negative. Yesterday the Budget Committee held a hearing. We had both majority and minority witnesses—economists. I asked each of them: Would a government shutdown under current circumstances hurt the economy? They all answered: Yes. I asked them: Is even the threat of a shutdown harmful to the economy? They all answered: Yes.

And furthermore, the economic consequences of a shutdown are even magnified by the economic consequences of a potential default on America's debt. Some are threatening default on America's debt if we don't defund ObamaCare. This is also economically irresponsible—not paying our bills for the first time in 237 years as a Nation. America paid its bills when Washington was burning during the War of 1812. America paid its bills during the Civil War. The entire world knows they can bank on the full faith and credit of the United States. Our Constitution says that the validity of public debt of the United States shall not be questioned.

Those who threaten to repudiate our fiscal obligations or to shut down our government are engaging in economically destructive behavior.

It is painfully obvious we should not shut down government, that we should not default on our fiscal obligations. So why are we even having a discussion about shutdown and default? What has brought us to a place where these unthinkable actions are being discussed and even promoted by some in both Houses of Congress? Simple. Some Members of both Houses are opposed to the Affordable Care Act. They are committed to repealing it or defunding it at all cost, even accepting a government shutdown or default on the debt of this Nation.

What do we say to those who hold that view? First, to be plain, I oppose those who want to defund or repeal the Affordable Care Act, because repealing or defunding it would mean millions of Americans who will be able to access affordable care through health insurance exchanges would lose that ability. It will mean that nearly 7 million young adults would lose coverage they have been able to gain through their family's insurance policies. It would mean seniors would be stripped of Medicare coverage for certain preventive care, and also Medicare coverage to reduce prescription drug costs. It would mean small businesses will lose tax credits they can access if they insure their employees. And this is a personal one to me—I have experienced this in my family—that people with a health history will once again be free to be turned away by insurance companies because they have a preexisting health condition. Consumers who are getting rebates from insurance companies who overcharge them will stop getting rebate checks. In the States that have decided to embrace the Medicaid expansion of the Affordable Care Act, an estimated 5 million people who are now on the verge of being insured will have that protection taken away from them.

So for all those reasons I oppose repeal.

Last year, I told my voters in Virginia that I opposed efforts to repeal the Affordable Care Act, and I had an opponent who pledged to repeal the Affordable Care Act. The voters heard both of those positions and they rejected repeal and they embraced to keeping it in place and improving it.

Last year, the President of the United States campaigned on continuing the Affordable Care Act and being open to improvements. He campaigned against someone who said it should be repealed or defunded, and the American public, by a large majority, said we don't want repeal, we want to continue forward and to reform and improve.

The American public does not want repeal. The American public does not want defunding. The American public does not want default. The American public does not want shutdown. They are open to reform and improvement.

Let me be clear: We should be open to reforming and improving the Affordable Care Act or any other part of our health care delivery system or any other thing we do as government. We need to be open to reform and improvement.

The Senator from Indiana was wrong in one particular thing. Many in this Chamber, including Democrats, have already voted for ACA reforms as part of the budget we passed in March. But the minority party has stopped us from putting that budget into a conference now for more than 6 months. There is a significant group of people in this body who would love to talk about reform and improvements but who reject shutdown and default.

This gets to the nub of the issue. Last night I asked the Senator from

Texas about reforms he was interested in, and he laid a number of them out on the floor. He had some I liked and some I thought were good. I asked the Senator: Have you prepared any legislation to make these reforms? And he answered: I don't currently have a reform proposal but I am going to work with my staff to come up with some reform ideas.

This gets to the nub of the issue. There is a right way to approach health reform. Though I disagree with it, there is also a right way to approach a repeal of the Affordable Care Act or defunding the Affordable Care Act. Here is what you do: If you have a better idea, introduce a health reform bill with your own ideas and try to convince your legislative colleagues that you have a better answer or participate in debate about the budget or about an appropriations bill and make your argument about the appropriate level of funding for the Affordable Care Act.

The Senator from Texas and every legislator has the ability to raise whatever reforms or whatever funding or defunding ideas they want in these ways. Make your case, argue your position, try to convince your colleagues, and then accept the outcome. But do not threaten to shut down the government of the United States if you don't get your way, if you are not able to convince your colleagues that you have a better answer. Do not threaten to default on America's fiscal obligations if you don't get your way, if you can't convince your colleagues that you have a better answer.

There is absolutely no reason to jam your plan to overturn a law passed by Congress, signed by the President, and affirmed by the Supreme Court, into the very gears of the American government. Do not let your opinion on one issue threaten not only government operations but the economy of the United States.

In other words, let's talk about reform. Let's talk about improvements. Let's do it the right way, not the wrong way. Let's separate those discussions out from all the threats of shutdown or default. If we are willing to do that, I think we will be able to get somewhere.

To conclude, I want to go back to where I started. I ask my Senate colleagues, avoid all the brinkmanship and promptly approve a continuing resolution to fund the continuation of American government. Strip away the separate issues that should be debated and considered separately, and let the House vote on the simple question of whether they believe that American government, after 237 years, shall continue. We have come far, we have achieved so much, and we have much work still to do.

Government by, of, and for the people is not perfect and it will never be perfect. But I am resolved—and I hope all my colleagues are resolved—that government by, of, and for the people shall not perish—not for 1 year, not for 1 month, not for 1 week, not for 1 day, not for 1 hour, not for 1 minute. Government shall not perish on this Earth.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have spent a lot of time in the last few weeks and listening last night to the Senator from Texas make a big point that Members of Congress in his opinion were not listening to the American people. I have a lot of experience listening. As a physician that is what I got paid to do.

I think the motives of Senator CRUZ and some of his allies in the Senate are pure. Their tactics are tremendously erroneous, in my opinion, but I want to draw a picture for you in a minute about this idea of listening and what it means.

Even though I disagree with their tactics, I admire their spirit and their vigor. Having delivered 4,000 babies, I have had a lot of sleepless nights. I have gone 2 or 3 days with 2 or 3 hours of sleep over that period of time to care for people.

But I would make this point: As a physician, the first thing you are taught in medical school is to listen to your patient and they will you what is wrong with them. So we do have to spend time listening to our constituencies.

But doctors don't just listen to the patient. They observe the patient, they examine the patient, they do tests on the patient, and then can combine all that listening with all the other data they have collected, and then they make a decision about giving advice to that patient. They give what is called informed consent.

That is the big story that hasn't been told to the thousands and thousands of people from Oklahoma who have called my office. They haven't been given informed consent. They have been sold a bill of goods. When I have young interns and young staff in my office taking significant calls from people who have been misled, there is no way you are going to talk them out of a position that outside interest groups and a small number of people inside the Senate have planted. So I want to spend a few minutes addressing this. Then I want to go back to the patient for a minute, because in my broad experience of treating everything from newborn babies to grandmas to broken bones to gall bladders to you name it, I have gained a little bit of experience on how you judge inputs of information.

What we have had outlined—and I want those people who call my office to listen to this. What we have had outlined is a group of people who said somebody has a terribly swollen knee, and if you don't fix it they are not going to be able to walk, and that we have got to fix it right now. Nothing else matters. We have to fix it right now. Except they have a staph infection in their knee, a methicillin-resistant staph infection in that knee. But because we don't listen to all the facts and we didn't do all the studies, they don't recognize that that staph infection has already infected the heart valve.

The knee is what is red and hot and what they are complaining about, but the good physician will do the tests, the studies, the listening, and the exam and find out what the real problem is. The staph infection in the knee came from the staph infection in the heart. If you don't go after treating the heart of the problem, it doesn't matter if you cure the knee; the patient is going to be dead.

That is what we have had put upon us by some of my colleagues. They have been misdirected in terms of what the real problems are.

I would say nobody fought harder against the Affordable Care Act as a practicing physician than I did. I was still practicing, being a Senator at that time. I was still delivering babies on the weekends in Oklahoma.

Senator MCCAIN said it was a fair process. It wasn't a fair process. The one bill that actually would have solved our health care problems never got a vote on the floor of the Senate. It is called the Patient's Choice Act. The majority leader wouldn't allow a vote on that amendment. It was a complete substitute. It actually fixed the real problems, and did so without putting the government between you and your doctor. But let me go back.

What Senator REID, the majority leader, has said is right. What is the Affordable Care Act about? It is about ultimately getting to a single-payer system where the government controls all of health care. So Senator CRUZ and Senator LEE aren't wrong about worrying about it, aren't wrong about wanting to change it. But we have a whole lot bigger problems than the Affordable Care Act. It is just one of them.

I want to spend a little bit of time talking about what this debate has taken our attention away from. The real problem in our country right now is that we are bankrupt. Our total unfunded obligations of the Federal Government are $124 trillion. The entire net worth of the entire country is only $94 trillion. We are $30 trillion in the hole and growing that hole. What that means is we are leaving a legacy of pauperism and debtor's prison to our children and our grandchildren.

So while we have had this big debate, nobody is focused on the fact that Washington is still lying about the numbers up here, including the bill that came across from the House. I am going to spend a little bit of time going through that so we can refocus on the infected heart instead of looking at the infected knee.

I am very glad they have raised the issue. The problem is we are double-minded and double-speaking when we

talk about the numbers. Let me show this for a minute.

Congress, the President, the House, and the Senate voted for the Budget Control Act. We made a promise. We said we recognize we have some problems. The first thing we can do is we can start addressing some of those problems through discretionary spending. You had all of these claims that we made all these savings, over $2 trillion. Well, here are the real numbers. The real numbers are, in 2011, the base discretionary spending was $1.062 trillion. By the time you add up the emergency spending, the troops, spending for the war, we spent $1.221 trillion. In 2012, as we worked this Budget Control Act through, the base spending was $1.043 trillion. Real spending, when you add in everything else that was spent through emergencies and everything else, we spent $1.198 trillion. This is the discretionary spending. In 2013 through the Budget Control Act, the base according to that was $988 billion. With all the extra things we allowed, emergency spending, war spending, et cetera, we spent $1.145 trillion.

According to the CBO, reading what the law is and the promise to the American people, this next year it is supposed to be $967 billion. If you add what is expected in war and discretionary spending through emergencies, it is to be $1.114 trillion.

So what have we done? By forcing a discussion about the wasteful spending, we have set us on a path to slowly actually cut actual discretionary spending, something we are going to have to do if we are not going to have our kids in debtor's prison.

What is the bill we have coming over here? The bill we have coming over here is $985 billion. So it is $18 billion bigger than what we promised you just last year. Besides that, it is even $18 billion higher because we have got fake pay-fors in there, so it is actually $18 billion higher than that and something we call CHIMPS, where we assume something that we have assumed the year before but didn't count it the year before and will count it again this year. It is the type of accounting that anybody in a publicly-held company in this country would go to jail for. They would be convicted and go to jail. But what we agreed to in the Budget Control Act is 2014 would be the last year of discretionary cuts; then every year after that it would rise by 2.5 percent, i.e., the estimated rate of inflation, and that we could change the mix and we could get there. But we are not doing that.

Just to show, the spending is still going to rise. The discretionary spending is still going to rise. Here it is in terms of baseline and actual, and you can see we are not cutting spending anymore after this year. It is going up.

Which begs the question: What are we doing with this continuing resolution? We are breaking our word that we gave you last year and the year before. We can't help ourselves. We are addicted.

You can say—as NANCY PELOSI, the minority leader in the other party, has said—there is not anything else left to cut in discretionary spending. Of course, that belies the fact that the Government Accountability Office has listed 165 different sets of duplicative spending, wasteful duplicative spending—that is $250 billion a year—that if the Congress would do its job you could save half of that. So instead of doing this, we can be doing this.

What does that mean? That means your children have a brighter future. That means we don't waste money. We clean up the fraud and corruption in the Federal Government. That is what it means.

There are points of order that can be raised against this bill and I am hopeful we will do it because we violate the Budget Control Act. If 60 Senators want to say we don't care what we promised you before, we have to spend more money, then they will vote. They have to have 60-plus votes to waive that budget point of order. I predict they probably will because we cannot help ourselves. I will not, but we are going to spend more money than what we just last year promised the American people we would do.

Of course, that doesn't address any of the real problems that are facing our country, which are the mandatory programs. I want to give just a short flavor of some of the programs. I will just take green buildings, for example.

I ask unanimous consent to use an oversized chart on the floor.

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

Mr. COBURN. If you just look at this, nobody in their right mind would create this. But of course Congress is not in its right mind. We would not have a $750 billion deficit if we were in our right mind. Here it is for all the green building programs in the country.

We have in this different departments that are running a multitude of programs that all do the same. A cogent person would say if it is good to have green building programs, why don't we have one? Why don't we create a czar of green building programs, put him in charge, and let's have one set of grants, one set of incentives and one bureaucracy that runs it. But we have not done that.

Let me just go through, for a moment, this series of duplications that the Government Accountability Office has outlined and just see if you think we are doing our job. See if you think we are doing the oversight we should be doing.

Here is the first group. We have 15 unmanned aerial aircraft programs, of which we are going to spend $37 billion over the next 5 years. Why do we have 15? Maybe we need one for each branch of the service and they could subcontract what they deliver to Homeland Security if we need those for homeland security or for the intelligence agencies. Why do we have 15?

We have 18 different food programs running through 23 agencies at $26 billion a year. We have 21 homeless programs, 7 different agencies, 2.9 billion. We have transportation services for transportation of disadvantaged persons, 80 different programs in 8 different agencies spending $2 billion a year. Job training and employment, we have 47 job training programs for the nondisabled. We have 6 veteran job training programs and we have over 50 job training programs for the disabled, spending $18 billion for the nondisabled and a total of $21 billion combined.

What we did as the oversight in the State of Oklahoma was to look at that. What GAO says on this particular one is all of these programs overlap one another except for three. They all do the same thing, except there is no metrics on any of them to see if they are actually giving somebody a family-stabilizing, long-term job or the skills for a long-term job.

We have 82 different teacher quality programs run by 10 different agencies not at the Department of Education that we are spending $4 billion a year on. Food safety, military and veterans health, economic development, 80 different programs, $6.5 billion a year.

I can go on. I will not. I will not bore you. There are two other pages, 165 sets of different duplication, over $250 billion, and here is what Congress has done. We have addressed 8 percent of it. There have been hearings. That doesn't mean we have had an answer for it. We have addressed 8 percent of them.

When we look at the activity of Congress, of doing real oversight to solve the problems, to truly eliminate duplication, to truly eliminate fraud, to truly eliminate waste, most Members of Congress are not interested in doing that. They do not get the glory, but it is our oath, it is our responsibility to do that. Yet we fail to do it.

I heard the Senator from Virginia mention the debt limit. I am going to say again something I said in 2009. We do not have an income problem in this government, we have a spending problem. Do you realize the average American spends one-quarter of their life working to fund the Federal Government. Think about that for a minute. You are going to spend one-quarter of your life working to fund it, if you count the unfunded liabilities that we have and count the 25 percent of GDP where we are on spending today, you are going to spend one-quarter of your life funding that.

If I remember correctly, and if I read the Constitution correctly, this little book, what our Founders talked about was limited government, not a government that consumes 25 percent of your labor to run it, not a government that ignores the 10th Amendment or ignores the enumerated powers.

I introduced the Enumerated Powers Act. It is a simple act. It has 37 cosponsors. What it says is, before you introduce a bill on the floor of the Senate, you have to reference the area of the Constitution that gives you the authority to legislate in that area. Sad to

say, I could not get any of my colleagues on the other side of the aisle to join on that one very simple bill that would help bring us back to what our Founders thought about a limited government and our responsibility. Our Government is limited only to the extent to which it can borrow right now.

We have tons of structural deficits in our economy today. We have a job deficit in terms of creating jobs. We have a skills deficit in terms of matching the skills to the jobs that are available. We have a demand deficit because of the overbearing overreach of the Federal Government and the regulation that is imposed upon the citizenry. We have a deficit of watching out for those who cannot watch out for themselves.

We have programs that are supposed to do it, but when you go back and read our Founders' vision and read the Federalist Papers and read what this most wonderful government that was ever created was designed to do, first and foremost it was designed to be limited because our Founders knew that when it became 25 percent of your labor, your liberty was diminished, your freedom was diminished. Of course, that ultimately is what the fight is over, the Affordable Care Act—what will it ultimately cost and how much freedom will you have when we give you something that some need, what will you give up when you receive that.

I will end with just the following. I think there are four questions the American people ought to be asking Members of Congress right now. There are four critical questions. I think too often we fail in answering these questions. Here they are.

Are you leading in such a way as to restore confidence in ourselves, our Government, and our institutions? Are you trying to unite us or are you trying to divide us?

I already described we are bankrupt. How do we get out of it? The only way we get out of it is working, coming together with real leadership that draws us together, that says, hey, folks, no finger-pointing here, there are lots of mistakes made. How do we solve these problems and how do we do it together without making somebody else look bad? How do we restore confidence we know we need?

I wish to tell a story. I did townhall meetings in August, and I went to Miami, OK. There is a wonderful plant there that grows mushrooms and vegetables. It is a big operation. The owner of the plant, Virgil Jurgensmeyer, came to my townhall meeting. He is probably my age, maybe a little older. He said: Tom, I am spending $60 or $70 thousand a month buying from my competitors right now to fill my orders. I could create a couple of hundred jobs with my own. It is not a big city. But I don't have the confidence in the future of the country right now to invest $5 million and go to the bank to borrow that to create those jobs because I don't think we have it together as a country anymore.

He is not partisan. I don't know what his political leanings are. But what I do know is he has lost confidence. That has happened all across our country right now because we do not have leadership that does anything except point out what is wrong with the other side.

What we need is leadership that brings us together, that compromises, that works to identify and solve the problems.

The second question I think ought to be asked is: Are you more interested in the short-term political game as a legislator than you are the long-term problems of this country? I am a term-limited Senator. I set my term limit when I first ran. I have a little over 3 years to go. I will never run for another office the rest of my life. I would like to think that most of my thought has been about long term since I have been in the Senate, not short term—of actually solving problems, the long-term problems, not the short-term problems.

I talked about our structural deficit. We have to get after it. We have to get after it now. If you look at the political dynamic, right now is the only time between now and the next Presidential election that it will be positive for Republicans and Democrats to join hands together to solve the problems of Medicare, Social Security, Medicaid, and our structural deficit. We have less than 3½ months to come to an agreement to do that because the political dynamics will never allow that to happen until after the next Presidential election because everybody will be pointing fingers.

Wouldn't it be nice if we had the leadership that saw Republicans and Democrats come together, compromise, fix these problems? Even if you lose your election, fix the problem for the country, fix the problem for the children, fix the problem for our grandchildren.

But the selfishness of careerism drives us to do what is politically expedient and what is popular rather than what is right.

The third question: Are you willing to look at this institution of government and ensure that we are not wasting, duplicating or being defrauded in the programs that we authorize through a congressional continuing resolution? The answer to that question is we are being defrauded every day. We have waste every day that we are not working on, and we have duplication like crazy from the GAO that we are not even attempting to fix. I have to take my hat off to the President. If we look at his budget, he took more of the GAO recommendations that they made and put them into his budget than we have even considered in both the House and the Senate. At least he is listening to someone. They actually acted on them in his budget for the fiscal year 2014.

The question on this third question is: Do you have the political courage to fix what is wrong and compromise on the solutions to fix what is wrong? The GAO has told us what is wrong. Yet we fail to address it.

Then, finally, and maybe this is more of an Oklahoma thing—I hope not—but do you actually believe what the Constitution says about a limited role for Federal Government? Do we vote to ensure that the 10th Amendment that our Founders added is brought up-to-date and is revered? Unfortunately, that is hardly ever a concern in the Senate.

I have been here over 9 years. We don't worry about the enumerated powers. We want to fix those, and in our good desire to fix things, we trample the Constitution. So now we are $17 trillion in debt. We have $124 trillion in unfunded liabilities, and that is growing every day.

So the one thing this debate we have had the last few days in the Senate has caused us to not focus on is the very thing that is the real problem facing this country, which is ineffective leadership. It is fixing the wrong problem. It is the heart, not the knee. It is the heart that is infected, and we have to address fixing the heart before we can ever hope to cure the knee.

I thank the Presiding Officer for his patience, and I thank the Senator from Missouri for his patience. We don't have one problem in front of this Nation we can't fix. If we restored confidence, we would be growing at 4 percent a year right now. If people had the hope that we were going to do what is right, not what is expedient, and in the best long-term interests for all of us—not me as a Republican and not just Democrats—and we had that kind of leadership, we could get out of our funk, we could get out of our debt, and we would be the America we had when I was growing up.

I yield the floor.

Mr. HARKIN. Mr. President, we find ourselves in yet another ''Alice in Wonderland'' moment here in the Senate. We are again on the brink of a government shutdown for no reason other than the House Republicans' absolute obsession with repealing the Affordable Care Act. Their strategy isn't anything new. They are running the same old plays out of the same old playbook that they have used for 3 years. None of these attempts have worked, but failure is no deterrent if all you care about is scoring political points with your political base.

The House has voted 42 times to repeal or defund the Affordable Care Act. You would think after the first 41, they might get a sense that it is just a waste of time. But, no, the House is at it again, risking the widespread economic damage that a government shutdown would cause just so they can indulge their political obsession yet one more time. I sort of half-facetiously said last weekend that the good news is that the obsessive-compulsive disorder is covered under ObamaCare—just in case these House Republicans might care to use it.

Defunding the Affordable Care Act would deprive Americans of all of the

law's benefits, such as historic consumer protections, affordable coverage, and cheaper prescription drugs, just to mention a few.

Work on the insurance marketplace, which will be open for business, as we know, next Tuesday, would stop. As a result, individuals and small businesses would no longer be able to enroll in affordable comprehensive health insurance through the marketplace, nor would they receive possible tax credits to help them with their premium payments.

In addition, the planned expansion for Medicaid would be canceled. Seven million Americans who are projected to enroll in the marketplaces next year and 9 million through expanded Medicaid would lose their coverage.

Over the next decade, the number of uninsured would rise by at least 25 million Americans. As if 25 million more uninsured was not bad enough, this bill from the House would cancel all of the hard-earned, long-awaited consumer protections that are in the law to protect every American with insurance, such as coverage for preexisting conditions and coverage of young people on their parents' policies to age 26.

So we would kind of go back to the bad old days when insurance companies were in the driver's seat and telling you what kind of health insurance you were entitled to and when and charging you outrageous prices for it. Instead of protecting all Americans against arbitrary limits on coverage, repeal of the Affordable Care Act would take us back to the days when insurance companies could terminate your coverage just when you are the sickest. This would hurt families like Danny and Lisa Grasshoff from Texas who were unable to find coverage that would pay for their son's hemophilia treatment until the Affordable Care Act banned lifetime limits. More than 105 million Americans are currently protected by this provision, more than 105 million who are protected under the Affordable Care Act.

Instead of allowing young people to start a new job or new business or go off to school and stay on their parents' policy until they are age 26—which they can do now under the Affordable Care Act—repeal would make them fend for themselves in a chaotic insurance place that offers too little coverage for too much money. More than 3 million young Americans are currently covered and are taking advantage of this protection. They would lose it under the House bill.

All 105 million Americans protected from a ban on lifetime limits would lose it under the House bill.

Now, instead of protecting 130 million nonelderly Americans who have preexisting conditions—such as high blood pressure, diabetes, heart disease—denial of coverage repeal would put the insurance companies back in the driver's seat. They would be picking and choosing whom they want to cover. There are 130 million Americans who are covered under that ban on preexisting conditions.

Instead of helping all Americans prevent illness or disease by providing preventive services, such as colonoscopies, repeal would allow insurers to charge expensive copays. Sometimes they can pay as much as $300 for these essential services.

I just talked to a friend of mine who recently went in for his annual checkup. He got an annual checkup and advice on how he should handle his health care, and there were no copays and no deductibles under the Affordable Care Act.

Repeal under the House bill would deprive States and localities of vital funding to combat chronic diseases such as cancer, diabetes, and heart disease. Thanks to health reform, the Prevention and Public Health Fund is saving lives and cutting costs by supporting such programs.

Cutting off funding would immediately stop States' work in building the health insurance marketplaces. I just mentioned that it will start next Tuesday. These will be transparent, easy to understand, one-stop shops so individuals and small businesses can purchase affordable coverage. It starts next Tuesday. These marketplaces have been endorsed by experts all across the political spectrum because for the first time they will create a real marketplace for health insurance. Individuals and small businesses have the same purchasing power and choice that only big companies enjoyed before. Again, this will have a direct pocketbook impact.

Premium rates are coming in from marketplaces across the country, and they are much lower than projected. In fact, my home State of Iowa released rates last week that independent experts say are some of the lowest in the country—in the marketplace. Well, the House bill would take that away. It would stop that. Why would we want to do something like that when we are providing a really good deal for consumers?

Most importantly, these exchanges are a centerpiece of a system that will bring coverage, as I said earlier, to more than 25 million Americans who otherwise would be uninsured and living with the oppressive fever of being one illness away from bankruptcy or not knowing if they can afford a doctor's visit for their child. Why would anyone want to stop this? Why would anyone tell States: Stop what you are doing to serve your citizens. That is exactly what the House bill does.

If we pass that House bill, Congress will turn its back on America's seniors, tossing out hard-won improvements in Medicare benefits. It would take us back to the days when Medicare prescription drug coverage had a giant gap. We all know that as the doughnut hole. It is in the middle, exposing millions of seniors to the full cost of drugs just when they need the most assistance. Now, health reform closes that doughnut hole step by step until 2020 when it all disappears.

I just received this from Iowa. The Affordable Care Act in Iowa is already helping seniors on Medicare. Seniors on Medicare saved $76 million on prescription drugs because of the Affordable Care Act in Iowa—just in Iowa, $76 million. If we adopt the House bill, it takes that away. It reopens that doughnut. There are 6.6 million seniors all across the country who have already saved more than $7 billion in discounts on drugs purchased in the doughnut hole. Repealing this would increase senior drug prices by $5,000 a person over the next 10 years. Why would we want to do that?

The House bill will roll back the unprecedented investments we make in Medicare fraud prevention. This is another little-known aspect of what we put into the Affordable Care Act. We increased criminal penalties, we launched innovative new technologies to detect and pursue fraudulent activities, and we put more cops on the beat to preserve Medicare funds for beneficiaries—not the quacks and the fraud manipulators. Taxpayers of this country saved $8 for each $1 we put into that program. If you put $1 into it, we are saving $8. Why would we want to repeal that? But the House bill would repeal it.

It would hurt seniors' access to health care in rural areas. I come from a rural State. The Presiding Officer comes from a very rural State. We put Affordable Care Act incentive payments paid to rural primary care providers in the Affordable Care Act. The House bill would take that away.

As I mentioned earlier, we put provisions in the Affordable Care Act for seniors to get preventive care and wellness visits with no copays and no deductibles. In 2012 more than 34 million American seniors got free preventive services in Medicare.

CBO tells us that the improvements we put in the Affordable Care Act to the Medicare payment policy coordination and efficiency will extend the life of the Medicare trust fund by another decade.

Republicans are always saying: Well, Medicare is going to go broke. OK. In the Affordable Care Act we did things that the experts say will extend the life of the Medicare trust fund by another decade, and they want to repeal that. It just doesn't make sense.

Finally, we come to the most inexplicable part of this debate. Republicans have played the Washington stage politically for all it is worth. We saw an example of that last night when one of our colleagues on the other side kept the Senate in all night long. I think the Senator from Texas started off yesterday at around 2 or something like that—please excuse me if I didn't pay a lot of attention to it—he started at 2 in the afternoon, and it went on all night. He kept the Senate here and went on this morning until about noontime, I guess.

I respect every Senator's right to come to the floor and speak unhindered, just as I am doing now. Pretty soon another Senator will speak unhindered, and that is one of the beauties of the Senate. I think we also have a responsibility to be at least a little cognizant—just a little bit—of how we are burdening others.

So, yes, a Senator spent all night here. I wonder if that Senator ever stopped to consider how much it cost the taxpayers to keep this place lit, to keep the clerks and the people here; all the police, all the safety people here and around outside, just to keep this place running, so one person could speak all night. I wonder if he ever considered that.

As I say, I don't deny anybody's right to speak. But I have to wonder about responsibility, being responsible to the body and to the public at large.

Imagine my surprise when that same Senator who kept people here all night—who kept the lights lit and cost the taxpayers I don't know how many hundreds of thousands of dollars, at least—voted for the very bill he was talking against. It was a 100-to-0 vote today. Some things are hard to grasp around this place. I am sure the public out there watching this will say, Wait a minute, he spoke all night against this bill and against the Affordable Care Act, against ObamaCare, and a few other things too, but then turned around and voted for cloture on the motion to proceed. As I said, some things are pretty hard to understand around this place. I guess one has to define it in terms of pure politics, sometimes just pure politics.

Again, here is where he talked about the most inexplicable part. My friends on the other side are making great and solemn speeches about the debt and the deficit, warning us, bringing us within hours of a government shutdown, all in the name, they say, of fiscal discipline. But as a condition for agreeing to fund the government, what do they demand? The repeal of the best deficit-reducing measures we have ever had. The nonpartisan Congressional Budget Office confirms that the Affordable Care Act reduces the deficit by more than $100 billion in the next 10 years, and over $1 trillion in the next 10 years.

So, again, let me see if I get this straight. The Republicans propose to reduce the deficit by increasing the deficit. Well, again, as I say, some things are kind of hard to understand around here.

I think it is time to stop the silly games. We had our debate. We worked hard on the Affordable Care Act. This debate is not about deficit reduction, it is not about the Nation's fiscal health, it is about tearing down health reform at any cost. Tear it down, get rid of it, go back to the way it was when powerful health insurance companies had control to raise your rates whenever they wanted to, to not give people health coverage if they had a preexisting condition, to deny people coverage when they got sick, cut them off right at that point, deny them benefits, and making insanely big profits doing so.

Those are the old days. It seems to me my friends in the Republican Party want to go back to those days, but we don't. The vast majority of the American people say, No, we want to move forward with a health care system that covers everyone and doesn't leave anyone out.

Again, as I said, my friend's obsession with repealing this health care bill is not based on budget or something. Sometimes I wonder what it is based on. If someone were to ask me, Senator HARKIN, do you think the Affordable Care Act is the end-all and be-all, that it is absolutely perfect, I would have to refer to what I said when we first passed the bill, and it came under my committee, the HELP Committee. I said I like it as I would like a starter home. We might have to add some rooms, we have to add a door here or there or change some of the designs of this or that, but it was like a starter home, to be filled in over months and years ahead, change with changing conditions and circumstances, and as we learned more, as we went ahead, that maybe things would have to be changed in the Affordable Care Act. But the foundation was solid. It has a solid foundation, and a solid structure of making sure that we had a health care marketplace to cover all, that it wasn't controlled by a few; that everybody, no matter how poor, would get health insurance and those who are the poorest would get a government subsidy to buy into that insurance.

We wanted to make sure we had good preventive programs, wellness programs, to keep people healthy and out of the hospital in the first place, to change from what I have always said we had in America: We did not have a health care system, we had a sick care system. If you get sick, you get care, but in America we have never had much of anything to keep us healthy in the first place. As I have said many times, in America it is hard to be healthy and easy to be unhealthy. We need to change that around. We need to make it easier to be healthy and harder to be unhealthy.

The Affordable Care Act takes steps in that direction, providing free mammograms, cervical cancer screenings, colonoscopies, by providing wellness checkups for people every year, by putting in place community transformation grants where communities could begin to think of how they can structure communities to promote wellness, good activities, and better diets.

So, yes, it is like a starter home. Do I think some things will have to change in the Affordable Care Act in the future? I am sure that is true. But that doesn't mean tearing down the structure and digging out the foundation and throwing it all away and going back to where we were before—to square one. The answer is to move ahead. Let's open these marketplaces. Let's get people signed up. If things need to be fixed and changed in the future, that is our job here. It is our job to fix these things and make sure our laws are correctly interpreted and benefit people.

It is as though some people have the idea that all we have to do is pass the law and sit back and everything will take care of itself. That is not true. No law is like that. We need to implement them. But we need to do it with good will and in a spirit of compromise and in a spirit of—not everyone knows all the answers, but in a spirit that what we are attempting to do with the Affordable Care Act or ObamaCare, if you will, is to move us in a direction where people will be healthier, where people will have affordable, quality coverage that can't be taken away because they get sick, or be denied because they have a preexisting condition; kids can stay on their parents' policies for a decent length of time after they get through school, and all of the things I spoke about. These are good, solid foundations for a good health care system in America.

I think my friends on the other side who want to repeal this are simply on the wrong side of this debate. I am always reminded of what William Buckley once said. He was sort of the father of the modern conservative movement in America. He once said the role of a conservative is to ''stand athwart history yelling, Stop!''

Knowing the late Mr. Buckley, I am sure he probably had a smile on his face when he said it.

It seems as though that is what some people are saying: We just want to stop all of this.

I have said many times since we first started the Affordable Care Act debates here several years ago, and since we first started working on this, if people have a better idea, come forward and let's take a look at it and see what we come up with, but I haven't seen that yet.

I want to close by referring to a couple of letters I got from Iowans. They make it clear what this is all about.

Angela from Edgewood writes that she has ''a family history of cancer and now I have been able to have the screenings that I need.'' She asks me how she can volunteer to spread the word to others. Well, I just did.

John from Des Moines says that ''because of the ACA—the Affordable Care Act—I have been able to start my own business, I have been able to purchase coverage and am looking forward to the exchanges.''

So the choice is to go forward, to work together to make whatever needed improvements need to be made, to come together as a united American people and to create a reformed health care system that works not just for the healthy and wealthy but for all Americans. That is what this battle is about. That is what this is all about. That is

why we don't need to shut the government down. Let's act responsibly. Let's pass a short-term continuing resolution without defunding the Affordable Care Act or all of this other nonsense dealing with the debt ceiling increase, and then let's get down to the hard work of working together to make sure we fund the government next year as we bring this session of Congress to a close later in November or December. Hopefully, in the next couple of days the Senate will act and we will let the House know we are not going to defund the Affordable Care Act.

The PRESIDING OFFICER (Mr. COONS). The Senator from Missouri.

Mr. BLUNT. Mr. President, I have had the chance to listen for almost a better part of an hour to my two neighbors, Senator HARKIN and Senator COBURN, one from Oklahoma and one from Iowa, both of whom, as many of us know, have totally different views of why we are here and what is going to happen based on what we do in the next few days and the days that follow after that.

First of all, why are we here? The new spending year starts a week from yesterday. It starts next Tuesday. Has the Senate passed a single appropriations bill? No. Why are we doing this again? Why are we so committed over the last 5 or 6 years to management by crisis?

I think in the last 6 or 7 years now, the appropriations process has not worked one time. It wasn't too many years before that when we passed all of the appropriations bills for the year that ended September 30 and began October 1 in July—all of them, individually. That is how the government worked and was supposed to work. Here we are a week away, and why are we here? Why does everything have to ride from crisis to crisis? That is why people are frustrated, people are upset.

Senator HARKIN, my good friend, we are both frustrated and upset. We would like to see this process work. The Appropriations Committee would like to see the process work. Why do we go from standing on one edge of the cliff, and the next time people pay any attention, we are on the edge of another cliff again? We need to work together to make this process work.

There has been, as Senator COBURN pointed out, some significant disagreement on where the current debate could take us. One side believes that at some point—one side of the debate believes that at some point the President of the United States would sign a bill that eliminated the health care plan that he now calls ObamaCare, so I am going to call it that too, as he has, and Senator HARKIN has alternated using that term. I don't believe the President would sign that bill. I do believe he is President and I do believe he has to sign a bill for the bill to happen, and so we have to at some point decide what can we do to make this process understood in a better way by the American people.

Senator HARKIN referred to this as a starter home. I don't know exactly where this goes, but I do know that the majority leader said over the last few days, Well, what this really is is a single-payer system. I am not for that. As far as I know, nobody on my side of the aisle and many people on the other side of the aisle aren't for that, but that is where the Senate majority leader says this goes. I don't want to go there.

So what can we do to make the health care system work better? I wish to talk about that a little later too because there have been plenty of ideas about what could make this better. Apparently, when it comes to not moving forward with the Affordable Care Act, the administration believes it can decide what not to move forward on, but the Congress can't. It can decide what to essentially repeal. Part of this act was called the CLASS Act, long-term health care provisions that about a year and a half or 2 years ago, the Secretary of HHS said what I said, but in the committee, when this bill came up, when I was on the House Commerce Committee that dealt with this, essentially saying this long-term plan won't work. ''Oh, no, it will work and it will provide lots of money.'' Secretary Sebelius—even though it is the law—said, about a year and a half ago, this will not work, so we are not even going to try to do it.

The President said recently—or I guess the Secretary said recently—that the small business plans that were supposed to be available on January 1, 2014, will not be available. The President said: We are not going to have any penalties for the business requirement in 2014, but we are still going to have the individual requirement.

Interestingly, the President also said: In normal circumstances, I would go to the Congress and say change the law, but these are not normal circumstances. I do not believe there is a Presidential prerogative to decide whether you are in normal circumstances or not. If the law needs to be changed, let's change the law. If parts of it need to be repealed, let's repeal it. If parts of it need to be postponed, let's postpone it.

Here we are, only 6 days from the beginning of a new spending year. We are also 6 days from what will be a critically important moment for a lot of families—a lot of individuals, employers, people who are going to be looking at these exchanges, and they do not seem to be ready.

It had been hoped that there would be available information out there so that for weeks we could have sort of what is called the dry run, where people could see if this works, where they could compare plans. That is just not there, and we know it is not there.

In Missouri, where I live, people have been concerned from the very first about what they saw as a flawed law. In fact, our State was the first State in the country to actually vote on whether we wanted to be part of this. Overwhelmingly, Missouri voters said no, and that was when it was more popular in any polling than it is right now. People have looked at this and they do not want to go there.

Missourians, in August of 2010, had a vote on the ballot, and 71 percent said we should not participate—71 percent—and that was, again, when the law was more popular than it is now. That was the first time people had a chance to vote on this.

In November of 2012, Missouri voters voted again. This time the direction to the legislature and all State agencies and the Governor was: Do not establish a State exchange unless the legislature agrees. There was some disagreement as to whether the Governor could do that on his own. Missouri voters said: We do not want you to do that on your own. So in our State, as in a majority of the States, it has not happened. The implementation will is not there because people do not believe this plan will work.

The elements of this that improve what happens in a competitive marketplace could still be there in other changes we could make. This is incredibly unpopular around the country. People are frustrated by it. People are looking for ways to end moving into the Affordable Care Act; that it simply will not work. Senator COBURN explained earlier why they would not work. Charles Krauthammer, one of the leading conservative commentators in the country today, said about one of the plans this week: It will not work. The President's health care plan is falling under its own weight. When something such as that is happening in politics, you do not rush in to stop it from happening. If you do not think the law should be implemented anyway, let people see that this will not work, and we are seeing that.

I am for defunding the plan. I am for starting over again. I believe most Americans would like to see us start over again and take the best health care system in the world and make it work better.

Anybody who was defending our system as perfect got into a trap they should not have gotten into because it was not perfect. It was largely an accident of a couple of decisions made in the 1940s, where health care and health insurance became way too dependent on where people worked, where people did not have the ownership they needed in health care, and where we did not have the competition that we needed to buy across State lines, to shop for a better product, to do all those things.

But this is a plan where, again, the law is the law, unless it applies to the administration, apparently. The Congressional Research Service—no partisan organization—recently found that the administration has missed 41 of 82 deadlines.

If you are a batter in professional baseball, that is a pretty good average, .500. It is not very good if you are trying to figure out how to implement the law. They missed 41 of 82 deadlines.

The employer mandate requirement, the White House has said, is unworkable now and announced its delay. How in the world we could defend saying that employers do not have to meet their requirement but individuals have to pay a penalty if they do not have insurance—how can any of my friends defend that? We ought to, at the very least, postpone the individual mandate for as long as we postpone the employer mandate. If individuals are paying a penalty and employers that the law says are supposed to offer insurance are not offering insurance and they are not paying a penalty, there is something wrong with a government that decides that is the appropriate way to do this.

Despite the employer mandate delay announcement, we still see businesses beginning to react because they know or they believe this is eventually likely to start. Businesses, big and small, are trying to look at: If somebody does not have to have insurance if they do not work more than 30 hours, maybe we should have more employees who work less than 30 hours because our competitor might decide that companies that have always provided insurance and assistance for families and spouses decide the law now does not say we have to do that, so we are not going to do that any longer.

The law initially anticipated 3 million people who currently had insurance would lose that insurance. It is going to be a lot higher than that. The same people who were saying 3 million are today saying somewhere between 8 and 15 million, and that number is going to go up. All we have to do is calculate what has just been announced in the last few days to know that is going to go up.

The Cleveland Clinic hosted President Obama in July 2009, during the height of trying to convince Americans this was going to work. He talked about how the Cleveland Clinic was an example of cutting-edge technology. But what they recently cut in cutting-edge health delivery—what they recently cut—were 44,000 employees, and they said it was because of the President's health care plan. The same organization the President went to, to talk about how that organization runs and why we should have his health care plan, announced they are terminating 44,000 employees because of the health care plan.

