out-of-pocket maximums, higher copayments and deductibles leave many, especially low- and middle-income workers, underinsured, who are exactly the folks who were not supposed to be touched by the Cadillac tax. These are definitely people in my State who are not driving Cadillacs. I can assure you of that.

According to a study by the American College of Emergency Physicians, higher out-of-pocket costs result in delayed medical care as many forgo essential care when they get sick and become less likely to fill their prescriptions or stick to their doctors' treatment plans, and those with higher out-of-pocket costs are also more likely to seek medical treatment in emergency rooms—the most expensive way to get health care treatment. This is precisely what we were trying to avoid with the advent of the Affordable Care Act.

I want to ask my colleague from Nevada, in particular, you mentioned a number of different constituencies whom you have heard from about this tax—people such as the culinary workers. Are they upper class, Cadillac-driving constituents or are they middle-class folks who are just trying to put food on the table and maybe send their kids to college someday? Who is going to be impacted by this?

Mr. HELLER. I thank the Senator from New Mexico. I want to go to the same report. I think it clarifies his point and the question he just asked me.

Again, as he mentioned, 1.3 million Nevadans are going to be affected by this 40-percent excise tax. Three-quarters of a million New Mexicans are going to be affected by this excise tax. So I have hard time believing that most of them are wealthy enough to have to pay and for their employers to have to pay this kind of tax.

Let's go back to the Kaiser Family Foundation—a report that you quoted from. I have a number of statistics. I think it will better clarify. There is a quote in here that I want to emphasize that answers the point and the question you brought out. According to the Kaiser Family Foundation, employees who have job-based insurance have witnessed their out-of-pocket expenses climb from $900 in 2010 to $1,300 in 2015. That is an average. That is on average a 50-percent increase in their health care costs in the last 5 years. Employees working for small businesses now have deductibles over $1,800 on average. Kaiser also noted that the deductibles have risen nearly seven times faster than workers' earnings since 2010.

If you are the average middle-class family, with an average income, can you imagine your deductibles rising seven times faster than your earnings have since 2010? Here is the quote from Kaiser's president, Drew Altman, that really answers your question:

> It's quite a revolution. When deductibles are rising seven times faster than wages . . . it means that people can't pay their rent . . . they can't buy their gasoline. They can't eat.

If that doesn't answer the question of who is getting affected by this—they are individuals who go month to month, week to week, day to day on their wages. When you have deductibles rising seven times faster than your earnings, you get to a point, as Mr. Altman said, that you can't pay your rent, you can't pay your gas, and you can't afford to eat.

As deductibles rise, another way employers are planning on avoiding a massive new tax is by eliminating their popular health savings accounts—HSAs—and FSAs. Over 33 million Americans who have FSAs and 13.5 million Americans who are using HSAs may see these accounts vanish in the coming years as companies scramble to avoid this 40-percent excise tax. HSAs and FSAs are used for things such as hospital and maternity services. HSAs and FSAs are used for things such as childcare and dental care, physical therapy, and access to mental health services. Access to these lifesaving services could all be gone for tens of millions of Americans if the Cadillac tax is not fully repealed. Deductibles are rising, premiums are rising, and services are being cut.

Today we have talked a lot about how employers are making major changes to their workers' health care in order to avoid this tax. If employers—whether it is a union or private company—are changing their employees' health care benefits to avoid the Cadillac tax, this tax is not going to generate the kind of revenue the Congressional Budget Office originally anticipated.

To that question directly, I ask Senator HEINRICH, are CBO's cost assumptions accurate?

Mr. HEINRICH. I thank the Senator for the question because I think this is incredibly important. The CBO estimated that the ACA would generate $93 billion over 10 years with this tax, but when you drill down on that, only one-quarter of that—about $23 billion—actually comes from excise tax receipts themselves. The remaining three-quarters comes from revenue that would be theoretically generated from increases in taxable wages that some economists expected would be coupled with reductions in health care benefits. In other words, all the money you are saving, you are going to pass on to the employees in the form of a raise. We simply know that is not what happens in the real world. In fact, employer surveys over the past few years have conclusively pointed to one unifying fact, that at best employers will not raise wages for their workers to compensate for downgrading of employee health insurance benefits.

