

some stability as they look to get back to work. I look forward to moving to this bill, passing it, and working with the House to restore unemployment insurance benefits as we continue working to improve the health of the American economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXTENSION OF MORNING BUSINESS

Mr. HELLER. I ask unanimous consent that morning business be extended until the Senate recesses at 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. HELLER. 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. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER OF PROCEDURE

Mr. HATCH. I ask unanimous consent that after the completion of my remarks, the distinguished Senator from Kansas then be able to give his remarks.

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

#### UNEMPLOYMENT BENEFITS

Mr. HATCH. Mr. President, I rise in opposition to the Emergency Unemployment Compensation Extension Act of 2014. In my view, this legislation is flawed in many respects, and that being the case, I intend to vote against it.

First and foremost, it needs to be said that the fact that we are even having a debate about extending unemployment benefits is unfortunate. Throughout the Obama administration, our Nation has been plagued with lackluster job growth, lower and lower rates of labor force participation, and high levels of long-term unemployment. Indeed, under this President it has been harder to find a job than at any other point in our Nation's recent history.

But, as has been said before, these are just symptoms of a much larger

problem. The plight of the long-term unemployed—which this bill is supposed to address—is not the major problem facing America today. Instead, the major problem is that despite the best efforts of many of us in Congress, our government hasn't done enough to foster economic growth. In fact, more often than not in recent years government has stood in the way. It has been an impediment.

We are now more than 5 years into this administration, and it is becoming increasingly clear that President Obama does not have a plan to address these problems. True enough, he has proposals that would expand the government and redistribute income but nothing resembling a plan to promote growth in the private sector or to actually put people back to work. Many of the President's redistribution schemes end up costing labor supply and jobs, as the nonpartisan Congressional Budget Office has made clear with respect to ObamaCare and the President's proposed minimum wage hike.

Growth is what we should be debating, ideas and proposals that would actually grow our economy and help people find jobs. But instead we are here once again to debate an extension of the emergency unemployment compensation program, or EUC.

Let's talk about the EUC program for just a few minutes.

The proponents of this legislation have told us that extending "temporary" unemployment benefits is vital to our economy, but I think the facts tell a much different story. Between July 2008 when the program started and December 2013 when it expired, we spent roughly \$265 billion on EUC benefits. That is more than a quarter of a trillion dollars on a temporary Federal benefit program. For much of that time the program paid up to 73 weeks of Federal benefits, amounting to a record total of 99 available weeks of unemployment benefits when you add the State and Federal benefits together. All told, we have paid EUC benefits for 66 months, which is 2½ years longer than any similar emergency unemployment program in U.S. history.

In other words, EUC is a program with a long track record, and when we look at the record, we see that it hasn't had the positive economic impact proponents of the program often claim it has. Indeed, despite the hundreds of billions of dollars in benefits we have already paid under this program, we have suffered through the worst jobs recovery in our Nation's history, and the long-term unemployed have suffered the most.

There is evidence to suggest this program has actually made the recovery worse. For example, according to recent research published by the National Bureau of Economic Research, "unemployment benefit extensions can account for most of the persistently high unemployment after the Great Recession."

So while some Democrats have claimed that extending unemployment benefits is the best way to create jobs, the facts certainly tell a different story.

I am not going to condemn anyone for wanting to extend a helping hand to those who continue to face difficulties under the Obama economy, but if we are going to debate yet another extension of Federal unemployment benefits, we should at the very least get our facts straight.

So with all this in mind—the cost of the EUC program and the questionable benefits—let's take a look at the legislation before us now.

One thing I would like to point out is that with this legislation we have once again abandoned regular order and bypassed the committee process entirely. I have remarked on this problem here on the floor several times before. When we ignore the traditional role of the Senate committees, we short-circuit the legislative process, and more often than not we end up with an inferior product. This bill is certainly no exception.

We learned this last month when the National Association of State Workforce Agencies, NASWA, sent a letter to the Senate outlining its concern with this bill. Chief among these concerns was that it would be extremely difficult for States to retroactively pay unemployment insurance claims, as this bill would require. Indeed, according to NASWA, backdating EUC claims "would make it nearly impossible" to apply individual State work search requirements, which is a key factor in determining eligibility for unemployment insurance. In addition, the letter indicated that there would likely be a large increase in new EUC overpayments as a result of this retroactivity requirement.

Due to these concerns and others, NASWA concluded that it would take States up to 3 months to implement this legislation, which is problematic because although the bill before us is technically for a 5-month extension, only 2 months of benefits would be paid prospectively. In other words, many States would not be ready to implement this legislation by the time it expires.

This is more than a glitch or a bump in the road; it is State workforce agencies—the very people who will have to implement this legislation on a day-to-day basis—telling the Senate that this bill is unworkable. According to the NASWA letter, there are a number of States that would consider not participating in the program due to these problems and the short time available to address them.

Labor Secretary Perez sent his own letter in response to NASWA's statement, promising to help States address these concerns. Oddly enough, however, this letter was very short on actual details as to how that assistance would be offered.

All of that said, these are the kinds of problems I was talking about—problems which can be addressed if committees are given an opportunity to operate. Had the committee had an opportunity to vet this legislation, we could have also fully examined the offsets my colleagues are using to pay for this EUC extension. These are also problematic.