This is a plan where people who were for it—and I was not for it, I have not been for it, I just simply do not believe it will work—people who were for it overpromised, and now they are underdelivering.

That famous statement made over and over again: If you like your health care plan, you can keep it—nobody believes that anymore. In fact, ask the employees at General Electric or IBM or UPS or Walgreens or Home Depot or thousands of smaller businesses than those: What about keeping the health care plan you like—the day that commitment was made? Those plans are not there anymore. It was one of the main selling points of this plan: If you like your health care, you can keep it. It just turned out not to be true at all.

Not only has this not made health care more affordable, but family premiums have gone up by more than $2,500 since this became the law—even though it was the law and we are moving toward it, not implementing it.

Nearly three in four small businesses say they plan to cut hours or let employees go because of the President's health care plan. People who have more than 50 employees are doing everything they can not to have more than 50 employees because that is one of the criteria where they are penalized under this law.

Meanwhile, in April of 2013, the administration said it would delay a provision that allowed employees to pick their own plans in States that have the Federal exchange—States such as ours. It is not going to happen. Another delay.

In July of 2013, the administration delayed enforcement of the employer mandate for a year. In July, the administration announced it would significantly scale back the requirements for new State-based insurance marketplaces to verify income. When you scale back the requirements to verify income, you are also scaling back the burden that people have to provide information in order to get assistance.

I assume that means more people will get taxpayer assistance. But it also means the cost of that assistance is going to be higher, for many reasons. That is one of them. Another one is that people are going to be on the exchange that everybody anticipated would still be getting workplace-based health care.

In August of 2013, the Department of HHS—Health and Human Services—delayed the signing agreements with insurance companies that was supposed to have specific amounts available in August. I wrote a letter at the time that said: It is very important that you meet this deadline because people need to begin to think about the decision you want them to make beginning October 1.

The Department of Labor delayed a limit on out-of-pocket spending for beneficiaries from 2014 to 2015. Again, apparently, if you want to delay the law, if you want to decide that you are not going to enforce the law, that is OK. But for those of us who say: Let's have a permanent delay, let's not fund this and now go back and start with a process where the House passes a bill, the Senate passes a bill, the two bodies come together and talk about the differences—that never happened with this law.

My friend from Iowa said: It is a starter home. But there is no remodeling process to start up for the starter home, and we are seeing what happens there. Unfortunately, there are too many examples of this.

Americans deserve commonsense health care solutions, where doctors and patients are in charge, not government bureaucrats, not people at the IRS.

When you have a health care bill that adds thousands of new IRS workers and does not add a single new doctor or nurse, you probably missed the boat in what you are trying to do with health care.

There are lots of better ideas out there: More individual ownership, fair tax treatment. The tax treatment we have had for decades now, where you do not pay income tax on a benefit you get at work, but if you get insurance on your own, you do that with dollars you have paid taxes on—now one way or the other, make that equal. Either say nobody gets a tax benefit for the money that is used to buy insurance or everybody gets the tax benefit. Let people shop across State lines. Let people find what they need that meets the needs of their family.

You are going to have more single, young adults without insurance. Why are you going to have more? Not because of the provision that allows people to stay on their family's policy—that actually added people to the insurance roles—but because of the provision that says that the most expensive people you insure cannot be charged more than three times that of the least expensive people you insure. Young, healthy people are going to look at insurance rates higher than rates they have ever seen on the individual market before, and it will make a difference.

There is plenty that can be done here. My colleagues on the other side face an important decision this week. They can stand with what is now the overwhelming majority of Americans who have rejected the direction we are headed and say: Let's defund this. Let's start over again. The one thing we have in front of us that would allow us to start over is the House bill that we just voted to move forward on that would defund ObamaCare and let us start over again or my friends on the other side can decide that the President and Senator REID are right, that Senator REID's idea that this leads us to a single-payer system is where we want to go, that the President's idea that he can change this law however he wants to and the Congress is not involved is right.

I will strongly urge all of my colleagues to join me in voting against any attempts by the majority leader to restore funding for this flawed law and to work with all of us, working together, as we work to replace it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. McCONNELL. Mr. President, I ask unanimous consent that the Senator from Kentucky and I be allowed to participate in a colloquy.

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

Mr. McCONNELL. Mr. President, I would say to my friend from Kentucky, I have had over 50 hospital town hall meetings in our State over the last year and a half. The Senator and I have done a couple of these together. As a health care professional yourself, looking at it from a hospital and health care provider's point of view—which the Senator and I both had, either he in his profession or me by being in these hospitals a lot the last couple of years, and have learned a good bit—what does the Senator think is the most devastating impact of ObamaCare on the provider world?

Mr. PAUL. I talk to a lot of doctors. I have been in town halls with the Senator at the different hospitals. The hospitals are concerned that if everybody goes on Medicaid they will go out of business. Many hospitals' bottom line is driven by—they can take care of the poor through Medicaid, but they rely on private insurance to make a profit. Hospitals in most communities have to make a profit to stay in business. So the rural hospitals, particularly in small areas, some of them have already gone bankrupt in Kentucky. But they are very concerned about people being shifted from private insurance to public assistance.

The President said, though, that it will be free, but it has a cost. We all pay for it through higher taxes. The other way we pay for it is we have to ration care or ration what we pay for care, so we have to limit what we pay hospitals.

Hospitals are already being forced to see less. They have been for a while. But even more so now. It is the same with doctors. How do doctors respond? Doctors, some respond by saying: I am maybe only going to see a couple of Medicaid patients or no Medicaid patient. Then when everybody is on Medicaid or the vast majority is on Medicaid, they are going to be waiting in to see a doctor.

Mr. McCONNELL. Speaking of Medicaid, I remember reading that our Governor got teared up when he announced that he had decided to accept the additional Medicaid mandate, which the Supreme Court actually had said was optional. I remember having a teared-up feeling too, but for a different reason. I gather what will happen in our State is there are going to be between 3- and 400,000 new people with free health care cards rushing toward the emergency rooms. What I have heard in a number of my town hall meetings is they cannot handle the Medicaid load that they have now, not to mention all of those new people who are headed their way, coupled with the $750 billion in health care provider cuts over the next 10 years to help provide a subsidy for people who are not old.

I mean, it is coming out of Medicare. It can provide subsidies for people who are not old. What is the Senator's take on where this all heads?

Mr. PAUL. When you look at the big picture of this, when we say: Well, we want to provide health insurance for everybody, which I think is a noble cause, you look at what we have. The government already provides Medicare for everybody over 65. But Medicare is $35 to $40 trillion short.

Why? It is nobody's fault really. We are living longer and a lot of people are retiring. So we have a big baby boomer generation. But Medicare is $35 trillion short. So we are instituting a brand new entitlement. It is very big, the biggest we have had in 50 years. But we are going to pay for it by shifting money from Medicare that is already $35 trillion short. That alone should give people pause.

The other thing that I think should give people pause is we cannot get people to sign up for this free program. The President is going to spend tens of millions of dollars on TV promoting it, hiring people to come knock on your door to sign up for something that is free.

You know something is disorganized when people will not take something that is free.

Mr. McCONNELL. This bill was also sold, as we both recall, as doing something about health care costs. I was just noticing here that HHS's own actuaries revised their projections just last week to say that ObamaCare will actually increase health care costs by $621 billion out across the economy. Is there any way, I would say to my colleague, Dr. RAND PAUL, how this could possibly hold down costs?

Mr. PAUL. No. In fact, I think there were problems in health care. But as a physician for 20 years, what I heard most was about the cost of health care. People came to me and said it is so expensive. Or if they are a small business owner they said: Our insurance costs too much. That was their main complaint. This does nothing to control costs. In fact, Obama does the opposite. ObamaCare is a collection of mandates. I was talking earlier. It is the difference between freedom and coercion. We will coerce insurance companies and customers to buy only certain kinds of insurance. People say: It is good. My kids will be covered when they are in college and when they get out of college. That is good. But it is not free. It is going to cost you more money. So if you are the working class or the working poor, you are struggling to buy insurance, it is going to cost you more.

We always hear he is for the middle class. The middle class are going to pay more for their insurance. They already had insurance, and they are going to pay more across the board. So really there are a host of problems and this bill does nothing to control costs.

Mr. McCONNELL. One of our constituents—I was going to mention here a letter—the Senator probably got it from the same constituent I did—to underscore how the rising cost is impacting people outside the health care provider world, regular people in business. This from a follow constituent of ours who writes:

> My father began his Kentucky Fried Chicken business with the colonel himself, and with the colonel's family. We proudly served Colonel Sander's original recipe for 40 years. It saddens me, however well intentioned, that this law will undermine my ability to provide employment. It will deplete resources that could otherwise be used to grow my business.

The Senator and I both have heard from a lot of Kentucky business people indicating, as this KFC franchisee underscores, the impact of this on the private sector.

Mr. PAUL. I met with a group today. I have here today 68,000 American senior citizens who signed a petition from Conservative 50-plus Alliance, saying they want to delay it, dismantle it, defund it, do anything, just try to slow down this monstrosity.

We have also heard from folks who work for UPS, one of our biggest employers in Louisville and Kentucky. Some 15,000 spouses are losing their insurance coverage from UPS that they had chosen. It was great coverage. UPS is a great company. Great benefits. But they are forced to cut back because of ObamaCare.

We hear from individuals throughout the State. We have received thousands and thousands of letters. One couple I met recently was actually profiled on Fox News, the Anionic family, where they said: We have to buy our insurance. We are self-employed, we do consulting work, we were paying $300 a month, and we are going to $900 a month. This is exactly the opposite. One of the real things that we had that was working in our health care that should be expanded, if we were in charge of talking about this, is health savings accounts. People could save for things that were not covered by their insurance, straightening your kid's teeth, cosmetic, elective kind of surgery, your deductible, meeting a lot of things for your tax-free account.

We had made it bigger and bigger over time. ObamaCare makes it smaller. If you have got a kid with autism or spina bifida, or special needs, you need to save that money tax free so you can help your child with all of extra stuff you need to do for your child.

The President has narrowed that. Also health savings accounts helped to bid prices down. Because when you have a higher deductible, you call up the doctor and you say: How much will that be? Or you ask the pharmacist: How much does that cost? That simple question, of asking how much something costs is concern on the part of the consumer and drives prices down. But we have gotten rid of that.

Mr. McCONNELL. The other thing that is clearly happening here is that

all indications are, we have a record number of part-time employees in our country now. Employers are downsizing in order to try to get below the 50-employee threshold. Of course, even as they do that, they are not necessarily unaffected by the rising costs of health insurance premiums. But we are looking around at some way to try to prevent the worst case scenario here, all of this disruption in our economy is actually the reason we have so many part-time workers; is it not?

Mr. PAUL. Yes. The thing is, there was a French philosopher by the name of Bastiat. He talked about the seen and the unseen. You may be able to—I am sure the President is going to show us the person who gets insurance. That is the ''seen.'' That will be the good effect of this. The unseen will be the person who does not get the job. But you do not know their name because they never got the job—the person that was going to be the 51st employee or the 52nd employee or the part-time worker that had 34 hours going to 29 hours. That is the unseen.

I do not question the motives of the President or the other side. I think they want to help people, but they did not think this thing through. So even their side now is scratching their head. The author of the bill is calling it a train wreck. The Teamsters said, ''We did not know we are going to have to pay all of those taxes on our health insurance. Warren Buffet, former President Clinton, all of these people are questioning. This is really going to hurt some of the people you tried to help.

That is one of my concerns. I know there has been a lot of talk about procedure around here. So we ought to have the ability to amend this to make it less bad—that is the way I like to describe it—and make this bill less bad for the American people. There has been a lot of dialogue on our side but there has not been much on theirs. Are they willing to talk about fixing ObamaCare and making it less bad for the American people.

Mr. MCCONNELL. The Senator was not here yet, but is the Senator fully aware of how this bill passed in the first place? Not a single member of our party in either the House or Senate voted for it. They brought us into session the day after Thanksgiving in 2009 and we were not allowed to leave for a month. We were here 7 days a week for a month. And we managed to eke it out. They had 60 Democrats, there were 40 Republicans. They eked it out with not a vote to spare on Christmas Eve, as a result of things like the Cornhusker Kickback, a special deal for Nebraska, the Louisiana Purchase, a special deal for Louisiana, the Gator Aid, a special deal for Florida, all while the President, the Vice President, and former President Clinton were up here telling me: Believe me. They are going to love it by the fall.

Here we are 4 years later. It is more unpopular today—I would say to my friend from Kentucky—than it was on the day it was passed. Is it not reasonable to conclude that is because of what it does?

Mr. PAUL. Absolutely. It is the content. But it is because there has been no input. ObamaCare is 100 percent the President's bill, 100 percent the work of the Democrats, with no input from our side. I think people actually do—when you go home, they do want to establish dialogue. They do want us to work together a little bit. There has been no working together on ObamaCare. It is theirs. The President got it exactly wrong the other day. It is hard to inform the people this way.

He said: Republicans want 100 percent of what they want or they are going to shut down government. I think it is the opposite. He wants 100 percent of what he wants. He doesn't want any compromise. We have a bill before us. There is a discussion about ObamaCare. Why not? Nearly 80 percent of us voted and said the medical devices tax is going to be a disaster for innovation in the medical industry. It is a bad piece of this bill. We should repeal it.

Why not have a vote on that? To my understanding there will be no vote on any amendments to make ObamaCare any better.

Mr. MCCONNELL. The President himself seems to be kind of conceding that some things aren't working out well. He decided to delay the employer mandate for a year. Apparently, he has been meeting with some of his union allies to figure out what he can try to do for them.

I believe the 100 percent view of the Republicans is that if we are going to have a delay for business, why not have a delay for everybody? Obviously, we would like to defund the law entirely. There is a math problem on that in the Senate. There are 54 Democrats and 46 Republicans. But couldn't we all agree on delaying this train wreck? The train wreck, by the way, was what the Democratic chairman of the Finance Committee in the Senate, one of the authors of the bill, called it.

Mr. PAUL. I think there is also something important about how we change ObamaCare. If a law has problems and we incorrectly pass the law that has the least blemishes, it should come back and we should re-debate and fix it or try to make it less bad. I think it is the best way to put it.

The thing is that it is illegal, it is unconstitutional, and it is unprecedented to do this on his own.

To my mind, win or lose this week, this is an important philosophical battle, bigger than ObamaCare. It is as big and as broad as the country is. That is whether or not the Congress writes the law and the President executes the law.

If the President gets to vote, write, and execute, that is a type of tyranny. Montesquieu talked about the separation of powers. He said when the legislative power becomes the executive power, that is a type of executive tyranny.

We have to do something that says to the President—and that is why I think this needs to be pursued all the way to the Supreme Court—rebukes the President and says you are not a king. You are the President, and the legislation comes from Congress, not from you.

Mr. MCCONNELL. We have another example of this that affects our State. The President, even when he had a 40-seat majority in the House and 60 votes in the Senate, couldn't get cap and trade through the Congress.

Yet last Friday he has announced he is going to do it anyway. All indications are there won't be another coal-fired generation plant built ever.

It is a perfect example of what the Senator is talking about, a kind of executive arrogance, that if I can't get what I want through Congress, I will just do it on my own and see you in court, or whatever limited options we have left.

If he really believes he has the power to delay ObamaCare, why not delay it for everyone, not just businesses.

Mr. PAUL. I think that is what people see as unseemly. They see: Well, gosh, if there are problems, is it right for him to just give exemptions to his friends?

You see a line of people going to the White House that were big contributors of his. It is as if you can buy access to good law.

The President changed the law only for people who gave him money. Can he give out grants and loans to people who are his contributors? I think this is what sort of belies this tale when he says: I am for the middle class.

Well, I don't see the middle class. I don't see my neighbors or any of my friends getting any special deals at the White House. In fact, I see them bearing the brunt of people who do get special deals.

I don't like, if you have really good health insurance, placing a tax on you, a special tax. Many of the unions will get that. I will stand here and fight tooth and nail not to have a special tax on the unions.

Some might be surprised by that. It is not for me a union-nonunion thing. It is about is it good for America, is it good for Americans.

Some executives have good insurance, too. Should we have a special tax on something that is good? It doesn't seem like the right thing to do.

Mr. MCCONNELL. Here at some point, regardless of differences of opinion that we have had on our side over procedure, what is likely to happen here at some point is we are going to have a 51-vote vote on defunding ObamaCare, something we have not been able to achieve here in the last 4 years. Four Democrats, who had second thoughts, who had an opportunity to take a look at the carnage of the last 4 years, could actually pass a bill that defunds ObamaCare.

I remember, I say to my friend and colleague, standing at this very chair, 4 years ago, looking at the other side

and saying if only one of you, only one, would come with us, this bill wouldn't pass.

I also said, however, if none of you do, every single one of you is responsible for its passage. Had any Democrat on the other side, any one of them, said this is a bridge too far, I am not going to do it, it wouldn't have passed.

Consequently, every single one of them is responsible for its passage, but they have a second chance now, an opportunity for a do-over. At some point here this week they will have a chance to cast a real vote on an up-or-down basis. I have watched this for 4 years, and I don't think we ought to go forward.

It will be interesting to see if party loyalty will be so great that none of these folks will be able to bring themselves to admit that they made a mistake 4 years ago.

Mr. PAUL. I think one of the disappointing things about the debate both then and now is that we are talking about something all Americans want. They want affordable health care. They want most people to have insurance. They want everybody to have insurance if we can do it.

But we have made it a partisan battle—not we—but Congress and the deliberative process has become very partisan, when in reality there are probably things on which we could agree, even the problems with ObamaCare.

I think half of the other side half agrees that there are problems and they ought to be fixed.

Because of some kind of stubbornness that we are getting 100 percent of what we want or we are willing to risk shutting down the government, that is what we get from the other side. It is their way or the highway. They want all of ObamaCare or they want the government to shut down.

I think in reality there are a lot of good things that we could actually come together and work on because ObamaCare never addressed price. Eighty-five percent of the public had insurance and their price is going up. We do need to get together and talk about how to try to bring cheaper health care to people in our country.

Mr. McCONNELL. The tragedy of this, correct me if I am wrong, but we passed a 2,700 page bill on a totally partisan basis. We have about 20,000 pages of regulations now issued.

I used them in a speech recently. They were 7 feet tall. We had to put them on a dolly to get it out on the podium.

I would ask my friend and colleague from Kentucky, didn't I read the other day, that even after we do all of the 2,700 page bill, the 20,000 pages of regulations, there still may be 25 or 30 million people uninsured?

Mr. PAUL. Yes. I don't think it has actually fixed the problem. I think we were at 45, so I don't think it fixed half the problem.

The other interesting thing is of the people who didn't have health insurance, a third of the people without health insurance were young, healthy, and actually made more than $50,000 a year. They weren't getting health insurance because it was too expensive.

What did we do to help them? We made health care more expensive.

Mr. McCONNELL. I think this law has no chance of working. I don't believe that, even if we are unable to defund it here in the next few days, that we are necessarily stuck with it. I have been here a while, and you have been a long-time observer through your father's career and your own. I think it is pretty safe to conclude that things that can't work don't stick and don't last. We are, after all, a representative democracy. People complain, discuss, and tell us how they feel.

I don't think this law can possibly stand. It is pretty hard to predict exactly the day upon which it ends, but it is cracking.

We have Jimmy Hoffa, the President of the Teamsters, saying you are destroying the 40-hour work week, and their Cadillac health care plan. Don't you think ObamaCare can't possibly work?

Mr. PAUL. No. I think once the bill has come due at the State level, you are going to have a real uproar on your hands because there is a printing press in Washington that runs 24 hours a day printing money. In the State capitals they don't have a printing press, they are limited—at least to a certain extent—on their borrowing.

When the Medicaid bills come due in Kentucky, our State and other States, I think there will be another war on the question of ObamaCare. The question then will be do we throw out the Governor who increased our Medicaid by 50 percent and bankrupted our State in the process?

Mr. McCONNELL. I thank my colleague from Kentucky for the opportunity to exchange some views here about the impact of this on our State and our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I came to the floor to urge my colleagues to do everything we can to ensure that ObamaCare is delayed, guaranteeing the least-harmful pass forward for patients, providers, and taxpayers.

We all have stories from our home States that highlight what many of us have said was going to happen when the Federal Government began its takeover of the Nation's health care system.

Because of ObamaCare, a constituent of mine in Arizona who owns a number of restaurants is eliminating the entry-level job of busboy because he can no longer afford to employ busboys and pay the new health care expenses for his other employees. Eliminating a restaurant-wide position is a decision that he had to make because of ObamaCare.

Another Arizonan, Michael Monti, who runs a historic restaurant in Tempe, was recently featured on the local news because he is being forced to decide about whether to offer health insurance to his employees working more than 30 hours a week or paying the penalty from the Federal Government. Again, it is likely that employees will be laid off or not hired.

He doesn't want to cut back his employees' hours. That doesn't help his business. I am sure it doesn't help his employees. Like other business owners, he doesn't have any other option.

Sadly, these stories are not isolated incidents. Companies like Trader Joe's and Home Depot have recently announced they will end health benefits for part-time workers next year, and those employees will be directed to the new insurance marketplaces.

SeaWorld announced that it will be cutting back employees' hours as well. UPS will no longer cover the health insurance for some 15,000 employees' spouses.

Just when we need a full bore, full-time economy, America is becoming a part-time economy. These are the effects of ObamaCare.

I believe that it is helpful to have this debate come sharply into focus as it has been over the past 24 hours. Like many of my colleagues, I have opposed ObamaCare from the beginning. I think every Republican in the House and in the Senate has done so.

I voted to do away with this legislation more than 30 times. Earlier this month I introduced S. 1490, a bill that would delay by 1 year all of the provisions of the Affordable Care Act that are supposed to take effect on January 1, 2014, or later.

I believe we all know the President has already decided to delay the employer mandate. Doesn't it make sense to delay the rest as well? How can you tell individuals there is still a mandate for you to buy insurance but to tell employers you are going to get a year break.

As lawmakers, we have a responsibility to our constituents. We have to do everything we can to make sure that this train wreck of a law doesn't continue to wreak havoc. As we continue to discuss the need to delay this onerous law, I hope that Senators will join me in devoting the same time and energy to fix the fiscal problems facing this country.

In this debate we are told we have two choices. We have a continuing resolution with a price tag of about $986 billion—about $20 billion more than the law allows—or we risk a government shutdown. It is disingenuous to tell our constituents that these are the only two choices, a shutdown or a CR that busts our budget limits.

The majority leader is going to amend the CR to get what he wants. Shouldn't other Members be afforded the opportunity to offer amendments as well? Wasn't this the promise the majority leader made to the Senate when we made changes in January?

The Senate should be given the opportunity to vote on a continuing resolution that respects the Budget Control

Act and funds the government at the $967 billion level for next year. Passing a bill above that limit—above the limit set by law—will cause a second round of sequester cuts in January. Why would we do this? Lurching from fiscal crisis to fiscal crisis is no way to run a country.

You can say what you want about it, but the Budget Control Act has provided us at least some meaningful cuts in spending we wouldn't make otherwise. Last week, the nonpartisan Congressional Budget Office reported our debt is on track to total 100 percent of our Nation's output in 25 years. Interest on the national debt will consume 14 percent of our annual budget in 10 years' time, up from 6 percent today.

Those projections demand we take a harder look at our spending and, at the very least, we should be allowed to vote on a fiscally responsible continuing resolution that meets the $967 billion budget threshold.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that after I finish speaking, the Senator from Maryland Senator MIKULSKI would have the floor for 15 minutes, and then Senator ALEXANDER from Tennessee be yielded the floor for 20 minutes.

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

Mr. BAUCUS. Mr. President, I rise today, as I often do, with a quote. It comes from a conservative leader speaking out about a new health care law. He said:

> We are against forcing all citizens, regardless of need, into a compulsory government program.

He went on to call the pending legislation ''socialism.'' He went on, saying:

> Our natural, unalienable rights are now considered to be a dispensation of government, and freedom has never been so fragile, so close to slipping from our grasps as it is at this moment.

Those are frightening words. When were they spoken? Not spoken in 2010 or 2011. Not spoken in 2012 or 2013. Rather, these words were spoken in 1964. And who do you suppose spoke them? Ronald Reagan. President Reagan was speaking out against Medicare, which became law the following year.

Now fast forward 20 years and things were quite different. President Reagan said in 1984:

> Millions of Americans depend on the Medicare program to help meet their health care costs. We must ensure the long-term solvency of the Medicare program, and I'm confident we can find the right solutions in a bipartisan manner.

What do you suppose happened in that 20-year period to change President Reagan's mind? The hysterics ended, people gave the new program room to breathe, and it worked. Medicare gave America's seniors access to health care they had never had before.

The same pattern emerges when we look farther back into history. Consider Social Security. In 1935, one Senator said Social Security would ''go a long way toward destroying American initiative and courage.'' Another Member of Congress said, ''The lash of the dictator will be felt.''

These are criticisms of landmark legislation, monumental laws that are now vital to the very health and welfare of our Nation. While criticized in their conception, Social Security and Medicare are now considered the most successful large-scale Federal programs in our Nation's history.

I am confident history will treat the Affordable Care Act in a similar fashion. I am confident the complaints of those who have gone so far as to call the Affordable Care Act ''a crime against democracy'' or a ''centralized health dictatorship'' will soon be drowned out by the voices of the American people whose lives are better off. Why? Because of the Affordable Care Act.

Already the ACA has done more than any other laws of the past century to expand health coverage. In the past 3 years, the ACA has provided 71 million Americans free preventive services. More than 6 million seniors have received discounts on vital prescription drugs. More than 3 million young people have peace of mind in knowing they are allowed to stay on their parents' health plans until they turn 26.

I am especially proud of the fact that now no child—no child—can ever be denied health coverage because of a preexisting health condition. All that, and the full benefits of the law have not yet taken effect.

The Affordable Care Act is not a perfect law, but neither were Social Security or Medicare when they passed Congress. Adjustments may need to be made to improve the ACA, as well to make it stronger, make it better. It would be easier to make improvements if everyone on Capitol Hill participated. But we are not getting that chance from half of the Congress. Instead, opponents are making every effort to destroy the Affordable Care Act, fighting to take away its many benefits from America's families and businesses.

Last week, the House passed a continuing resolution to pay for the government for the remainder of the year. But that bill before us today included amendments to end all funding and to eliminate the Affordable Care Act. I want to be very clear here: We are not going to let that happen. We are not going to go back to the status quo. We are not going back to a broken system where more than 50 million Americans lack health insurance. We are not going back to a system that allows the costs of medical care to overwhelm a family and force them into bankruptcy. We are not going back to a system that allows the simple lack of insurance to contribute to the death of thousands of Americans each year. We are not going back or returning to the status quo. No, we are not going to do that.

Rather, we are full steam ahead on implementing the Affordable Care Act. In 6 days, the health exchanges—or marketplaces—will open for business and the Affordable Care Act kicks in. What does that mean? For the majority of Americans, nothing. Really. Despite all the scare tactics, despite all the rhetoric, nothing will change for the millions of Americans who already get health insurance from their employers, from Medicare, Medicaid, or from the Veterans' Administration.

But for those almost 50 million Americans who don't have health insurance, they will now have access to affordable care and peace of mind. Thanks to Federal tax credits and subsidies, for the first time millions of working-class families will pay less than $100 a month for health insurance. And for the most vulnerable among us, they will receive care through an expanded Medicaid.

No one—no one—can be denied health insurance any more. That is unless some in the House have their way. Their intention—fully spelled out in the continuing resolution before us—is to undermine and defund America's health care law. For years, we have been trying to solve the problem of rising health care costs. For years, we have been trying to help working families gain access to comprehensive coverage that doesn't make them go bankrupt or deplete their household budgets. Past Presidents, Congresses, and other policymakers have tried to fix this problem time and again. And we sit here today with a solution—the Affordable Care Act. For the first time, every American will be guaranteed health coverage. It will no longer be legal for health insurers to deny someone coverage for a preexisting condition, such as breast cancer or pregnancy. Before the ACA, being pregnant was a preexisting condition, if you can believe that. That is what the health insurance industry thought. That is wrong. And with the passage of this act, that is no longer the case. Pregnancy is no longer a preexisting condition. But the House wants to stop this and continue limiting consumer protections and access to affordable care.

The ACA also provides free preventive service, such as wellness visits and mammograms. Since the law passed, 71 million Americans have received preventive benefits such as these for free.

But the House wants to take this away.

Under the ACA, insurers can no longer impose lifetime or annual limits on care. This means more than 105 million Americans no longer have a cap or a limit on their coverage. No longer can insurance companies say: No, no, no. No more.

But the House wants to take this away too.

Approximately 3.1 million young adults have gained coverage through an ACA provision that allows them to stay on their parents' health insurance plan until the age of 26.

We have all heard so many comments about this provision from so many constituents in our States. But no, the House wants to take that away as well.

I am concerned about the effects of the House continuing resolution not only on health care reform but also on seniors in Medicare. Leader REID and I wrote a letter last week to Health and Human Services Secretary Kathleen Sebelius and asked her what impact the House CR would have on the operation of Medicare. Specifically, we asked how the CR would affect the beneficiaries' access to care. Last Friday we received a response, and it confirmed our fears. The House bill would have much broader and more harmful implications for the Medicare Program and for seniors.

In her letter, Secretary Sebelius said the CR would ''severely impact the Medicare program.'' She goes on to note the House CR would eliminate funding for Medicare prescription drug coverage, forcing seniors to pay more for their prescriptions.

The Secretary also said the House CR would disrupt payments to doctors and cut off annual wellness visits, forcing seniors to pay out of pocket for preventive services.

In addition, Medicare beneficiaries may be forced to drop their Medicare Advantage plans and enroll in traditional fee-for-service. It is clear the House CR would have dire consequences for the more than 46 million Americans who rely on Medicare every day.

In her letter, Secretary Sebelius also stressed the severe impact the House CR would have on children and working families and the most vulnerable among us.

The ACA expanded Medicaid, allowing States to cover low-income adults for the first time. The House CR would end this coverage, sending this vulnerable population back to the emergency room for treatment and putting hospitals on the hook for providing care. The ACA also expanded access for services to people with disabilities and other long-term care needs. The CR would put an immediate stop to these programs and send people with disabilities back to the nursing home.

The Affordable Care Act also extended the Children's Health Insurance Program for 2 additional years. The House CR, you guessed it, reverts back to prior law, ending vital funding for this program at the end of this month. The House CR would also leave 6 million children without access to coverage—no doctor appointments, no prescriptions, no cast to heal the occasional broken arm.

For 3 years, a group of Republicans in the House has wasted taxpayer money, time, and resources trying to stop the act, over and over again. They have tried to repeal this law 40 times. They even took their argument all the way to the Supreme Court. Of course, we all know what the Supreme Court said. The Supreme Court said the Affordable Care Act is the law of the land. The Supreme Court upheld it. It is the law.

People fear what they do not know. I understand that. But let's all take a deep breath. As one Republican Senator recently noted, it is ''not rational'' to think the Senate will vote to repeal, delay, or defund the ACA. You know what. He is right, it is not rational. We won't go back to the status quo.

This is complex legislation, and I am open to strengthening the law to better serve the American people, just as this Congress did with Social Security and Medicare. Wouldn't it be better if both parties worked together to improve the law, something that is here with us? It is not going to be repealed. Let's work to improve it. That is what the American people expect of us. They do not want the government to shut down. They do not want America to default on its debt over the ACA.

A recent poll by CNBC found the vast majority of Americans—59 percent—oppose defunding the Affordable Care Act at the cost of a government shutdown or debt default. Almost 60 percent said no, don't do that, that is not smart.

We all have a responsibility to lead. The Affordable Care Act is the law of the land. We all need to work together to make it work for families and businesses who depend on it instead of using it as a political football.

Enough is enough. It is time for the hysterics to end. People need to give the ACA room to breathe and a chance to succeed. If we do so, I am confident America will be better for it and we will all be on the right side of history.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak about ObamaCare.

When we passed the law, it was called the Affordable Care Act. And before he leaves the floor, I would like to compliment the Senator from Montana on the important and crucial role he played in passing the Affordable Care Act. It was through his excellent stewardship in the Finance Committee, where we could expand access to health care, modernize the way we do it to go from volume medicine to value-based medicine and to be able to expand our access in a way that also was fiscally prudent. He also led the way in expanding the children's health initiative.

I know later on he is planning in his life a new future for himself. I want him to know that while he is thinking about living a different life, he really impacted the lives of many people. I thank him personally in a heartfelt way for the way he has improved the lives of people and particularly the lives of children and women in this country.

The PRESIDING OFFICER (Mr. BROWN). The senior the Senator from Montana.

Mr. BAUCUS. Mr. President, I deeply thank and am humbled by the senior Senator from Maryland. Coming from her, that is a high compliment, and I deeply appreciate it.

Ms. MIKULSKI. So, Mr. President, here we are. We are having a national debate on the Senate floor about whether we should provide access to health care to all Americans and be able to do it in a way that is fiscally prudent and modernizes the way we deliver health care to emphasize value health care over volume health care. And we are having this debate even though we passed the legislation in 2010. I thought that when you passed a bill and it was signed into law, it was the law of the land but, no, here we go again. We are trying to take legislation that was passed and undo it by defunding it. I don't know what we are doing here.

First there was an attempt to delegitimize President Obama. He has won two elections. The American people said: We want Barack Obama to be our President. When he ran the second time, we passed the health care initiative. That was another affirmation that there was public support for that bill.

Now here we are, on the eve of the funding for fiscal year 2013 expiring, and there is a manufactured crisis bringing the government to the brink of a shutdown because a few in the other party are sore losers. They lost the election. They lost the battle to get the votes when they had the opportunity to vote and amend and change the Affordable Care Act. So now here we are, and I think it is an outrageous use of the Senate's time, and we need to be able to move on with the serious business of governing the country.

I worry about unemployment in our country. I worry about the fact that our children are no longer achieving the best in the world. I worry about my small to midsized business having access to capital.

I know many here called this bill a job killer. Do you know what is a job killer? Our behavior in the Senate. This gridlock, deadlock, hammerlock on the Senate means we cannot do the business of the country in an orderly and predictable way. Therefore, when businesses need to plan what are going to be the rules of the game coming out of the U.S. Government, they are not going to know. So if they are planning what they should do about their business—should they expand? What should they do—they need certainty. As long as we play brinkmanship politics, we cannot have certainty.

One thing is certain, though: We definitely should keep ObamaCare. I am happy to call it ObamaCare because I think Obama does care. But I think all of us here who are Democrats certainly in the Senate and many on the other side of the aisle also support the fact that we want to increase universal access. So let's go to what the legislation meant.

When we passed the Affordable Care Act, No. 1, it provided access to health care for more people. When we passed

that bill, 42 million Americans did not have access to health care. So that means that here in the United States of America, if you needed a doctor, that didn't mean you would have one. If you needed a prescription drug, it didn't mean you could afford to buy one. In many instances, this was a hardship on many families.

Also what the Affordable Care Act did is it ended abuses of health insurance companies. When we passed that legislation, people were denied health care on the basis of a preexisting condition. That often meant that for children in the United States of America, if they had juvenile diabetes, if they had cerebral palsy, their families couldn't get health care insurance because these children had preexisting conditions.

If you were a woman, it was even worse. Pregnancy was considered a preexisting condition, and in some instances where a woman had a premature birth and a C-section, she was denied health care because that was considered a preexisting condition. In eight States, if someone was a victim of domestic violence, that was counted as a preexisting condition and they didn't have access to health care. Now, what is that?

So in the Affordable Health Care Act we changed that law, so we created the opportunities that the punitive practices of insurance companies would not be a barrier to being able to get health insurance.

Then there was this other issue of lifetime caps. That means that if you had a condition and you hit a lifetime cap, then tough luck for you. What happens if you have a child with hemophilia? That is a hard thing for that child to face the rest of his or her life, and for the family. Don't you think there should be no caps on a benefit? What happens if you are struggling with cancer and you hit a cap? It doesn't mean your need for treatment ends; it just means your insurance company won't pay for it. Well, we lifted the annual lifetime caps.

For us women, the double insult of paying more for health insurance simply because we were women was repealed. In the Affordable Care Act, there is no gender discrimination. We found in our hearings that women paid 2 to 10 times as much for their health insurance as men of the same age and health status. We didn't think that was fair, and we changed it.

We also improved health care for seniors. No. 1, we added new Medicare benefits, such as free cancer screenings. Early detection means better treatment and a better chance of surviving that dread ''C'' word. It also provided an annual free checkup where someone could go and could get an identification of those silent killers early on. So if you have high blood pressure, if you have high blood sugar and we found those early, we could intervene before they either moved to a deadly situation or worse. We know undetected high blood pressure could lead to a stroke or to death. So we helped get better health care and better value for our seniors.

Then there is the prescription drug benefit. The prescription drug benefit—called Part D—had something in it called the doughnut hole. The doughnut hole was hard to swallow because it meant that once a senior's drug costs exceeded a certain amount, they went into not a doughnut hole but a dark hole and they had to pay for the full cost until they reached a catastrophic threshold. For many people with chronic conditions—not only those dramatic things like cancer but a chronic condition like diabetes—they could reach that doughnut hole pretty quickly. But that is exactly what enables you to manage your blood sugar—working with your doctor, following a program of diet and exercise, but you still need medication to help control that blood sugar. If you don't get that medication, you then could be headed for worse problems related to diabetic neuropathy, to vision loss, to the need for dialysis. You need to be in a program that you can follow and that you can afford. That is why closing the doughnut hole was so important. It saves lives, and it saves money.

I could go on to other examples about what is in the Affordable Care Act. There were many advances in terms of women, and there were many advances in terms of children. But I want people to know—because I am getting a lot of vitriolic tweets that somehow or another Maryland isn't being served. When I looked at the data from our own State's health commissioner, 48,000 young adults in Maryland were able to go on their parents' plans and have health insurance while they look for a job or finish their education. Also, 485,000 Marylanders on Medicare were able to get that annual checkup, and 72,000 Marylanders were able to participate in eliminating the doughnut hole. That saved them on the average $700 a year, for a total of $51 million that was pumped back into the Maryland economy to do other things and create jobs for other people.

So when they say they want to defund ObamaCare, what is it they then want to replace it with? Do they want to go back to Big Insurance and their punitive practices of denying coverage for a child with a preexisting condition? Let them call the parent of a juvenile diabetic or a child with cerebral palsy. Do they want to defend the part where young people can't stay on their parents' plan until they are 26? Do they want to make that phone call and say: We know you are working hard to find a job or finish your education. Oh no. Do they want to eliminate the caps on benefits? Do they want to eliminate closing the doughnut hole? No. They just say they want to eliminate it.

Well, I want to eliminate this from the CR, so let me tell you where I come in as the chair of the full committee. In a very short time, the majority leader will offer an amendment to the CR sent over by the House. I want to get rid of this brinkmanship, slam-down, showdown politics. The amendment we will be offering will strike the provision to defund ObamaCare. It will strike the provision that was put in on the debt ceiling which means that the way they want to structure it—what the House sent over—is we pay China first and Americans at the end of the line.

I then want to set into motion working with our Democrats—it is not only us Democrats—to have a CR.

The PRESIDING OFFICER. The Senator has 1 minute.

Ms. MIKULSKI. I want to have an amendment to strike the defunding of ObamaCare, strike the language on the debt limit, and move the date for the next continuing resolution from December 15 to November 15 so that we can get to a situation where we focus on completing our budget, getting an omnibus, and eliminating sequester for 2 years.

I want to get rid of the theatrical politics and get into the real business of running and helping govern America in a way that provides jobs, economic opportunities, and ensures our national security.

Mr. President, I yield the floor.

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

The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, will the Chair please let me know when 15 minutes has expired. I have 20 minutes. I would like to know when 15 minutes has expired.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ALEXANDER. Mr. President, once after I made a speech my late friend Alex Haley, the author of ''Roots,'' came up to me and said: LAMAR, may I make a suggestion.

I said: Of course.

He said: When you speak—instead of ''making a speech,'' would you say, ''let me tell you a story,'' and someone might actually listen to what you have to say. So I do have a little speech on the new health care law to make. But before I make a speech, let me tell a story that I think applies to the new health care law. It is a story about two famous and patriotic Tennesseans who went to Texas.

The two men are Sam Houston and Davy Crockett. In the early part of the 19th century, Sam Houston was the Governor of Tennessee. He resigned that position because of a problem with his marriage. He went to Arkansas, lived with Indians, and he went to Texas. Congressman Davy Crockett went for a different reason. He got crossways with President Andrew Jackson, who recruited a one-legged veteran of the War of 1812 to run against him and he lost his race for Congress in 1834. He later went to the courthouse steps in Madison County,

TN, and said what every defeated candidate has always wanted to say to such voters. He said: I am going to Texas and you can go to hell and he went to Texas. That is historic fact. I am not using bad words here.