In fact, a recent American Health Policy Institute study found that three-quarters of employers said that they would not raise wages in order to make up for less comprehensive health insurance plans.

I say to Senator HELLER, I know we are being joined by the leader here, and I am going to have to run to another event in a few minutes, but I want to ask you if you would maybe consider a quick wrapup. I want to make the point that I think we have gotten as far as we have with this effort because of the incredible leadership you have shown, because of the bipartisan nature of this effort, because it is simply common sense that we need to make sure people have easier access to affordable care, and that the Cadillac tax may have sounded good at the time, but we are clearly learning today that this is a Ford Focus tax that will hit your middle-class families, my middle-class working families, and it is something we ought to be able to agree should be repealed.

Mr. HELLER. Mr. President, I want to wrap this up. I know the leader is here, and I want to give him ample time.

I thank the Senator from New Mexico for his comments and for his help and support on this legislation moving forward. I appreciate all the work to get this bipartisan bill to the finish line, and I know we will continue to work together to repeal this bad tax. Once again, whether it is my bipartisan bill, our bipartisan bill, this Chamber's bipartisan bill or a year-end package like tax extenders, we need to repeal this bad tax. Fully repealing the Cadillac tax is an opportunity for Republicans and Democrats to work together and join forces to appeal a bad tax for one purpose, and that is to help 151 million workers keep the health insurance they love.

Mr. President, I yield the floor.

TRIBUTE TO WILL RIS

Mr. DURBIN. Mr. President, I would like to take a moment to thank Will Ris for his service to American aviation and to congratulate him on his well-deserved retirement.

For nearly 20 years, Will has been senior vice president of government affairs for American Airlines—the principal government relations executive for the airline. His diverse responsibilities include directing all of American's activities with Congress, the administration, and several Federal agencies. And what could possibly be better than waking up every day and helping Congress and the Federal Government better understand the airline industry?

Earlier this year, Will announced that he will retire from American Airlines at the end of this month.

Will Ris's impact on American Airlines and its people cannot be overstated. Since joining American in 1996, Will has been a dedicated representative and the voice of the airline and its people; but, more importantly, he has been a trusted advocate on Capitol Hill. I have worked with Will and his American Airlines team on countless issues that affect passenger air service at Chicago O'Hare International Airport and throughout downstate Illinois. His honesty, professionalism, patience, and sense of humor have made him one of the most sought after advisors on airline industry issues. He will be missed.

During Will's tenure at American, he led the effort to protect the domestic aviation industry, assure the continued viability of passenger service, and establish new security measures in the wake of the attacks in 2001. He has also led the effort to gain public and political support for the merger between American and U.S. Airways—creating a strong, competitive airline employing more than 100,000 people all over the world.

American Airlines chairman and CEO Doug Parker recently honored Will with these words: ''Will understands commercial aviation and cares about the frontline professionals who are the backbone of our business. Will embodies all of the best things about American Airlines, and thanks to his extraordinary efforts, American will be great for years.''

Prior to joining American, Will represented the airline as outside counsel for 13 years as the executive vice president of the Wexler Group. He also served as a trial attorney for the U.S. Civil Aeronautics Board from 1975 to 1978. In 1978, Will was appointed counsel to the U.S. Senate Committee on Commerce, Science, and Transportation and its Aviation Subcommittee. In this post, Will played a major role in drafting the Airline Deregulation Act of 1978 and successfully navigating the legislative maze all the way to President Jimmy Carter's desk for his signature. This landmark law changed the face of commercial aviation in this country.