The main pay-for in this bill is the use of what is called pension smoothing, which is little more than a budget gimmick but an especially pernicious budget gimmick when repeated. It has the potential to do real harm to pension plan funding levels, threatening the future retirement security of American workers.

Since the great recession of 2008, pension plans have struggled to regain their footing financially. The drastic drop in interest rates forced many plans to dramatically increase their pension contributions to keep pace. In 2012, at the historic low point for interest rates, Congress essentially gave pension plans 4 years of funding relief to get through the worst period of low interest rates. Congress did this by allowing pensions to fund their plans as if interest rates were higher than they really were.

But we can't indefinitely pretend that interest rates are artificially high and contribution levels artificially low. Reality still matters. The reality is that, although still low by historical standards, interest rates are no longer at rock bottom and pension funding needs to gradually adjust to market rates just as current law provides.

Put simply, we should avoid additional pension smoothing because it permits lower pension funding, and poor pension funding is bad pension policy. Pension funding remains a serious concern, and this is not the time to make it easier to underfund pensions. Doing so is worse than just kicking a can down the road. This can of pension underfunding will explode on American workers in the form of underfunded pensions that will somehow have to be rescued either through painful cuts in benefits, much higher PBGC premiums, or taxpayer-funded bailouts. There is no other way around it.

The other major offset in this bill is the extension of customs user fees. This is also problematic. Traditionally speaking, offsets in the trade space are reserved for legislation that actually extends trade programs, such as the Generalized System of Preferences or the African Growth and Opportunity Act. If we start using these offsets in other areas, we won't have anything left over when it comes to extending these important programs.

Both of these offsets—pension smoothing and customs user fees—fall under the jurisdiction of the Senate Finance Committee, just like the underlying UI extension. Once again, had the committee been given an opportunity to consider these issues, it is likely that these offsets would not have been used.

As we can see, there are a number of problems with this bill that could have been considered and addressed had the Finance Committee been allowed to do its work. And it should have been allowed to do its work. Other problems could be addressed if there were a fair and open amendment process here on the floor. Sadly, it doesn't appear that we are going to get that either as the Senate Democratic leadership appears poised to once again try to force a major piece of legislation through the Senate without giving the minority an opportunity to offer amendments.

Before our next vote on this legislation, I think we will see a number of amendments filed, many of which would likely improve the bill. Others would address the more pressing need to stimulate the economy and create jobs.

I personally have amendments that would do both. For example, I have an amendment that would repeal the ObamaCare tax on medical devices, which enjoys bipartisan support in both the House and the Senate and would prevent further job losses in one of our most important U.S. industries.

I have another amendment that would repeal the ObamaCare employer mandate. I am sure my colleagues on the other side of the aisle would deem this out of bounds, but they shouldn't. After all, the Obama administration seems pretty intent on delaying the employer mandate; it has already been delayed for 2 years. If the mandate is that harmful to implement, why don't we do away with it altogether and ensure that it doesn't cost us any more jobs and further requests for unemployment benefits?

One amendment I have would help to ensure that the retroactive EUC benefits do not threaten program integrity. Specifically, it would require States, as part of their EUC agreements, to certify that paying retroactive benefits will not lead to an increase in fraud or overpayments.

These are just some of the amendments I may offer to this bill, and all of them, in my opinion, would be improvements. But it doesn't look as though we are going to be able to offer amendments in the greatest deliberative body in the world—and I am saying that pretty sarcastically at this time. I know many of my Republican colleagues have amendments they would like to offer as well. Yet my friends on the other side of the aisle don't want to have a real debate about these issues. Instead, they are content to let the majority leader fill the tree and block any and all Republican amendments from coming up for a vote. One can only wonder what they are afraid of. Presumably the majority has the votes to defeat any amendments the minority wants to offer. Where is the harm in having a real debate? Where is the harm in having an open amendment process? I can only conclude they are worried that some of the votes they would have to take

would be difficult politically. Indeed, preventing difficult votes seems to be priority No. 1 for the current Senate majority.

At this point, it appears they have the votes to pass the bill. I assume we will be through with this process this week. Yet, while the Senate debate over unemployment insurance may be coming to an end, I can only conclude that the process failures we are seeing in this Chamber will continue as we move on to the next item of business, which is, in my opinion, very unfortunate.

This week's debate over EUC is just the latest example of what is wrong with the Senate these days. Sadly, it doesn't look as if things are going to get better under the current leadership. These are important issues. We really need to let the Senate operate the way it always has, and let's quit playing these games of power play.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Kansas.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2191 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### UNEMPLOYMENT INSURANCE

Mr. CASEY. Madam President, I rise today to speak about an issue which should be under the category of "unfinished business," and is a priority for the American people, and that is unemployment insurance. In this case it is emergency unemployment compensation and the trauma so many people have lived through—not just over weeks—over the last few months, and which, of course, was preceded by a very difficult economy.

The bill that is before the Senate is bipartisan, and that is good news and the way it should be. It is a bipartisan bill to provide what can only be described as an essential lifeline for individuals who have been out of work. Millions of people have been out of work in the so-called long-term unemployment category. This lifeline is often directly connected to the life and daily struggles of middle-class families who rely upon this program to stay afloat as they seek work.

Sometimes I think there is a misconception—or some may want to make this argument in a deliberate way—that somehow emergency unemployment compensation is for people who are out of work but not looking for work. In fact, these are folks who are