So we had these two famous Tennesseans, patriotic, brave men, both of whom went to Texas. They had the same goal in mind, the independence of Texas, but they had different tactics. Former Congressman Davy Crockett said: I think I will go to the Alamo. Some people said: Davy, if you go to the Alamo, you will get killed. He went to the Alamo anyway and he did get killed, but we remember him for his bravery and we remember the Alamo.

Sam Houston took a different tack. He withdrew with his men to San Jacinto. He was heavily criticized by some people in Texas at that time for withdrawing. Some said it was a retreat, but he waited until the Mexican General Santa Anna was in a siesta with his troops, he attacked, defeated his troops, and he won the war.

Today we celebrate both men. We think of them both as patriots, as great Americans, and we remember the Alamo. But we celebrate Texas Independence Day on March 2, 1836, when Sam Houston won the war.

The moral of the story is that sometimes in a long battle, patience is a valuable tactic. That is why I am in Sam Houston's camp on this one. I am not in the shut down the government crowd, I am in the take over the government crowd. Americans should elect more Republican Senators and then ultimately a Republican President and then I am going to delay, dismantle, and replace the new health care law which we call ObamaCare with a law that actually reduces health care costs for Americans.

My first reason for not shutting down the government is that it will not work. The problem is even if we were to vote to shut down the government, according to the way some people argue—and I understand their passion and I respect it—ObamaCare would just keep going like the Energizer bunny. The reason Senator COBURN, the Senator from Oklahoma, has pointed out is that 85 percent of the funding for ObamaCare is mandatory spending. Mandatory spending is the type of spending that just keeps going. So money for the exchanges, money for the subsidies, and the individual mandate would continue. What would we have achieved? We would have shut down the government, but most of ObamaCare would keep going. If that is not enough, the President has authority in the law to declare some services essential. I assume, since this is his signature issue and he is President for another 3 years, that he would declare most of ObamaCare essential services.

So where would we be? As long as we have a Democratic majority in the Senate and President Obama in the White House, it takes 67 votes in the Senate to repeal ObamaCare and we have 46 on the Republican side. Every one of us has voted against ObamaCare repeatedly. Every one of us would do so again. Every one of us would vote to repeal it. But in my view, the right tactic is not to shut down the government. It won't work, ObamaCare would just keep going, and we would have shut down the government.

What does that mean? What does a government shutdown mean? Not everything would shut down, but here are some of the things that would or could happen: The 3.4 million Active-Duty military who would have to report to work—whether at Fort Campbell in Kentucky and Tennessee or in Afghanistan—would not be paid for their service as long as the government is shut down. At home, their spouses could suddenly find the Department of Defense schools closed. What are they going to do for childcare, or with a check arriving too late to pay the mortgage? Social Security checks would continue to be paid, but the offices might be closed. Same for more than 20 million of our veterans who receive benefits; they might come late. Two million Americans fly everyday. There would likely be fewer TSA agents, fewer air traffic controllers, leading to long lines at the airports in Nashville and New York and Chicago. How do you think those 2 million people are going to feel about that?

The national parks would close. Head Start might close and many of the 110,000 people at our National Laboratories could be furloughed.

The last time the government shut down was nearly 20 years ago. Back then, 200,000 people applied for passports and couldn't get them during the shutdown. There are 200,000 Tennesseans going to college this fall who want or are in the process of getting a new student loan and they might not get it on time.

Your gun permit might not come through, neither might your FHA loan. The last time we had a government shutdown, it cost the taxpayers $1.4 billion extra dollars, according to the Congressional Research Service.

So I am in the Sam Houston camp on this issue in that I want to show a little patience in trying to win the war. If we shut down the government, ObamaCare keeps going, it costs the taxpayers a lot of money, and inconveniences a lot of Americans. Who do you suspect is going to get blamed for this? We will have suceeded in shifting the blame for passing ObamaCare from the Democrats, who did it unanimously, to the Republicans for shutting down the government. You would think the Democratic National Committee might have come up with that idea, not the Republican National Committee. That might not be a good public policy position, but it is a fact and people are observing it.

Then there are people who say to be a good conservative, you have to vote to shut down the government. I have been listening to these people who define who is a good conservative and who is not a good conservative. It is a little bit like being in Sunday school and somebody new comes into class and says: I am a better Christian than you are and if you don't agree with me get out of the church.

You might say: Grandma is a Quaker and Uncle Sam is a Baptist and we all try pretty hard in our faith. It is not up to us to judge which one of us on the Republican side is a better conservative than another. Everyone who looks around knows among Republicans, most of us are conservatives, but we have different kinds. We have neoconservatives, we have paleoconservatives, we have fiscal conservatives, we have social conservatives, we have cultural conservatives, we have Ross Perot conservatives—we have opened the door over the last 40 years to every kind of conservative, and it has made our party bigger and more successful because we have tolerated different points of view.

So I am not for shutting down the government for all those reasons. It will not work. When the government has been shut down before the Congressmen could not buy their plane tickets back to Washington fast enough to open the government because the voters were absolutely outraged. It would shift the blame for ObamaCare, which ought to be the referendum in 2014, to should you shut down the government or not shut down the government? We should not be in this business of saying I am a better Christian than you are or I am a better Jew than you are or I am a better conservative than you are. We ought to respect each other's point of view.

Instead, what should we do? First, we ought to delay implementation of the new health care law. My colleague from Tennessee, Representative MARSHA BLACKBURN whose conservative credentials I've never heard anybody question, and Senator JEFF FLAKE from Arizona wrote an editorial the other day—I ask unanimous consent for it be printed in the RECORD following my remarks—saying the health care law must be delayed.

There is good reason for that. It is coming too fast and the chairman of the Finance Committee said it is going to be a train wreck. The logical thing to do is delay it for 1 year. The President has already delayed many provisions of the health care law. The employer mandate has been delayed for 1 year. The requirement that insurance companies report to the IRS information about health insurance products has been delayed for 1 year. The ability for small employers to provide employees with multiple health insurance plan options in something we call the small business SHOP exchange has been delayed for 1 year. The ability for state Medicaid programs to send electronic notices to beneficiaries, that is delayed for 1 year. The start of the Basic Health Program, delayed for 1 year.

Other provisions have been delayed for 1 year and there are regulations that the administration has simply not had time to issue. So why not delay the entire law for 1 year? That would give the administration time to at least get ready it would give the American people a chance to have a referendum on the law in 2014. So that is the first thing we could do.

The second thing we could do is begin to dismantle the law. By that I mean we should repeal all of the job-killing, premium-hiking taxes, especially the medical device tax. This is a particularly onerous tax that is 2.3 percent on the revenues of those companies and it drives up the cost of medical devices that tens of millions of Americans use. We should also and repeal the mandates on individuals, families, and job creators that drive up premiums. But that is not all we should do.

We have a responsibility to say what we would do as Republicans if the voters were to trust us with the government. If they were to give us more Senators who would vote to delay, dismantle, and repeal ObamaCare, what would we do with it? Or if in a couple of years they were to give us a Republican President, what would we propose?

We can do a pretty good job of saying what we don't like in ObamaCare. Three years ago, I was asked by Senator MCCONNELL and Speaker BOEHNER to lead off for the Republicans at the President's Health Care Summit. I took the opportunity to outline for the President some of the problems with his proposal that we saw at that time. It turned out that we were pretty prescient in what we were saying because most of the problems we predicted have happened: increased premiums, more spending, more taxes. We said a 2,700-page bill, more or less, probably has a lot of surprises in it. The bill cut Medicare by one-half trillion dollars, not to make Medicare solvent, but to spend on a new entitlement even though Medicare is going broke within several years according to the Medicare trustees. If Medicare goes broke, people will not be able to depend on it.

We said the new law would mean there will be about one-half trillion dollars of new taxes, and millions of Americans' premiums would go up. Today, the newspapers are filled with stories of rising premiums. So that is what we said at the President's Health Care summit 3 years ago. Now we have an obligation to say what we would like to do instead.

I said to the President at that time: Mr. President, the President's—your proposed health care law is an historic mistake because it expands a health care delivery system that already costs too much instead of taking steps to reduce its costs. The law is a mistake because it attempts to be comprehensive, and it is too big a bite to chew, too much to swallow, and too much to digest at one time.

That is turning out to be right. That is why we have all these delays. So we suggested why don't we go step-by-step to begin to reduce health care costs? We suggested at the President's health care summit working with him in a bipartisan way to do that.

We can still do that. We can delay it. We can dismantle the parts of it I talked about. Then what do we do?

Step No. 1, make Medicare solvent so seniors can depend on it. Senator CORKER and I have a proposal which will do that, offer seniors more choices and at the same time reduce the Federal debt by nearly one trillion dollars over the next 10 years. Medicare needs to be solvent because we have many Tennesseans who depend on it to pay their hospital bills, and it is going broke in a few years if we don't take steps to do that.

No. 2, give Governors more flexibility with their state Medicaid programs. Medicaid has gone from 8 percent of the State budget when I was Governor in the 1980s to 26 percent today. It is soaking up money that ought to go to higher education. Governors would like to keep tuitions from going higher, but they cannot and the main reason is Federal Medicaid mandates get in the way so we need to make Medicaid more flexible.

I said when the health care debate was going on that every Senator who votes for it ought to be sentenced to go home and serve as Governor for 2 years to implement it. That may be one reason we have so many Governors who are having a hard time balancing their budgets with all these federal mandates.

No. 3, strengthen innovative workplace wellness programs. The administration has a regulation that needs to be repealed that restricts the ability of employers to say to employees: If you live a healthy lifestyle, you can have lower insurance premiums.

No. 4, let small businesses pool their resources and offer a lower cost insurance plan for their employees.

No. 5, provide families the opportunity to purchase insurance across State lines.

No. 6, expand access to health savings accounts and catastrophic health insurance plans, which would give people an opportunity to buy cheaper insurance rather than more expensive insurance.

No. 7, incentivize the growth of private health insurance exchanges.

No. 8, make it easier for patients to compare prices and the qualities of doctors.

No. 9, incentivize States to reform junk medical malpractice lawsuits.

I have talked about one way to delay ObamaCare, two ways to dismantle it, and nine steps to move from expanding a health care delivery system that already costs too much. By introducing more choice and competition into our health care delivery system, we can acheive the goal of reducing costs for most Americans. That is a strategy, an agenda and a plan that will earn the confidence of enough independent voters in Tennessee and other States across this country to elect more Republican Senators, or Democratic Senators who agree with us, and that will give us a chance to dismantle, delay, and repeal the health care law, which was an historic mistake.

This is nothing new. We counted it up. Republicans mentioned 173 times in the health care debate our step-by-step plan to reduce health care costs. We still stand ready to put it into place.

The best way to repeal Obamacare is not to shut down the government. The best way to do it is to take over the government, elect some more Senators, and elect a President. Put it in a bill. That is our constitutional system. We all admire the Constitution. We carry it in our pockets, and we talk about it. We have a constitutional system, and we have to follow those rules if we want to make legislative changes.

I greatly respect the passion and the endurance of those Senators who argue that we should shut down the government if we don't get our way immediately on the health care law. I respect that just as I remember the Alamo and respect our great Tennessean Davy Crockett who went to Texas. But on this one, when it comes to tactics, I am in General Sam Houston's camp. I think we will have to show patience to win the war. In the meantime, let's delay ObamaCare, let's dismantle it, and let's show the American people that we have a better plan with better steps to replace what is in the law now with a step-by-step plan to reduce the cost of Americans' health care. That is the plan I am voting for today and the rest of this week and the rest of this year and next year, until we get the job done.

I thank the Presiding Officer.

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

[From The Tennessean, Sept. 24, 2013]

TENNESSEE VOICES: HEALTH CARE LAW MUST BE DELAYED

(By U.S. Rep. Marsha Blackburn and U.S. Sen. Jeff Flake)

As we approach the Oct. 1 deadline when the Affordable Care Act begins to go into effect, it becomes more and more evident that the president's health care law is not ready for prime time.

Through our congressional oversight and the feedback we get from businesses and families around the country on a daily basis, we have seen just how frustrated people are with the impact ACA is having on their lives. It has become very clear that this law is unworkable. A recent CNN poll shows support for the president's health care law waning, with only 39 percent of Americans now in favor of it, down from 51 percent in January.

With the Obama administration's decisions to delay several parts of the health care law, including the employer mandate, it is clear that even the White House now recognizes what the rest of America already knows: ''Obamacare'' is a train wreck.

Businesses small and large across our states have shared stories about the burdens the Affordable Care Act is placing on them. Couple that with the most recent jobs numbers from the Bureau of Labor Statistics,

and it is difficult not to conclude that the law is having a dampening effect on the country's economy.

That is why we have introduced legislation that would delay all ACA provisions and taxes for one year. H.R. 2809/S. 1490 seek to postpone all provisions of the Affordable Care Act taking effect on Jan. 1, 2014, or later by one year from the date of enactment.

Delaying the law is a necessary step in our efforts to get it off the books and replace it with real health care solutions that work for American families and businesses. It builds on efforts already taken by the House and Senate to delay both the individual and employer mandates. In fairness to American taxpayers, the best thing we can do right now is to implement a one-year delay so we can continue to chip away at this disastrous law.

Postponing ''Obamacare'' gives us the best chance to defund it. If we delay the law, the administration will be unable to collect new taxes, provide subsidies or expand Medicaid, all things that put taxpayers further on the hook.

As Republicans continue to work to implement real health care solutions for Americans, our legislation is the right step to take. In fairness to taxpayers, our best option today is to delay the law's implementation for one year and continue to work to enact policies that put patients and doctors in charge of health care and do not require trillions of dollars of taxpayer money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. DONNELLY. Mr. President, when I was working in Indiana last month, there was one thing I heard everywhere I went: Congress should spend less time fighting and more time focusing on creating jobs.

We have made significant progress in Indiana since seeing unemployment rates north of 20 percent in some of the counties in our State just a few years ago, but there is a lot of work yet to be done. Too many Hoosiers are still looking jobs.

For all of the fighting here in Washington, back home in Indiana everyone is on the same page. They want good-paying jobs so they can take care of their families, send their kids to college, and retire with dignity. That is what Hoosiers want, and most think Congress can do something to help in that regard, even if that something is simply this: Don't make things worse.

What, instead, do many of my constituents think they are getting from the legislative branch? George Smeltzer from Nineveh, IN, sent me an e-mail. He said:

Enough is enough already! Washington is like a bunch of children playing at recess and all fighting for one toy. Unfortunately, the toy is the American people. I've news for you, most average Americans are not liberal lefts' or conservative rights,' we are somewhere in the middle and we are tired of being smashed around like ping pong balls in a partisan game of ''politics.''

We are at a critical point in our ongoing economic recovery. In the next week this Congress will decide whether to keep the Federal Government open and operating. In the weeks ahead this Congress will decide whether to continue to pay the government's bills—our bills. We can go one way, the responsible way, and show the American people we are capable of working with one another or we can continue to yell at each other to score political points, refuse to be realistic about the need to find common ground, and shut down the government and stop paying our bills—the bills for which we are responsible. Clearly, I prefer the responsible way—the way that can add thousands of additional jobs for the folks back home who want and need them.

When I first spoke on the Senate floor this spring, I discussed my strong belief that government can help create the conditions necessary for businesses to expand and hire more workers and for the American workforce to be better ready to hit the ground and be moving on day one. I am offering three straightforward, bipartisan, commonsense things that we can do right now to help the economy.

We should pass the bipartisan AMERICA Works Act introduced by my friend Senator KAY HAGAN from North Carolina and supported by Senator DEAN HELLER and me. We are training the next generation of employees to have the skills that employers need.

We should finish our work on a 5-year bipartisan farm bill that the President can sign into law. American farmers deserve that certainty.

We should also cut redtape to encourage private investment in infrastructure. I am working with Senators PORTMAN and MCCASKILL on a bill that would cut redtape to improve the permitting process for big infrastructure projects so we can help private industry create jobs in Indiana, Ohio, and across the country.

Fights to and possibly beyond the brink about whether to have the government up and running and whether to pay the government's bills, our bills, in a timely fashion have a devastating effect on confidence and on our still-recovering economy. However, when we do the responsible thing and actually do our jobs, we can help the economy and we can help our constituents and maybe as a result give them reason to have a little bit more confidence in this institution and in our country's government.

Sharon O'Brian of Crawfordsville, IN, told me in an email: I am sure many Hoosiers feel as I do. There needs to be compromise between the parties in order to begin solving the many problems facing our country today.

Let's start solving, not creating, problems for our country. Let's help create jobs, let's get to work, and let's build America.

I yield back.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. KING. Mr. President, I want to begin with a story about two young men, both 29, both married with a couple of kids, and both contracted cancer the same day—malignant melanoma, the kind of cancer that comes from a mole. Unfortunately, it is not uncommon in our society. One of those young men had insurance. In fact, he had an insurance policy that provided preventive care, and under that policy they provided a free checkup. Indeed, his insurance covered his ability to go and have his checkup in the evening so he didn't even have to take a day off from work.

He went in, had a checkup, and the doctor found a mole on his back and said: This doesn't look so good. I think I should take it off.

A week later when he went back to have the stitches out, the doctor said: I think you should sit down. You have a pretty serious form of cancer.

The young man went to the hospital and had an operation which removed a hunk of his back. He had stitches under his arm. The lymph nodes were taken out, and fortunately they found that the cancer had not yet spread. He didn't have to have chemotherapy or radiation. He was OK.

The other young man didn't have insurance, so he didn't go to the doctor and have a checkup. He had the mole on his neck, but he didn't really notice it or pay much attention to it.

Six or 8 months later he noticed a lump in his neck. He still didn't pay any attention to it. He didn't have insurance and didn't really want to spend the money to go to the emergency room or go to the doctor, so he didn't pay much attention to it and he let it go.

Six months later the lump was so large that he finally went to the doctor, and they biopsied it and found that it was metastasized malignant melanoma. He had chemotherapy, radiation, and surgery, but a year later he died.

That story means a lot to me because I am the first guy. Forty years ago, when I was a staff member in this institution, I went and had that checkup because I had insurance. They found the mole, they did the surgery, and here I am today.

I have often thought about that and wondered, why me? Just luck—but also because I had insurance. I can say with certainty that if I had not had that insurance, I would not have gone to that checkup. If I had not had the checkup when I did within months or perhaps a year and a half, I would have been gone.

I have a similar story about a daughter of a friend of mine, Dick Gould up in Maine. Dick had a daughter named Cindy who was diagnosed with severe asthma at the age of 3. All her life she battled it. She lived in a very rural part of Maine. She didn't have a lot of money and could never afford insurance, but she fought the asthma as best she could. She did the best she could, but she couldn't afford the expensive treatments.

Finally, not long ago, at the age of 53, Cindy Gould died, leaving a husband, children, and grandchildren, one of whom she hadn't ever met. Why did she die? Because she didn't have insurance. She couldn't afford to go in and have the care she needed.

Why are we having this discussion here in the Senate this week about health care? The answer is pretty clear. There are 50 million people in this country who have no health insurance. The estimates are that between 20,000 and 30,000 of those people die each year—like Cindy Gould—because of the lack of health insurance. Why doesn't that bother us? Why aren't we spending days and nights here talking about how to solve this problem instead of how to dismantle the most significant health care program that has come to this country in years? Why?

I have a theory about that. It is because those deaths are invisible. They happen one at a time in Greenville, ME; in Portland, ME; in San Diego, CA; and El Paso, TX, so nobody knows. It is not listed in the obituary: Died because of no health insurance.

I would submit that if those 25,000 people—which is a conservative estimate—in this country all died at the same time and in the same place, we would be turning the world upside down to solve the problem. Just imagine that kind of loss in a small town in the Presiding Officer's State each year—25,000 people a year.

On September 11, 2001, we had a tragedy in this country, and 3,000 people died. It was a terrible day. What have we done as a result of that day? We turned our society upside down, we protect ourselves at airports, and we spent money for screening and protection. We spend $70 billion a year just on intelligence in order to protect ourselves from another September 11. Yet, quietly and insidiously, every year over 20,000 people die because they don't have insurance.

Another 700,000 families lose everything because of medical bills. We are the only country in the world where that happens. We are the only country in the industrialized world where people are prone to lose everything because they are swamped with medical bills. That is ridiculous. Would we watch someone die in our front yard? Of course not. We would call 911. We would call the doctor. We could do CPR. We would do whatever we could to keep them alive. But we are quietly as a society watching over 20,000 people a year die, and we are arguing about the details of how to solve this problem.

To me, it is a moral question. There is a lot of economics involved. There are a lot of questions about costs and we will talk about that. But, fundamentally, it is a moral question. The moral question is, Are we going to stand by and watch people suffer and die because of ideology and politics? No other country in the world has answered yes to that question, and that is the question that is before us.

So what is this thing called ObamaCare, the Affordable Care Act? What is it? The first thing to say is what it is not. What it is not is a tremendous impact on American business. Ninety-six percent of the businesses in America have less than 50 employees. They are not affected by ObamaCare at all. In fact, they are probably benefited by it because whether or not they choose to buy health insurance, their employees can get health insurance through the new health exchanges, and that is probably a benefit to those businesses. But 96 percent of the businesses the law doesn't apply to. Ninety-eight percent of the larger companies—200 employees and more—already provide health insurance to their employees. So the law doesn't apply to them. Ninety-four percent of the smaller firms, from 50 to 199, already provide health insurance to their employees.

So this idea that somehow ObamaCare is taking over the health care industry in this country is nonsense. Eighty percent of the people are largely unaffected by it. They are either the 50 percent who are covered by their employers now or the 22 or 23 percent who are under Medicare now and 7 or 8 percent under Medicaid. But that leaves 15 percent uncovered, uninsured, unprotected, and that is between 45 million and 50 million people.

This is not a government takeover. There is no place in America one can go and sign up for ObamaCare. If one goes onto an exchange, they get insurance from Anthem or Blue Cross or Health First or Aetna. One doesn't get ObamaCare, one gets insurance coverage from private insurance companies, just as we have done in this country for most of the 20th and 21st centuries. It is not a government takeover.

Here is what it is: It is a mechanism to make it easier and cheaper for those people who are uninsured to find a way to get insurance: to go online to a health exchange, which is nothing but I suppose one could call it the Amazon or e-Bay of health insurance where people can see what their options are, make their choices. They get support from the rest of us if they are within certain income levels, and it makes health insurance affordable.

It is based upon the free market principle of competition, and that group rates are better than individual rates, and the essence of the system is a marketplace where people can buy private health insurance.

It is also insurance reform. It repairs and improves and mandates some improvements in the way health insurance works, to avoid some of the real glaring problems that most people have identified with and many people have run up against. One is a limitation that health insurance companies have to spend 80 percent of the money they take in on health care. In other words, there is a limit on profit and overhead. I think all of us feel that is reasonable. That is already happening, and, in fact, some people are getting refund checks from their insurance companies because they were spending too much on overhead and profit.

Under the insurance reforms of the bill, women are treated equally for the first time. There is an emphasis on preventive care.

I go back to my own story. Preventive care saved my life. It was a heck of a lot cheaper than the care that was provided to the fellow who didn't have insurance because he didn't catch it in time. He ended up in the emergency room. He ended up having surgery, chemotherapy, and radiation, and ultimately futilely, but that treatment cost a lot more than my treatment did because I was insured and had preventive care.

It also allows kids to stay on their parents' policies until they are 26. This is a big deal, because it allows kids to take jobs and do things and travel and work but not have to focus on whether they have health care. They can stay on their parents' policies until they are 26. That is happening right now all across America.

There are no lifetime caps.

As I mentioned earlier, we are the only country in the world where people get wiped out by health care costs. Nowhere else is that even remotely an issue the way it is here.

Finally, a person can't be denied health insurance because of preexisting conditions. That is crucial, because there are millions of people across this country, through no fault of their own but because of the vagaries of health, who have problems they were born with or that came on in their youth and under the old rules, they can't get insurance. Now they can't be denied insurance. That is going to make a lot of difference to people in this country.

Because of that—and I watched Senator CRUZ last night, and he talked about this. If you are going to require insurance be issued to people even if they have preexisting conditions or some kind of illness, then you also have to mandate that everybody buys it; otherwise, nobody would buy it until they are in the ambulance on the way to the hospital. If a person didn't have to buy fire insurance before the fire, everybody would buy it when they saw the flames coming up from their house. I think Senator CRUZ, the Senator from Texas, used that image last night. To me, that makes common sense.

It also makes common sense because it is a matter of personal responsibility. I always thought that was a conservative principle. I remember in the 1970s and 1980s it was a conservative principle that people should take responsibility for themselves.

Right now in our society, if a person is sick, and if a person has no insurance, they are treated. The hospital cannot turn you away. What that means is we all pay. That person is in effect a free rider. They have insurance; it is all the rest of us. I think it is a basic principle that they should take care of their own responsibility.

People act as though this is some kind of radical notion. We have had—I don't know about the State of the Presiding Officer and other States, but in

our State we have had mandatory automobile insurance for as long as I can remember and nobody questions it, because it is a responsibility. You need to be responsible for yourself. As I say, this was always a conservative principle until lately, and all of a sudden it isn't. It reminds me of the old line of Mort Sahl, the comedian back in the 1950s, who said, ''If you maintain a consistent political opinion in this country long enough, you will eventually be tried for treason.''

And here we are; what was once a conservative principle is now anathema. But I think it is all about personal responsibility and providing for yourself.

I understand,—I have seen press releases that there are people going around the country telling young people not to sign up for coverage. I think that is outrageous. It is unbelievable. And they are sentencing some of those people to death or to severe injury because they are not going to have health insurance when they are going to need it.

All young people are immortal. I was when I went in for that checkup when I was 29 years old. They think they are. But to tell people not to get insurance when it is available, particularly when it is available at low cost, I think is something that should weigh on the conscience of whoever is funding and developing that campaign around the country.

So what is the Affordable Care Act? It is a mechanism to buy insurance. No. 2, it is reform to the insurance industry in terms of what the requirements are; and No. 3, buried in it are pilot programs that may turn out, in my view, to be the most important part of the project, the most important part of the bill, because they encourage changes in the way we deliver health care.

As I will mention in a minute, the real problem with health care is cost, and these pilot programs that are being used around the country, including in Maine, are already having some spectacular results. I talked to two people from our two major Maine hospitals this morning. They are seeing a 60-percent reduction in emergency room use and a 70-percent reduction in rehospitalization because of what is called the Accountable Care Organization Structure that they have put in place for Medicare patients in Maine.

They are seeing better care at substantially lower costs, and this is the kind of pilot and innovative program that is also in the Affordable Care Act that nobody ever hears about or talks about that I think, as I mentioned, may turn out to be the most important part of the bill.

That is it: limits on insurance provisions, greater access to insurance. I think we need to calm down around here about what this bill does.

It is not perfect. It is complicated. It does have some implementation issues that I am worried about. I am worried about too much regulation. I am worried that they will overdo the regulations somewhere in the government as they implement this, and I think that is something we need to pay close attention to. There are problems such as the 30-hour workweek versus 40 hours. Those are the kinds of things I think we need to pay attention to and we need to fix. There has never been a perfect piece of legislation, perhaps, other than those Ten Commandments on Mount Sinai, but we need to try to fix things and not just say, Oh, well, we are going to tear the whole thing apart and start over. I am a little skeptical on the starting over part because I haven't seen any inclination to do so.

As I mentioned, the larger health care problem is cost. We are now spending 18 percent of our gross domestic product on health care—by far the highest number in the world. Japan is at about 11, and everyone else is at 8 or 9 percent. We are spending twice as much per capita as anyone else in the industrialized world and our results aren't that good, by all kinds of international standards, including infant mortality, longevity, customer satisfaction. We are in the 15, 17, 20, 25th in the world, and we are paying twice as much.

There is also this cost problem is what is killing our budget. All of the debt and deficit problem we are projecting in the Federal budget is based upon health care costs: Medicare, Medicaid, and public employees. That is where the deficit is. It is not in the national parks, it is not in Head Start, it is not even in the Department of Defense. It is health care costs, and we need to talk about that and work on it and do something about it.

I think these pilot programs within the Affordable Care Act are showing amazing promise just in the last couple of years that they have been in place.

A note on process, and then I will yield the floor. I have never known of a time when the repeal of a particular piece of legislation has been used, has been held hostage, in order to keep the government running. We have had arguments about budgetary matters at the ends of budget periods, and there was a shutdown in the 1990s about spending and budgets, but I have never heard of a time when a group tried to use a bill and say we are going to repeal this bill or we are going to shut down the government.

In the 1950s and 1960s, the southerners were dead set against civil rights legislation. They filibustered and tried to stop it, but it ultimately was passed in the 1960s, and was a proud moment for this body and this institution. They never said: But we are going to shut down the government if you fund it or enforce it. They had too much respect for the institution. They had too much respect for the importance of the continuity of government over and above any issue, no matter how passionately they felt about it.

I hope this weekend we can let go of this idea that a minority of the government can hold it hostage because of one particular piece of legislation that they don't like.

This is an economic but it is also a moral issue. It is about trying to help people deal with the shadow of health care hanging over them. It is not perfect, but it corrects some of the most glaring defects in the private insurance system, and it provides an opportunity to millions of Americans to escape the day-to-day shadow of a health care catastrophe.

To those who want to fix it, I stand ready to help. To those who have ideas and suggestions, I stand ready to listen. To those who want to destroy it, however, I stand in your way. And to those for whom the shadow has finally been lifted, I stand at your side.

I thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The senior Senator from Texas is recognized.

Mr. CORNYN. Mr. President, as we discuss our efforts to support an effort that started in the House to defund ObamaCare in this legislation, I want to start by congratulating my colleague Senator CRUZ on his remarkable 21-hour performance. I promise I will not try to duplicate that, at least not right now. But I do admire his passion and his energy, and I think probably more than anyone in recent memory, he has done more to raise this issue to the American consciousness and inspired people by his passion.

I want to say that I share his determination to stop ObamaCare before it does any more damage to our country. The two of us represent 26 million people in the State of Texas, and we have heard countless stories of how the President's health care law is already hurting not just individuals and families and small businesses, but hurting the economy.

I heard the distinguished Senator from Maine saying the President's health care law is working pretty well. But I have to say, even though I disagree with him about ObamaCare actually working, it strikes me that one point is irrefutable; that is, ObamaCare is hurting the economy and hurting job creation. We have heard at least from some of the major organized labor organizations in America—people like Richard Trumka, who said that ObamaCare is killing the 40-hour workweek. It is making full-time work into part-time work. That is one reason he and other labor organization leaders went to the White House recently and asked the President for a special opt-out or waiver.

I believe the only solution is to dismantle ObamaCare in its entirety. Some have said: After Senator CRUZ got through speaking today, after his remarkable 21-hour performance, the debate is over. To them I would say, the debate has only just begun. We will be here in the Senate for the remainder of this week debating the effort to defund ObamaCare.

My friends across the aisle have repeatedly said that because Republicans want to protect the American people from ObamaCare, we want to take health insurance away from millions of Americans. Nothing could be farther from the truth.

Democrats argue that Republicans have not put forth any alternatives to ObamaCare. That is false. It is time to set the record straight.

When it comes to health care reform, Republicans have three main objectives, all of which are filed under ObamaCare. One, we want to reduce costs. The President said this was one of his goals in ObamaCare. He promised that the average family would see a reduction in their health care costs of $2,500. What are the facts? We have seen health care costs go up by an average of $2,400 for that same family. We want to expand quality insurance coverage, and we want to improve access to care.

The President has put most of the apples with his health care plan in the same sack, which is Medicaid. In Medicaid in my State, only about one doctor out of every three will see a new Medicaid patient because it only reimburses doctors about 50 percent or less of what they charge other patients. So they simply have had to refuse to see new Medicaid patients.

So we want to reduce costs, we want to expand quality coverage so that you own your own insurance policy, and we want to improve access to care.

In order to achieve those objectives, we first have to remove ObamaCare from the table. We know what the evidence has been in the years since ObamaCare first passed in 2010.

ObamaCare is already causing employers to drop health coverage. So if you like what you have, it turns out you cannot keep it. It is already causing doctors to leave Medicare, for the same reason. As I mentioned, they are leaving Medicaid. It is already causing insurance providers to reduce consumer choice. We saw a story in the New York Times just a couple days ago about that. We know it is already causing businesses to lay off workers and turn full-time work into part-time work.

It is already causing medical device manufacturers to close existing factories here in America and to move their businesses offshore because of the taxes that target that particular part of the health care industry.

And it is already causing many physicians to consider early retirement, causing a restriction in access to coverage, because unless you can find a doctor to accept you, you do not have effective access to coverage, even though you may have something called Medicaid or Medicare.

If and when the law is fully implemented, ObamaCare will drive up individual insurance premiums, it will cause millions of Americans to lose their existing health care coverage, it will jeopardize medical privacy rights by injecting the IRS into the implementation, it will further damage an already broken Medicaid program, and it will prompt even more doctors to stop treating Medicare patients.

The closer we get to full implementation of ObamaCare, the more we learn about its myriad problems and its unintended consequences. For example, the ObamaCare exchanges are supposed to open next Tuesday. But most people still do not know how much money they will be paying for insurance. Meanwhile, a front-page story in USA Today talks about a little noticed provision of ObamaCare which threatens to cost some families thousands of dollars in health insurance and leave up to 500,000 children without coverage.

For that matter, even if ObamaCare is fully implemented on schedule, the Congressional Budget Office projects that about 31 million Americans will still not have coverage. I thought ObamaCare was designed to make sure everybody had coverage. So it seems to me it has failed again in its stated objective.

My friends across the aisle like to say that Republicans are opposed to expanding health insurance coverage. But, as I have just told you, we are actually for replacing ObamaCare, which would provide people with more access to affordable health care.

In reality, what we are opposed to is policies that reduce health care choices and dramatically disrupt people's existing health care coverage. We are opposed to policies that raise taxes by more than $1 trillion on people like the medical device manufacturers that I mentioned a moment ago, which hurts innovation, which hurts people's access to the best quality of health care. And, yes, we are opposed to policies that kill full-time jobs in favor of part-time work. And we are opposed to policies that cause insurance premiums to go up rather than down.

It is true, we are opposed to policies that put government bureaucrats between you and your doctor when it comes to deciding what access to health care you and your family ought to have. And we are opposed to policies that cause physicians to refuse to see Medicare patients.

We are opposed to policies that weaken our health care safety net. And we are opposed to policies that massively expand the power of the Internal Revenue Service—that is currently racked in scandal—getting involved in implementing your health care plan.

So again, we are for reform that helps bring down the cost and improves access to quality health care in a way that does not interfere between the doctor and the patient. The kinds of health care reforms that we are for are those that deal with cost, coverage, and access.

For example, we support equalizing the tax treatment of health insurance so that individuals and employers are put on the same footing, unlike today. We support letting individuals and businesses form risk pools, particularly across State lines, to provide more choices and more competition when it comes to keeping down health care costs. And we support abolishing onerous mandates.

Why should you have to buy health coverage that includes coverage you do not need or want? For example, if you are a young man, why should you have to buy a mandatory health plan that has maternity coverage in it? It does not make a lot of sense.

And, yes, we support giving more Americans choices when it comes to how to pay for their health insurance using pretax dollars—things like tax free health savings accounts.

We also believe that making price information more transparent will create the kind of discipline that comes with a market. For example, if people know what their health care costs are going to be, and they see what their choices are, they know that the competition that comes through market discipline will improve not only the price—it will bring it down—but it will improve the quality of service.

Perhaps the best recent example of that is the Medicare prescription drug plan, which has now come in 40 percent below projected cost, because now seniors have choices when it comes to their prescription drugs, and those plans compete based on price and quality of service. That is benefiting the consumer and providing a lower price.

And, yes, we do support tighter curbs on frivolous medical malpractice lawsuits, which drive up the costs of medical liability insurance and drive doctors out of business. In Texas, we have had a wonderful pilot program. And I tell you, we have seen doctors move to Texas because they want some predictability when it comes to their medical liability exposure and the costs of their malpractice insurance. That, in turn, provides people with better access to doctors.

And, yes, we believe that you can use State high-risk pools to insure people with preexisting conditions. In other words, the idea that you need to embrace the behemoth called ObamaCare just in order to cover people with preexisting conditions is simply false. You do not. We can do it much cheaper and more effectively by supplementing the State high-risk pools so people with preexisting conditions can get access to health care.

We support States having a lot more flexibility to manage Medicaid—something that can only happen now based upon a special dispensation from the Federal Government.

If we are able to help people coordinate their health coverage, we can do a better job of making sure that even people on Medicaid get access to health care at a lower cost.

As I said, we support introducing competition into Medicare so that patients and physicians could work together to hold down costs, just as they have done in the prescription drug program that I mentioned a moment ago.

So here is the bottom line: ObamaCare is not the only way to expand access to quality health care. In fact, it may well be the worst way to expand coverage because it raises costs and it reduces patient choices, and you have to depend on the tender mercies of the Federal Government when it intervenes between you and your doctor when it comes to your choices.

By contrast, we believe that health care reforms such as those I have outlined just a moment ago would allow us to expand access to quality health care at a lower price without interfering with the doctor-patient relationship.

Mr. President, before I conclude—because I know there are other colleagues who want to speak—I want to explain once again why I support moving ahead with this legislation that is now before us.

I note that 100 Senators just voted for cloture on the motion to proceed to the continuing resolution which contains the defunded provision passed in the House. I am committed to defunding ObamaCare for the reasons I said. But I also believe that we ought to avoid a Government shutdown. I believe that to deny cloture—unlike the vote we just had, 100 to 0—to vote against cloture on the very resolution we are for that came from the House that would defund ObamaCare is a little hard to explain.

It may well prompt the government shutdown, which I think benefits no one, and it could possibly damage our economy, which as I said earlier is fragile indeed. Here is the ultimate irony. If we are to shut down the government because we refuse to pass a continuing resolution to keep the government operating, ObamaCare still gets funded. That is because it has mandatory spending, in other words automatic spending, that even if the government shuts down, ObamaCare still, by and large, gets funded.

You do not have to take my word for it. Dr. COBURN, Senator COBURN, has asked the Congressional Research Service for their authoritative opinion. They said even if the government were to shut down, ObamaCare will continue to be funded. So I support whatever strategy is likely to help us defund and ultimately dismantle ObamaCare, but in my view, shutting down the government is not the best strategy, because it would not work. According to the Congressional Research Service, ObamaCare would continue to be funded.

To be clear: Republicans are united in our desire to defund ObamaCare. The bill before us does exactly that. So if we proceed to the bill, my hope is that five Democrats—maybe the five Democrats who voted for ObamaCare in its first instance but have been listening to their constituents as I have, people such as Richard Trumka and organized labor who have said: The promises you made, this simply is not performing as advertised. We need something to be done to ObamaCare.

We have solutions that will address that. So if we can find five Democrats to join us, perhaps those Senators who are running for reelection in States that Mitt Romney carried by double digits, the Senate would have voted to defund ObamaCare. It is that simple.

Plenty of our colleagues have acknowledged the harm ObamaCare is doing to our health care system, and to our broader economy. Now they have a chance to do something about it. Now they have a chance to actually vote with Republicans to stop this law before it is fully implemented.

Four years after Senate Democrats voted to enact ObamaCare on a party-line vote—no Republican voted for it, all Democrats voted for it—the consequences of ObamaCare are plain for all of us to see. By proceeding to the House bill, we are forcing each Member of this Chamber to take a stand either for or against their constituents when it comes to a failed health care bill, one of the most unpopular laws in the history of the country.

I know where I stand on ObamaCare. I know where all of my Republican colleagues stand. All of us stand united in our desire to protect the American people from this failed public policy.

I would urge our colleagues across the aisle to think again, listen to their constituents, including people such as Richard Trumka and organized labor and help us save America from this failed public policy disaster.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent that after my 5 or 6 minutes, the Senator from New Hampshire be recognized.

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

Mr. BROWN. Mr. President, I would remind my colleagues, after hearing Senator CORNYN's speech and also the very articulate words of Senator KING talking about a personal story—that this is full of personal stories of people who get preventive care or they don't and the difference that makes in people's lives, the quality of their lives and their life expectancy.

I remind my colleagues that in my State alone, about 1 million seniors have gotten preventive care and various kinds of tests, senior citizens in Medicare, at no cost, with no copay and no deductible. About 1 million Ohio seniors have gotten that benefit from the Affordable Care Act.

About 100,000 Ohioans in their twenties have been able to join their parents' health plan until they are age 26 and get insurance. People in their twenties who do not have insurance otherwise have it through something called the medical loss ratio, which for every dollar of premium in health insurance you pay, 80 to 85 percent of that must go directly into patient care rather than profits and executive salaries and marketing. That has forced insurance companies to write refund checks to tens of thousands of Ohioans.

A number of Ohioans have benefited in a whole host of other ways. So we know this health care law already is working, we know it will continue to work. When I hear people in Washington, DC, who dress like this, who all enjoy pretty darn good health insurance, paid by taxpayers, then I see my legislature in Columbus, legislators also who have health insurance, not even expanding Medicaid, not even allowing people, children especially and seniors and disabled people, and often people who have low-wage jobs—deny them health insurance, I think something is dreadfully wrong.