Will Ris's love of aviation and passion for American Airlines is well known, but more importantly, Will is known as one of the most decent men in Washington. He spends countless hours committed to community service. He serves as chairman emeritus of the board of directors of the Green Door, Inc., the oldest and largest behavioral health providers—helping nearly 1,600 people every year battling chronic mental health and substance abuse conditions. Additionally, he serves as vice chair of the American Association of People with Disabilities—the country's largest cross-disabilities membership organization. He is also a director of the Ford's Theater board of governors, the Business-Government Relations Council, the Advanced Navigation and Positioning Corporation in Hood River, OR, and a member of the board of trustees for the Woolly Mammoth Theater right here in Washington, DC. Where does he find the time?

I want to congratulate Will Ris on his distinguished career and thank him for his service to American Airlines. I have had the privilege in public life to meet some outstanding people; I count Will Ris as one of those people. I wish him and his wife, Nancy, all the best in the next chapter of their lives.

Thank you.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION CBO COST ESTIMATE—S. 2044

Mr. THUNE. Mr. President, when the Committee on Commerce, Science, and Transportation filed its report on S. 2044, the Consumer Review Freedom Act of 2015, the estimate of the Congressional Budget Office was not available. The estimate has since been received.

I ask unanimous consent that the estimate from the Congressional Budget Office be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 9, 2015.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2044, the Consumer Review Freedom Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

KEITH HALL.

S. 2044—CONSUMER REVIEW FREEDOM ACT OF 2015

S. 2044 would void provisions of certain types of contracts that:

Restrict the ability of a party to the contract from publishing a review or analysis of the performance of another party under the contract;

Impose a penalty or fee for publishing such a review; and

Transfer or require the transfer of any rights to the intellectual property of the person who created the review.

The bill would prohibit the use of contracts that contain those provisions and authorize the Federal Trade Commission (FTC) to enforce those new prohibitions. In addition, the FTC would be authorized to seek civil penalties for violations of the new prohibitions. Finally, S. 2044 would direct the FTC to develop an education and outreach program to provide businesses with best practices for complying with the new restrictions.

Based on information from the FTC, CBO estimates that the cost of implementing S. 2044 would not be significant because the agency is able to enforce similar prohibitions and provide compliance assistance under its existing general authorities. CBO estimates that enacting S. 2044 would increase federal revenues from the added authority to collect civil penalties; therefore, pay-as-you-go procedures apply. However, we expect those collections would be insignificant because of the small number of cases that the agency would probably pursue. Enacting the bill would not affect direct spending.

CBO estimates that enacting S. 2044 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

S. 2044 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Although the Federal Trade Commission has begun to enforce prohibitions on contract provisions similar to those outlined in the bill under its existing authorities, to the extent that such provisions are not currently considered void in all jurisdictions, the bill would impose a private-sector mandate as defined in UMRA on entities that use such provisions in their contracts. The cost of the mandate would be the value of forgone income from out-of-court settlements and compensation for damages the entities could be awarded under a breach of contract claim. However, reliable and comprehensive information concerning the number of businesses that continue to use contracts containing such provisions, the number of those that require monetary payment, and the level of any such payments is not available. In addition, although the court cases in which consumers have challenged these provisions have resulted in judgments in favor of the consumer, the limited sample of such cases cannot be used to generalize about the results of such cases in other jurisdictions. Therefore, CBO cannot determine whether the cost of the mandate would exceed the annual threshold established in UMRA for private-sector mandates ($154 million in 2015, adjusted annually for inflation).

The CBO staff contacts for this estimate are Susan Willie (for federal costs) and Logan Smith (for the impact on the private sector). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 4305 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation related to health care reform. The authority to adjust is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2016–2020 or the period of the total of fiscal years 2016–2025.

I find that H.R. 3762, as passed the Senate, fulfills the conditions of deficit neutrality found in section 4305 of S. Con. Res. 11. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, HELP, and the budgetary aggregates to account for the budget effects of the bill. I am also adjusting the unassigned to committee savings levels in the budget resolution to reflect that, while there are savings in the bill attributable to both the HELP and Finance Committees, the Congressional Budget Office and Joint Committee on Taxation are unable to produce unique estimates for each provision due to interactions and other effects that are estimated simultaneously.

The adjustments that I filed on Thursday, December 3, 2015, are now void and replaced by these new adjustments.