Mr. President, I want to talk for a moment about something else in health care. Ancient cultures have been using plant extracts and other mixtures with antimicrobial properties to aid in healing for more than 2,000 years. We are probably most familiar as Americans with the Scottish scientist—I believe Scottish—Alexander Fleming who developed penicillin, which became a very common drug used kind of from the 1940s on.

Last week the Centers for Disease Control and Prevention called antimicrobial resistance ''one of our most serious health threats.''

Antibiotics and other antimicrobials have been, in essence, a victim of their own success. We used these drugs so widely for so long and sometimes not always wisely, and sometimes indiscriminately, that the microbes they are designed to kill have adapted to them, making the drugs less effective or in some cases totally ineffective.

I stand before you today to remind you of the need for a comprehensive strategy to address microbial resistance. Each year, about 2 million Americans contract bacterial infections in hospitals, and 20,000 of these people die because the microbes causing their infections are resistant to frequently used antibiotics.

One of the most commonly reported antimicrobial resistant infections is something called MRSA, an acronym for methicillin-resistant staphylococcus aureus. MRSA is a strain of staph infection resistant to penicillin and other related antibiotics. Once thought to be contracted solely in hospital settings by older patients, MRSA is now affecting young, healthy people in our schools and communities. Within the last few years, we have heard far too many media reports of high school and college age students losing their lives to these infections.

The statistics continue to be troublesome. A recent study from the University of Chicago revealed that more people are checking into hospitals with MRSA than those with HIV or influenza combined. We cannot ignore that.

Molly Brudnick of Shaker Heights, a Cleveland suburb, contracted MRSA after back surgery. She should have been concentrating on recuperating from her surgery. Instead she spent 6 weeks on IV antibiotics in a nursing home. She had to complete 3 months of

rehabilitation, with nursing care to tend her wounds. Molly's story is far too common in my State and the Presiding Officer's State of Connecticut and across the country.

It does not have to happen. As this epidemic—if you call it that—continues to spread, the financial costs and the loss of life will continue to rise. A 2012 study at Columbia found that each drug-resistant infection cost $15,000 more to treat than other infections which are not antimicrobial resistant. That is unacceptable. Curing MRSA is one piece of the puzzle in eradicating the superbugs that are resistant to antibiotics.

In response to this health crisis, I join the CDC in urging enhanced attention and resources devoted to antimicrobial resistance. In 2008, I, along with Senator HATCH, the senior Senator from Utah, introduced the STAAR Act, Strategies to Address Antimicrobial Resistance Act. I thank Senator HATCH for his leadership as we begin to see the epidemic of antimicrobial resistance develop.

The STAAR Act is a multiple-pronged approach to revitalized efforts to combat superbugs and prevent outbreaks of MRSA and other drug-resistant infections. The STAAR Act established a government task force to direct efforts to combat microbial resistance. The bill provides for more research on drug-resistant bacteria and explores strategies to ensure the development of new anti-infective drugs.

It also ensures that antimicrobial drugs will be prescribed and used judiciously. We have made far too many advances in modern medicine to lose the fight against microbes. I look forward to working on measures to preserve our existing arsenal of antibiotic and other antimicrobial drugs and to ensure that new drugs are developed which can effectively fight superbugs.

I plan to reintroduce the STAAR Act soon. I will work with my colleagues to see it moved to passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise today to talk about what is happening in my home State of New Hampshire as a result of ObamaCare. When I ran for the Senate in 2010, one of the reasons I decided to do so is because when I saw ObamaCare had been passed, I worried about what was going to happen with this law.

We saw it could offer less competition, limit peoples' choices, limit their choices on who would be their physician, and also change their insurance policies and raise costs in a health care system that costs too much to begin with.

Sadly, we are now seeing all of these fears come true with ObamaCare. Unfortunately, I have seen it firsthand in my home State of New Hampshire. In fact, I have heard it from my constituents, whether it is at a townhall, whether it is visiting with a small business, whether it is listening to someone who is having their hours cut because their employer is trying to meet a 29-hour requirement.

In fact, right now in New Hampshire there is only one insurer that was approved to offer health policies on New Hampshire's ObamaCare exchange. In order to prevent premiums from skyrocketing—and by the way, people in New Hampshire will be paying higher than the national average for premiums under ObamaCare. But to prevent them from skyrocketing even further, this lone New Hampshire insurer has been essentially forced to limit its network of providers to exclude 10 of our 26 hospitals.

What does that mean for the people of New Hampshire? Several of the hospitals have been excluded as a result of ObamaCare from this exchange and did not make the list for coverage. They are, for example Concord Hospital, which serves residents in and around our State capital, and that is not one of the providers in the network; Portsmouth Regional Hospital in Portsmouth. The largest city on our seacoast, Portsmouth Regional Hospital serves the surrounding areas. Not in the network.

Other hospitals in New Hampshire that are not in this network: Frisbie Memorial Hospital in Rochester; Southern New Hampshire Medical Center in Nashua, where I live; Monadnock Community Hospital in Peterborough; Valley Regional Hospital in Claremont; and Alice Peck Day Hospital in Lebanon.

This problem is especially challenging for people in New Hampshire who live in rural areas. It is particularly unfair to them. For example, Upper Connecticut Valley Hospital in Colebrook did not make the cut. What does that mean that Upper Connecticut Valley Hospital in Colebrook did not make the cut? If you live in Colebrook or Stewartstown or Columbia, and you need maternal care, you have to drive to Berlin. If you have to drive to Berlin from some of those areas, this round trip can take you 3 hours.

What does that mean when you need maternal care? If you have to drive over an hour or an hour and a half to get to the hospital, I have to tell you, the north country in the winter can be some tough driving. One thing I know about the residents of our north country, they are resilient, they are tough, they are wonderful people. But they should not be put through this as a result of fewer choices under ObamaCare.

I have been making trips across New Hampshire directly talking to my constituents, including to business owners. The message I have heard from them is very clear. In fact, it has been raised with me on almost every stop that I made in New Hampshire in August where I had the chance to talk to people from throughout all our State.

This is not an issue that is being raised because I am a Republican or a Democrat or an Independent. It is universal concern and worry about the impact of ObamaCare and the increasing costs that people are seeing in health care as a result of ObamaCare and fewer choices that people in New Hampshire are going to have.

Here is some of the mail I have received from some of my constituents about this law.

Dave in Manchester wrote me that he and his wife are in their forties. This is what he had to say:

> Our premiums went from quarterly in May to monthly as of June. No birthdays or changes in health. Our monthly bill went from $497.39 for myself to $572.67, a jump of over 15 percent. My wife had her bill go from $572.67 to $801.84, a jump of over 40 percent.

Dave says he makes approximately $31,000 a year after taxes and that health care takes up half of it.

Caroline from Grafton wrote:

> Our school district and surrounding ones are cutting back paraprofessional jobs to 29 hours. Many of these people were full time. Instead, they hired several part-time people to cover the once full-time positions. This law of unintended consequences is devastating for those whose hours and benefits have been cut. Now they are no longer entitled to benefits; many of these individuals have worked for 15 years or more as full timers.

John from Middleton wrote:

> I am 61 and retired. I buy my own health insurance privately. Since the Affordable Care Act, I have had to change my insurance carrier because they left the State. I changed my coverage because it became too expensive, and I have had three increases in my premiums.

Chris from Nashua wrote:

> As a small business owner and self-insured, I am very worried about my costs going up. My broker mentioned that we may see a 200 percent increase in our monthly rate.

Nancy lives near a hospital that was left out of the exchange. Ten of our hospitals, which is a huge amount in our State of New Hampshire, almost a third of our hospitals, have been left out of the exchange. Nancy wrote:

> I want to continue to have my medical care with the doctors, nurses, therapists, et cetera, whom I know and trust and with whom I have an established relationship. Again, what do I do? This is what the Affordable Care Act did for me.

We have seen recently that the headlines of what is happening with the impact of ObamaCare tell the story. In my home State of New Hampshire today, from the Associated Press: ''Health overhaul premiums in NH above average.''

The National Telegraph: ''Decision to eliminate Nashua hospital from health exchanges causes confusion.''

The Union Leader: ''Companies look for new ways to pay fees coming from ObamaCare.''

Concord Monitor: ''Concord hospital not part of provider network for ObamaCare exchange plan in New Hampshire.''

Nationally, the headlines are telling the story as well. A Politico recent article: ''ObamaCare: One blow after another.''

USA Today: ''Family glitch in health law could be painful. It could leave up

to 500,000 children without coverage and cost some families thousands of dollars.''

Washington Post: ''One week away, ObamaCare's small business insurance exchanges not all ready for launch.''

CNBC on Main Street: ''ObamaCare hurts hiring: Staffing.''

USA Today: ''Pew poll: Health care law faces difficult future.''

There are many more I can go through here. It has been one bad story after another because of the reality of implementing this flawed law.

The private sector impact of ObamaCare: We all want our economy to do better than it is doing right now, to provide jobs and opportunity for people in this country, to make sure everyone in this country can live the American dream. Yet the Affordable Care Act is hurting job creation and job hiring in this country.

Increasingly, employers are cutting benefits and shifting the burden of health insurance coverage to their employees. We have seen in the recent impact of this law that the Cleveland Clinic is probably the best example. The President went to the Cleveland Clinic during his campaign and cited it as a model in terms of how health care could be delivered in pitching his health care law. Yet the Cleveland Clinic recently announced, as one of Ohio's largest employers, that it would cut jobs and slash 5 to 6 percent of its budget to prepare for President Barack Obama's health reforms.

Walgreen's recently announced it is dropping health insurance coverage for 160,000 workers and will instead give them payments to purchase insurance through private exchanges. Time Warner and IBM plan to move retirees from employer-administered health plans to private exchanges.

We have seen similar stories from companies like Home Depot and Trader Joe's. They are going to end coverage for part-time employees. UPS is dropping coverage for employees' spouses.

In terms of the impact on jobs, what I have heard from companies in New Hampshire, from the smallest to the largest, is they want to do right by their employees. The rising cost of premiums and the questions that have been raised by ObamaCare have put them in a position where they can't do what they want to do for their employees and their health care. In many instances they are forced, because of higher costs, to not hire that next employee.

If you think about the structure of this law, that it applies to those with 50 employees or more, some are not going to open that next business, or that next restaurant, because they do not want to fall under this law.

What kind of law would we pass here to deal with the issue of health care that actually makes it more difficult to hire people, that actually thwarts the private sector's desire to expand businesses or if you have one restaurant, to have a second restaurant; if you have one shop, to open up a second shop?

The flaws in this law are not only that it reduces choices for consumers, but it is reducing the choices that people in this country have for jobs, which is wrong.

I think the best critiques that we have seen of the law actually came from President Obama's supporters, and they are the Teamsters Union, the United Food and Commercial Workers International Union, and Unite Here.

They recently wrote the President and said:

> We can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and well-being of our Members, along with millions of other hard-working Americans.

They have also expressed concerns that this law will destroy the 40-hour work week.

As Senator CORNYN from Texas said:

> As Republicans, we are united in repealing this law. We are united in wanting to defund this law and wanting to make sure that we can replace this law with commonsense reforms that drive down health costs, increase competition for insurance companies, and give people more choice, while making sure that we do not interfere with the doctor-patient relationship. If you like your doctor, you can keep your doctor, which we are now seeing is not true, unfortunately, under ObamaCare.

I will do everything I can to make sure we repeal this law, to make sure that we can ensure that people have choice, that they can keep their doctor, and that health care is affordable for people in this country.

However, I do not support shutting down the government in order to defund this law. While some of my colleagues have urged us to shut down the government—and they haven't said it in this term, they have said they don't want to shut down the government—but the reality is they have asked us to vote against a bill that is coming over from the House that will defund ObamaCare, but will continue the funding for the government. If we were to vote as a block against ending debate on that bill, then the result could be to shut down the government.

While Americans are opposed to ObamaCare, what we have seen in a poll as recently as today is that 80 percent of Americans say threatening a government shutdown during budget debates is not an acceptable way to negotiate. I believe we should make sure that we repeal this law.

I join in what the senior Senator from Texas said, and I would hope that my Democratic colleagues would listen to what their constituents are saying about the negative impacts of this law and that they would join us, join Republicans, in ensuring that we do defund this law, that we work together, that we make sure that, by the way, businesses aren't treated better than individuals in where we are right now with the implementation of this law.

One of the most absurd things that I don't even know how you can explain to people is the President has made the decision that the employer mandate is going to be delayed until 2015. With regard to individuals, they have not been given a similar delay. How do we justify treating businesses better than individuals with a law that is going to force many people into a position where they are paying higher premiums? They may, unfortunately, lose the hospital they prefer to go to in my home State of New Hampshire, or the physician they have that trust and relationship with.

I would ask my colleagues on the other side of the aisle, how is it that we can treat businesses differently than individuals here? Why don't we join together and delay the individual mandate, at least until 2015, as businesses are being treated by the President now in his delay of the employer mandate?

I hope on the other side of the aisle we can work together and listen to the American people who loud and clear are expressing the worries, the concerns, and the impact this law is having on them. It has not been, unfortunately, a good impact.

Finally, I wish to say in terms of the strategy of shutting down the government, I don't support it also because it is not going to work. The Congressional Research Service has said that even if we shut down the government, there has been mandatory spending baked into this law, so ObamaCare can mostly continue.

To those who are asking us to take that step, I would say that even if we were to do so, we will not achieve the purpose of fully defunding ObamaCare or stopping ObamaCare from hurting average Americans.

I hope we can work together to make sure that we don't continue to hurt Americans, such as my constituents who are going to have to drive much longer distances to go to the hospital in the ObamaCare exchange in New Hampshire. They are paying higher premiums because of ObamaCare and have less choice. I would hope we could work together to ensure that average Americans don't continue to be harmed by this law.

Finally, this piece of legislation was a signature of the President's policies. It was something when he got into office he pushed right away to pass. The impact that many of us feared about this law—less competition, higher costs, interfering with keeping the doctor you want, hurting jobs—we have now seen come to fruition. So why would we at this point try to shut down the government? Why would we at this point give the President a lifeline? To quote the President's own former Press Secretary on ''Meet the Press'' this weekend:

> If you think about this from the White House perspective, you've had three fairly forgettable weeks at the White House, right? About to lose a vote on Syria; immigration reform looks dead; you're sinking in quicksand, and here your enemies throw you the

rope and want to get in the quicksand instead of you.

Why would we put ourselves in a position where we would shut down the government over a law that is the President's signature piece of legislation and hand him a lifeline on this issue and, in the process, hurt average Americans, such as our military, that could be impacted by a government shutdown, such as our veterans that could be hurt by a government shutdown, such as air travel that could be impacted by a government shutdown.

By the way, the last time we shut down the government, it cost us more to reopen the government—$1.4 billion more—than it would have cost to just run the government. So from a fiscally conservative perspective it doesn't make any sense either.

I urge my colleagues on the Republican side to be united in repealing and replacing ObamaCare, and let's work together to do that. Let's work together while keeping the government going forward with responsible spending levels. Let's not forget we are $17 trillion in debt. Let's not let that debate get sidelined by this debate of ObamaCare.

Finally, to my colleagues on the other side of the aisle, you have been hearing many of the same stories from your constituents. How can we treat businesses differently than individuals? Why wouldn't you agree to something such as a delay of ObamaCare for 1 year for individuals similar to the delay businesses have been granted by the President? Why would you want to continue to fund a law right now that is already hurting people in terms of their choice for their doctor and driving up costs and hurting job creation?

I know we can resolve these issues and I know the American people expect us to. I think we can do this in a way that helps address health care costs, coverage, and in a more responsible way than ObamaCare has done, allowing people to keep the doctor they have chosen and allowing people to have greater choice through competition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, folks back home will often come up to me after the Senate has gone through some crisis or complex procedure and they will ask me: What just happened? Usually I can give them an explanation. But I hope nobody asks me about what we have seen last night and today because, to me, it is inexplicable.

A Senator holds the floor overnight delaying what turns out to be a 100-to-0 vote on cloture on the motion to proceed to this bill. I am not sure I can explain that back home, so let me try to describe what I expect to see in the days to come.

The question before the Senate this week is whether some Members of the Senate will succeed in disrupting much of the Federal Government if they do not get their way in one matter on which they feel passionately.

This group of Senators argue that we should take away health insurance from more than 20 million Americans. They urge us to take away cheaper prescription drugs and free preventive care for more than 6 million seniors. They argue for kicking millions of young adults off their parents' health insurance coverage, and they argue for a return to the days when insurance companies could deny Americans health care because of a preexisting condition.

Are arguments over the elements of the Affordable Care Act in order? Of course they are. But what should be out of order, what should be off the table is the tactic that opponents of the Affordable Care Act are employing—at least some of those opponents. As we just heard from Senator AYOTTE, she is an opponent of the Affordable Care Act who is not going to vote for this tactic, and I commend her for it.

In order to eliminate the Affordable Care Act, some of these opponents would deny our military members their paycheck, some of them would shut down our NIH clinics, they would halt Small Business Administration assistance to small businesses, and they would close Head Start classrooms. All of that and many more government operations would grind to a halt if this group had their way in order to eliminate health care reforms that would bring insurance to millions of Americans and protect coverage for those who already have it.

That is not just a policy failure. In my book, that is a failure to understand the role of an elected official in a democratic government. This system does not function when Members of Congress threaten to shut down the government and bring about legislative anarchy if they do not get their way on a particular policy.

So I am not going to try to persuade those Members on the value of ObamaCare, even though already, thanks to ObamaCare, the number of young adults without health insurance has fallen by nearly 1 million, and a higher percentage of young adults have coverage today than at any time since 1999.

I am not going to try to persuade those Senators on the value of ObamaCare, although already inflation in health care costs has slowed to the lowest level in half a century. While the causes for this good news are complex, many health care experts believe the Affordable Care Act's focus on quality and coordination of care is already having a measurable impact.

I am not going to try to persuade those Senators of the value of the Affordable Care Act, even though more than 6 million seniors are paying less for prescription drugs because the Affordable Care Act is closing the doughnut hole in drug coverage and even though the nonpartisan Congressional Budget Office projects that by 2016, 25 million Americans who otherwise would have no health insurance will be covered, again thanks to the Affordable Care Act.

I am not going to try and persuade those Senators about the value of ObamaCare, even though repealing the Affordable Care Act would, according to the independent Congressional Budget Office, raise the budget deficit by about $110 billion over 10 years.

While I am not going to question the sincerity of the Senators who argue that denying the American people those benefits is a good idea, I do question the willingness of those who are willing to close down this government to achieve their goal, to create legislative and governmental anarchy in pursuit of their goal as acceptable. I believe the tactic of shutting down or threatening to shut down the government to get their way on an issue is appalling, and that is what the basic question is before us.

I have a number of issues that are important to me. So does every Member of this Senate. I believe very strongly in universal background checks for firearms purchases. An opinion poll shows a large majority of the American public agrees with me. Should I threaten to shut down the government if we don't pass universal background checks? Should I threaten to delay pay to our men and women in uniform, to close classrooms and health clinics and research labs, to waste billions of dollars by creating anarchy in the government if I don't get my way on universal background checks for firearms purchases?

I believe strongly we should close offshore tax loopholes that cost the Treasury hundreds of billions of dollars, and I am hardly alone in that belief. Should I threaten to default on the public debt and to damage the full faith and credit of the United States if we don't pass a bill to close those offshore tax loopholes?

I hold these beliefs and others with the same passion as those Senators who oppose the Affordable Care Act, but threatening a government shutdown and chaos unless I get my way is, I believe, inconsistent with our responsibilities as Senators. So, yes, I feel very strongly about background checks and tax loopholes and a host of other issues, but I can't imagine threatening government shutdown or default on our debt if I don't get what I want.

The effects of a government shutdown would be devastating to our men and women in uniform, who would be told they must stand at their post without pay. It would be devastating to patients with deadly diseases who depend on clinics that would close their doors, and researchers who must leave their labs. The mere cost of shutting down and then restarting government operations would run to several billions of dollars. A shutdown could cut gross domestic product by a percentage point or more, putting us back into a recession.

When the Founding Fathers launched this experiment in democracy, most

observers—at least many observers—expected it to fail. They did so in part because they doubted that democracy could exist in a large and complex nation. Montesquieu declared that in any large democracy ''the public good is sacrificed to a thousand private views.''

The Founding Fathers designed Congress so it could represent the interests of large States and small States, of populace and rural areas, of North and South. The task they gave to Congress was to prove that Montesquieu was wrong. It was here that our ''thousand private views'' were to be weighed and considered, and from those deliberations public policies aimed at the public good were to emerge.

The form of our government was designed to guard against any one faction from succeeding in attempts to sacrifice the public good to its own concerns. At every turn, the Founders designed our constitution to defend against extremism, to help all-too-flawed elected officials transform what could be the anarchy of a large Nation with varied opinions into a coherent whole.

The tactics we are seeing in this debate, and the tactics threatened in the debt ceiling debate we will soon face, turn the Founders' vision on its head. We are told that unless we give in to the demands of one faction, that America will be plunged into shutdown, recession, default, and catastrophe. Two hundred twenty-six years into our experiment in democracy this faction of Congress is trying to prove Montesquieu right. They would, indeed, sacrifice the functioning of our government to advance one of their own views.

I oppose the efforts to defund ObamaCare, and I believe that preserving health care reform is vitally important to millions of Americans. Defeating this attempt to close down the government unless zealots get their way is important to the very functioning of our democracy. It is deeply destructive to our ability to function as a democracy for Members of this Senate to threaten to bring down the walls around us unless they get their way, and, hopefully, they will not succeed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. 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. HOEVEN. Mr. President, in the United States we have the best health care in the world. We have the best doctors, the best nurses, the best hospitals, the best clinics—across the board, the best health care. I believe that is because we have a health care system where individuals make decisions about their health care. They decide what doctor they go to, what hospital, what clinic. They decide what health care plan or what health care policy to choose.

But ObamaCare changes that. It brings government into running the health care system in a way we have never experienced before in the United States, a level of government involvement far beyond what we have ever had before. The proponents of ObamaCare say otherwise, but that is just not the case. Government will set up exchanges and operate those exchanges, and it actually limits the number of policies and options that can be offered on those exchanges. At the same time, the government also prescribes coverage that must be offered in policies, driving up costs and again reducing options—choices—for consumers.

Furthermore, ObamaCare kicks in effectively October 1—the start of the fiscal year, next week—but clearly neither the Federal nor State governments are ready to go. That has been very well publicized, and, of course, that is why the administration has delayed the employer mandate for a year.

The question then is, Why hasn't President Obama also delayed the individual mandate? Why would you delay the mandate for big companies across this country but then not at the same time delay the mandate for the American people, for individuals across this country?

That is just one of the many inconsistencies in the law and in the administration of this law. That is why I support anything we can do to either defund or delay ObamaCare, and that is why our entire Republican caucus supports doing anything we can to defund or delay ObamaCare. Granted, we have some different ideas on tactics, how best to do it, but we are absolutely united in our effort to oppose ObamaCare.

The reality is that instead of ObamaCare, we should be encouraging more choice and more competition in health care, not more government control. That means things such as tort reform to help reduce the cost of health care. It also means encouraging more competition among health insurance companies across State lines and expanded health savings accounts. Expanded health savings accounts, combined with high-deductible insurance policies, will encourage young people to buy health insurance because their insurance premiums will be much more affordable. Again, more competition, more choice, more participation by people of all ages, and as a result, a system that is sound, a system that truly encourages and empowers individuals. That is how we empower people to take control of their medical costs—not with a government-run system but by empowering individuals. We empower health care providers with tort reform, and we empower consumers with more choice, more competition, and more options.

At the same time, we need to reform Medicare and Medicaid. We can save hundreds of millions of dollars by reducing waste, fraud, and abuse. But we also need to provide the right incentives and more flexibility.

Take Medicare, for example. Right now in my home State of North Dakota, on a relative basis we have lower cost health care than many other States, and at the same time that we have lower costs in North Dakota, we have better outcomes. On a comparative basis, we have very high-quality medical care. So think about that—lower costs, better outcomes. But under Medicare, for that performance we are not rewarded. We don't get more reimbursement, we get less reimbursement. That makes no sense. Think about it. So a State with low costs and better outcomes gets lower Medicare reimbursement than a State with high costs regardless of outcomes. Then you get more reimbursement? Think about that as a system, rewarding higher costs, penalizing lower costs. That is the exact opposite of what we should have.

Those are the kinds of things we should be reforming, and we should reform them in a way that creates the right incentives.

Take Medicaid. Medicaid, the same thing. Here, you have way too much of a Federal one-size-fits-all. Why not give the States more flexibility so that they can respond to the circumstances in their State, find ways to improve care, and reduce costs and make sure those States benefit when they do that so that they have the right incentives.

These are the kinds of health care reforms that make sense, common sense. These are the kinds of health care reforms that empower people. These are the kinds of health care reforms we need.

Republicans will vote to defund ObamaCare. We need some Democrats to join us for the sake of health care, for the sake of our economy, full-time employment versus part-time employment. ObamaCare is hurting our economy and hurting job creation. So for the sake of health care in this country and for the sake of our economy, it is what the American people want. They want us to fund this continuing resolution and they want us to defund ObamaCare, and I ask our colleagues to join us in this effort.

Mr. President, I yield the floor.

Mr. COONS. Mr. President, here we are again. On Monday, September 30, 5 days from now at midnight, absent some agreement and cooperation between the parties in the Chambers here in the Congress, the entire Federal Government will begin shutting down. Here we are again, another day, another fiscal crisis, another politically manufactured crisis—another politically manufactured crisis that is threatening to tear at the economic fabric of our whole country.

It would be hard to believe if it were not totally, completely believable. I have been in the Senate now just under 3 years but this is my third of these

crises. I was actually up in the chair presiding that night back in 2011, when we narrowly averted a shutdown, just minutes before funding expired.

I was here with all the other Senators on New Year's Eve this past year where we stopped just short of going over the fiscal cliff.

Here we are again. From shutdown to default, from the debt ceiling to the fiscal cliff, now back to threatened shutdown and another default crisis weeks away and with, of course, unemployment still standing above 7 percent—7.3 percent.

In my home State, Delawareans don't understand how we keep ending back up in this place. We have a saying in Delaware that our politics are dominated by what we call the Delaware way, which means doing what is right even when it is hard. It means coming together to make tough choices, Republicans and Democrats listening to each other and finding principled compromise.

It means being civil and playing by the rules, putting what is good for our people ahead of what is good for our politics. It does not look to me as if we have been able to muster much of that Delaware way here in Washington.

Last week the Senate considered the bipartisan Shaheen-Portman energy efficiency bill. Energy efficiency is about as commonsense and nonpartisan as you can get. It is not about fossil fuels or renewable energy, it is about making smarter choices and reducing our energy consumption. The bill had support on both sides of the aisle. It was supported by business and labor and the environmental community, the National Association of Manufacturers, the Natural Resources Defense Council, the International Union of Painters and Allied Trades. A very broad range of folks and organizations all over our country endorsed that bill.

I myself did work in energy efficiency when I was in the private sector at a manufacturing company and then again when I led Delaware's largest county as county executive. I saw the real impact energy-efficiency technologies and strategies did have on the bottom line, for the private sector and public sector, for families and businesses, and it is significant.

There is so much opportunity to make a real difference for our economy, for our planet, for our communities in energy efficiency. That Shaheen-Portman bill gave us a chance to tap into it. It would have given millions more Americans a chance to benefit and was scored at creating 136,000 new jobs—but we blew it.

Instead of debating energy policy, taking up and amending and reforming and passing that bipartisan energy efficiency bill, the Senate was then dragged down into a petty partisan political battle over the Affordable Care Act, a law that, by the way, was debated in both Chambers and passed, litigated before the Supreme Court and upheld, was central to the last Presidential election and was sustained.

I am not going to debate the merits of the Affordable Care Act at enormous length again. It is law. It needs to be modified. It needs to be amended so it can work more smoothly and more effectively. But, frankly, the law needs to be implemented. Every minute this Chamber spends reliving the settled debates of the past is a minute we are ignoring the 11 million Americans out of work, the 31,000 Delawareans currently looking for a job. Each minute this Chamber spends on a futile effort to strip middle-class Americans of their access to affordable health care is a minute we are ignoring so many challenges: infrastructure, a generation of students ill-prepared for the challenges of the future, communities ripped apart by tragic, senseless gun violence—there are so many other challenges and tasks before us. It is insanely frustrating.

Is this what we signed up for? Is this why all of us worked as hard as we did to get here, knocked on doors and campaigned across our States for months and months? Is this it? Is this governing? If Congress spent half as much time on manufacturing policy and on manufacturing jobs as we seem to spend on manufacturing political crises, our country would be in far better shape. It cannot pass laws but Congress has become very good at manufacturing crises.

I am not running for President and I don't have to impress the tea party so maybe I am missing something here. But we do have to be better than this. We just have to. There is too much at stake for our States, for our country, for our families, for the economy, for the world.

This morning the Steering and Outreach Committee had a dozen economists come in and offer their insights on what would happen if the government really does shut down 5 days from now. If we do then default on our national debt the next month, what would happen to the 11 million Americans still looking for jobs? What would happen to our resurgent American manufacturing industry and the half million jobs that have been created there? Their answers were not encouraging—in fact, depressing, really.

What was clear is that these political showdowns in this Chamber exact a real cost on our economy. They hurt the ability of business owners to plan ahead. They inject incredible unneeded uncertainty into our markets. They generally erode our Nation's credibility and leadership on the world stage. But we keep ending up right here.

One of my constituents, John Henderson from Frederica, DE, wrote me last week and said:

> The strength of our economic recovery is on the line and government's ability to make people's lives better is in jeopardy. Congress needs to confront our problems responsibly, but when some lawmakers dig in their heels and threaten to seriously damage America if every one of their demands isn't met, our Government can't function. This isn't the time for a game of chicken. It's time to govern.

John, you are right. Mr. President, he is right. This gridlock, this repeated manufactured crisis environment is embarrassing. I am on the Budget Committee, and under the leadership of our Chair, Senator MURRAY, we passed a budget earlier this year. Not only did the Senate budget responsibly reduce the deficit, not only did it fairly replace the sequester, but it actually invested in economic growth. We took it up here on the Senate floor and passed it here, too, so not just out of committee but out of the Senate. We stayed up all night voting on amendment after amendment, for hour after hour, and in the end it is one of the most functional things we have done this year. The Senate passes a budget, the House passes a budget, and then we come together to reconcile the differences. That is how it has been done for 200 years. And this year, finally, after years of criticism that we hadn't passed a budget, we had our chance to return to regular order, so there we are, ready to go, budget passed—and nothing. House Republicans will not even come to the table and a few Senate Republicans are blocking the door. They literally will not even come to the table to negotiate and resolve our budget differences and lay the groundwork for moving forward. It is insanely frustrating.

Einstein once said the definition of insanity was doing the same thing over and over and expecting a different result. He was not wrong. I believe at this point the House has repealed the Affordable Care Act 42 times. Doing the same thing over and over and expecting a different result is the definition of insanity.

I am on the Appropriations Committee and, under the able leadership of our Chair Senator MIKULSKI the committee has passed 11 appropriations bills. The House Appropriations Committee has passed 10 of theirs. We took up one of these vital appropriations bills that allows the Senate to work its will and to form and shape Federal programs and Federal spending. Earlier this summer we took up one of these appropriations bills, the bill to fund the Departments of Transportation, Housing and Urban Development. But Republicans on this floor were so afraid of returning to regular order, of having a responsible, reasonable, regular working process to move forward on spending on this government and our economy, it was blocked. It was blocked, prevented from even being debated.

I will ask again: Is this working for anybody?

Back in June of this year the Senate passed a bipartisan farm bill. Great work was done by Senator STABENOW, Chair of the Agriculture Committee, along with her ranking member and Senators from both side of the aisle. The Agriculture Committee did significant work to reform American farm policy, such as moving away from commodity subsidies and toward crop insurance. That alone would have saved

taxpayers $23 billion. We all hear that is important. We need to reduce our spending and make our programs more effective. This was a great bipartisan bill. It would have modernized our agricultural policies and strengthened programs that help farmers, ranchers, and small business owners, and created jobs.

House Republicans will not negotiate with us on that bill either. They passed a bill that guts the nutrition assistance program, food stamps—cuts it by $40 billion, but will not work with us on a full farm bill. The current law also expires at the end of the month. If we do not pass a modernizing farm bill by the end of this year, our Nation's agriculture policies will revert to those of the 1940s.

If it sounds familiar, it is because we are in the exact same position on the farm bill as last year. Is this working for anybody? It is certainly not working for America.

Delawareans, whom I hear all the time, are enormously frustrated. I hope we are able to reach a deal and I hope we are able to keep the government running. I hope we come back next week and refocus on our economy and refocus all this energy on manufacturing and jobs and on manufacturing jobs, not on manufacturing crises; helping American businesses grow and helping our private sector create jobs.

Americans deserve better than this. They deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today, just 6 days now before the Obama health care law exchanges go into effect, to point out that even those who may support the law say with regard to the exchanges, expect trouble. It was interesting that today the District of Columbia—their health exchange announced it is not going to be able to be ready to go October 1 for those seeking information regarding tax credits, for those asking about Medicaid coverage. People will still be able to submit applications online but apparently they need to then have this information go to so-called experts with an eligibility determination not to be made until sometime in November.

I applaud the District for pointing this out, that this is what they found because what they attributed the delay to was a ''high error rate'' discovered during testing. I am delighted that they were actually doing testing, discovered this high error rate and made that decision. But as people take a look at the upcoming exchanges as they open, I believe these exchanges open doors to fraud and to identity theft. The reason I say this is we are hearing this actually reported from supporters, again, of the health care law.

I will quote someone who has worked in support of the law in Chicago who says that, ''Fraudsters are poised to take advantage of widespread confusion over the Affordable Care Act—also known as ObamaCare—to take advantage of widespread confusion to steal Americans' credit cards, Social Security numbers, and other personal information.''

My goodness, how can that happen? It happens for a number of reasons. One is because of all of these so-called navigators, people who are hired by the government or people posing as those hired by the government to help folks sign up on the exchange. When they fill out the paperwork or fill out the computer forms, the information they are going to send in is to go to the data hub—tax information, income information, employment information, patient record information, Social Security number, welfare information, family size, demographic data—and then where does all this information go?

No. 1, to the Department of Justice. Also to the Social Security Administration. Also the Department of Homeland Security to check citizenship. Of course the Social Security Administration will validate birth, validate the person is not dead, validate the Social Security number. The Department of Justice will check on criminal history. The Health and Human Services Department, another recipient of the information, will check enrollment or eligibility for entitlement programs, collects and analyzes medical data. Then of course the IRS, who are the folks who are the enforcers of the Obama health care law—the enforcers will, along with the Treasury Department, verify employment stats, individual income stats, determine premium subsidies, all with the potential for significant fraud and all because of a lack of providing the privacy safeguards that the law mandates this administration to provide. Yet the administration is not doing so. A number of us have been asking for months to see what is involved with these so-called navigators. What kind of education do they need? What kind of background checks are there? We still have not been able to get the information we are seeking.

We want to know: Do these people have to have a driver's license? Do they have to be of a certain age? Do they have to have a high school diploma? Do they have to have a criminal background check? Yet this administration will not give out that information about those individuals. Even the census takers have to have completed a certain level of education and have a criminal background check.

Yet this administration is not asking of those who were supposed to be the navigators handed very confidential information, of course, subject to fraud and identity theft when you give that sort of information—and I say to people all around the country it is time to beware next Tuesday when the exchange is open.

I just quoted a couple of things that supporters of the health care law have said, such as expect trouble and worry about con artists. Here are some other things that some of the supporters have said—people who supported the adoption of this law in the first place. They said: It will destroy the foundation of the 40-hour workweek that is the backbone of the American middle class. These, of course, are union folks who are saying: Hey, this is going to end up forcing millions out of their multi-employer plans. It will create unstoppable incentives for employers to reduce weekly hours for workers. We see that all across the country.

Just last week the Cleveland Clinic—a wonderful health care institution and one of the major employers in the State of Ohio—announced that because of the health care law and because of the cuts in reimbursement, the Cleveland Clinic is going to cut hundreds of millions of dollars from their budget and actually reduce their workforce because of the President's health care law and the things they are learning about the law as time goes on.

It is interesting to see a union leader say: In its rush to achieve its passage, many of the act's provisions were not fully conceived. People on this side of the aisle were telling Members of this body that very thing a number of years ago before the law was passed in this body on a sole party-line basis.

Yesterday, President Obama, once again, tried to bring in help, and he provided essentially the warmup act for an infomercial with President Bill Clinton, the so-called secretary of explaining stuff, because the President has failed to explain benefits of the health care law to the point that it would actually convince the American people it was good for them. Currently, the President is under water in the polls regarding his leadership on health care, and this health care law continues to be very unpopular with the American people.

More people think their costs will go up and their benefits will go down than the other way around. So they are looking at their own quality of care and what it means to them: paying more, getting less, something that the American people don't want.

So in an effort to try to provide some solace to the American people, this is what the President said yesterday in New York: Make your own decision about whether it is good for you. What we are confident about is when people look and see they can get high-quality affordable health care for less than their cell phone bill, they are going to sign up.

I would say if you use that criteria, you are going to have very few people signing up for your health care law.

According to the 2012 report issued by the Cellular Telecommunications Industry, the average monthly cell phone bill was about $47. So make your own decision—less than your cell phone bill. So what the President is saying is that for less than $47 a month, people will be able to receive insurance.

The interesting thing is that, of course, the President says that is with the subsidies. But for many people the subsidies are not in any way going to reduce the cost of their insurance at all, and it may not go up as high as many people had feared, but it is still going to be higher than they are paying now because of the sticker shock that is coming.

This is today's Wall Street Journal. This is coming out of the administration:

> Prices Set For New Health-Care Exchanges.
>
> Across the country, the average premium for a 27-year-old nonsmoker, regardless of gender, will start at $163 a month for the lowest-cost ''bronze'' plan.

That is just about four times the average of a monthly cell phone bill. So could the President of the United States be mistaken?

Let's look around the country. They say:

> Likewise, the least-expensive bronze policy would rise to $195 a month in Philadelphia for that same 27-year-old, from $73 today.

So it would go from $73 up to $195.

Let's look at my home State of Wyoming. I am still reading from the front page of today's Wall Street Journal.

> In Cheyenne, Wyo., the lowest-cost option would be $271 a month, up from $82 today.

This just goes to prove that when Washington comes up with something, it does not one-size-fits-all across this country, and in rural States around the country there are huge problems related to the very fact that one size doesn't fit all.

In spite of the President's comparison to a cell phone bill, what we are seeing is that people all across the country are going to be paying excessive amounts of money for insurance in spite of the President's promises that if you like what you have, you can keep it. We know that is not the case for many people, as the unions have spoken of, and we know that what the President promised of lowering insurance premiums by $2,500 per family by the end of his first term never materialized and the costs continue to go up.

So this health care law has turned out to be terrible for patients, the providers, the nurses, and doctors who take care of them, and it is going to be terrible for taxpayers.

There was an interesting story on the front page of the New York Times on Monday: ''Lower Premiums to Come at Cost of Fewer Choices.'' In new plans, insurers often leave out many providers. I think that is the key: leave out many providers. Because what we are seeing is that in many locations around the country, hospitals have been excluded, doctors have been excluded, and there is going to be significant explaining to be done when people realize that they are not going to be able to continue to go to the pediatrician that their children have been going to since birth. They are not going to be able to go to the hospital in their community. They are not going to be able to keep the health care plan they have.

So it is interesting to see in a Blue Cross/Blue Shield in New Hampshire, one of the Nation's largest insurers has put a plan together that is consistent with the health care law, and it has created a furor. The reason it has created this furor is that it excludes 10 of the State's 26 hospitals from the health plans it is going to sell through the insurance exchange.

The insurance exchange, regardless of what the President promises, is going to be something which potentially causes fraud, abuse, and loss of the care that you have, the doctor that you have, and the hospital that you have.

The article points specifically to the State of California. In California, it says the statewide Blue Shield developed a network specifically for consumer shopping in the insurance exchange.

The executive vice president of Blue Shield of California said the network for its exchange plans had 30,000 doctors or 53 percent of the doctors in the State. So they only include about half the doctors, not all the doctors, and they said the new network you get through the exchange in California—remember this is a State-run exchange that the President has touted as a successful exchange—''did not include the five medical centers of the University of California or the Cedars-Sinai Medical Center near Beverly Hills'' that are all well known for their excellent reputation. It is a place that patients want to go for care.

So go to the exchange in California, sign up for something the President has promised you, and then if you need to use that insurance card, you will learn that you are not welcomed and your card is not accepted at the five medical centers at the University of California or the Cedars-Sinai Medical Center near Beverly Hills.

That is what we have under this health care law, and that is why we need to repeal it and replace it with patient-centered care so patients can get the care they need from a doctor they choose at a lower cost.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from California.

Mrs. BOXER. Mr. President, I listened to colleagues predicting doom and gloom, and it brings back what I have read about what happened when Medicare was brought to this country by the Democrats and what happened when Social Security was brought to this body and to the House after the Great Depression.

I am going to go into that in a little bit, but somebody said this earlier and it reminded me that one of the definitions of insanity is doing the same thing over and over and expecting a different outcome.

The Republicans in the House have voted 42 times to repeal the Affordable Care Act or to defund it. Health care reform has taken years and years to do, and we finally got it done. Millions of Americans are on the cusp of getting health insurance for the first time.

Republicans are desperately trying to block this from happening. Senator REID couldn't be more clear: We are not going to delay health care for the people of this great Nation. We are not going to go back to the days when people with a preexisting condition were left to die without health care. We are not going back there. Yet it continues.

The Republicans are so adamant about it that a very large group of them are threatening to shut down the government of this great country. Again, it is not like they didn't do this before. The Republicans did this before. It was a disaster for the people. People got hurt. They didn't get paid. Business was disrupted, Social Security and Medicare were disrupted, veterans' benefits were disrupted, and parks were shut down. People were hurt as a result of that, and it cost a fortune for the taxpayers. But somehow Republicans feel they can play games, and I think it is a shame.

My colleague Senator CRUZ spoke for a very long time and said he would speak until he dropped. He said that over and over: I will speak until I drop. If he were to drop and suffered some kind of health episode, which he apparently was willing to risk, he would have had health care because he is insured. If he had to be lifted off the floor of the Senate and driven to a nearby hospital, Senator CRUZ would have had great health care. Why does he want to stop that for millions and millions of hard-working Americans? Only he can answer that.

I could only say that as I listened to some of his interviews, it sounds like what he is feeling in his heart is if this goes into effect, the people might like it and then woe is us. Because there is an ideological split here in the Senate where we have Senators and House Members who don't think there is any role for the Federal Government to play in making people's lives better. Some say military spending, fine; highway spending, fine. But when it comes to lifting people up and giving them a quality of life and helping to do that, oh, no.

So Senator TED CRUZ is fortunate. If he talked until he dropped on the floor, he would have had the best health care, he would have been on his feet and super fine. There are a lot of people out there who are dropping because they put off going to the doctor because they have a condition and they have no insurance, and when they drop they have to go to an emergency room where they can be patched up—and by the way, taxpayers pay for that.

So here is the thing. We have the Affordable Care Act, which Republicans call ObamaCare, so that is fine—ObamaCare, Affordable Care Act, whatever we want to call it. It is based on a Republican-suggested model of

health care where we use private insurance, we go to an exchange, and there is a lot of competition. I am excited about it, frankly, because in my home State of California, we are on board: coveredca.com. People type in coveredca.com, and they find out how they can get health care. Some people will apply and get a Medicaid card, the working poor. The middle class will be able to move forward and go to the exchanges, and many will get a subsidy to help them if they are in the middle class.

Here is the thing that really shocks me. Republicans act as if this health care bill, this Affordable Care Act, ObamaCare, just came down off the ceiling and dropped on the floor and became law. It took a long time. Senator BAUCUS worked and worked and worked. We took many Republican amendments. We passed the bill. It became the law of the land 3 years ago.

They took it to the Supreme Court and said it was unconstitutional. The Supreme Court said it was constitutional. And now that it is about to go into play, Republicans are willing to shut the government down to stop it.

It was the centerpiece of the 2012 election. We all know that.

Mitt Romney said: If I am President, I am getting rid of that law.

The people of the country said: OK. What are you going to put in its place?

Well, let's see. We will allow insurance to go across State lines.

Well, what does that do for me if I have a preexisting condition?

They wanted to replace it with nothing. The American people are smart. It doesn't mean this law is perfect and we can't make it better, but let me tell my colleagues, many of us served under many Presidents. I am looking at my colleague from Maryland who served a long time in the House. I served with five Presidents, a couple of whom I didn't agree with, and I did everything I could to fight against the legislation they liked that I felt was bad. But once it passed, I didn't try to shut down the government. I tried to work with everybody, and I am not an exception. That is what we used to do around here, all of us. Suddenly, it is: My way or the highway. I am taking my Teddy bear, my blankie, and I am going home because I don't like the health reform act. It doesn't suit me.

Some of them are so angry about it, they are trying to take away the employer contribution from their own staff. What an outrage—hard-working people who love their country, who work here.

Now, let me tell my colleagues, Earth to the Republicans: A, you lost the election not only for President but in the Senate, where colleagues who supported the Affordable Care Act got elected; B, President Obama was reelected, Mitt Romney lost. Health care reform was a major issue on the campaign trail. So wake up, smell the roses, put a smile on your face, and know you tried, but don't shut down the government. Enough already.

I wish to spend some time showing my colleagues how the Affordable Care Act is already working, so I have some charts to go over quickly.

In my State over 1 million Californians are already newly insured. This includes in my State 400,000 young adults who are now on their parents' policies. If the Republicans have their way and they defund or repeal ObamaCare or the Affordable Care Act, what is going to happen to those young adults? They will be kicked off of their parents' policies. Is this why Senator CRUZ stood on the floor for hours and hours until he would drop—to hurt young adults, 3 million of them nationwide?

Seventy-one million Americans are getting free preventive care, such as checkups and birth control and immunizations. I don't know how many of us heard Senator KING from Maine today talk about his own experience when he worked here as a young man and had insurance, so he got a preventive care checkup, which came with his insurance. They found a melanoma. Had he not gone to the doctor and had they not seen that mole that turned cancerous, he said he would not be here anymore. Health insurance saved his life.

So I wish to rhetorically ask Senator CRUZ and the Republicans supporting him in this body and in the House, why would you take away free preventive care and immunizations from 71 million Americans and consign them to a status where they are absolutely sitting there without any protection because they have no health insurance?

Let's see what else we have already achieved that the Republicans want to repeal. They want to repeal 17 million kids with preexisting conditions, such as asthma and diabetes, who can now no longer be denied coverage. If my colleagues ever saw those pictures of a child gasping for air, my colleagues know those kids need coverage, they need help, and they need to be able to get that help and get the medication when they need it.

Insurers can't cancel health insurance because someone gets sick. How many stories did we hear as Congresspeople and as Senators where people went to get insurance and they said: Sorry, 25 years ago you had a suspicious mole, and therefore we are not going to insure you—or you have high blood pressure or 10 years ago you had cancer. No more. And how many times have you heard the stories where people were kicked out of their insurance because they hit a lifetime cap? That is no more. Republicans want to repeal all these benefits, and Senator CRUZ was willing to talk until he dropped so these benefits could be taken away from our constituents.

I heard my friend from Wyoming, Senator BARRASSO, say that health costs are rising and they are rising like never before. I guess he missed it when President Clinton told the country that health care costs are growing at the slowest rate in over 50 years—50 years. And that is because more people are getting covered and we don't have to treat people at the end game or in an emergency room because we are already seeing people get more health coverage. Insurance companies now have to justify a premium hike. Before, they could double premiums, but now they have to justify it and make sure 80 percent of the premiums they get are spent on the policyholders.

So in 2014—and we are around the corner from that—unless Senator CRUZ and his Republican friends have their way, there will be no more extra charges for preexisting conditions. Right now it is just children who have that benefit, but in 2014 everybody gets it.

In 2014, no longer can insurance companies charge women more than men for their coverage. This is a huge issue. There was gender discrimination. Being a woman was considered a preexisting condition. A woman who was abused by her spouse or by her boyfriend, and she walked in and the insurance company found out, that was considered a preexisting condition because she might get beat up again. So she was told: Take a hike. That can't happen anymore.

They cannot impose dollar limits on the amount of health care spent on you in a single year. Right now, if you have a serious illness, they can say: Sorry, you reached your annual cap.

So where are we now? ObamaCare, or the Affordable Care Act, is already in effect. Republicans want to stop it because in 2014, when those exchanges open, they know people are going to like what they see. I am telling my colleagues, when I go home and I go to community health care centers, people are so excited. And not enough of them know about it, but when they find out how easy it is—if they qualify for Medicaid, they just get their card and they are covered, and they no longer have to sneak into the emergency room when a problem gets so drastic. And all the others will have options. They will be able to choose from a platinum plan, a silver plan, or a bronze plan. We are very excited about this law.

Senator CRUZ says he will stand on his feet until he drops to stop my people and your people from getting health insurance? He has met his match in us because we can stand until we drop. But we don't have to do that because we have the votes, and the reason we have the votes is this is what the last election was about.

In closing my presentation, I wish to share with my colleagues a very brief history of what happened when Social Security was proposed. It is so interesting.

In 1935, after the Great Depression and our great-grandparents were lying in the street and had nothing and people were jumping out of windows because they had nothing—they had lost their homes, they had lost their jobs, they had lost their savings, and there

was no safety net. This is what President Franklin D. Roosevelt said when he signed the act in 1935:

> We can never insure one-hundred percent of the population against one-hundred percent of the hazards and the vicissitudes of life. But we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age. This law represents a cornerstone in a structure which is being built, but it is by no means complete.

Franklin D. Roosevelt spoke about the safety net in 1935. Just think about that.

Let's see what happened in the debate. Let's look at what happened in the debate.

Representative William Ditter, a Republican from Pennsylvania, took to the floor and said:

> . . . security for the individual, whether worker or aged, will be a mockery and a sham if in the attainment thereof we . . . allot to our people the role of puppets of a socialistic state . . .

Where have we heard that before? He called Social Security part of a socialistic state.

> We cannot provide a sense of security by programs for the destruction of wealth. . . . We cannot assure to the people a sense of security by measures threatening their investments of life savings.

Could this guy have been more wrong? He calls Social Security socialism and said it was going to destroy wealth when, in fact, it preserved our people in their old age.

Now, here is another—Representative Jenkins of Ohio, a Republican. He talks about Social Security this way:

> This is compulsion of the rankest kind. Do not be misled by the title. The title says ''Old-Age Benefits''. Shame on you for putting such a misleading and unfair title on such a nefarious bill. Old-age benefits? Think of it! Oh, what a travesty!. . . . Mr. Chairman, what is the hurry? Nobody is going to get a dime out of this until 1942. . . . what is the hurry about crowding an unconstitutional proposition like this through the House today?

Honestly—honestly—this is what we hear them say about affordable health care: Socialism, unconstitutional. It is a sham. We have plenty of time. We should delay it.

History is repeating itself right in front of our eyes.

Now it did not stop then.

In 2005, Republicans continued to attack Social Security. President George W. Bush and Congressman PAUL RYAN wanted to do away with Social Security as we know it. We all remember that. They proposed abolishing Social Security and replacing it with private accounts in the stock market. We all know how safe that is. I am a former stockbroker. You do not buy stocks when you are ready to retire. That is their plan. Had this become law, seniors retiring in 2008 would have lost up to $26,000. But we stopped them and we did not allow it to happen.

Lastly, let's look at Social Security's success.

Before Social Security became the law in 1935, half of America's seniors lived in poverty in the midst of the Great Depression—half. Today, 57 million Americans receive Social Security, and it lifts 14 million elderly Americans out of poverty. It is the most successful and the most popular antipoverty program.

The Republicans said it was unconstitutional. They said it was socialism. They said it was a sham, a disaster. They are back here saying the same thing, just as we are on the cusp of delivering a benefit to so many—probably 50 million Americans.

This is my last discussion about Medicare.

When President Lyndon Johnson signed the Medicare Act, he said:

> No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years. No longer will young families see their own incomes, and their own hopes, eaten away simply because they are carrying out their deep moral obligations to their parents, and to their uncles, and their aunts.

This was President Lyndon Johnson in the 1960s. Some of us actually were around in the 1960s. We remember it. And this is what the Republicans said about Medicare. Listen carefully. This is a history moment here. We are looking at what the Republicans said every time we were about to get a new benefit for the people of this Nation.

Sixty percent of Republicans in the Senate and 50 percent of House Republicans voted against Medicare. Representative Durward Hall of Missouri, a Republican, said:

> . . . we cannot stand idly by now, as the Nation is urged to embark on an ill-conceived adventure in government medicine, the end of which no one can see, and from which the patient is certain to be the ultimate sufferer.

This is what the Republicans said. And Senator Milward Simpson of Wyoming, a Republican, said:

> I am disturbed about the effect this legislation would have upon our economy and upon our private insurance system. . . .

Well, of course, what we found out is this turns out to be one of the most successful programs.

Medicare is a success. Before Medicare became law, a majority of seniors had no health insurance. Today, nearly all seniors are receiving guaranteed health care benefits. Mr. President, 8 out of 10 seniors age 65 and older feel the program is working. With few exceptions throughout history, Medicare has been more successful than private insurers at holding down costs. And we still have to fight for Medicare. We still have to fight.

In 1995, Dick Armey, the Republican House majority leader, said, Medicare is ''a program I would have no part of in a free world.'' A bit of an overstatement—Dick Armey.

That same year, after leading an effort to raise premiums and costs for seniors, Newt Gingrich predicted that Medicare was ''going to wither on the vine.''

Senate Majority Leader Bob Dole bragged in 1996, ''I was there, fighting the fight, voting against Medicare. . . . because we knew it wouldn't work in 1965.''

And PAUL RYAN's budget ends Medicare as we know it today.

So all this brings us to the moment we are in. Now Republicans are trying to defund the new health reform law. Speaker JOHN BOEHNER said: Passage of health reform is ''Armageddon'' because the law will ''ruin our country.''

They said it about Social Security, they said it about Medicare, and now they are saying it about the Affordable Care Act.

The Republican Party Platform, in 2012, said:

> [ObamaCare] was the high-water mark of an outdated liberalism, the latest attempt to impose upon Americans a euro-style bureaucracy to manage all aspects of their lives.

So I felt it was important to put into the RECORD the historical context of the battle we face today. I try to tell my kids and my grandkids, when we fight these battles, we sometimes forget the context, that it is not that much different than what went before us. We look different certainly. The women here were not around here then. But the fact of the matter is, they are the same battles. It is about what is the role of the national government of the greatest country in the world. I certainly, for one, believe making life better for our people and doing it in a smart way, in a fiscally responsible way, is the way to go.

We will have to make our changes to the Affordable Care Act if we see we can make it better. And we invite our Republican friends to work with us. I was one who did not vote for the drug benefit because I did not like that big, fat doughnut hole that came in there, which put people on the spot. They had to stop taking their medicine. They could not recover money. But we worked with our friends, and we ended that. And, by the way, we did it in this bill, the Affordable Care Act.

So, yes. Working together, yes. But standing up until we drop in order to stop important benefits from going to America's families? That is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first let me thank Senator BOXER for putting into the RECORD the history of how we fought for Medicare, how we went through a lot of the health care fights, and what we have stood for in protecting the American public for affordable, quality health care. I applaud her and agree with the comments she has made.

I think it is very interesting to point out the contrast to the passage of the Affordable Care Act that has been law now since March 23, 2010. It went through hearing after days of hearings in the House and in the Senate. It went through days of markups in the committee, where hundreds of amendments

were offered in both the House and the Senate. We had a long debate on the floor of the Senate and the floor of the House. We reconciled the differences between the two Houses. It went through the regular process. We spent as much time on that bill, I think, as we have spent on any major bill. And yet there were differences. The bill was passed and signed into law.

When we expanded Medicare—and I was in the House at the time on Medicare Part D. I also voted against it. Most Democrats voted against it. We voted against it for the reason the Senator just said—the coverage gap, the doughnut hole, that we knew seniors would still not be able to afford coverage. There was no public option, as the Senator remembers.

Mrs. BOXER. Right.

Mr. CARDIN. It was all private insurance. They did not pool the total purchasing power to reduce the cost of prescription drugs—another matter that we felt very strongly that we were overpaying. And we are overpaying for prescription drugs, as a result of that change.

Mrs. BOXER. Absolutely.

Mr. CARDIN. By the way, it was not paid for. It was estimated to cost $400 billion, and there was no offset of cost. So we were worried it would have an impact on the affordability of the Federal Government to pay the bill. So we all voted against it. Many of us did.

Mrs. BOXER. That is right.

Mr. CARDIN. And it became law.

Senator BOXER is absolutely right: When that bill passed, we came together and said: Let's make it better. We lost the battle on the floor. It became the law. Let's try to make it work. And we did that, Democrats and Republicans.

Mrs. BOXER. That is right.

Mr. CARDIN. We are now into 3 years under the Affordable Care Act, and all we get from the Republicans is repeal after repeal after repeal—no effort to deal with legitimate problems of implementation that we would like to work together to do.

Mrs. BOXER. Right.

Mr. CARDIN. What a difference. Instead, they are using the process of holding hostage the Federal Government from being in operation in order to advance their extreme agenda.

It has been nearly 20 years ago when the Government shut down because the Republicans decided it would be better to close government to prove their point. Well, they were wrong then. We recognized the cost of a government shutdown and the inconvenience to the American people and the damage to our economy. Yet Monday night we run the risk of another government shutdown because the Republicans are holding hostage the continuation of government to try to move forward their extreme agenda.

Let me talk a little bit about this. Let me talk about what it would mean if we were, in fact, to pass the continuing resolution that was passed by the House. We are not going to do that. We are not going to pass that. Everybody knows we are not going to pass that. But I think the American people need know what would happen if that did pass and we did defund the Affordable Care Act.

I could talk a lot about provisions that have already taken effect. I could talk about the fact that in my State of Maryland, 46,000 families have taken advantage of putting their children on their health insurance policies to age 26. If you repeal the Affordable Care Act, those 46,000 families will have to find another way to take care of the health insurance for their children.

I could talk about the fact that come January, we will eliminate lifetime caps on health insurance. How many families have had to go through bankruptcy because they cannot afford health coverage? They may have insurance, but their caps put them into bankruptcy. Well, that is gone. If you repeal the Affordable Care Act, we are back to the arbitrary limits.

How many families have told us about preexisting condition restrictions that are in their health insurance policies? We have already corrected that for children. That is already the law. Come January, there will be no further preexisting conditions. Women will not be discriminated against in health premiums. Pregnancies will no longer be considered a preexisting condition. Being a victim of domestic violence will no longer be considered a preexisting condition.

I could cite, and I am sure the Presiding Officer could too, examples in our own States where people have not been able to get full coverage. I have a family in Montgomery County that had to take out two insurance policies and pay two separate premiums for the family because of preexisting condition restrictions. That is history. If you pass the resolution that came over from the House, that is all gone, we are back to how it used to be.

I know we talk a lot about affordability. I want to talk a moment about that. Because before we passed the Affordable Care Act, we got letter after letter from individuals and businesses about their premiums going up. They had to cut back coverage, and they required the employee to pay more. The benefits were less, and the premiums were higher. We were seeing double-digit cost increases in health care.

Well, now we have a quality product, a guarantee that essential benefits are going to be in there. We have protection that at least 80 to 85 percent of the premium dollar must actually go to benefits. If it does not go to benefits, you get a rebate, you get a refund. In my State of Maryland, 44,000 Marylanders are getting rebates because their premiums were too high. The average rebate is $143 a family—$13 million in rebates.

With the House-passed continuing resolution, that is gone. Those protections are no longer in the law. We are back to how it used to be: no guaranteed coverage, no guaranteed benefits, no guaranteed value.

There is another aspect to this, one that I am very proud of. The United States will at last join the industrialized nations in the world and say that we are going to make affordable health care available to every person, every American in our country. I think that is an important point. I have 800,000 people in my State of Maryland who do not have health coverage today—800,000.

Now, come October 1, next Tuesday, they are going to be able to go to the Maryland Health Connection and get health coverage. But guess what. They are going to have a variety of plans they can choose from. They can make their decision. But a large number, over 85 percent—87 percent—of the people who will be going to the Maryland Health Connection, it has been estimated, are going to be entitled for help in paying for those premiums—87 percent.

We talked about the individual mandates. What we provided was an affordable option so everyone can be in the system. We want universal coverage because we think it is the right policy. Everybody should be covered. We want universal coverage because we think it is wrong for someone who has health insurance to pay for someone who does not have health insurance because they use the health facility and do not pay for it, and we pay more as a result of that. Hospital costs are more, physician costs are more. We think everybody should pay their fair share.

But we make it affordable. Eighty-seven percent will be entitled to help. Those who go through the Maryland Health Connection and are enrolled in Medicaid obviously are going to get their help. We have expanded that coverage. Those who go into the exchanges—and Maryland is one of those States that the State will be operating the exchanges.

The overwhelming majority will be entitled to some help in the payment of those premiums. If the House-passed resolution were to become law, and it is not going to become law—the purpose for sending it over here was to make it hostage in the closing of our government. If it became law, that help would be gone. These uninsured have no prospect of getting health coverage, and the inefficiencies of our system continue, the use of emergency rooms, the lack of preventive care continues.

The Senator from California Mrs. BOXER talked about the Medicare system. Let me take a moment about the Medicare system, because this is very important. The so-called doughnut hole, that prescription drug gap of coverage, is being closed as a result of the passage of the Affordable Care Act. How many seniors fell into that doughnut hole and literally could not afford their prescription drugs? We closed that in the Affordable Care Act. In my State of Maryland, 50,000 seniors benefited from that—50,000 seniors. If we

pass the bill that came over from the House, those 50,000 seniors would be calling our office every day finding out what happened to that coverage they lost. You better believe our phones would be ringing about why are we taking away their benefits.

It is even more who are benefiting from the preventive health care services. They do not have to pay copayments. About half a million Marylanders are eligible for that benefit—who are taking advantage, 34 million nationwide. They would lose that preventive health care service that they have today as a result of the passage of Affordable Care Act. That is gone if the House-passed resolution were to become law.

Probably even more serious than that, and Senator BOXER alluded to it, the passage of the Affordable Care Act improved the solvency of the Medicare system for a decade. You repeal the Affordable Care Act, you are back with whether Medicare itself will be a solvent program.

I could go on and on. We have provisions in the Affordable Care Act that are working to prevent fraud within the Medicare system, saving taxpayers dollars. That is gone. We help to make sure that the Medicare Advantage plans are properly paid. That is gone. All of that is repealed if the House resolution were passed, which it will not be. I will make it clear. It was sent over to us with a strategy to put the government operations in jeopardy. There are many on the other side who believe it is a good idea to close the government. That is their objective. Even the Republicans admitted this strategy would not work to actually defund the Affordable Care Act.

I think we should at least talk about what impact it would have. I hear my colleagues talk frequently about small business. I have had a lot of forums with small businesses in Maryland. I must tell you, yes, small businesses are concerned about whether they can afford the cost of their employees and health benefits. They are concerned about it. That is a legitimate issue. But let's talk about what are the circumstances without the passage of the Affordable Care Act. Well, they are on their own. They do not have large markets. They have to pay more than large companies have to pay. They do not have a lot of options.

Under the exchanges, under Maryland Health Connection, they will get different opportunities that they did not have before, more affordable coverage that they did not have before. There are credits available to help them pay for their health insurance. If you have less than 50 employees, there is not a single new mandate in this law for a small business. So this is good news for small companies. That is gone if the resolution that passed the House were to become law. It is not going to become law. My Republican colleagues know it is not going to become law.

I think it is important to point that out. What happens if we do not get to an agreement by Monday night? That is possible. That is possible. We are going to send back a continuing resolution to the House. We do not know whether they are going to accept it. What happens? Well, I can tell you this. I represent the State of Maryland. I represent a lot of Federal workers. I tell you something, they have been through furloughs, they have been through pay freezes, they have been put to the test. They have been asked to do a lot more work with less workers. We have less per capita workers than we have had in modern times on a per capita basis of Federal workers. They have been asked to do more with less. They have already contributed greatly to reducing the deficit.

Once again, come Tuesday morning, they are going to be asked in some cases to show up for work not knowing whether they will get paid, in other cases, to stay home not getting paid, trying to figure out again how they are going to pay their bills. They have rent payments and mortgage payments and food payments. Guess what. That is going to have a major impact on our economy. Make no mistake about it, it will hurt our economy. We have been through this. We have seen this movie before. It hurts our economy. It hurts our country. This is a self-inflicted crisis. This is totally avoidable. If that happens, yes, people will be terribly inconvenienced.

You ask the 10,000 people a day who elect to enroll in Medicare and there is no one there to enroll them in Medicare. What are they going to do? You ask the person who needs a passport and cannot get a passport, what are they going to do? I can go through a whole host of things. In 1995 and 1996, I think it was estimated 9 million people who had planned to go to national parks did not go to national parks.

It is a cumulative effect. Why are we doing this? To advance our agenda? No, it is not going to pass. Why are we not using regular order? This is costly to our economy, it is costly to American families. It is causing a slowdown in the recovery of our economy. An even greater concern is that in a couple of weeks, middle of October, we are talking about going through this again perhaps on whether we will pay our bills. The limit that we have deals with whether we can pay the expenses that have already been incurred. This is not about new spending. This is about money that has already been spent, will we pay the bill when the bill is received?

In the House-passed resolution, they said: Well, we will prioritize. We will pay some but not all. I do not know how you can do that. Administratively, I do not know how you can do that. You certainly are going to make it much more difficult to deal with those that are not in the priority category. So we become a selective deadbeat? We say we are not going to pay contractors, we are not going to pay doctors, we are not going to pay workers? I mean, who are we not going to pay? They have already done the work. They have already provided the services. They have responsibilities. They expect us to pay our bills.

It does not work. We have been through this before in the last Congress. We saw. It hurt America's reputation. We came close. We did not go over the cliff. But just coming close presented a huge problem for this country. If we actually go over the cliff and do not pay our bills, it will be very costly to the American taxpayers. Interest rates will go up on our national debt. It will go up. That will cost the taxpayers more money. For what? Another self-inflicted crisis by the Republicans to advance their extreme agenda.

We have the votes here to pass what we call a clean CR, a clean extension of paying our bills. We have the votes here. There is a majority of us prepared to vote for that. We have said that. We have shown that. But, instead, it is being held hostage to an extreme agenda and trying to shortcut the regular process. What is the regular process? The regular process is we do our work, they do their work, the House, the Senate go to conference, work it out.

Yes, there is a Republican-controlled House. Yes, there is a Democratic-controlled Senate. We do not have 60 votes but we have a majority. In the White House is President Obama. So that is what the voters gave us. Our responsibility is to work with that.

We did. The House passed a budget. I did not like the budget. I did not like their budget. But that is a democracy. They passed their budget. We passed a budget here. Our Republican friends said we probably will not do it. We did it. We did not pass that last week, we passed that months ago. And what we said is, okay, let's go to conference, work out the difference. It will not be everything I want, it will not be everything the Republicans want. That is how the process works.

Republicans will not sit down and talk with us. They will not let us go to conference. They will not let us work out a budget. So when you look at why we have not been able to reach a budget by October 1, it starts with the fact that we have not been able to sit around a table to work out our differences because the Republicans will not let us go to conference. That is a fact. So we have got to get to conference. We have got to get that done.

In the meantime, do not hold the government hostage, or paying our bills hostage, because all that does is create additional costs, hurts America's reputation, hurts our economic recovery. It does not at all advance a final resolution of an orderly process in which we work out the problems of this country.

I urge my colleagues to put America's interests first, stop the games we are playing and threats we are making. We are coming too close. Too many people we are again telling: We do not

know whether you are going to get a paycheck next week. What do you do if you are a worker or contractor and you do not know if you are going to get a paycheck next week?

You are already cutting back on your commitments. This is already hurting our economy. Every day we wait it hurts our economy. That is why a host of us are upset that we had to waste yesterday. It would have been nice to be able to use yesterday to resolve this issue. Every day we wait costs our economy, it costs our country. Let's pass the necessary legislation to keep government operating and pay our bills. Let's sit down as we should and work out the budget problems in a way that is befitting the tradition of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Connecticut, Mr. BLUMENTHAL, be recognized.

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

Mr. THUNE. We are going to have a vote here in the next few days, depending on how the schedule and the calendar works out, on whether to defund ObamaCare. That is a vote that I think many of us in this Chamber want to have. I know many of our colleagues on the other side, the Democrats, would prefer not to have that vote. But it is time for us to go on the record and to indicate to the American people, who are very fed up with this law, and frankly have not had a good opportunity yet to see much of it being implemented, because much of the implementation will occur in the next few months—but we are going to get to that vote here in the next few days, one way or the other. The pressure is on. The pressure is on Republicans and Democrats to stand and to indicate one way or the other about whether they are willing to stand with the American people and against ObamaCare, which is having a harmful impact on so many different levels across the country.

I want to point out, if I might, a few of those impacts. Obviously, many of us here in the Chamber are very concerned about the economy, about jobs and about creating a better economic future for the people we represent.

We are suffering through a very sluggish, anemic economy, with growth rates that are hovering in that 1 to 2 percent range, but certainly not a range that gets Americans back to work or increases the take-home pay for middle-income Americans.

If you look at the economic data, it is pretty sobering. We have had this chronic high unemployment rate that has been sustained for several years in a row, 7.5 percent. If you add in the number of people who have quit looking for work or are underemployed, in other words they want to work full time but they are working part time, the real unemployment rate is much, much higher.

There are about 22 million Americans who are unemployed today. If you factor in those who have quit looking for work and those who are underemployed—who are working part time instead of full time—the unemployment rate goes up to well over 10 percent.

You have a lot of Americans looking for jobs. At the same time, the jobs that are being created in the economy are part-time jobs.

What is happening? A lot of Americans, who would love to be working full time to be able to provide for their families, are now being forced into part-time jobs.

In fact, 60 percent of the jobs created this year are part-time jobs, not full-time jobs.

If you look at the labor participation rate, it is at the lowest level that we have seen in 35 years. You have to go back to the administration of President Jimmy Carter to find the time when the number of people in the workforce, as a percentage of those available to be working, is as low as it is today, 63.2 percent.

The economic data just rolls on and on. This is a very sluggish, very weak, very anemic economy.

When you ask people and ask businesses why that is, why are you not hiring full-time workers, why are you hiring part-time workers, why are you reducing the size of your workforce or not hiring people that you otherwise might hire, why is this issue of take-home pay going down relative to what it was when the President first took office, the answer, in most cases, comes back pretty simple: It is ObamaCare. It is the cost, the mandates, the requirements, and the uncertainty associated with the President's health care law, and some other concern, I might add—government regulations. But policies coming out of Washington, DC, are making it more difficult and more expensive for our small businesses and job creators to create the jobs that are necessary to keep our economy going.

This is why you have this sluggish economy and this chronically high unemployment rate, part-time jobs rather than full-time jobs, and lower take-home pay. This is the slowest recovery we have seen, literally, in the last 50 years. This is the economy that we are in the midst of right now.

As we talk about ObamaCare—and my colleagues and I come down here, and I was here when we voted on it back in 2009 and 2010—I was on the floor on a regular basis talking about why I thought this was going to be a disaster for jobs, for the economy, for health care costs. I was offering up amendments, alternatives that we thought would be better. We think there are many that would work much better in terms of actually making health care more accessible and more affordable to more Americans, but we were unsuccessful.

They had the votes. They passed it. It was a partisan vote. It was without a single Republican vote here or in the House of Representatives. It was a party-line vote. I think that is now why the American people have rejected it. They know that it was a partisan piece of legislation passed without any input from the other side and without the ideas and alternatives that might have made more sense in terms of addressing the health care needs the American people said they wanted to see addressed.

But that being said, it is not only us who come down and talk about this. We have now seen, as this thing has been slowly implemented, some of the impact. Some of the taxes have kicked in. You are starting to see some of the additional costs that we said would impact middle-income families in this country when it comes to the cost of their health insurance.

You don't have to look very far to see the people who are writing stories about that.

In fact, instead of listening to only Republicans who come down here on floor and talk about this, you can look at the headlines of the newspapers across this country. These are just this last week. We are not talking about a long period of time, these are headlines from the last week.

The National Review Online: ''Sorry, Mr. President, There Is 'Serious Evidence' Obamacare Is Bad For Economic Growth.''

The Associated Press: ''Census: No sign of Economic Rebound for Many in the U.S.''

The Hill: ''Franchise owners come to the Hill to plead for ObamaCare relief.''

Washington Times: ''Georgia Health Care Company Cuts 101 Employees Due to Obamacare.''

Reuters: ''Cleveland Clinic announces job cuts to prepare for Obamacare.''

WSB–TV: ''Emory Healthcare to cut 100 jobs partly because of Obamacare.''

Lancaster Online: ''How part-time workers are feeling the pain of Obamacare.''

You can go on and on with only the headlines talking about the impact on jobs and the economy of this ObamaCare legislation, which is in the process now of being implemented.

I think the other thing that we have said all along would happen—and that is what we are seeing happen as well—is that health insurance costs are going up, not down. If you look at the data—and these are some of the news stories that I have mentioned, these are headlines from just the last week.

National Public Radio: ''Health Care Costs Are Projected To Outpace Economic Growth.''

Associated Press: ''Premium concerns lead some small businesses to temporarily sidestep health law.''

I could go on. But the point, very simply, is that the validators of the things that we are seeing here are out there every single day in the media.

There is a study that came out, or I should say a report that came out from HHS, which was supposed to give us a new idea, or a glimpse of what the premiums are going to be under the exchanges when they are fully up and running. That is supposed to be sometime next week.

The Health and Human Services department issued some information about that yesterday.

What is ironic about it is that with less than a week to go before these exchanges are supposed to go online, it is a 15-page report and a press release that summarizes some of the premium data.

What they did is HHS compared what the Congressional Budget Office projected rates might look like in 2016 to its own findings. It didn't compare it to what it cost last year. It didn't compare it to the reality that most Americans are experiencing in terms of the health care costs that they deal with on an annual basis. We are not getting any information that gives us any insight into what these costs are actually going to be.

Fortunately, there are others who have looked at this same information, the data dump that was released yesterday by the Health and Human Services department, and compared it to what insurance costs before the Affordable Care Act passed. In other words, we heard the promises from the President when this was being debated, that health care costs were going to go down by $2,500 per family. Obviously, we are seeing the exact opposite. There was a CMS study that came out just a few days ago that said health care costs, because of ObamaCare, actually are going go up by $621 billion. If you divide that by the number of families in this country, a family of four, that is $7,450 per family of four increase, not decrease, in health care costs. That is the estimate of the CMS actuaries.

When you look at what the information coming out of HHS suggests, and you compare it to a baseline of what health care costs are before this becomes implemented, you get a very different picture. Some of the analysis that has been done suggests that ObamaCare is going to increase underlying insurance rates for younger men by an average of 97 to 99 percent and for younger women by an average of 55 to 62 percent.

It says the worst off is the State of North Carolina, where individual market rates are going to triple for women and quadruple for men. We can go down the list State by State, and we get sort of a detailed explanation of people at various stages in life, such as a 40-year-old woman. I am looking at some charts here comparing my State of South Dakota. This is the Affordable Care Act bronze premium versus the pre-Affordable Care Act health care premiums that people in similar circumstances were faced with. For a 40-year-old man in my State of South Dakota, it says that this is going to increase his premiums by 146 percent and for a 40-year-old woman 96 percent.

The evidence keeps piling up out there. It is in the news stories, from the people, and the businesses who were talking about the impact that it is going have on them. The analysis that is being done actually compares what this is going to do in the exchanges—the premiums are going to be at the exchanges—with what people are actually experiencing today. It is not some hypothetical like the HHS numbers suggested; you find that it is like a picture. A picture is being painted of a very serious situation for middle-class families who were hoping, hoping, when all the promises were made, that they were going to see their health insurance costs go down, not up. An exact opposite effect is happening.

We can go through, again, State by State and look at the various analyses. But I think the point is that instead of having health insurance costs go down as a result of ObamaCare, they are going up, and they are going up dramatically.

In this CMS estimate by the actuary, that just came out a few days ago, there is a $621 billion increase in health care spending in this country attributable solely, singularly to ObamaCare. Divided by the number of families in the country, as I said, that is a $7,450 increase.

Why are people rejecting this? Well, I think that is the obvious reason. They realize, most people do, at least, that these are pocketbook issues. These are kitchen table issues. These are the types of things that as Americans they are trying to figure out, how to pay their bills and how to keep their family covered. They want to figure out how to save a little money for their children's college education, how to make ends meet, and how to keep things afloat.

They are very concerned about what they are seeing and the impact of this legislation on what they are having to pay for health care coverage. They are also very concerned about what it might mean for the jobs that they have today and hopefully aspire to in the future. Many of these are in jeopardy, because businesses who are hit with these new mandates, these new penalties, these new requirements under ObamaCare. Businesses are finding it more and more difficult and more expensive to create the jobs that will help these middle-income families meet the needs of their families and try to provide a better future for their children and grandchildren.

One of the reasons is, at the end of the day, as people are assessing this, there is so much information, polling data, and survey data that corroborates the anecdotal information we are hearing from individuals and businesses out there. People are increasingly skeptical, increasingly suspicious, and increasingly frustrated with the ObamaCare legislation. They want to see a do-over.

One of the biggest examples of that—and they probably were the biggest advocates of this—were the labor unions. If you look at what the labor unions are now saying, there was a letter a few weeks back from three of the largest unions in the country, including the Teamsters union, led by Jimmy Hoffa.

They said that ObamaCare would shatter benefits for their members. They said it would create nightmare scenarios. They said that it would destroy the foundation, the backbone, if you will, of middle-class families, and that is the 40-hour work week.

The reason they are saying that is because, as I mentioned, the number of jobs that are being created in America today are primarily part-time jobs. Why? Because small businesses have incentives to hire part-time workers.

One, if they hire above 50 employees, they are covered by the mandate that says they have to provide government-approved health care to their employees.

Two, the full-time employee hour limit is 30 hours. More and more, employers are trying to stay under 50 employees and trying to employ people for fewer than 30 hours a week so that they are not hit with these mandates under the ObamaCare legislation.

This is not a good scenario for someone who is out there looking for a job and for someone who is looking for a better job. It certainly isn't going to help Americans improve and increase the amount of take-home pay that they receive on a weekly to monthly basis.

That is why, if you look at again, some headlines from newspapers.

The Washington Examiner says: ''Just 12 percent think Obamacare will have a positive impact on their families.''

Fox News poll: ''68 percent concerned about their health care under the new law.''

NBC News poll: ''Obamacare remains highly unpopular as implementation looms.''

Washington Post poll: ''Many Americans confused about the health-care law.''

CNN Money: ''Most employees still in the dark about health care reform.''

There is anxiety, there is frustration, there is skepticism. I think most of these folks share the view that was expressed by the unions, perhaps the biggest advocates of the health care law when it passed. What we would like is a do-over. It either needs to be fixed or it needs to be repealed.

That was essentially the message that was coming from the unions at a meeting they had in California a week ago.

It goes on and on. We are going to have an opportunity to right that wrong. We are going to have an opportunity to get that do-over and to have a vote.

The vote is going to occur in the next few days, and it is going to give us an

opportunity to go on the record about whether we ought to continue to fund a program that we now know is not working. And all the evidence that I mentioned here today, all the conversations we have with businesses in our home States, with hospitals—I mentioned earlier Cleveland Clinic, which is reducing its workforce to prepare for ObamaCare. That is going on all across this country. It is not too late for us to get this right. We can correct this. There is a better way to do this. It didn't take a 2,700-page bill and 20,000 pages of regulations to fix the things that were wrong with the American health care system.

But now we have a government takeover of literally one-sixth of our economy, massive amounts of redtape and bureaucracy and regulation and the uncertainty associated with that, higher cost for individuals, much higher costs—dramatically higher costs, as I pointed out—and fewer job opportunities for families around this country, at least for full-time jobs, and lower take-home pay and a lower labor participation rate and sluggish economy. That is what this has wrought. That is what we need to correct and fix, and we are going to have an opportunity to do that with a vote later this week.

So, Mr. President, I know it is very hard to acknowledge sometimes when something is not working, and it is something you have invested in, something that in this case a number of our colleagues voted for when it was passed here several years ago. But in the interest of the American people, in the interest of doing what is right for jobs, for our economy, for the health care needs of American middle-class families across this country, it is time for us to fix this, to right this wrong, and to move in a different direction.

So I hope we will have the votes. There will be some of our colleagues on the Democratic side who will vote with us when we get to this vote here in the next few days and may send a very clear and loud message to the American people that we are listening, that we hear you, we understand your frustration, we want to fix this and get it right, and we want to go in a different direction. And I think that will be a welcome relief to Americans, who in overwhelming numbers are finding this less and less to their liking. The more they find out about it, the less they like it and the more concerned they are about their future and their families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I rise this evening to talk as well about the Affordable Care Act and perhaps cut through some of the rhetoric and talk a little about specific realities and the reason to preserve its funding, along with honoring our other commitments in the continuing resolution that will keep the Federal Government open and working for the American people.

I want to say at the outset that I hear from folks in Connecticut about the need for improvements and minor changes in the Affordable Care Act, which should be possible. But what should be impossible is holding hostage the work of the government to achieve changes in the Affordable Care Act and making improvements that may be necessary but should be done separately from keeping the government open for our veterans and Social Security recipients who may need services in connection with the checks they are issued, in paying our troops here and abroad who are serving and sacrificing for us, in the countless ways our Federal Government makes a difference in people's lives. Most importantly, the threat of closing the government helps to create uncertainty and confusion, which in turn undermines investment and job creation and economic growth and, indeed, recovery from the great economic recession that has so financially crippled our Nation.

The health care reform measure—the Affordable Care Act, ObamaCare, call it what you will—has already made achievements, enabling young people to stay on their parents' policies; moderating, if not eliminating, many of the insurance coverage abuses I fought against as attorney general; and achieving advances in health care delivery reform for greater efficiency and lower cost.

As we have noted on this floor countless times, the Affordable Care Act was passed by majorities of this body and the House of Representatives and signed by the President. It predated my service here, but it is the law of the land. The effort now is, in effect, to achieve through the back door what was not accomplished through the front door. It is to achieve indirectly what opponents of the Affordable Care Act wanted to achieve directly, which is to block it, to stop it, to halt it. That should not be the objective of this measure and certainly should not be achieved by a small minority, a fringe extreme group of ideologs who have, in the House of Representatives, threatened to hold hostage the entire Federal Government.

I am disheartened that some of the same Senators who rightly decried the pace of our economic recovery are themselves now undermining that goal by demanding an end to the Affordable Care Act and engendering uncertainty and confusion so inimical to job creation and economic growth.

Forums in Connecticut and my conversations and discussions with health care providers, our hospitals, our medical professionals, have convinced me that one of the central achievements already of the Affordable Care Act relates to preventive care, and I want to talk a little while about those specifics, about the reality on the ground in Connecticut that I have seen and heard—not the predictions or prognostications but the realities of preventive health care achievements in Connecticut that have already been demonstrated. They relate specifically to the Prevention and Public Health Fund.

Let me repeat that term: the Prevention and Public Health Fund. It is not exactly a household word to many Americans, but it should be credited, along with ObamaCare and the Affordable Care Act, with specific tangible accomplishments in helping people learn how to make smart decisions and prevent the onset of obesity, diabetes, heart disease, and cancer. These conditions and diseases have real costs and preventing them has real savings. So we can seriously reduce not only the overall levels of spending on health care but also save people a lot of suffering and families a lot of heartbreak.

In my home State of Connecticut, the funding from the Prevention and Public Health Fund has supported vital care and services in three critical areas: mental health, tobacco cessation, and women's health care—not the only three that has those accomplishments, but they are three.

On mental health services, last year the State of Connecticut received nearly $900,000 from the Prevention and Public Health Fund for use by the State's department of mental health and addiction services and the direct care providers in the State. Let me give an example of how that money was used.

Community Mental Health Affiliates, which serves more than 8,300 children, adolescents, and adults each year in 17 locations throughout Connecticut, received some of those funds to provide direct care. In particular, they are using those funds to create the Allied Health System, and they are doing it with the Hospital of Central Connecticut, which means having advanced nursing and practical help from the Hospital of Central Connecticut to come to their outpatient facility to provide case management and wellness programs and suicide prevention and screening programs. They are helping save lives and health.

We know that investment in mental health makes a difference. In fact, it ought to be a centerpiece of a comprehensive gun violence prevention measure. We know reaching dangerous people, along with keeping guns out of the hands of dangerous people before they commit acts of violence is central to what we have to do to make our Nation safer and better. An investment in behavioral health services is vital to addressing the diseases—the psychoses, addictions, depression, post-traumatic stress—and helping to reach people before tragedy occurs.

We know that lack of investment makes a difference as well, not only in violence but in heartbreaking failures and life-changing illnesses that are perhaps invisible but in children can transform lives for the worst. The Connecticut Children's Medical Center recently came to my office and shared with me what the lack of investment in

preventive health care means for them and the children who come to this children's hospital. They have seen numbers of children arriving in a behavioral health crisis unmatched in our history—nearly quadrupled since the year 2000. Last year that meant 2,300 children seeking care in the emergency department of that children's hospital.

Emergency departments are not equipped to provide the kind of specialized care that the children need who come to them in these traumatic life-changing situations—in crises. And for some kids who wait over a week for placement in an appropriate inpatient facility, that is a crisis not only for them but for their family and their communities. We have seen the tragic results of failing to address those crises which affects individuals, and it is so heartbreaking.

I have fought for and made my life's work tobacco prevention and cessation programs. My colleagues want to talk about reducing Federal spending. Well, let's talk about the $96 billion a year in direct health costs that are necessary to treat diseases caused by tobacco addiction. That is $96 billion a year in direct health costs, with nearly $55 billion of it from the Federal Government. I hope to work in a bipartisan way to reduce that figure with my colleagues through the Affordable Care Act.

A study in the Lancet on the first ''Tips From Former Smokers''—the campaign of the Federal Government—found that 1.6 million additional smokers are making a quit attempt because of this campaign and over 100,000 have quit tobacco since 2012 because of that campaign.

The final area I think is so important is women's health care, and in this area the Affordable Care Act has been monumental in maternity care in our hospitals, in contraception coverage, in health insurance provisions that make a difference in women participating equally in our economy as well as having the health care they need, which in turn saves money not just for them but for children who are born in hospitals and who receive the kind of care they need in those first days of birth. The Prevention and Public Health Fund has made a difference in those lives, and it has made meaningful improvements to the lives and health of women and children across this country.

Cost savings to the Nation resulting from preventive health care are huge, but those economic benefits also accrue to our families. More than half of all the bankruptcy cases today are caused by health bills people simply can't pay. I know because I see the results and try to help the families who are affected by it.

One example is a family whose son struggles with Lyme disease and received denials from insurance companies. They had to exhaust their retirement savings and their health care funds as well as their college fund for medical treatment. My office was able to persuade the insurance company to reverse those denials but only after the family had to resort to asking their neighbors to pay for their son's medical bills.

Story after story after story about medical insurance denials convinced me that the Affordable Care Act will make a difference in reforming health care coverage practices by the insurance companies as well as enabling families to avoid the financial travails of bankruptcy.

Let me say finally, Connecticut has been a leader in insurance markets with many leading insurers headquartered in my home State. I am proud that Connecticut has been that leader that is home to many insurance companies and that Access Health Connecticut, the individual marketplace in Connecticut, has been working tirelessly and successfully with these insurance firms to put together a groundbreaking exchange.

The Kaiser Family Foundation recently found that the likely cost for a family of four in Hartford, CT earning $60,000 a year for a bronze level plan through the exchange will be $122 a month. That is about the cost of a Starbucks coffee every day. The products being offered through the exchanges are high quality, and they are available even to people who have a preexisting condition.

In fact, the Affordable Care Act enables health care insurance for all people with a preexisting condition. No longer will people have to confront their insurance companies as regularly and frequently as they did. No longer will insurance companies be permitted to engage in the egregious practices they did. And hopefully, no longer will the services of my office, such as I did when I was Attorney General and now as Senator, be as necessary as often.

Shutting down the government is a movie we have seen before. It ends badly. It ends with undercutting investments, undermining job creation and economic growth. It is a disservice to our Nation. Hopefully, with bipartisan cooperation and compromise we can afford it and proudly go on with the work of this body and of the Federal Government.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I know of no further debate on the motion to proceed.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on adoption of the motion.

The motion was agreed to.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2014

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes.

AMENDMENT NO. 1974

(Purpose: To perfect the joint resolution)

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1974.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. On the amendment just reported, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1975 TO AMENDMENT NO. 1974

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1975 to amendment No. 1974.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

MOTION TO COMMIT WITH AMENDMENT NO. 1976

Mr. REID. Mr. President, in relation to that, I have a motion to commit H.J. Res. 59 with instructions, which are at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Appropriations, with instructions to report back forthwith with an amendment numbered 1976.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 4 days after enactment.

Mr. REID. Mr. President, on that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1977

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1977 to the instructions of the motion to commit, H.J. Res. 59.

The amendment is as follows:

In the amendment, strike ''4 days'' and insert ''3 days''.

Mr. REID. On that, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1978 TO AMENDMENT NO. 1977

Mr. REID. Mr. President, I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1978 to amendment No. 1977.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk. I ask the clerk to report it, if the Chair so advises.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 59, a joint resolution making continuing appropriations for fiscal year 2014, and for other purposes.

Harry Reid, Barbara A. Mikulski, Joe Donnelly, Richard J. Durbin, Sheldon Whitehouse, Michael F. Bennet, Patrick J. Leahy, Heidi Heitkamp, Debbie Stabenow, Charles E. Schumer, Mark R. Warner, Martin Heinrich, Tim Kaine, Tammy Baldwin, Tom Harkin, Christopher A. Coons, Angus S. King, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

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

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

PROTECTING STUDENT ATHLETES FROM CONCUSSIONS ACT

Mr. DURBIN. Mr. President, on Friday night in Illinois and all over the country thousands of high school students will take to the football field.

They will put on helmets, they will put on pads, but unfortunately some of them will still get hurt.

Almost half the concussions in high school sports occur in football.

But it is not just football.

Injuries are a part of all sports, but as we learn more about the long-term effects of concussions and how frequently they are ignored, it is clear we have to step up our game to confront this health risk.

The National Federation of State High School Associations estimates about 140,000 students who play high school sports have concussions every year.

According to the Centers for Disease Control, the number of children age 19 and younger being treated in ERs for traumatic brain injuries went from 153,373 in 2001 to 248,418 in 2009—a 60 percent increase.

Some students stay in the game not recognizing the risks of playing hurt—especially when they have had a concussion.

Many athletes do not know the signs and symptoms of concussion, which may cause many concussions to go undetected.

A 2010 Government Accountability Office study found many sports-related concussions go unreported.

Athletes who continue to play while concussed are at risk for catastrophic injury if they sustain another concussion before recovering from the first one.

This second injury can cause symptoms that can last for months and can even be fatal.

Youth athletes are at the greatest risk from sports-related concussions because their brains are still developing and are more susceptible to injury.

According to the American Academy of Neurology, athletes of high school age and younger with a concussion should be managed more conservatively when it comes to returning to play because they take longer to recover than college athletes.

Michael Schostok played football in Mundelein, IL.

He experienced a concussion on the football field. Immediately after taking a hit to his head, he stumbled off the field.

He was disoriented and explained to his coach that he was in severe pain, especially when looking into the sun.

But his coach urged him to continue playing and he remained on the field for the rest of the game.

Two days after the game, Michael was unable to look at a computer screen without severe pain and suffered from blurred vision and slow decision-making.

Three days after the game, he went to a doctor and was diagnosed with a concussion.

Michael was lucky that he did not suffer another concussion while he continued to play.

Unfortunately this situation is not unusual.

According to the Center for Injury Research and Policy in Columbus, OH, more than 40 percent of young athletes return to play before they are fully recovered.

Since 2009, States have started implementing legislation guiding return-to-play procedures for student athletes who have sustained a concussion.

As of August 2013, 49 States and the District of Columbia have successfully passed some form of legislation with varying concussion safety measures.

Illinois has been a leader on this issue and passed legislation in 2011, recognizing the dangers associated with concussion.

In Illinois, a student athlete who is suspected of sustaining a concussion or head injury in a practice or game is immediately removed from the game until he or she is cleared by a health care professional.

This is a great step forward for Illinois, and I commend the Illinois High School Association for its work protecting student athletes.

This week I will introduce the Protecting Student Athletes from Concussions Act, which would support the progress made by States such as Illinois.

The bill would, for the first time, set minimum State requirements for the prevention and treatment of concussions.

The legislation requires schools to post information about concussions on school grounds and on school websites and adopt a ''when in doubt, sit it out'' policy.

This policy requires that a student suspected of sustaining a concussion be removed from participation in the activity and prohibited from returning to play that day.

They can return to play in future events after being evaluated and cleared by a qualified health care professional.

The ''when in doubt, sit it out'' policy is recommended by the American College of Sports Medicine and the American Academy of Neurology, which recommends that an athlete suspected of a concussion should not return to play the day of their injury—under any circumstance.

Concussions are not always easily diagnosed, and symptoms that might indicate concussion don't always manifest themselves immediately.

Athletes don't want to let down the team or the coach and are often eager to return to the game.

So helping athletes, school officials, coaches, and parents recognize the signs and symptoms of concussion can make all the difference in putting a player's safety above winning.

This legislation will ensure that school districts have concussion management plans that educate students, parents, and school personnel about how to recognize and respond to concussions.

And it asks schools to adopt the ''sit it out'' policy to be sure athletes are

not put back in the game before they have recovered from an initial concussion.

I am pleased that a variety of organizations are supporting this bill, including the NFL, NCAA, NHL, NBA, American College of Sports Medicine, American Academy of Neurology, among others.

I look forward to working with the schools, athletic programs, and others to build on the progress already made in protecting student athletes from concussions.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished senior Senator from Florida in submitting a resolution to celebrate the 20th anniversary of the establishment of the Corporation for National and Community Service, our Nation's largest grant-making organization for service and volunteering. Since its inception in 1993, more than 5 million Americans have participated in its programs.

The mission of the corporation is to improve lives, strengthen communities, and foster civic engagement through service and volunteering. The Corporation for National and Community Service is committed to helping address national and local needs by supporting our country's nonprofit sector.

My State of Mississippi remembers how important this commitment was to our recovery from Hurricane Katrina and other natural disasters. We remember the incredible outpouring of support from around the country. Many people in our State invest their time and energy, through everyday acts of kindness and charity, in our neighborhoods, schools and churches.

National service opportunities also contribute to workforce development, offering participants practical experience and on-the-job training. Service is part of our American way of life, and it is about making a difference in each and every community across the country.

It is important for us to support and applaud the contributions of the Corporation for National and Community Service on its 20th anniversary.

KIEFER'S FLORIST

Mr. PORTMAN. Mr. President, today I wish to commemorate Kiefer's Florist of Coshocton, OH on 100 years of successful operation. Andrew Kiefer started Kiefer's Florist in 1913 when he was 36 years old and the business has since been handed down through three generations. Ed Kiefer, Sr. joined the business in the 1940s and in 1975 Ed Kiefer, Jr., returned from college to Coshocton to partner with his father in running the business until his father's passing in 2006.

Kiefer's Florist has experienced many ups and downs in its 100 years of operation, but through the hard work and dedication of its owners, it has persevered. In January 2011, Kiefer's Florist moved from its original location to its current location in Historic Roscoe Village, where the business continues to grow.

Mr. President, I would like to recognize Kiefer's Florist on 100 years of success. I would like to commemorate Andrew Kiefer and Ed Kiefer, Sr., for their dedication to the family business and would like to thank Mr. Ed Kiefer, Jr., for the positive impact his business has made on the community. I wish Kiefer's Florist continued success.

RECOGNIZING THE 10TH PRESIDENTS CUP

Mr. PORTMAN. Mr. President, today I wish to recognize the city of Dublin, OH, and Muirfield Village Golf Club as hosts of the 10th Presidents Cup from October 1 to 6, 2013. The Presidents Cup was first played in 1994 and is a biennial event played in non-Ryder Cup years. Similar to the Ryder Cup, the Presidents Cup gives the world's best non-European players an opportunity to compete against the United States in an international team match-play competition featuring two teams of twelve golfers.

In total, more than $27 million has been distributed to at least 425 charities in 16 countries since the inception of the Presidents Cup in 1994, including a record-setting $4.5 million from the 2011 event alone. These funds are distributed to charitable causes around the world as chosen by the 30 players, captains, and captain assistants.

Muirfield Village will become the third golf course in the United States to host the Presidents Cup and will be the only golf course in the world to have hosted the Presidents Cup, the Ryder Cup, the Solheim Cup, and an annual PGA tour event, the Memorial Tournament. Muirfield Village is a Jack Nicklaus-designed golf course in Dublin, OH, that was established in 1974. Jack Nicklaus, four-time U.S. Presidents Cup captain, will serve as the tournament host this year.

I had the opportunity to visit Muirfield Village in early June at the Memorial Tournament and saw firsthand how special this golf course is and how great a venue it will be to host the Presidents Cup. The Presidents Cup will bring nearly 150,000 spectators and an expected $22 million in revenue to the Columbus region. Today, I congratulate everyone involved in bringing the Presidents Cup to Ohio.

ADDITIONAL STATEMENTS

DOWNTOWN DAILY BREAD

• Mr. CASEY. Mr. President, I am pleased to recognize the 30th anniversary of Downtown Daily Bread, located in the Pine Street Presbyterian Church in Harrisburg, PA. Downtown Daily Bread is an organization that believes in the equality of all human beings and strives to meet the needs of the poor and homeless.

Hunger and food insecurity is an unfortunate, but preventable reality for many of our citizens, and healthy meals are essential to their wellbeing. Downtown Daily Bread serves hot, nutritious meals for many families in the city of Harrisburg. Understanding that people's needs extend beyond food, this organization also offers help with other essentials, such as access to showers, clothing, and mail services. Counselors are available to offer support focused on many important areas to provide people with the tools necessary to get back on their feet. It also has counselors to help with housing, legal, physical and mental health issues. Through its determined efforts toward collaboration, Downtown Daily Bread has established relationships with local organizations and governmental departments in order to best meet the needs of community members.

The staff and local volunteers play an important role at Downtown Daily Bread and I am grateful for the effort they make to improve the quality of life for their friends and neighbors. I value the work that the Downtown Daily Bread has performed in Harrisburg since its founding in 1983. I am encouraged to know it will continue serve Pennsylvanians in need.•

50TH ANNIVERSARY OF CHILD, INC.

• Mr. COONS. Mr. President, it is with great pleasure that I honor CHILD, Inc., a private, non-profit organization which this month celebrates 50 years of continuous service to Delaware's children and families.

Over the past 50 years, CHILD, Inc. has provided emergency shelter, foster care, domestic violence services, counseling programs, and parent education to families with at-risk children. In 2012, the agency reached just over 21,000 abused and neglected children and victims of domestic violence.

As CHILD, Inc. celebrates this milestone anniversary, I want to offer my sincere gratitude to its board of directors, staff, and network of volunteers for their decades of hard work and continued commitment to serving Delaware families in crisis.

CHILD, Inc. was founded by Henry E.I. duPont and Martha Verge duPont in 1963 as a group home for boys. Since then, the organization has expanded its programming to become one of Delaware's leading agencies serving youth, families, and victims of domestic violence.

Today, CHILD, Inc. primarily works with children who may be troubled, neglected, or abused, as well as children and families who have been impacted by domestic violence. In addition to being the only children's shelter and runaway center in the State of Delaware, CHILD, Inc. provides a wide

array of violence prevention and treatment programs tailored to the needs of children and families.

Under the leadership of longtime director Joseph M. Dell'Olio, who led the organization from 1973 until his retirement in 2008, CHILD, Inc. has become a powerful force for advocacy, helping to push through key improvements to Delaware's child welfare system. The organization continues to expand that advocacy mission today.

CHILD, Inc.'s dedication to Delaware children and families, as well as its determination to continuously grow and improve its services, has helped thousands of children grow up and thrive in a stronger, safer community. On behalf of all Delawareans, I thank CHILD, Inc. for 50 years of tremendous service and congratulate them on this significant milestone.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 7:44 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 527) to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes, with an amendment.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3131. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on September 11, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–3132. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date'' (Docket No. FDA–2012–C–0224) received in the Office of the President of the Senate on September 16, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–3133. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Fair Employment Practice Agencies'' (RIN3046–AA96) received in the Office of the President of the Senate on September 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–3134. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC–3135. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Program Integrity Issues'' (RIN1840–AD02) received in the Office of the President of the Senate on September 19, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–3136. A communication from the Assistant Secretary of Education, transmitting, pursuant to law, a report relative to the amount and percentage of each for-profit institution's revenues from Title IV sources and non-Title IV sources; to the Committee on Health, Education, Labor, and Pensions.

EC–3137. A communication from the Secretary of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for Fiscal Year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–3138. A communication from the Principal Deputy Assistant Attorney General, transmitting, pursuant to law, a report relative to the National Instant Criminal Background Check System (NICS); to the Committee on the Judiciary.

EC–3139. A communication from the Chair, Federal Election Commission, transmitting, pursuant to law, the Commission's fiscal year 2015 budget request; to the Committee on Rules and Administration.

EC–3140. A communication from the HR Specialist (Executive Resources), Small Business Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Small Business Administration, received in the Office of the President of the Senate on September 11, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3141. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Disabled Veterans and Members of the Armed Forces with Severe Burn Injuries for Financial Assistance in the Purchase of an Automobile or Other Conveyance and Adaptive Equipment'' (RIN2900–AO31) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Veterans' Affairs.

EC–3142. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vet Center Services'' (RIN2900–AN92) received in the Office of the President of the Senate on September 12, 2013; to the Committee on Veterans' Affairs.

EC–3143. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac River, Georgetown Channel and Tidal Basin, Washington, DC'' ((RIN1625–AA87) (Docket No. USCG–2013–0790)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3144. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation, Cumberland River, Mile 190.0 to 192.0; Nashville, TN'' ((RIN1625–AA08) (Docket No. USCG–2013–0721)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3145. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Event Hampton Bay Days Festival, Hampton River; Hampton, VA'' ((RIN1625–AA08) (Docket No. USCG–2013–0732)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3146. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Red Bull Flugtag Miami, Biscayne Bay; Miami, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0180)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3147. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Jacksonville Dragon Boat Festival; St. Johns River; Jacksonville, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0652)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3148. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Hudson River, Troy and Green Island, NY'' ((RIN1625–AA09) (Docket No. USCG–2013–0257)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3149. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Lafourche Bayou, Larose, LA'' ((RIN1625–AA09) (Docket No. USCG–2013–0243)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3150. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Bulk Packaging to Allow for Transfer of Hazardous Liquid Cargoes'' ((RIN1625–AB63) (Docket No. USCG–2011–0088)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3151. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Escape to Miami Triathlon, Biscayne Bay, Miami, FL'' ((RIN1625–AA00) (Docket No. USCG–2013–0688)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3152. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tiki Swim; Oceanside Harbor, Oceanside, CA'' ((RIN1625–AA00) (Docket No. USCG–2013–0641)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3153. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Swim Around Charleston, Charleston, SC'' ((RIN1625–AA00) (Docket No. USCG–2013–0322)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3154. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tall Ships Erie 2013 Fireworks Show, Holland Street Pier, Presque Isle Bay, Erie, PA'' ((RIN1625–AA00) (Docket No. USCG–2013–0791)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3155. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; LK Events Fireworks; Lake Michigan, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0737)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3156. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Perry 200 Fireworks, Presque Isle Bay, Erie, PA'' ((RIN1625–AA00) (Docket No. USCG–2013–0792)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3157. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; SFOBB Demolition Safety Zone, San Francisco, CA'' ((RIN1625–AA00) (Docket No. USCG–2013–0654)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3158. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Patapsco River, Northwest and Inner Harbors; Baltimore, MD'' ((RIN1625–AA00) (Docket No. USCG–2013–0811)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3159. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone for Fireworks Display, Baltimore Harbor; Baltimore, MD'' ((RIN1625–AA00) (Docket No. USCG–2013–0529)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3160. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Suisun Bay Electromagnetic Scan and Ordnance Recovery, Suisun Bay, Concord, CA'' ((RIN1625–AA00) (Docket No. USCG–2013–0692)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3161. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, York River; Gloucester, VA'' ((RIN1625–AA00) (Docket No. USCG–2013–0750)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3162. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Flying Machine Competition, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0685)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3163. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; North Atlantic Ocean; Virginia Beach, VA'' ((RIN1625–AA00) (Docket No. USCG–2013–0755) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3164. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2013 Update'' (Docket No. EP 542 (Sub–No. 21)) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3165. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 48, Framework Adjustment 50; 2013 Sector Operations Plans, Contracts and Allocation Annual Catch Entitlements'' (RIN0648–BC27, 0648–BC97, and 0648–XC240) received in the Office of the President of the Senate on September 16, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3166. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations (EAR): Unverified List (UVL)'' (RIN0694–AF70) received in the Office of the President of the Senate on September 12, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3167. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Modernizing the FCC Form 477 Data Program'' ((RIN3060–AJ15) (DA 13–87)) received in the Office of the President of the Senate on September 16, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3168. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Part 15 of the Commission's Rules Regarding Operation in the 57–64 GHz Band'' ((ET Docket No. 07–113) (FCC 13–112)) received in the Office of the President of the Senate on September 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3169. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Transportation Policy, Department of Transportation, received in the Office of the President of the Senate on September 11, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3170. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Maritime Administrator, Department of Transportation, received in the Office of the President of the Senate on September 23, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3171. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice in Air Safety Proceedings'' (Docket No. NTSB–GC–2011–0001) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC–3172. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report on New Federal Maritime Commission proposed systems of records subject to the Privacy Act; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1276. A bill to increase oversight of the Revolving Fund of the Office of Personnel Management, strengthen the authority to terminate or debar employees and contractors involved in misconduct affecting the integrity of security clearance background investigations, enhance transparency regarding the criteria utilized by Federal departments and agencies to determine when a security clearance is required, and for other purposes (Rept. No. 113–111).

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. DURBIN:

S. 1546. A bill to promote minimum State requirements for the prevention and treatment of concussions caused by participation

in school sports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. 1547. A bill to require the Secretary of Veterans Affairs to review the dialysis pilot program implemented by the Department of Veterans Affairs and submit a report to Congress before expanding that program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. BROWN, Mr. CARDIN, Mrs. FEINSTEIN, and Mr. WHITEHOUSE):

S. 1548. A bill to authorize the President to provide assistance to the Governments of Haiti and Armenia to reverse the effects of deforestation and restore within 20 years the extent of forest levels in Haiti and Armenia in existence during the year 1990, and for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 1549. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of muderabilia on crime victims and their families; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1550. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. BLUMENTHAL, Mr. PAUL, and Mr. UDALL of New Mexico):

S. 1551. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. CORNYN, Mr. MENENDEZ, and Mr. KIRK):

S. Res. 255. A resolution welcoming the Prime Minister of India to the United States for meetings to advance the United States-India partnership; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. BROWN, Mr. COCHRAN, Mr. ENZI, Mr. ISAKSON, Ms. WARREN, Mr. KING, Mr. HATCH, Mr. CARDIN, Ms. COLLINS, Mr. BLUNT, Mr. GRAHAM, and Mr. BAUCUS):

S. Res. 256. A resolution designating the week of September 23 through 29, 2013, as ''National Adult Education and Family Literacy Week''; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. COCHRAN, Mr. BEGICH, Mr. WICKER, Mr. DURBIN, Ms. LANDRIEU, and Mr. BENNET):

S. Res. 257. A resolution designating October 3, 2013, as ''Jumpstart's Read for the Record Day''; considered and agreed to.

By Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ):

S. Res. 258. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month, 2013; considered and agreed to.

By Ms. COLLINS (for herself, Mrs. MURRAY, and Mr. CARPER):

S. Res. 259. A resolution designating September 2013 as ''Campus Fire Safety Month''; considered and agreed to.

By Mr. FRANKEN (for himself, Mr. HATCH, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. SCHATZ, Mr. KIRK, Mr. COCHRAN, Mr. WARNER, and Mrs. FEINSTEIN):

S. Res. 260. A resolution recognizing the month of October 2013 as ''National Principals Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 119, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 203

At the request of Mr. PORTMAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 203, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 314

At the request of Mr. CASEY, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 403

At the request of Mr. CASEY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 424

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 424, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 666

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 666, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 699

At the request of Mr. VITTER, his name was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 1089

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1089, a bill to provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes.

S. 1108

At the request of Ms. HIRONO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1108, a bill to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Delaware (Mr. CARPER), the Senator from Arkansas (Mr. PRYOR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1204

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1249

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from Nebraska (Mr. JOHANNS), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1369

At the request of Mr. BROWN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1369, a bill to provide additional flexibility to the Board of Governors of the Federal Reserve System to establish capital standards that are properly tailored to the unique characteristics of the business of insurance, and for other purposes.

S. 1438

At the request of Mr. PRYOR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1438, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide that military technicians (dual status) shall be included in military personnel accounts for purposes of any order issued under that Act.

S. 1445

At the request of Mr. PRYOR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 1490

At the request of Mr. FLAKE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1490, a bill to delay the application of the Patient Protection and Affordable Care Act.

S. 1507

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1536

At the request of Mr. FLAKE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1536, a bill to require the Administrator of the Environmental Protection Agency to include in any proposed rule that limits greenhouse gas emissions and imposes increased costs on other Federal agencies an offset from funds available to the Administrator for all projected increased costs that the proposed rule would impose on other Federal agencies.

S. 1537

At the request of Mr. BLUNT, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1537, a bill to ensure that any new or revised requirement providing for the screening, testing, or treatment of individuals operating commercial motor vehicles for sleep disorders is adopted through a rulemaking proceeding, and for other purposes.

S. 1541

At the request of Mr. UDALL of Colorado, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Colorado (Mr. BENNET) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1541, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a Governmentwide shutdown occurs, and for other purposes.

S. RES. 254

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Res. 254, a resolution designating November 2, 2013, as ''National Bison Day''.

AMENDMENT NO. 1966

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 1966 intended to be proposed to H.J. Res. 59, a joint resolution making continuing appropriations for fiscal year 2014, and for other purposes.

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1966 intended to be proposed to H.J. Res. 59, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 1966 intended to be proposed to H.J. Res. 59, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1546. A bill to promote minimum State requirements for the prevention and treatment of concussions caused by participation in school sports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Student Athletes from Concussions Act of 2013''.

SEC. 2. MINIMUM STATE REQUIREMENTS.

(a) MINIMUM REQUIREMENTS.—Each State that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and does not meet the requirements described in this section, as of the date of enactment of this Act, shall, not later than the last day of the fifth full fiscal year after the date of enactment of this Act (referred to in this Act as the ''compliance deadline''), enact legislation or issue regulations establishing the following minimum requirements:

(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that—

(A) educates students, parents, and school personnel about concussions, through activities such as—

(i) training school personnel, including coaches, teachers, athletic trainers, related services personnel, and school nurses, on concussion safety and management, including training on the prevention, recognition, and academic consequences of concussions and response to concussions; and

(ii) using, maintaining, and disseminating to students and parents—

(I) release forms and other appropriate forms for reporting and record keeping;

(II) treatment plans; and

(III) prevention and post-injury observation and monitoring fact sheets about concussion;

(B) encourages supports, where feasible, for a student recovering from a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity), such as—

(i) guiding the student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary concussion management team, which may include—

(I) a health care professional, the parents of such student, a school nurse, relevant related services personnel, and other relevant school personnel; and

(II) an individual who is assigned by a public school to oversee and manage the recovery of such student; and

(ii) providing appropriate academic accommodations aimed at progressively reintroducing cognitive demands on the student; and

(C) encourages the use of best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

(i) disseminating information on concussion management safety and management to the public; and

(ii) applying uniform best practice standards for concussion safety and management to all students enrolled in public schools.

(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each public secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

(A) is based on peer-reviewed scientific evidence (such as information made available

by the Centers for Disease Control and Prevention);

(B) shall include information on—

(i) the risks posed by sustaining a concussion;

(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

(iii) the signs and symptoms of a concussion; and

(C) may include information on—

(i) the definition of a concussion;

(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

(iii) the effects of a concussion on academic learning and performance.

(3) RESPONSE TO CONCUSSION.—If an individual designated from among school personnel for purposes of this Act suspects that a student has sustained a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity)—

(A) the student shall be—

(i) immediately removed from participation in a school-sponsored athletic activity; and

(ii) prohibited from returning to participate in a school-sponsored athletic activity—

(I) on the day such student is removed from such participation; and

(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

(B) the designated individual shall report to the parent or guardian of such student—

(i) any information that the designated school employee is aware of regarding the date, time, and type of the injury suffered by such student (regardless of where, when, or how a concussion may have occurred); and

(ii) any actions taken to treat such student.

(4) RETURN TO ATHLETICS.—If a student has sustained a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity), before such student resumes participation in school-sponsored athletic activities, the school shall receive a written release from a health care professional, that—

(A) states that the student is capable of resuming participation in such activities; and

(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

(b) NONCOMPLIANCE.—

(1) FIRST YEAR.—If a State described in subsection (a) fails to comply with subsection (a) by the compliance deadline, the Secretary of Education shall reduce by 5 percent the amount of funds the State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the first fiscal year following the compliance deadline.

(2) SUCCEEDING YEARS.—If the State fails to so comply by the last day of any fiscal year following the compliance deadline, the Secretary of Education shall reduce by 10 percent the amount of funds the State receives under that Act for the following fiscal year.

(3) NOTIFICATION OF NONCOMPLIANCE.—Prior to reducing any funds that a State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in accordance with this subsection, the Secretary of Education shall provide a written notification of the intended reduction of funds to the State and to the appropriate committees of Congress.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect civil or criminal liability under Federal or State law.

SEC. 4. DEFINITIONS.

In this Act:

(1) CONCUSSION.—The term ''concussion'' means a type of mild traumatic brain injury that—

(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

(i) any period of observed or self-reported—

(I) transient confusion, disorientation, or impaired consciousness;

(II) dysfunction of memory around the time of injury; or

(III) loss of consciousness lasting less than 30 minutes; or

(ii) any 1 of 4 types of symptoms, including—

(I) physical symptoms, such as headache, fatigue, or dizziness;

(II) cognitive symptoms, such as memory disturbance or slowed thinking;

(III) emotional symptoms, such as irritability or sadness; or

(IV) difficulty sleeping; and

(C) can occur—

(i) with or without the loss of consciousness; and

(ii) during participation in any organized sport or recreational activity.

(2) HEALTH CARE PROFESSIONAL.—The term ''health care professional''—

(A) means an individual who has been trained in diagnosis and management of traumatic brain injury in a pediatric population; and

(B) includes a physician (M.D. or D.O.) or certified athletic trainer who is registered, licensed, certified, or otherwise statutorily recognized by the State to provide such diagnosis and management.

(3) LOCAL EDUCATIONAL AGENCY; STATE.—The terms ''local educational agency'' and ''State'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) RELATED SERVICES PERSONNEL.—The term ''related services personnel'' means individuals who provide related services, as defined under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term ''school-sponsored athletic activity'' means—

(A) any physical education class or program of a school;

(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity;

(C) any extra-curricular sports team, club, or league organized by a school on or off school grounds; and

(D) any recess activity.

By Mr. DURBIN (for himself, Mr. BROWN, Mr. CARDIN, Mrs. FEINSTEIN, and Mr. WHITEHOUSE):

S. 1548. A bill to authorize the President to provide assistance to the Governments of Haiti and Armenia to reverse the effects of deforestation and restore within 20 years the extent of forest levels in Haiti and Armenia in existence during the year 1990, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Haiti and Armenia Reforestation Act of 2013''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the established policy of the Federal Government is to support and seek protection of forests around the world that provide a wide range of benefits by—

(A) harboring a major portion of the biological and terrestrial resources of Earth and providing habitats for almost ⅔ of all species on Earth, including species essential to medical research and agricultural productivity;

(B) contributing to the livelihood of over 1,600,000,000 people through access to food, fresh water, clothing, traditional medicines, and shelter;

(C) ensuring environmental functions such as biodiversity, water conservation, soil enrichment, water supply management, and climate regulation; and

(D) storing carbon, where deforestation accounts for up to 20 percent of the global greenhouse gas emissions that contribute to global warming;

(2) while forests cover a little less than ⅓ of the land area on our planet, approximately 76 percent of the planet's original primary forests have been destroyed or degraded;

(3) in 1923, over 60 percent of the land of Haiti was forested but, by 2006, that percentage had decreased to approximately less than 2 percent as a result of—

(A) an acceleration in the rate of deforestation in Haiti by more than 20 percent during the period beginning in 2000 and ending in 2005 compared to the period beginning in 1990 and ending in 1999; and

(B) a loss of nearly 10 percent (approximately 11,000 hectares) of the forest cover and approximately 22 percent of the total forest and woodland habitat of Haiti;

(4) while archeological data indicated that approximately 35 percent of Armenia was originally forested, less than 12 percent of Armenia's territory was covered in forest in 1990, which has been reduced to approximately less than 7 percent by 2013 as a result of an energy crisis that crippled the nation in the 1990s and a loss of total of 24.5 percent (nearly 85,000 hectares) of forest cover during the period between 1990 and 2010;

(5) poverty and economic pressures are—

(A) two factors that underlie the deforestation of Haiti and Armenia; and

(B) manifested particularly through the clearing of vast areas of forest for conversion to agricultural uses where ⅖ of the population of Haiti depend on the agricultural sector, which consists mainly of small-scale subsistence farming, and where wood and charcoal produced from cutting down trees accounts for a major supply toward Haiti's and Armenia's energy sectors;

(6) 80 percent of the population of Haiti lives below the poverty line and 36 percent of the population of Armenia lives below the poverty line;

(7) soil erosion represents a significant effect of the deforestation of Haiti and Armenia, as erosion has—

(A) lowered the productivity on the land due to poor soils underlying the forests;

(B) worsened the severity of droughts, landslides, and floods;

(C) led to further deforestation;

(D) significantly decreased the quality and, as a result, quantity of freshwater and clean drinking water available to populations; and

(E) increased the pressure on the remaining land and trees in Haiti and Armenia;

(8) forests provide cover to soften the effect of heavy rains and reduce erosion by anchoring the soil with their roots;

(9) research conducted by the United Nations Environmental Programme has revealed a direct (89 percent) correlation between the extent of the deforestation of a country and the incidence of victims per weather event in the country;

(10) both Haiti and Armenia have faced natural disasters in recent years that have been at least partly exacerbated by the effects of deforestation, such as—

(A) flooding in Armenia that has cost nearly $33,000,000 in damages each year and swept away or damaged thousands of homes, schools, health clinics, and other institutions, partly because of damage to forests through illegal loggings, landslides, and soil erosion;

(B) hurricanes in Haiti that have killed thousands and displaced hundreds of thousands more, partly because deforestation had resulted in the clearing of large hillsides, which enabled rainwater to run off directly to settlements located at the bottom of slopes; and

(C) the January 2010 earthquake in Haiti, which destroyed much of the infrastructure of Port au Prince and had greater consequences because of deforestation, which reduced hillside stability and increased the likelihood of mudslides, soil erosion, and flooding factors, which also negatively impacted the water supply and heightened concerns for the spread of waterborne diseases;

(11) economic benefits for local communities from sustainable uses of forests are critical for the long-term sustainable management of forests in Haiti and Armenia;

(12) on July 29, 2010, the Supplemental Appropriations Act, 2010 (Public Law 111–212) was enacted into law, which included $25,000,000 for ''the reforestation and other restoration of Haiti's key watersheds''; and

(13) reforestation efforts would provide new sources of jobs, income, and investments in both Haiti and Armenia by—

(A) providing employment opportunities in tree seedling programs, contract tree planting and management, sustainable agricultural initiatives, sustainable and managed timber harvesting, and wood products milling and finishing services; and

(B) enhancing community enterprises that generate income through the trading of sustainable forest resources, many of which exist on small scales.

(b) PURPOSE.—The purpose of this Act is to provide assistance to the Government of Haiti and the Government of Armenia to develop and implement, or improve, nationally appropriate policies and actions—

(1) to reduce deforestation and forest degradation and improve forest management and natural regeneration;

(2) to increase annual rates of afforestation and reforestation in a sustainable, measurable, reportable, and verifiable manner—

(A) to restore social and economic conditions for environmental recovery of—

(i) 35 percent of Haiti's and Armenia's land surface areas within 7 years after the date of the enactment of this Act; and

(ii) the forest cover of Haiti and Armenia to at least 7 percent in Haiti and at least 12 percent in Armenia (about each country's respective levels in 1990) within 20 years after the date of the enactment of this Act; and

(3) to improve sustainable resource management at the watershed scale.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFORESTATION.—

(A) IN GENERAL.—The term ''afforestation'' means the establishment of a new forest through the seeding of, or planting of trees on, a parcel of nonforested land.

(B) INCLUSION.—The term ''afforestation'' includes—

(i) the introduction of a tree species to a parcel of nonforested land of which the species is not a native species; and

(ii) the increase of tree cover through plantations.

(2) AGROFORESTRY.—

(A) IN GENERAL.—The term ''agroforestry'' refers to systems in which perennial trees or shrubs are integrated with crops or livestock, and where perennials constitute a minimum 10 percent of ground cover.

(B) INCLUSION.—Actual forest cover resulting from agroforestry programs can be counted toward the total forest cover goal set forth in section (2)(b).

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(4) DEFORESTATION.—The term ''deforestation'' refers to the conversion of forest to another land use or the long term reduction of the tree canopy.

(5) FOREST.—

(A) IN GENERAL.—The term ''forest'' means a terrestrial ecosystem containing native tree species generated and maintained primarily through natural ecological and evolutionary processes.

(B) EXCLUSION.—The term ''forest'' does not include plantations, such as crops of trees planted primarily by humans for the purposes of harvesting.

(6) REFORESTATION.—

(A) IN GENERAL.—The term ''reforestation'' refers to the establishment of forest on lands that were previously considered as forest, but which have been deforested.

(B) INCLUSION OF PLANTATIONS.—The term ''reforestation'' includes the increase of tree cover through plantations.

TITLE I—FORESTATION AND WATERSHED MANAGEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI AND THE GOVERNMENT OF ARMENIA

SEC. 101. FORESTATION ASSISTANCE.

(a) AUTHORITY.—

(1) IN GENERAL.—In accordance with section 118 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151p) and consistent with the provisions of paragraph (2), the President is authorized to provide assistance to the Government of Haiti and the Government of Armenia in the form of financial assistance, technology transfers, or capacity building assistance for the conduct of activities to develop and implement one or more forestation proposals under paragraph (2)—

(A) to reduce the deforestation of Haiti and Armenia; and

(B) to increase the rates of afforestation and reforestation in Haiti and Armenia.

(2) PROPOSALS.—

(A) IN GENERAL.—Assistance under this title may be provided to the Government of Haiti and the Government of Armenia to implement 1 or more proposals that contain—

(i) a description of each policy and initiative to be carried out using the assistance;

(ii) adequate documentation to ensure, as determined by the President, that—

(I) each policy and initiative will be—

(aa) carried out and managed in accordance with widely accepted environmentally sustainable forestry and agricultural practices; and

(bb) designed and implemented in a manner by which to improve the governance of forests by building governmental capacity to be more transparent, inclusive, accountable, and coordinated in decision-making processes and the implementation of the policy or initiative; and

(II) the proposals will further establish and enforce legal regimes, standards, and safeguards designed to ensure that members of local communities in affected areas, as partners and primary stakeholders, will be engaged in the design, planning, implementation, monitoring, and evaluation of the policies and initiatives; and

(iii) a description of how the proposal or proposals support and aid forest restoration efforts consistent with the purpose set forth in section 2(b).

(B) DETERMINATION OF COMPATIBILITY WITH CERTAIN PROGRAMS.—In evaluating each proposal under subparagraph (A), the President shall ensure that each policy and initiative described in the proposal submitted by the Government of Haiti or the Government of Armenia under that subparagraph is compatible with—

(i) broader development, poverty alleviation, sustainable energy usage, and natural resource conservation objectives and initiatives in Haiti or Armenia;

(ii) the development, poverty alleviation, disaster risk management, and climate resilience programs of the United States Agency for International Development, including those involving technical support from the United States Forest Service; and

(iii) activities of international organizations and multilateral development banks.

(b) ELIGIBLE ACTIVITIES.—Any assistance received by the Government of Haiti or the Government of Armenia under subsection (a)(1) shall be conditional upon development and implementation of a proposal under subsection (a)(2), which may include—

(1) the provision of technologies and associated support for activities to reduce deforestation or increase afforestation and reforestation rates, including—

(A) fire reduction initiatives;

(B) forest law enforcement initiatives;

(C) the development of timber tracking systems;

(D) the development of cooking fuel substitutes;

(E) initiatives to increase agricultural productivity;

(F) tree-planting initiatives; and

(G) programs that are designed to focus on market-based solutions, including programs that leverage the international carbon-offset market;

(2) the enhancement and expansion of governmental and nongovernmental institutional capacity to effectively design and implement a proposal developed under subsection (a)(2) through initiatives, including—

(A) the establishment of transparent, accountable, and inclusive decisionmaking processes relating to all stakeholders (including affected local communities);

(B) the promotion of enhanced coordination among ministries and agencies responsible for agro-ecological zoning, mapping, land planning and permitting, sustainable agriculture, forestry, mining, and law enforcement; and

(C) the clarification of land tenure and resource rights of affected communities, including local communities;

(3) the development and support of institutional capacity to measure, verify, and report the activities carried out by the Government of Haiti and the Government of Armenia to reduce deforestation and increase afforestation and reforestation rates through the use of appropriate methods, including—

(A) the use of best practices and technologies to monitor land use change in Haiti and Armenia, as well as changes in the extent of natural forest cover, protected areas, mangroves, agroforestry, and agriculture;

(B) the monitoring of the impacts of policies and initiatives on—

(i) affected communities;

(ii) the biodiversity of the environment of Haiti and Armenia; and

(iii) the health of the forests of Haiti and Armenia; and

(C) independent and participatory forest monitoring; and

(4) the development of and coordination with watershed restoration programs in Haiti and Armenia, including—

(A) agreements with the Government of Haiti and the Government of Armenia, nongovernmental organizations, or private sector partners to provide technical assistance, capacity building, or technology transfers which support the environmental recovery of Haiti's and Armenia's watersheds through forest restoration activities, provided that the assistance will help strengthen economic drivers of sustainable resource inventory mapping and management, reduce environmental vulnerability, and improve governance, planning, and community action of watersheds in Haiti and Armenia;

(B) actions to support economic incentives for sustainable resource management, including enhanced incentives for the replacement of annual hillside cropping with perennial and non-erosive production systems;

(C) enhanced extension services supporting the sustainable intensification of agriculture to increase farmer incomes and reduce pressure on degraded land; and

(D) investments in watershed infrastructure to reduce environmental vulnerability, including the establishment of appropriate erosion control measures through reforestation activities in targeted watersheds or sub-watersheds.

(c) DEVELOPMENT OF PERFORMANCE METRICS.—

(1) IN GENERAL.—If the President provides assistance under subsection (a)(1), the President, in cooperation with the Government of Haiti and the Government of Armenia, shall develop appropriate performance metrics to measure, verify, and report—

(A) the conduct of each policy and initiative to be carried out by the Government of Haiti and the Government of Armenia;

(B) the results of each policy and initiative with respect to the forests of Haiti and Armenia; and

(C) impacts of reforestation policies and initiatives on the local communities of Haiti and Armenia.

(2) REQUIREMENTS.—Performance metrics developed under paragraph (1) shall, to the maximum extent practicable, include short-term and long-term metrics to evaluate the implementation of each policy and initiative contained in each proposal developed under subsection (a)(2).

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that describes the actions that the President has taken, and plans to take—

(A) to engage with the Government of Haiti and the Government of Armenia, nongovernmental stakeholders, civil society, and public and private nonprofit organizations to implement this section; and

(B) to enter into agreements with the Government of Haiti and the Government of Armenia under subsection (a)(1).

(2) BIENNIAL REPORTS.—Not later than 2 years after the date on which the President first provides assistance to the Government of Haiti and the Government of Armenia under subsection (a)(1), and biennially thereafter, the President shall submit to Congress a report that describes the progress of the Government of Haiti and the Government of Armenia in implementing each policy and initiative contained in the proposal submitted under subsection (a)(2).

(e) ADDITIONAL ASSISTANCE.—The President is authorized to provide financial and other assistance to the Government of Haiti and the Government of Armenia, local government bodies, or nongovernmental organizations for the purpose of—

(1) providing local communities information relating to each policy and initiative to be carried out by the Government of Haiti and the Government of Armenia through funds made available under subsection (a)(1);

(2) promoting effective participation by local communities in the design, implementation, and independent monitoring of each policy and initiative; and

(3) promoting, consistent with supporting the sustainability of forestation activities, enhanced watershed governance, national planning, and community action programs that lead to increased—

(A) development of a national watershed management policy for Haiti and Armenia with the appropriate government ministries and agencies;

(B) establishment of an effective forum for donor coordination related to management and reforestation in Haiti and Armenia;

(C) support for the National Center for Geospatial Information (CNIGS) and the United States Forest Service to provide technology, data, and monitoring support for improved watershed and forest resource management at a national scale in Haiti and Armenia; and

(D) development of effective governance structures in Haiti and Armenia for stakeholder engagement, coordination of approaches, and land use planning and disaster mitigation at the watershed scale; and

(4) meeting the goals of this Act, which, if findings indicate are not appropriately and efficiently being met, may cause the President to terminate direct funding to either the Government of Haiti or the Government of Armenia.

(f) MINIMUM COUNTRY REFORESTATION FUND PERCENTAGE.—Not less than 85 percent of amounts provided for programs under this section shall be spent on actual reforestation activities in Haiti and Armenia, which may include the protection of reforested areas.

(g) TERMINATION OF PROGRAM.—The authority under this section shall terminate 7 years after the date of the enactment of this Act, unless the President certifies to the appropriate congressional committees that effective and sustainable programs are in place through the Government of Haiti or Government of Armenia or local governments in Haiti or Armenia, in potential partnership with international donors, nongovernmental organizations, or civil society groups, to protect and manage areas reforested pursuant to this Act, and that additional time is necessary to further the overarching goals of the Act. Upon making such certification, the authority may be extended for a total of two additional 7-year terms.

TITLE II—GRANTS FOR REFORESTATION

SEC. 201. REFORESTATION GRANT PROGRAM.

(a) ESTABLISHMENT.—The President is authorized to establish a grant program to carry out the purposes of this Act, including reversing deforestation and improving reforestation and afforestation in Haiti and Armenia.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to award grants and contracts to carry out projects that, in the aggregate, reverse deforestation and improve reforestation and afforestation.

(2) MAXIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the President may not award a grant under this section in an amount greater than $500,000 per year.

(B) EXCEPTION.—The President may award a grant under this section in an amount greater than $500,000 per year if the President determines that the recipient of the grant has demonstrated success with respect to a project that was the subject of a grant under this section.

(3) DURATION.—The President shall award grants under this section for a period not to exceed 3 years.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded pursuant to subsection (b) may be used for activities such as—

(A) providing a financial incentive to protect forests;

(B) providing hands-on management and oversight of replanting efforts;

(C) focusing on sustainable income-generating growth;

(D) providing seed money to start cooperative reforestation and afforestation efforts and providing subsequent conditional funding for such efforts contingent upon required tree care and maintenance activities;

(E) promoting widespread use of improved cooking stove technologies, to the extent that this does not result in the harvesting of forest growth and other renewable fuel technologies that reduce deforestation and improve human health; and

(F) securing the involvement and commitment of local communities—

(i) to protect forests in existence as of the date of enactment of this Act; and

(ii) to partner in and carry out afforestation and reforestation activities.

(2) LOCAL COMMUNITY PARTICIPATION.—Activities to secure the participation of local communities under paragraph (1)(F) should include one or more of the following activities:

(A) Creation of local jobs around protecting and managing reforested areas.

(B) Collaboration to analyze biodiversity and ecosystem services integral to business decisions.

(C) Cooperative conservation programs such as working with local water sources to ensure clean water through improved forestland and watershed or with food suppliers to ensure sustainable agroforestry products.

(3) CONSISTENCY WITH PROPOSALS.—To the maximum extent practicable, a project carried out using grant funds shall support and be consistent with the proposal developed under section 101(a)(2) that is the subject of the project.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall prepare and submit an application at such time, in such manner, and containing such information as the President may reasonably require.

(2) CONTENT.—Each application submitted under paragraph (1) should be consistent

with the findings and recommendations of either the 2007 United States Agency for International Development report entitled, ''Environmental Vulnerability in Haiti: Findings and Recommendations'' for Haiti or the 2009 United States Agency for International Development report entitled ''Biodiversity Analysis Update for Armenia Final Report: Prosperity, Livelihoods and Conserving Ecosystems (PLACE) IQC Task Order #4'' for Armenia, and shall include—

(A) a description of the objectives to be attained;

(B) a description of the manner in which the grant funds will be used;

(C) a plan for evaluating the success of the project based on verifiable evidence; and

(D) to the extent that the applicant intends to use nonnative species in afforestation efforts, an explanation of the benefit of the use of nonnative species over native species and verification that the species to be used are not invasive.

(3) PREFERENCE FOR CERTAIN PROJECTS.—In awarding grants under this section, preference shall be given to applicants that propose—

(A) to develop market-based solutions to the difficulty of reforestation in Haiti and Armenia, including the use of conditional cash transfers and similar financial incentives to protect reforestation efforts;

(B) to partner with local communities and cooperatives; and

(C) to focus on efforts that build local capacity to sustain growth after the completion of the underlying grant project.

(e) DISSEMINATION OF INFORMATION.—The President shall collect and widely disseminate information about the effectiveness of the demonstration projects assisted under this section.

SEC. 202. FOREST PROTECTION PROGRAMS.

Chapter 7 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2281 et seq.) is amended by inserting after section 466 the following new sections:

''SEC. 467. PILOT PROGRAM FOR HAITI.

''(a) SUBMISSION OF LIST OF AREAS OF SEVERELY DEGRADED NATURAL RESOURCES.—The President, in cooperation with nongovernmental conservation organizations, shall invite the Government of Haiti to submit a list of areas within the territory of Haiti in which forests are seriously degraded or threatened.

''(b) REVIEW OF LIST.—The President shall assess the lists submitted by the Government of Haiti under subsection (a) and shall seek to reach agreement with the Government of Haiti for the restoration and future sustainable use of those areas.

''(c) GRANT PROGRAM.—

''(1) GRANTS AUTHORIZED.—The President is authorized to make grants on such terms and conditions as may be necessary to nongovernmental organizations for the purchase on the open market of discounted debt of the Government of Haiti, if a market is determined to be viable, in exchange for commitments by the Government of Haiti to restore forests identified by the Government under subsection (a) or for commitments to develop plans for sustainable use of such forests.

''(2) MANAGEMENT OF PROTECTED AREAS.—Each recipient of a grant under this subsection shall participate in the ongoing management of the area or areas protected pursuant to such grant.

''(3) MATCHING OF GRANT FUNDS.—Any United States funding provided to a nongovernmental organization for grant activities under this section shall be matched by an equal or greater amount of funding from the nongovernmental organization, which may include funding provided by other international donors, nongovernmental organizations, philanthropic bodies, corporations or other private entities, institutions of higher learning, or other non-United States Government sources.

''(4) MINIMUM COUNTRY REFORESTATION FUND PERCENTAGE.—Not less than 85 percent of grant funds provided under this section shall be spent on actual reforestation activities in Haiti, which may include the protection of reforested areas.

''(5) RETENTION OF PROCEEDS.—Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

''(6) TERMINATION OF PROGRAM.—The authority to make grants under the pilot program shall terminate five years after the date of the enactment of this Act. The authority may be renewed for one additional five-year period during the 20-year reforestation period targeted by this Act if the President determines and certifies to Congress that the pilot program is effective in meeting the goals of the Act and the commitment of the Government of Haiti to returning land in Haiti to long-term sustainable forests. The cumulative duration of the pilot program may not exceed ten total years.''.

''SEC. 468. PILOT PROGRAM FOR ARMENIA.

''(a) SUBMISSION OF LIST OF AREAS OF SEVERELY DEGRADED NATURAL RESOURCES.—The President, in cooperation with nongovernmental conservation organizations, shall invite the Government of Armenia to submit a list of areas within the territory of Armenia in which forests are seriously degraded or threatened.

''(b) REVIEW OF LIST.—The President shall assess the lists submitted by the Government of Armenia under subsection (a) and shall seek to reach agreement with the Government of Armenia for the restoration and future sustainable use of those areas.

''(c) DEBT FORGIVENESS AGREEMENT.—

''(1) DEBT FORGIVENESS.—The President is authorized to forgive debt owed to the United States by the Government of Armenia in exchange for commitments by the Government of Armenia to restore forests identified by the Government under subsection (a) or for commitments to develop plans for sustainable use of such forests.

''(2) MANAGEMENT OF PROTECTED AREAS.—The Government of Armenia shall participate in the ongoing management of the area or areas protected pursuant to such debt relief.

''(3) MINIMUM COUNTRY REFORESTATION FUND PERCENTAGE.—Not less than 85 percent of funds that qualify under a debt relief agreement under this section shall be spent on actual reforestation activities in Armenia, which may include the protection of reforested areas.

''(4) TERMINATION OF PROGRAM.—The authority to offer debt relief under the pilot program shall terminate five years after the date of the enactment of this Act. The authority may be renewed for 1 additional 5-year period during the 20-year reforestation period targeted by this Act if the President determines and certifies to Congress that the pilot program is effective in meeting the goals of the Act and the commitment of the Government of Armenia to returning land in Armenia to long-term sustainable forests. The cumulative duration of the pilot program may not exceed ten total years.''.

TITLE III—ADMINISTRATIVE PROVISION

SEC. 301. DELEGATION.

The President (or the Administrator of the United States Agency for International Development or the Secretary of State as the President's delegee) may draw, as appropriate, on the expertise of the United States Forest Service in designing and implementing programs pursuant to this Act relating to reforestation, watershed restoration, and monitoring of land use change.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 1549. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of muderabilia on crime victims and their families; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop the Sale of Murderabilia Act of 2013''.

SEC. 2. RESTRICTIONS ON THE MAILING AND DELIVERY PRIVILEGES OF STATE AND FEDERAL PRISONERS FOR COMMERCIAL PURPOSES.

(a) IN GENERAL.—Chapter 87 of title 18, United States Code, is amended by adding at the end the following:

''§ 1794. Restrictions on the mailing and delivery privileges of State and Federal prisoners for commercial purposes

''(a) IN GENERAL.—Except as provided in subsection (d), an inmate of a prison convicted of a crime of violence who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, any property, article, or object, with intent that the property, article, or object be placed in interstate or foreign commerce, shall be fined under this title and imprisoned not less than 6 months and not more than 10 years. Any term of imprisonment imposed under this subsection shall run consecutive to any other term of imprisonment.

''(b) PERIOD OF LIMITATIONS.—An indictment for any offense punishable under this section may be found at any time without limitation.

''(c) GUIDELINES.—The Director of the Bureau of Prisons and the head of the department of corrections, or other similar agency, for any State may promulgate uniform guidelines to restrict the privileges of any inmate of a prison that violates this section.

''(d) EXCEPTION.—An inmate of a prison may mail or deliver or cause to be delivered by mail title to real property, title to motor vehicles, or a security if—

''(1) the mailing or delivery is to satisfy debt that is—

''(A) imposed by law or a court order, including—

''(i) support obligations;

''(ii) property taxes;

''(iii) income taxes;

''(iv) back taxes;

''(v) a legal judgment, fine, or restitution;

''(vi) fees to cover the cost of incarceration, including fees for health care while incarcerated imposed under section 4048; and

''(vii) other financial obligations mandated by law or a court order; or

''(B) incurred through a contract for—

''(i) legal services;

''(ii) a mortgage on the primary residence of the immediate family of the inmate;

''(iii) the education or medical care of the inmate or a member of the immediate family of the inmate; or

''(iv) life, health, home, or car insurance; or

''(2) the consent of the inmate is required by law to transfer title for real property, a motor vehicle, or security, where a person who is not incarcerated in a prison is the owner or a co-owner of that real property, motor vehicle, or security.

''(e) DEFINITIONS.—In this section—

''(1) the term 'prison'—

''(A) means a Federal or State correctional, detention, or penal facility or any prison, institution, or facility in which persons are held in custody by direction of, or pursuant to a contract or agreement with, the Attorney General of the United States or a State; and

''(B) does not include a halfway house or location where an individual is under home confinement;

''(2) the term 'security' means—

''(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument (as that term is defined in section 916(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693n(c))), money order, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in a profit-sharing agreement, collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, or voting trust certificate;

''(B) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase any item described in subparagraph (A); or

''(C) a blank form of any item described in subparagraph (A) or (B); and

''(3) the terms 'State' and 'support obligation' have the meanings given those terms in section 228.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 87 of title 18, United States Code, is amended by adding at the end the following:

''1794. Restrictions on the mailing and delivery privileges of State and Federal prisoners for commercial purposes.''.

SEC. 3. CRIMINAL FORFEITURE.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(9) The court, in sentencing a defendant convicted of an offense under section 1794, or of a conspiracy to commit such an offense, shall order that the defendant forfeit to the United States any real or personal property—

''(A) used or intended to be used to commit, facilitate, or promote the commission of such offense; and

''(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.''.

SEC. 4. CIVIL FORFEITURE.

Any property subject to forfeiture under section 982(a)(9) of title 18, United States Code, as added by this Act, may be forfeited to the United States in a civil action in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

SEC. 5. CIVIL REMEDIES.

(a) IN GENERAL.—Any person aggrieved by reason of conduct prohibited under section 1794 of title 18, United States Code, as added by this Act, may bring a civil action in an appropriate United States district court for the relief described in subsection (b).

(b) RELIEF.—In any civil action brought under subsection (a), the court may award appropriate relief, including—

(1) temporary, preliminary, or permanent injunctive relief;

(2) compensatory and punitive damages; and

(3) the costs of the civil action and reasonable fees for attorneys and expert witnesses.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—WELCOMING THE PRIME MINISTER OF INDIA TO THE UNITED STATES FOR MEETINGS TO ADVANCE THE UNITED STATES-INDIA PARTNERSHIP

Mr. WARNER (for himself, Mr. CORNYN, Mr. MENENDEZ, and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 255

Whereas, on August 15, 1947, India became a sovereign, democratic nation;

Whereas India is the world's largest democracy, embracing fundamental liberties and freedoms, justice, and the rule of law;

Whereas India is a multi-ethnic, multi-cultural, and multi-religious society that promotes tolerance, diversity, and equality;

Whereas a strong relationship with India, the world's largest democracy, is critically important to United States interests;

Whereas the 2014 parliamentary elections in India are a further opportunity to strengthen the democratic institutions of the world's largest democracy;

Whereas the Prime Minister of India, Dr. Manmohan Singh, has led his government in undertaking a series of reforms designed to strengthen the Indian economy and transform the bilateral economic relationship into a true strategic partnership;

Whereas India is one of the world's fastest growing and dynamic economies, and a strong, economically competitive India is ultimately good for American business and American jobs;

Whereas the 100,000 Indians who are studying in the United States and the 2,700,000 Americans of Indian descent living in the United States, including Nobel Laureates, artists, business leaders, journalists, and public servants, have contributed enormously to the rich social, political, and economic fabric of the United States;

Whereas India serves as a pivotal and effective partner in ensuring international peace and security and is the third largest contributor of personnel to United Nations peacekeeping missions;

Whereas security and defense cooperation between the United States and India continues to grow, as India remains a steadfast partner in countering the rise of extremists and currently participates in more naval exercises with the United States than any other nation;

Whereas the Defense Trade Initiative is successfully realigning India and United States procurement processes and United States military sales to India have totaled almost $9,000,000,000 in the last several years;

Whereas India is the largest regional contributor to reconstruction efforts in Afghanistan and will be an important partner in the transition of United States forces from Afghanistan in 2014;

Whereas the market economy in India has contributed to increased economic opportunities, reduced poverty, and accompanying stability;

Whereas foreign direct investment and a transparent and progressive investment climate can play a critical role in economic development in India and strengthening United States-India economic relations;

Whereas the foundation of a strong economic partnership between India and the United States requires a mutual respect for innovation and an investment environment that fosters continued research and development;

Whereas a Bilateral Investment Treaty would provide protections for investors and help unleash needed investment in India;

Whereas furthering the bilateral dialogue on trade and investment is key to broadening and deepening the economic relationship between the United States and India, which can provide both Indian and American companies increased opportunities for exports; and

Whereas a strong relationship between the people and Governments of the United States and India, based on mutual trust and respect, will enable the countries to more closely collaborate across a broad spectrum of interests, such as global peace and prosperity, counterterrorism, defense, nonproliferation, economic prosperity, energy and climate change, education, scientific research, outer space, public health, and agriculture: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes the Prime Minister of India, Dr. Manmohan Singh, on his visit to the United States, which provides a timely opportunity to reinforce the United States-India relationship and make progress on a number of fronts;

(2) believes that together, the Governments of India and the United States can bring immense benefits to their people and make enormous contributions to addressing the global challenges of the 21st century;

(3) looks forward to making progress on a range of issues to deepen and broaden the strategic partnership between India and the United States;

(4) welcomes continued progress towards a Bilateral Investment Treaty;

(5) supports progress and implementation of the landmark United States-India civil nuclear agreement;

(6) acknowledges that the progress made by the Government of India on economic reforms has opened new channels for foreign direct investment, and believes further liberalization can bring increased prosperity to both countries; and

(7) recognizes there is strong potential to grow the bilateral relationship and increase cooperation between the United States and India, elevating the relationship to an even stronger strategic partnership.

SENATE RESOLUTION 256—DESIGNATING THE WEEK OF SEPTEMBER 23 THROUGH 29, 2013, AS ''NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK''

Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. BROWN, Mr. COCHRAN, Mr. ENZI, Mr. ISAKSON, Ms. WARREN, Mr. KING, Mr. HATCH, Mr. CARDIN, Ms. COLLINS, Mr. BLUNT, Mr. GRAHAM, and Mr. BAUCUS) submitted the following

resolution; which was considered and agreed to:

S. RES. 256

Whereas the National Assessment of Adult Literacy reports that 90,000,000 adults lack the literacy, numeracy, or English-language skills necessary to succeed at home, in the workplace, and in society;

Whereas the literacy of the people of the United States is essential for the economic and societal well-being of the United States;

Whereas the United States reaps the economic benefits of individuals who improve their literacy, numeracy, and English-language skills;

Whereas literacy and educational skills are necessary for individuals to fully benefit from the range of opportunities available in the United States;

Whereas the economy and position of the United States in the world marketplace depend on having a literate, skilled population;

Whereas the unemployment rate in the United States is highest among those without a high school diploma or an equivalent credential, demonstrating that education is important to economic recovery;

Whereas the educational skills of a child's parents and the practice of reading to a child have a direct impact on the educational success of the child;

Whereas parental involvement in a child's education is a key predictor of a child's success, and the level of parental involvement in a child's education increases as the educational level of the parent increases;

Whereas parents who participate in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result of family literacy programs, the lives of children become more stable, and their success in the classroom and in future endeavors becomes more likely;

Whereas adults need to be part of a long-term solution to the educational challenges of the United States;

Whereas many older people in the United States lack the reading, math, or English skills necessary to read a prescription and follow medical instructions, which endangers their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills necessary to obtain and keep a job to provide for their families, to continue their education, or to participate in job training programs;

Whereas many high school dropouts do not have the literacy skills necessary to complete their education, transition to postsecondary education or career and technical training, or obtain a job;

Whereas a large portion of individuals in prison have low educational skills, and prisoners without educational skills are more likely to return to prison once released;

Whereas many immigrants in the United States do not have the literacy skills necessary to succeed in the United States; and

Whereas National Adult Education and Family Literacy Week highlights the need to ensure each and every citizen has the literacy skills necessary to succeed at home, at work, and in society: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23 through 29, 2013, as ''National Adult Education and Family Literacy Week'' to raise public awareness about the importance of adult education, workforce skills, and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education, workforce skills, and family literacy programs;

(3) recognizes the importance of adult education, workforce skills, and family literacy programs; and

(4) calls upon public, private, and nonprofit entities to support increased access to adult education and family literacy programs to ensure a literate society.

SENATE RESOLUTION 257—DESIGNATING OCTOBER 3, 2013, AS ''JUMPSTART'S READ FOR THE RECORD DAY''

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. COCHRAN, Mr. BEGICH, Mr. WICKER, Mr. DURBIN, Ms. LANDRIEU, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas Jumpstart, a national early education organization, is working to ensure that every child in the United States can enter kindergarten prepared to succeed;

Whereas Jumpstart recruits and trains college students and community volunteers year-round to deliver a high-quality early education curriculum to preschool children in low-income neighborhoods, helping preschool children develop the key language and literacy skills they need in order to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged nearly 28,000 adults in service to more than 50,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that culminates in 1 day out of the year when millions of people in the United States come together to celebrate literacy and support Jumpstart in its efforts to promote early childhood education;

Whereas the goals of Jumpstart's Read for the Record are—

(1) to raise awareness of the importance of early childhood education in the United States;

(2) to support the mission of Jumpstart, as well as early education programs established by Jumpstart in preschools in low-income neighborhoods; and

(3) to celebrate the commencement of Jumpstart's program year;

Whereas October 3, 2013, would be an appropriate date to designate as ''Jumpstart's Read for the Record Day'' because it is the date on which Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,385,305 adults and children in reading ''Otis'', by Loren Long, during a record-breaking celebration of reading and service, in support of preschool children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 3, 2013, as ''Jumpstart's Read for the Record Day'';

(2) commends Jumpstart's Read for the Record on its 8th year;

(3) encourages adults, including grandparents, parents, teachers, and college students, to join children in creating the world's largest shared reading experience and to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early childhood education.

SENATE RESOLUTION 258—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH, 2013

Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 258

Whereas the term ''infant mortality'' refers to the death of a baby before the first birthday of the baby;

Whereas the United States ranks 50th among countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in African American, Native American, Alaskan Native, Latino, Asian, and Hawaiian and other Pacific Islander communities, communities with high rates of unemployment and poverty, and communities with limited access to safe housing and medical providers;

Whereas premature birth and low birth weight are leading causes of infant mortality;

Whereas, according to the Institute of Medicine of the National Academies, premature birth costs the United States more than $26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services, such as outreach, home visitation, care coordination, health education, interconceptional care, and fatherhood involvement;

Whereas support for community-based programs to reduce infant mortality may result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, acting through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services on reducing infant mortality and improving the health status of infants and pregnant women;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services with respect to developing a national strategy for reducing infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2013 has been designated as ''National Infant Mortality Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports—

(A) the goals and ideals of National Infant Mortality Awareness Month, 2013;

(B) efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality; and

(C) efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(2) recognizes the critical importance of including efforts to reduce infant mortality

and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(3) calls on the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

SENATE RESOLUTION 259—DESIGNATING SEPTEMBER 2013 AS ''CAMPUS FIRE SAFETY MONTH''

Ms. COLLINS (for herself, Mrs. MURRAY, and Mr. CARPER) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas recent campus-related fires at colleges in Massachusetts, Ohio, Minnesota, Wisconsin, New York, Kansas, and other States have tragically cut short the lives of several young people;

Whereas, since January 2000, at least 162 people, including students, parents, and children, have died in campus-related fires;

Whereas approximately 86 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in an off-campus residence;

Whereas many fatal fires have occurred in a building in which the occupants had compromised or disabled the fire safety system;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants of a building and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in the early stages, thus protecting the lives of building occupants;

Whereas many college students live in an off-campus residence, fraternity or sorority housing, or a residence hall that is not adequately protected by an automatic fire sprinkler system and an automatic fire alarm system;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education while in college;

Whereas educating young people in the United States about the importance of fire safety is vital to help ensure that young people engage in fire-safe behavior during college and after college; and

Whereas developing a generation of adults who practice fire safety may significantly reduce future loss of life from fires: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2013 as ''Campus Fire Safety Month''; and

(2) encourages administrators of institutions of higher education and municipalities across the United States—

(A) to provide educational programs about fire safety to all college students in September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on-campus and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, the installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 260—RECOGNIZING THE MONTH OF OCTOBER 2013 AS ''NATIONAL PRINCIPALS MONTH''

Mr. FRANKEN (for himself, Mr. HATCH, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. SCHATZ, Mr. KIRK, Mr. COCHRAN, Mr. WARNER, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 260

Whereas the National Association of Secondary School Principals and the National Association of Elementary School Principals have declared the month of October 2013 to be ''National Principals Month'';

Whereas principals are educational visionaries, instructional and assessment leaders, disciplinarians, community builders, budget analysts, facilities managers, and administrators of legal and contractual obligations;

Whereas principals work collaboratively with teachers and parents to develop and implement a clear mission, high curriculum standards, and performance goals;

Whereas principals create school environments that facilitate great teaching and learning and continuous school improvement;

Whereas the vision, actions, and dedication of principals provide the mobilizing force behind any school reform effort; and

Whereas the celebration of National Principals Month would honor elementary school, middle school, and high school principals, and recognize the importance of principals in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2013 as ''National Principals Month''; and

(2) honors the contribution of principals in the elementary schools, middle schools, and high schools of the United States by supporting the goals and ideals of National Principals Month.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1970. Mrs. SHAHEEN (for herself, Mr. MCCAIN, Mr. LEAHY, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table.

SA 1971. Mr. TOOMEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 1972. Mr. TOOMEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 1973. Mr. TOOMEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 1974. Mr. REID (for himself and Ms. MIKULSKI) proposed an amendment to the joint resolution H.J. Res. 59, supra.

SA 1975. Mr. REID proposed an amendment to amendment SA 1974 proposed by Mr. REID to the joint resolution H.J. Res. 59, supra.

SA 1976. Mr. REID proposed an amendment to the joint resolution H.J. Res. 59, supra.

SA 1977. Mr. REID proposed an amendment to amendment SA 1976 proposed by Mr. REID to the joint resolution H.J. Res. 59, supra.

SA 1978. Mr. REID proposed an amendment to amendment SA 1977 proposed by Mr. REID to the amendment SA 1976 proposed by Mr. REID to the joint resolution H.J. Res. 59, supra.

SA 1979. Mr. COATS (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 1980. Mr. FLAKE (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 1981. Mr. REID (for Mr. ALEXANDER) proposed an amendment to the bill S. 252, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

TEXT OF AMENDMENTS

SA 1970. Mrs. SHAHEEN (for herself, Mr. MCCAIN, Mr. LEAHY, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Section 1244 of Public Law 110–181, as amended, is further amended by adding at the end of subsection (c)(3)(B) the following new subparagraph:

''(C) FISCAL YEAR 2014.—Any unused balance of the total number of principal aliens who may be provided special immigrant status under this subsection in fiscal years 2008 through 2013 may be carried forward and provided through the end of fiscal year 2014, notwithstanding the provisions of subparagraphs (A) and (B), and consistent with relevant terms of subsection (b), except that the one year period during which an alien must have been employed in accordance with subsection (b)(1) shall be the period from March 20, 2003 through September 30, 2013, and except that the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(4) no later than September 30, 2014.''.

SA 1971. Mr. TOOMEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(c) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

(d) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.

(e) The Secretary of the Treasury shall provide a refund, without interest, to any manufacturer, producer, or importer of taxable medical devices in an amount equal to the taxes imposed by section 4191 of the Internal Revenue Code of 1986 that were paid by such manufacturer, producer, or importer for the sale of any such devices after December 31, 2012.

(f) The amendments made by this section shall apply to sales after December 31, 2012.

SA 1972. Mr. TOOMEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) IN GENERAL.—Section 5000A(a) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting inserting ''2014''.

(b) CONFORMING AMENDMENTS.—

(1) Section 5000A(c)(2)(B) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2014'' in clause (i) and inserting ''2015'', and

(B) by striking ''2015'' in clauses (ii) and (iii) and inserting ''2016''.

(2) Section 5000A(c)(3)(B) of such Code is amended—

(A) by striking ''2014'' and inserting ''2015'', and

(B) by striking ''2015'' (prior to amendment by subparagraph (A)) and inserting ''2016''.

(3) Section 5000A(c)(3)(D) of such Code is amended—

(A) by striking ''2016'' and inserting ''2017'', and

(B) by striking ''2015'' and inserting ''2016''.

(4) Section 5000A(e)(1)(D) of such Code is amended—

(A) by striking ''2014'' and inserting ''2015'', and

(B) by striking ''2013'' and inserting ''2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1501 of the Patient Protection and Affordable Care Act.

SA 1973. Mr. TOOMEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RESPECT FOR RIGHTS OF CONSCIENCE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) As Thomas Jefferson declared to New London Methodists in 1809, ''[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority''.

(B) Jefferson's statement expresses a conviction on respect for conscience that is deeply embedded in the history and traditions of our Nation and codified in numerous State and Federal laws, including laws on health care.

(C) Until enactment of the Patient Protection and Affordable Care Act (Public Law 111-148, in this section referred to as ''PPACA''), the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers.

(D) PPACA creates a new nationwide requirement for health plans to cover ''essential health benefits'' and ''preventive services'' (including a distinct set of ''preventive services for women''), delegating to the Department of Health and Human Services the authority to provide a list of detailed services under each category, and imposes other new requirements with respect to the provision of health care services.

(E) While PPACA provides an exemption for some religious groups that object to participation in Government health programs generally, it does not allow purchasers, plan sponsors, and other stakeholders with religious or moral objections to specific items or services to decline providing or obtaining coverage of such items or services, or allow health care providers with such objections to decline to provide them.

(F) By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates in PPACA jeopardize the ability of individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that health care stakeholders retain the right to provide, purchase, or enroll in health coverage that is consistent with their religious beliefs and moral convictions, without fear of being penalized or discriminated against under PPACA; and

(B) to ensure that no requirement in PPACA creates new pressures to exclude those exercising such conscientious objection from health plans or other programs under PPACA.

(b) RESPECT FOR RIGHTS OF CONSCIENCE.—

(1) IN GENERAL.—Section 1302(b) of the Patient Protection and Affordable Care Act (Public Law 111-148; 42 U.S.C. 18022(b)) is amended by adding at the end the following new paragraph:

''(6) RESPECTING RIGHTS OF CONSCIENCE WITH REGARD TO SPECIFIC ITEMS OR SERVICES.—

''(A) FOR HEALTH PLANS.—A health plan shall not be considered to have failed to provide the essential health benefits package described in subsection (a) (or preventive health services described in section 2713 of the Public Health Service Act), to fail to be a qualified health plan, or to fail to fulfill any other requirement under this title on the basis that it declines to provide coverage of specific items or services because—

''(i) providing coverage (or, in the case of a sponsor of a group health plan, paying for coverage) of such specific items or services is contrary to the religious beliefs or moral convictions of the sponsor, issuer, or other entity offering the plan; or

''(ii) such coverage (in the case of individual coverage) is contrary to the religious beliefs or moral convictions of the purchaser or beneficiary of the coverage.

''(B) FOR HEALTH CARE PROVIDERS.—Nothing in this title (or any amendment made by this title) shall be construed to require an individual or institutional health care provider, or authorize a health plan to require a provider, to provide, participate in, or refer for a specific item or service contrary to the provider's religious beliefs or moral convictions. Notwithstanding any other provision of this title, a health plan shall not be considered to have failed to provide timely or other access to items or services under this title (or any amendment made by this title) or to fulfill any other requirement under this title because it has respected the rights of conscience of such a provider pursuant to this paragraph.

''(C) NONDISCRIMINATION IN EXERCISING RIGHTS OF CONSCIENCE.—No Exchange or other official or entity acting in a governmental capacity in the course of implementing this title (or any amendment made by this title) shall discriminate against a health plan, plan sponsor, health care provider, or other person because of such plan's, sponsor's, provider's, or person's unwillingness to provide coverage of, participate in, or refer for, specific items or services pursuant to this paragraph.

''(D) CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed to permit a health plan or provider to discriminate in a manner inconsistent with subparagraphs (B) and (D) of paragraph (4).

''(E) PRIVATE RIGHTS OF ACTION.—The various protections of conscience in this paragraph constitute the protection of individual rights and create a private cause of action for those persons or entities protected. Any person or entity may assert a violation of this paragraph as a claim or defense in a judicial proceeding.

''(F) REMEDIES.—

''(i) FEDERAL JURISDICTION.—The Federal courts shall have jurisdiction to prevent and redress actual or threatened violations of this paragraph by granting all forms of legal or equitable relief, including, but not limited to, injunctive relief, declaratory relief, damages, costs, and attorney fees.

''(ii) INITIATING PARTY.—An action under this paragraph may be instituted by the Attorney General of the United States, or by any person or entity having standing to complain of a threatened or actual violation of this paragraph, including, but not limited to, any actual or prospective plan sponsor, issuer, or other entity offering a plan, any actual or prospective purchaser or beneficiary of a plan, and any individual or institutional health care provider.

''(iii) INTERIM RELIEF.—Pending final determination of any action under this paragraph, the court may at any time enter such restraining order or prohibitions, or take such other actions, as it deems necessary.

''(G) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this paragraph and coordinate the investigation of such complaints.

''(H) ACTUARIAL EQUIVALENCE.—Nothing in this paragraph shall prohibit the Secretary from issuing regulations or other guidance to ensure that health plans excluding specific items or services under this paragraph shall have an aggregate actuarial value at least equivalent to that of plans at the same level of coverage that do not exclude such items or services.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of Public Law 111-148.

SA 1974. Mr. REID (for himself and Ms. MIKULSKI) proposed an amendment to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; as follows:

Strike all after the first word and insert the following:

the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2014, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2013 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2013, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related

Agencies Appropriations Act, 2013 (division A of Public Law 113–6), except section 735.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 (division B of Public Law 113–6).

(3) The Department of Defense Appropriations Act, 2013 (division C of Public Law 113–6).

(4) The Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6).

(5) The Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013 (division E of Public Law 113–6).

(6) The Full-Year Continuing Appropriations Act, 2013 (division F of Public Law 113–6).

(b) The rate for operations provided by subsection (a) for each account shall be calculated to reflect the full amount of any reduction required in fiscal year 2013 pursuant to—

(1) any provision of division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), including section 3004; and

(2) the Presidential sequestration order dated March 1, 2013, except as attributable to budget authority made available by—

(A) sections 140(b) or 141(b) of the Continuing Appropriations Resolution, 2013 (Public Law 112–175); or

(B) the Disaster Relief Appropriations Act, 2013 (Public Law 113–2).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2013 or prior years; (2) the increase in production rates above those sustained with fiscal year 2013 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2013.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2013.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2014, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2014 without any provision for such project or activity; or (3) November 15, 2013.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2014 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2013, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2013, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101 for ''Social Security Administration, Limitation on Administrative Expenses'' for the cost associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $469,639,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113–6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. Section 3003 of division G of Public Law 113–6 shall be applied to funds appropriated by this joint resolution by substituting ''fiscal year 2014'' for ''fiscal year 2013'' each place it appears.

SEC. 116. Section 408 of the Food for Peace Act (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''December 31, 2012''.

SEC. 117. Amounts made available under section 101 for ''Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction'' may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 118. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.

SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for ''October 1, 2012''.

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20–127), as modified as of the date of the enactment of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for ''The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services'' at a rate for operations of $1,012,000,000.

SEC. 122. For the period covered by this joint resolution, section 550(b) of Public Law 109–295 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''October 4, 2013''.

SEC. 123. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 125. (a) Any amounts made available pursuant to section 101 for ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'', ''Department of Homeland Security—U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', and ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' shall be obligated at a rate for operations as necessary to respectively—

(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'' in division D of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' in division D of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 126. In addition to the amount otherwise provided by section 101 for ''Department of the Interior—Department-wide Programs—Wildland Fire Management'', there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That of the funds provided, $15,000,000 is for burned area rehabilitation: *Provided further*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

SEC. 127. In addition to the amount otherwise provided by section 101 for ''Department of Agriculture—Forest Service—Wildland Fire Management'', there is appropriated $600,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

SEC. 128. The authority provided by section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 129. The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79), as amended, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 130. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue through the date specified in section 106(3) of this joint resolution in the manner authorized for fiscal year 2013, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 131. Notwithstanding section 101, the matter under the heading ''Department of Labor—Mine Safety and Health Administration—Salaries and Expenses'' in division F of Public Law 112–74 shall be applied to funds appropriated by this joint resolution by substituting ''is authorized to collect and retain up to $2,499,000'' for ''may retain up to $1,499,000''.

SEC. 132. The first proviso under the heading ''Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance'' in division F of Public Law 112–74 shall be applied to amounts made available by this joint resolution by substituting ''2014'' for ''2012''.

SEC. 133. Amounts provided by section 101 for ''Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance'' may be obligated up to a rate for operations necessary to maintain program operations at the level provided in fiscal year 2013, as necessary to accommodate increased demand.

SEC. 134. During the period covered by this joint resolution, amounts provided under section 101 for ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' may be obligated at a rate necessary to assure timely execution of planned advanced research and development contracts pursuant to section 319L of the Public Health Service Act, to remain available until expended, for expenses necessary to support advanced research and development pursuant to section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) and other administrative expenses of the Biomedical Advanced Research and Development Authority.

SEC. 135. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to Bonnie Englebardt Lautenberg, widow of Frank R. Lautenberg, late a Senator from New Jersey, $174,000.

SEC. 136. Notwithstanding section 101, amounts are provided for ''Department of Veterans Affairs—Departmental Administration—General Operating Expenses, Veterans Benefits Administration'' at a rate for operations of $2,455,490,000.

SEC. 137. The authority provided by the penultimate proviso under the heading ''Department of Housing and Urban Development—Rental Assistance Demonstration'' in division C of Public Law 112–55 shall continue in effect through the date specified in section 106(3) of this joint resolution.

This joint resolution may be cited as the ''Continuing Appropriations Resolution, 2014''.

SA 1975. Mr. REID proposed an amendment to amendment SA 1974 proposed by Mr. REID to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 1976. Mr. REID proposed an amendment to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 4 days after enactment.

SA 1977. Mr. REID proposed an amendment to amendment SA 1976 proposed by Mr. REID to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; as follows:

In the amendment, strike ''4 days'' and insert ''3 days''.

SA 1978. Mr. REID proposed an amendment to amendment SA 1977 proposed by Mr. REID to the amendment SA 1976 proposed by Mr. REID to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 1979. Mr. COATS (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—HEALTH PROVISIONS

Subtitle A—Fairness for American Families Act

SEC. ___01. SHORT TITLE.

This Subtitle may be cited as the ''Fairness for American Families Act''.

SEC. ___02. DELAY IN APPLICATION OF INDIVIDUAL HEALTH INSURANCE MANDATE.

(a) IN GENERAL.—Section 5000A(a) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting ''2014''.

(b) CONFORMING AMENDMENTS.—

(1) Section 5000A(c)(2)(B) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2014'' in clause (i) and inserting ''2015'', and

(B) by striking ''2015'' in clauses (ii) and (iii) and inserting ''2016''.

(2) Section 5000A(c)(3)(B) of such Code is amended—

(A) by striking ''2014'' and inserting ''2015'', and

(B) by striking ''2015'' (prior to amendment by subparagraph (A)) and inserting ''2016''.

(3) Section 5000A(c)(3)(D) of such Code is amended—

(A) by striking ''2016'' and inserting ''2017'', and

(B) by striking ''2015'' and inserting ''2016''.

(4) Section 5000A(e)(1)(D) of such Code is amended—

(A) by striking ''2014'' and inserting ''2015'', and

(B) by striking ''2013'' and inserting ''2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1501 of the Patient Protection and Affordable Care Act.

Subtitle B—Authority for Mandate Delay Act

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the ''Authority for Mandate Delay Act''.

SEC. ___12. DELAY IN APPLICATION OF EMPLOYER HEALTH INSURANCE MANDATE.

(a) IN GENERAL.—Section 1513(d) of the Patient Protection and Affordable Care Act is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) REPORTING REQUIREMENTS.—

(1) REPORTING BY EMPLOYERS.—Section 1514(d) of the Patient Protection and Affordable Care Act is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(2) REPORTING BY INSURANCE PROVIDERS.—Section 1502(e) of the Patient Protection and Affordable Care Act is amended by striking ''2013'' and inserting ''2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Patient Protection and Affordable Care Act to which they relate.

SA 1980. Mr. FLAKE (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADJUSTMENT OF DISCRETIONARY SPENDING CAPS AND DISCRETIONARY SPENDING.

(a) DISCRETIONARY SPENDING CAPS.—Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)(3)) is amended to read as follows:

''(3) for fiscal year 2014, for the discretionary category, $967,473,000,000 in new budget authority;''.

(b) RESCISSION.—There is rescinded the applicable percentage (as specified in subsection (c)) of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2014 for any discretionary appropriations account under this joint resolution;

(2) the budget authority provided in any advance appropriation for fiscal year 2014 for any discretionary appropriations account (excluding any account funded under section 111 of this joint resolution) in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2014 for any program subject to limitation incorporated or otherwise contained under this joint resolution.

(c) APPLICABLE PERCENTAGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsection (b), the applicable percentage shall be 0 percent.

(2) BREACH.—If, for fiscal year 2014, the annualized amount of new budget authority provided under this joint resolution exceeds the discretionary spending limit under section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act, as amended by subsection (a) of this section, and as adjusted in strict conformity with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), not later than 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(A) increase the applicable percentage for purposes of subsection (b) by such amount as is necessary to eliminate the amount of the excess of such limit; and

(B) implement a rescission under subsection (b).

(3) DISCRETIONARY SPENDING LIMIT.—

(A) IN GENERAL.—The calculation of the discretionary spending limits for fiscal year 2014 in the report entitled ''OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2014 and OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2014'' issued by the Office of Management and Budget on April 10, 2013 and the corrected version of such report issued on May 20, 2013 shall have no force or effect with respect to amounts made available for fiscal year 2014 under this joint resolution or any other provision of law.

(B) APPLICATION OF DISCRETIONARY SPENDING LIMITS.—For purposes of applying the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) in relation to amounts made available for fiscal year 2014 under this joint resolution or any other provision of law—

(i) subject to adjustment in strict conformance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the discretionary spending limit shall be the amount specified in paragraph (3) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), as amended by subsection (a); and

(ii) the Office of Management and Budget shall not implement any calculation relating to or any reduction of the amount specified in paragraph (3) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) under section 251A of such Act.

(C) DIRECT SPENDING.—Nothing in this section shall modify the reduction in direct spending for fiscal year 2014 under section 251A(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(8)).

(d) APPLICATION OF RESCISSION.—Any rescission under subsection (b) shall be applied proportionately—

(1) to each discretionary appropriations account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (which shall be determined as such programs, projects, and activities are delineated in the applicable appropriation Act or accompanying reports covering such account or item).

(e) REPORTING.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives and make publicly available online a report specifying the account and amount of each rescission made under this section.

(f) DEFINITIONS.—In this section, the terms ''account'', ''budget authority'', and ''discretionary appropriations'' have the meanings given such terms under section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900).

SA 1981. Mr. REID (for Mr. ALEXANDER) proposed an amendment to the bill S. 252, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; as follows:

On page 3, strike lines 14 and 15, insert the following: ''amended by striking '$5,000,000' and all that follows through '2011.' and inserting '$1,880,000 for each of fiscal years 2014 through 2018.' ''.

On page 5, strike lines 13 and 14, and insert the following:

''(2) in subsection (c), by striking '$5,000,000' and all that follows through '2011.' and inserting '$1,900,000 for each of fiscal years 2014 through 2018.' ''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 25, 2013, at 10 a.m., to conduct a hearing entitled ''Reauthorizing Tria: The State of the Terrorism Risk Insurance Market.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 25, 2013, at 10 a.m. in room SD–406 of the Dirksen Senate office building, to conduct a hearing entitled, ''The Need to Invest in America's Infrastructure and Preserve Federal Transportation Funding.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 25, 2013, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 25, 2013, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 25, 2013, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Judicial Nominations.''

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

SUBCOMMITTEE ON NATIONAL SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Banking, housing, and Urban Affairs Subcommittee on National Security and International Trade and Finance be authorized to meet during the

session of the Senate on September 25, 2013, at 2:30 p.m., to conduct a hearing entitled ''Assessing the Investment Climate and Improving Market Access in Financial Services in India''

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

SPECIAL COMMITTEE ON AGING

Mr. KAINE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on September 25, 2013, to conduct a hearing entitled ''State of the American Senior: The Changing Retirement Landscape for Baby Boomers.''

The Committee will meet in room SD–562 of the Dirksen Senate Office Building beginning at 2:15 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Daniel Goldberg, Samantha Aster, and Whitney Waite of my staff be granted floor privileges for the duration of today's session.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed the privilege of the floor for the remainder of the 113th Session: Kevin McNellis, Carly Borth, Stephen Jenkins, Sibyl Tilson, Taylor Harvey, Matthew Deavers, Craig Dobson, Louis Evans, Danielle Parnass, and Robert Andres.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the nominations on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements be printed in the RECORD and President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN309 AIR FORCE nominations (2317) beginning BENNIE EARL ABBOTT, and ending LAURA L. ZURESS, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2013.

PN474 AIR FORCE nominations (504) beginning DAVID W. ABBA, and ending MATTHEW E. ZUBER, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2013.

PN725 AIR FORCE nominations (1305) beginning DAVID M. ABEL, and ending MICHAEL M. ZWALVE, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN726 AIR FORCE nominations (45) beginning VERONIQUE N. ANDERSON, and ending AARON EUGENE WOODWARD, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN727 AIR FORCE nominations (18) beginning ROBERT F. BOOTH, and ending CHARLES E. WIEDIE, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN827 AIR FORCE nomination of Darryl Markowski, which was received by the Senate and appeared in the Congressional Record of September 11, 2013.

IN THE ARMY

PN676 ARMY nomination of Eddie V. Latham, which was received by the Senate and appeared in the Congressional Record of July 15, 2013.

PN830 ARMY nominations (270) beginning BRIAN W. ADAMS, and ending D011820, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN831 ARMY nominations (177) beginning MARCUS P. ACOSTA, and ending G001362, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN832 ARMY nominations (147) beginning JOEL O. ALEXANDER, and ending D011416, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN833 ARMY nominations (272) beginning MICHAEL N. ADAME, and ending THOMAS J. ZELKO, II, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN834 ARMY nominations (6) beginning CHRISTOPHER J. EGAN, and ending BRUCE R. WALTON, JR., which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN835 ARMY nominations (2) beginning ANDREW D. KASTELLO, and ending MARK A. SELDES, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN836 ARMY nominatiOn of Brian E. Murphy, which was received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN837 ARMY nomination of Trent E. Loiseau, which was received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN838 ARMY nomination of Yorlondo S. M. Wortham, which was received by the Senate and appeared in the Congressional Record of September 11, 2013.

IN THE NAVY

PN728 NAVY nominations (198) beginning CHRISTOPHER M. ALLEN, and ending STACEY E. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN729 NAVY nominations (51) beginning WAJAHAT ALI, and ending JACOB E. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN730 NAVY nominations (22) beginning HANNAH L. BEALON, and ending ALICIA R. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN731 NAVY nominations (32) beginning BRIAN C. BAKER, and ending KAN YANG, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN732 NAVY nominations (12) beginning KRISTIE M. COLPO, and ending MATTHEW N. WATTS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN733 NAVY nominations (7) beginning ONEGE BATEAGBORSANGAYA, and ending MICHAEL G. TOMSIK, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN734 NAVY nominations (17) beginning ANTHONY J. FALVO, IV, and ending WILLIAM B. TISDALE, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN735 NAVY nominations (19) beginning TRENTON J. ARNOLD, and ending ROBERT A. WAINSCOTT, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN736 NAVY nominations (4) beginning BRIAN C. FREDRICK, and ending ERNESTO R. VILLALBA, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN737 NAVY nominations (47) beginning MATTHEW R. ARGENZIANO, and ending AARON A. ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of—July 25, 2013.

PN738 NAVY nominations (28) beginning SHANE L. BEAVERS, and ending JOHN J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN739 NAVY nominations (736) beginning CHARLES B. ABBOTT, and ending GEORGE S. ZINTAK, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2013.

PN839 NAVY nomination of Josh A. Cassada, which was received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN840 NAVY nomination of Ronaldo S. Memije, which was received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN841 NAVY nominations (8) beginning KEVIN L. ALBERT, and ending SHAWN C. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN842 NAVY nominations (40) beginning CHRISTOPHER B. ALLEN, and ending JOSEPH M. ZUKOWSKY, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN843 NAVY nominations (28) beginning PAUL A. ARMSTRONG, and ending JAMES P. WILLIFORD, JR., which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN844 NAVY nominations (61) beginning JONATHAN D. ALBANO, and ending JAMES H. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN845 NAVY nominations (94) beginning MICHELE Y. ALLEN, and ending BRENDA M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN846 NAVY nominations (40) beginning CANDICE C. ALBRIGHT, and ending KATHERINE D. WORSTELL, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN847 NAVY nominations (65) beginning ALEXANDER ALDANA, and ending DANIEL

L. ZAHUMENSKY, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN848 NAVY nominations (60) beginning RICARDO M. ABAKAH, and ending CHRISTOPHER L. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN849 NAVY nominations (247) beginning NEHKONTI ADAMS, and ending NATHAN S. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

PN850 NAVY nominations (15) beginning KIMBERLY S. BAILEY, and ending ERIC E. WONG, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

PREEMIE REAUTHORIZATION ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 13, S. 252.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 252) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the Alexander amendment at the desk be agreed to.

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

The amendment (No. 1981) was agreed to, as follows:

(Purpose: To modify provisions relating to the authorization of appropriations)

On page 3, strike lines 14 and 15, insert the following: ''amended by striking '$5,000,000' and all that follows through '2011.' and inserting '$1,880,000 for each of fiscal years 2014 through 2018.' ''.

On page 5, strike lines 13 and 14, and insert the following:

''(2) in subsection (c), by striking '$5,000,000' and all that follows through '2011.' and inserting '$1,900,000 for each of fiscal years 2014 through 2018.' ''.

Mr. REID. Mr. President, I know of no further debate on this measure.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the measure.

The bill (S. 252), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act'' or the ''PREEMIE Reauthorization Act''.

SEC. 2. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) EPIDEMIOLOGICAL STUDIES.—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f) is amended by striking subsection (b) and inserting the following:

''(b) STUDIES AND ACTIVITIES ON PRETERM BIRTH.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may, subject to the availability of appropriations—

''(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

''(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

''(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

''(2) REPORT.—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).''.

(b) REAUTHORIZATION.—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f(e)) is amended by striking ''$5,000,000'' and all that follows through ''2011.'' and inserting ''$1,880,000 for each of fiscal years 2014 through 2018.''.

SEC. 3. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) TELEMEDICINE AND HIGH-RISK PREGNANCIES.—Section 330I(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c–14(i)(1)(B)) is amended by striking ''or case management services'' and inserting ''case management services, or prenatal care for high-risk pregnancies'';

(b) PUBLIC AND HEALTH CARE PROVIDER EDUCATION.—Section 399Q of the Public Health Service Act (42 U.S.C. 280g–5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

''(A) the core risk factors for preterm labor and delivery;

''(B) medically indicated deliveries before full term;

''(C) the importance of preconception and prenatal care, including—

''(i) smoking cessation;

''(ii) weight maintenance and good nutrition, including folic acid;

''(iii) the screening for and the treatment of infections; and

''(iv) stress management;

''(D) treatments and outcomes for premature infants, including late preterm infants;

''(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

''(F) utilization of evidence-based strategies to prevent birth injuries;''; and

(B) by striking paragraph (2) and inserting the following:

''(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes associated with prematurity, birth defects, or health risks to a post-term infant;''; and

(2) in subsection (c), by striking ''$5,000,000'' and all that follows through ''2011.'' and inserting ''$1,900,000 for each of fiscal years 2014 through 2018.''.

SEC. 4. OTHER ACTIVITIES.

(a) INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.—The Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b–4g).

(b) ADVISORY COMMITTEE ON INFANT MORTALITY.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may establish an advisory committee known as the ''Advisory Committee on Infant Mortality'' (referred to in this section as the ''Advisory Committee'').

(2) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) PLAN FOR HHS PRETERM BIRTH ACTIVITIES.—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an advisory committee in existence as of the date of enactment of this Act and designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) MEMBERSHIP.—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(c) PATIENT SAFETY STUDIES AND REPORT.—

(1) IN GENERAL.—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) REPORT TO SECRETARY AND CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the agency designated under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and followup procedures designed to reduce rates of preventable hospital readmissions for preterm infants.

Passed the Senate September 25 (legislative day, September 24), 2013.

Mr. REID. I ask unanimous consent the motions to reconsider be considered made and laid on the table.

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

ORGANIZATION OF AMERICAN STATES REFORM

Mr. REID. I ask to lay before the Senate the message from the House on S. 793.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House.

The assistant legislative clerk read as follows:

Resolved that the bill from the Senate (S. 793) entitled ''An Act to support revitalization and reform of the Organization of American States, and for other purposes,'' do pass with an amendment.

Mr. REID. I move the Senate concur in the House amendment, the motion to reconsider be considered made and laid on the table, with no intervening action or debate.

The motion was agreed to.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 255, S. Res. 256, S. Res. 257, S. Res. 258, S. Res. 259, and S. Res. 260.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

MISSING CHILDREN'S ASSISTANCE ACT

Mr. LEAHY. Mr. President, the House of Representatives passed a bipartisan reauthorization of the Missing Children's Assistance Act that ensures the National Center for Missing and Exploited Children can continue.

We cleared it a week ago here on the Democratic side. I understand that now it has cleared the Republican side.

I ask unanimous consent the Senate proceed to the consideration of H.R. 3092, which was received from the House and is at the desk.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3902) to amend the Missing Children's Assistance Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, last week, the House of Representatives overwhelmingly passed a bipartisan reauthorization of the Missing Children's Assistance Act. This important measure will ensure that the National Center for Missing and Exploited Children (NCMEC) can continue its critical and lifesaving work on behalf of some of the most vulnerable children in our communities. I thank Ranking Member GRASSLEY, as well as the Chairman and Ranking Member of the House Education and the Workforce Committee for working with me to develop this bipartisan legislation. The current authorization for NCMEC will expire at the end of the month, so the Senate must take action without delay.

While I would have preferred a straightforward reauthorization of NCMEC and its programs, I agreed to Ranking Member GRASSLEY's request to include several additional auditing provisions, which I had hoped would facilitate the bill's swift passage and enactment. I also agreed to several changes suggested by the House, working in a bipartisan fashion on this bill which overwhelmingly passed the House of Representatives and which is pending before the Senate. Despite working in a bipartisan way, it has already been more than a week since the House sent us the reauthorization bill. The Senate has been unable to pass this measure because of an objection on the Republican side. The Democratic side approved this bill for passage last week.

The National Center for Missing and Exploited Children has served as a vital national resource for law enforcement and families for nearly 30 years, and has assisted law enforcement in the recovery of more than 188,000 missing children. Of the cases reported to NCMEC from 1990–2012, 97.8 percent have been resolved. If any Senator has a problem or concern with the reauthorization of this important work, then that Senator should come to the floor and voice those concerns publicly. I have heard of no such concerns.

So if there are no substantive concerns with reauthorizing the work of NCMEC, what are we waiting for? I hope that this reauthorization bill is not falling victim to the same political tantrums thrown by some in an effort to remove funding for our citizens' healthcare. Instead of playing politics, the Senate should renew its obligation to do everything we can to quickly locate a missing child and to protect all our children from being victimized by predators by passing this important legislation.

For nearly 30 years, NCMEC has spearheaded efforts to locate and recover missing children and raise public awareness about how to prevent child abduction, molestation, and sexual exploitation. The Senate should pass this legislation immediately and not allow the good work of the National Center to be jeopardized.

The National Center for Missing and Exploited Children addresses the painful reality that hundreds of thousands of people go missing or are abducted each year. Sadly, children account for more than 40 percent of the FBI's active missing persons cases. The exploitation of children is also a growing problem, particularly in the internet age. Between 2004 and 2008, the Internet Crimes Against Children Task Forces reported a 230 percent increase in the number of documented complaints of online enticement of children. Perpetrators utilize new technologies to target, contact, manipulate, and entice children so the dangers facing children and their families are greater than ever.

In passing the Missing Children's Assistance Act in 1984, Congress recognized the need for national leadership to help address the problem of missing and exploited children, and to assist the families of these victims. The National Center for Missing and Exploited Children was created shortly after passage of that legislation, and has led a number of efforts to combat child exploitation.

NCMEC has created a nationwide, toll free, 24-hour hotline to take reports about missing children and clues that might lead to their recovery; a National Child Pornography Tipline to gather reports on the sexual exploitation of children through the production and distribution of child pornography; and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. In addition, NCMEC has circulated millions of photographs of missing children, and serves as a vital resource for law enforcement agencies throughout the Nation in the search for missing children and in the pursuit of adequate child protection.

This legislation before us will allow the National Center for Missing and Exploited Children to continue its important role in protecting our children. We should continue to do everything we can to protect our children. I am proud to support this bill, which will enable NCMEC to continue its critical work. I thank my friends on both sides of the aisle for joining me in this effort, and urge the Senate to take immediate action to pass H.R. 3092, the Missing Children's Assistance Reauthorization Act.

Mr. LEAHY. I ask unanimous consent the bill be read a third time and passed; and the motion to reconsider be

laid upon the table, with no intervening action or debate.

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

The bill (H.R. 3092) was ordered to a third reading, was read the third time, and passed.

Mr. LEAHY. Mr. President, I appreciate the fact that it now has passed.

I thank the Republican leader and others.

ORDERS FOR THURSDAY, SEPTEMBER 26, 2013

Mr. REID. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, September 26, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.J. Res. 59, the continuing resolution, with the time beginning at 10:30 a.m. controlled in 1-hour increments, with the majority controlling the first hour and alternating thereafter.

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

THANKING STAFF

Mr. REID. Mr. President, the staff has worked so hard over the last couple of days, and I want to acknowledge that. Everyone has worked hard. We tried to space it out, and the staff has done a remarkably good job, but some people spent the night here, and there was one group who worked so very, very hard.

We only have eight reporters who cover the proceedings here, so think about what they have had to go through. They have to prepare their notes immediately, and they have been working, as I said, for 2 days. I am confident that they are exhausted. I hope they rest well, and I hope everyone rests well tonight.

We will be back tomorrow, and I hope we can speed things up a little bit more than what the rules require. As I said before, I would like to move this as quickly as we can.

PROGRAM

Mr. REID. Mr. President, if no agreement is reached under rule XXII, the cloture vote on the continuing resolution will occur 1 hour after the Senate convenes on Friday. The filing deadline for germane first-degree amendments to H.J. Res. 59 will be 1 p.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Thursday, September 26, 2013, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

DEBRA L. MILLER, OF KANSAS, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2017, VICE FRANCIS MULVEY, TERM EXPIRED.

RAILROAD RETIREMENT BOARD

STEVEN JOEL ANTHONY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2018, VICE JEROME F. KEVER, TERM EXPIRED.

THE JUDICIARY

THEODORE DAVID CHUANG, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE ROGER W. TITUS, RETIRING.

GEORGE JARROD HAZEL, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE ALEXANDER WILLIAMS, JR., RETIRED.

DEPARTMENT OF STATE

CATHERINE ANN NOVELLI, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC GROWTH, ENERGY, AND THE ENVIRONMENT), VICE ROBERT D. HORMATS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING–NAMED PERSONS OF THE DEPARTMENT OF AGRICULTURE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

CHRISTOPHER DAVID FREDERICK, OF MINNESOTA
JULIE ANNE MORIN, OF VIRGINIA
JULIO MALDONADO, OF THE DISTRICT OF COLUMBIA

MILLENNIUM CHALLENGE CORPORATION

SUSAN MCCUE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS, VICE KENNETH FRANCIS HACKETT, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 2013:

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BENNIE EARL ABBOTT AND ENDING WITH LAURA L. ZURESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID W. ABBA AND ENDING WITH MATTHEW E. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID M. ABEL AND ENDING WITH MICHAEL M. ZWALVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH VERONIQUE N. ANDERSON AND ENDING WITH AARON EUGENE WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT F. BOOTH AND ENDING WITH CHARLES E. WIEDIE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

AIR FORCE NOMINATION OF DARRYL MARKOWSKI, TO BE COLONEL.

IN THE ARMY

ARMY NOMINATION OF EDDIE V. LATHAM, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BRIAN W. ADAMS AND ENDING WITH D011820, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

ARMY NOMINATIONS BEGINNING WITH MARCUS P. ACOSTA AND ENDING WITH G001362, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

ARMY NOMINATIONS BEGINNING WITH JOEL O. ALEXANDER AND ENDING WITH D011416, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

ARMY NOMINATIONS BEGINNING WITH MICHAEL N. ADAME AND ENDING WITH THOMAS J. ZELKO II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER J. EGAN AND ENDING WITH BRUCE R. WALTON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

ARMY NOMINATIONS BEGINNING WITH ANDREW D. KASTELLO AND ENDING WITH MARK A. SELDES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

ARMY NOMINATION OF BRIAN E. MURPHY, TO BE MAJOR.

ARMY NOMINATION OF TRENT E. LOISEAU, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF YORLONDO S. M. WORTHAM, TO BE MAJOR.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER M. ALLEN AND ENDING WITH STACEY E. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH WAJAHAT ALI AND ENDING WITH JACOB E. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH HANNAH L. BEALON AND ENDING WITH ALICIA R. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH BRIAN C. BAKER AND ENDING WITH KAN YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH KRISTIE M. COLPO AND ENDING WITH MATTHEW N. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH ONEGE BATEAGBORSANGAYA AND ENDING WITH MICHAEL G. TOMSIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH ANTHONY J. FALVO IV AND ENDING WITH WILLIAM B. TISDALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH TRENTON J. ARNOLD AND ENDING WITH ROBERT A. WAINSCOTT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH BRIAN C. FREDRICK AND ENDING WITH ERNESTO R. VILLALBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH MATTHEW R. ARGENZIANO AND ENDING WITH AARON A. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH SHANE L. BEAVERS AND ENDING WITH JOHN J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATIONS BEGINNING WITH CHARLES B. ABBOTT AND ENDING WITH GEORGE S. ZINTAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2013.

NAVY NOMINATION OF JOSH A. CASSADA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF RONALDO S. MEMIJE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KEVIN L. ALBERT AND ENDING WITH SHAWN C. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER B. ALLEN AND ENDING WITH JOSEPH M. ZUKOWSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH PAUL A. ARMSTRONG AND ENDING WITH JAMES P. WILLIFORD, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH JONATHAN D. ALBANO AND ENDING WITH JAMES H. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH MICHELE Y. ALLEN AND ENDING WITH BRENDA M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH CANDICE C. ALBRIGHT AND ENDING WITH KATHERINE D. WORSTELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH ALEXANDER ALDANA AND ENDING WITH DANIEL L. ZAHUMENSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH RICARDO M. ABAKAH AND ENDING WITH CHRISTOPHER L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH NEHKONTI ADAMS AND ENDING WITH NATHAN S. ZUNDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

NAVY NOMINATIONS BEGINNING WITH KIMBERLY S. BAILEY AND ENDING WITH ERIC E. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2013.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6763–S6903

Measures Introduced: On Tuesday, September 24, 2013, seven bills and three resolutions were introduced, as follows: S. 1539–1545, and S. Res. 252–254; on Wednesday, September 25, 2013, six bills and six resolutions were introduced, as follows: S. 1546–1551, and S. Res. 255–260.

Page S6753, S6885–86

Measures Reported:

Reported on Tuesday, September 24, 2013:

S. Res. 253, authorizing expenditures by committees of the Senate for the periods October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015. **Pages S6752–53**

Reported on Wednesday, September 25, 2013:

S. 1276, to increase oversight of the Revolving Fund of the Office of Personnel Management, strengthen the authority to terminate or debar employees and contractors involved in misconduct affecting the integrity of security clearance background investigations, enhance transparency regarding the criteria utilized by Federal departments and agencies to determine when a security clearance is required, with an amendment in the nature of a substitute. (S. Rept. No. 113–111) **Page S6885**

Measures Passed:

Missing Children's Assistance Reauthorization Act: Senate passed H.R. 3092, to amend the Missing Children's Assistance Act. **Pages S6901–02**

PREEMIE Reauthorization Act: Senate passed S. 252, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, after agreeing to the following amendment proposed thereto: **Pages S6900–01**

Reid (for Alexander) Amendment No. 1981, to modify provisions relating to the authorization of appropriations. **Page S6900**

Welcoming the Prime Minister of India to the United States: Senate agreed to S. Res. 255, welcoming the Prime Minister of India to the United States for meetings to advance the United States-India partnership. **Page S6901**

National Adult Education and Family Literacy Week: Senate agreed to S. Res. 256, designating the week of September 23 through 29, 2013, as ''National Adult Education and Family Literacy Week''. **Page S6901**

Jumpstart's Read for the Record Day: Senate agreed to S. Res. 257, designating October 3, 2013, as ''Jumpstart's Read for the Record Day''. **Page S6901**

National Infant Mortality Awareness Month: Senate agreed to S. Res. 258, expressing support for the goals and ideals of National Infant Mortality Awareness Month, 2013. **Page S6901**

Campus Fire Safety Month: Senate agreed to S. Res. 259, designating September 2013 as ''Campus Fire Safety Month''. **Page S6901**

National Principals Month: Senate agreed to S. Res. 260, recognizing the month of October 2013 as ''National Principals Month''. **Page S6901**

Measures Considered:

Continuing Appropriations Resolution—Agreement: Senate began consideration of H.J. Res. 59, making continuing appropriations for fiscal year 2014, after agreeing to the motion to proceed, and taking action on the following amendments and motions proposed thereto:

Pages S6689–91, S6699–S6752, S6763–S6881, S6881–82

Pending:

Reid Amendment No. 1974, to perfect the joint resolution. **Page S6881**

Reid Amendment No. 1975 (to Amendment No. 1974), to change the enactment date. **Page S6881**

Reid Motion to commit the joint resolution to the Committee on Appropriations with instructions, Reid Amendment No. 1976, to change the enactment date. **Page S6881**

Reid Amendment No. 1977 (to (the instructions) Amendment No. 1976), of a perfecting nature. **Pages S6881–82**

Reid Amendment No. 1978 (to Amendment No. 1977), of a perfecting nature. **Page S6882**

A motion was entered to close further debate on the joint resolution, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, September 27, 2013. **Page S6882**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 205), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the joint resolution. **Page S6843**

A unanimous-consent-time agreement was reached providing for further consideration of the joint resolution at approximately 10 a.m., on Thursday, September 26, 2013, with the time beginning at 10:30 a.m. controlled in one hour increments, with the Majority controlling the first hour, and alternating thereafter. **Page S6902**

House Messages:

Organization of American States Revitalization and Reform Act: Senate concurred in the amendment of the House of Representatives to S. 793, to support revitalization and reform of the Organization of American States. **Page S6901**

Prayer From the Chaplain: Pursuant to the order of February 29, 1960, at 12 p.m., on Wednesday, September 25, 2013, Senate having been in continuous session since convening Tuesday, September 24, 2013, Senate suspended for a prayer from the Chaplain. **Page S6838**

Nomination Confirmed: Senate confirmed the following nomination:

By a unanimous vote of 98 yeas (Vote No. Ex. 204), Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit. **Pages S6697–99**

Routine lists in the Air Force, Army, and Navy. **Pages S6899–S6900**

Nominations Received: Senate received the following nominations:

David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts.

1 Army nomination in the rank of general. **Page S6761**

Debra L. Miller, of Kansas, to be a Member of the Surface Transportation Board for a term expiring December 31, 2017.

Steven Joel Anthony, of the District of Columbia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2018.

Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland.

George Jarrod Hazel, of Maryland, to be United States District Judge for the District of Maryland.

Catherine Ann Novelli, of Virginia, to be an Under Secretary of State (Economic Growth, Energy, and the Environment).

Susan McCue, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

A routine list in the Foreign Service. **Page S6902**

Messages from the House: **Page S6884**

Executive Communications: **Pages S6752–53, S6884–85**

Executive Reports of Committees: **Page S6753**

Additional Cosponsors: **Pages S6753–54, S6886–87**

Statements on Introduced Bills/Resolutions: **Pages S6754–60, S6887–94**

Additional Statements: **Pages S6883–84**

Amendments Submitted: **Pages S6760–61, S6894–98**

Notices of Hearings: **Page S6761**

Authorities for Committees to Meet: **Pages S6761, S6898–99**

Privileges of the Floor: **Page S6899**

Record Votes: Two record votes were taken. (Total—205) **Pages S6699, S6843**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:11 p.m., on Wednesday, September 25, 2013, until 10 a.m. on Thursday, September 26, 2013. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6902.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Deborah Lee James, of Virginia, to be Secretary of the Air Force, Jessica Garfola Wright, of Pennsylvania, to be Under Secretary for Personnel and Readiness, and Marcel J. Lettre II, of Maryland, to be Principal Deputy Under Secretary for Intelligence, all of the Department of Defense, Frank G. Klotz, of Virginia, to be Under Secretary of Energy for Nuclear Security, and Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

JOBS AND THE ECONOMY

Committee on the Budget: Committee concluded a hearing to examine the impact of political uncertainty on jobs and the economy, after receiving testimony from Mark Zandi, Moody's Analytics, West Chester, Pennsylvania; Chad Stone, Center on Budget and Policy Priorities, Washington, D.C.; and Allan H. Meltzer, Carnegie Mellon University, Pittsburgh, Pennsylvania.

SUSTAINABLE FISHING

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the role of certification in rewarding sustainable fishing, after receiving testimony from Samuel D. Rauch III, Acting Assistant Administrator for the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Darren Blue, Assistant Commissioner, Office of Facilities Management and Services Programs, Public Buildings Service, General Services Administration; Stefanie Moreland, Policy Advisor for Fisheries to Alaska Governor Sean Parnell, Juneau; Jeffrey Rice, Wal-Mart Stores, Inc., Bentonville, Arkansas; Michael Montelongo, Sodexo, Inc., Gaithersburg, Maryland; and John Connelly, National Fisheries Institute, McLean, Virginia.

REBUILDING THE NATION'S INFRASTRUCTURE

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security concluded a hearing to examine rebuilding the nation's infrastructure, focusing on leveraging innovative financing to supplement Federal investment, after receiving testimony from Norman Y. Mineta, former Secretary of Transportation and Commerce; Matt Connelly, UPS, Atlanta, Georgia; Peter J. Basso, Peter J. Basso and Associates, LLC, and Robert Dove, The Carlyle Group, both of Washington, D.C.; and J. Perry Offutt, Morgan Stanley and Co. LLC, New York, New York.

BLACK CARBON

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine black carbon, focusing on a global health problem with low-cost solutions, after receiving testimony from Robert D. Singletary, Oklahoma Department of Environmental Quality Supervising Attorney for Air Quality and Land Protection, Oklahoma City; Conrad G. Schneider, Clean Air Task Force, Brunswick, Maine; Timothy V. Johnson, Corning Incorporated, Corning, New York; Allen Schaeffer, Diesel Technology Forum, Frederick, Maryland; and Robert C. Harris, Jr., Alabama State Port Authority, Mobile.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Dwight L. Bush, Sr., of the District of Columbia, to be Ambassador to the Kingdom of Morocco, who was introduced by Senator Durbin, Mark Bradley Childress, of Virginia, to be Ambassador to the United Republic of Tanzania, Thomas Frederick Daughton, of Arizona, to be Ambassador to the Republic of Namibia, Matthew T. Harrington, of Virginia, to be Ambassador to the Kingdom of Lesotho, Eunice S. Reddick, of the District of Columbia, to be Ambassador to the Republic of Niger, John Hoover, of Massachusetts, to be Ambassador to the Republic of Sierra Leone, and Michael Stephen Hoza, of Washington, to be Ambassador to the Republic of Cameroon, all of the Department of State, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Tomasz P. Malinowski, of the District of Columbia, to be Assistant Secretary for Democracy, Human Rights, and Labor, Keith Michael Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the UN Human Rights Council, Crystal Nix-Hines, of California, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization, and Pamela K. Hamamoto, of Hawaii, to be Representative to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador, all of the Department of State, after the nominees testified and answered questions in their own behalf.

HEALTHCARE-ASSOCIATED INFECTIONS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine United States efforts to reduce healthcare-associated infections, after receiving testimony from Patrick Conway, Chief Medical Officer and Director, Center for Clinical Standards and Quality, and Acting Director, Center for Medicare and Medicaid Innovation, Centers for Medicare and Medicaid, and Beth Bell, Director, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Ciaran Staunton, Rory

Staunton Foundation, New York, New York; Jonathan Perlin, Hospital Corporation of America, Nashville, Tennessee; and Joe Kiani, The Patient Safety Movement Foundation, Irvine, California.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution authorizing expenditures by committees of the Senate for the periods October 1, 2013 through September 30, 2014 and October 1, 2014 through February 28, 2015.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 12 noon on Wednesday, September 25, 2013.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 25, 2013

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine reauthorizing the ''Terrorism Risk Insurance Act'' (TRIA), focusing on the state of the terrorism risk insurance market, 10 a.m., SD–538.

Subcommittee on National Security and International Trade and Finance, to hold hearings to examine assessing the investment climate and improving market access in financial services in India, 2:30 p.m., SD–538.

Committee on Environment and Public Works: to hold hearings to examine the need to invest in America's infrastructure and preserve Federal transportation funding, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Philip S. Goldberg, of the District of Columbia, to be Ambassador to the Republic of the Philippines, Robert O. Blake, Jr., of Maryland, to be Ambassador to the Republic of Indonesia, Karen Clark Stanton, of Michigan, to be Ambassador to the Democratic Republic of Timor-Leste, and Amy Jane Hyatt, of California, to be Ambassador to the Republic of Palau, all of the Department of State, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Carol Waller Pope, of the District of Columbia, Ernest W. Dubester, of Virginia, and Patrick Pizzella, of Virginia, all to be a Member of the Federal Labor Relations Authority, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Carolyn B. McHugh, of Utah, to be United States Circuit Judge for the Tenth Circuit, Pamela L. Reeves, to be United States District Judge for the Eastern District of Tennessee, Vince Girdhari Chhabria, to be United States District Judge for the Northern District of California, and James Maxwell Moody, Jr., to be United States District Judge for the Eastern District of Arkansas, 2:30 p.m., SD–226.

Special Committee on Aging: to hold hearings to examine the state of the American senior, focusing on the changing retirement landscape for baby boomers, 2:15 p.m., SD–562.

United States Senate Caucus on International Narcotics Control: to hold hearings to examine dangerous synthetic drugs, focusing on unregulated forms of ecstasy, PCP and LSD, 2:30 p.m., SD–138.

House

No hearings are scheduled.

Next Meeting of the SENATE

10 a.m., Thursday, September 26

Senate Chamber

Program for Thursday: Senate will continue consideration of H. J.Res. 59, Continuing Appropriations Resolution. The filing deadline for germane first-degree amendments to the joint resolution is 1 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Wednesday, September 25

House Chamber

Program for Wednesday: Consideration of the following measures under suspension of the rules: (1) H.R. 1961—To amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; (2) H.R. 3095—To ensure that any new or revised requirement providing for the screening, testing, or treatment of individuals operating commercial motor vehicles for sleep disorders is adopted pursuant to a rulemaking proceeding, and for other purposes; and (3) H.R. 2600—To amend the Interstate Land Sales Full Disclosure Act to clarify how the Act applies to condominiums.

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