

room over this debt issue, and we are debating things that are never going to happen. It is almost a farce in many ways.

So there is plenty of time—it is June 15—for us to negotiate something that is meaningful as it relates to cuts, and certainly plenty of time to act, to put something in place such as the CAP Act as part of the overall need to reform our entitlements and make sure they are here for future generations.

Let me state one more time that I feel as if, in many ways, what we are reading in the media about these negotiations is almost a walking down of expectations. In other words, most of us want to see something big happen for this country. We see this as a true seminal moment for our country. But from what I read of the various snippets that are coming out of these discussions, it is almost intended each day to tamp down what our expectations are.

I want to say to everybody in this body, unless I see dramatic changes in spending as a result of these negotiations, I absolutely will not vote for this debt ceiling increase. If we are going to have a calamity in this country—and there are economists who say we are going to have a calamity either way: in other words, if we do not act responsibly and pass a debt ceiling, we are going to send a signal to world markets that we do not have the ability to control spending; if we do not raise the debt ceiling, there are those who will say there is going to be a calamity.

Here is what I would say. I am 58 years old. I came to this body because I wanted to solve our country's problems or be a part of that working with others. I want to say—I want to go on the record—that I would rather us have a calamity this summer on my watch while I am here so I can deal with it than I would to pass a debt ceiling and not do something that dramatically alters our fiscal situation in this country and pass it along to someone else who may come behind me. I think there is a lot of sentiment in that regard. I hope there is a lot of sentiment in that regard: that all of us—all of us—would rather bear the brunt of irresponsibility while we are here than pass it on down the road.

So I am here to talk about a component of a solution which is the CAP Act. There may be some variation of this that makes more sense. Certainly, I have no monopoly on wisdom. But I hope something like this, if it is not exactly the CAP Act as written, is a component of the negotiations. I know during these negotiations this is actually being discussed: meaning, how we cap spending and actually put Congress in a fiscal straitjacket, for lack of a better word.

This is a seminal moment. I hope we will not water down expectations. I hope we will rise to the occasion and, as the Senator from Illinois mentioned, deal with this in a responsible way. I hope very soon we will actually have a

debate on this floor about what it is that has actually been arrived at, what the deal is, so we can actually talk about it in a responsible way and do those things we all know are very important to our country, very important to our country's solvency, and certainly very important to all those Americans out there who are uncertain as to whether the heads of households, who provide such great opportunities for those people coming under them, have the opportunity for good-paying jobs.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

JOBS

Mr. ENZI. Mr. President, I thank the Senator from Tennessee for his comments and for the way he delves into any issue we work on and comes up with some unique ideas from his past business experience. I hope people will look at his resume, the information in his biography, to see the fantastic things he has done that show he has the capability to solve problems such as this.

I particularly appreciate the solution the Senator has come up with. Some people say it does not go far enough. You could make it go further than that, but it is timing that is important and actually getting a debate that is important, and I appreciate the way the Senator put it out in a reasonable way where we ought to be able to do it. We need to do it right now so we do not keep passing this debt down, so we get in a responsible position.

I am going to talk about something very similar today. We are in a jobs crisis in this country. I come to the floor this afternoon to talk about jobs. There is not any more important issue for American families today than jobs.

For 3 long years, we have been waiting for the economy to get back in gear and start creating the jobs necessary to keep America strong. I am afraid that Congress and this administration have not done their part to foster the healthy job-creating economy we need. We have heard plenty of talk about job creation, but the rhetoric simply does not match up with any action. So today I will speak about the headwinds we face, as well as some of the simple solutions to help spur job creation.

This week the President's Council on Jobs and Competitiveness presented President Obama with five steps to create job growth. I agree with most of the suggestions. Some of them are steps I have been urging for some time, such as streamlining job training programs and speeding up the government permitting processes. But, unfortunately, for the most part, these are just baby steps. The truth is, the most significant step the Federal Government could take to allow greater job growth is even easier than a baby step. Washington government just needs to

get out of the way. Washington keeps putting up roadblocks.

Last month's dismal job numbers paint a very clear picture. Unemployment rose to 9.1 percent—far above the 8 percent level promised by the administration at the time of the passage of the stimulus bill. Nearly 14 million Americans remain unemployed and actively looking for work, and more than half of them are long-term unemployed. With only 54,000 jobs created last month, and 3 million job openings, the problem is clear.

These numbers also reveal some solutions that could go into effect if government would step out of the way. For example, 7,000 of the jobs created last month were in the mining industry. Those of us from mining States know that the mining and domestic energy production industries offer good jobs with good pay and good benefits. Yet the administration has made it incredibly difficult for this industry to continue creating jobs. It has slowed the permitting process for existing mine plans, let alone new mining and drilling activities. Let me say that again. It has slowed the permitting process to a crawl and directed EPA to regulate greenhouse gases under the Clean Air Act.

Simply stated, the President's policies are making things worse. How bad is this permitting process? Fourteen different mines have asked for an extension so their mine plans could continue in a logical way. There was a big announcement 6 weeks ago: The administration is going to allow 758 million tons of coal to come up for bid. That is 4 of 14 applications: 758 million tons. In my county alone, there are a million tons of coal shipped a day—a million tons a day. The amount permitted for bid is a 2-year supply, and it is going to take 6 years to permit it. And we cannot get the other 10 of them to be put out for bid and to go through that same delayed process. That is affecting jobs and it is also causing resources to be left in the ground that could be effectively used in our economy, which raises the costs.

The broadest result of this misguided energy policy will be increased prices for Americans. That will only dig our economic hole deeper. American families are already coping with the terrible job market and a struggling housing market. Increasing reliance on foreign energy sources and ignoring the sources we could harvest here at home makes no sense.

In certain regions of the country, the result of this misguided energy policy is lost jobs and bankrupted American companies. On the gulf coast, many of the thousands of jobs that were supported by the offshore drilling industry are simply gone due to the moratorium, permit, and bureaucratic delays on offshore drilling in the gulf. Also, when skilled people are out of a job, they go somewhere else to get a job. They go to other countries to get a job and it reduces the number of people

who can do the work here. It is another way of sending jobs overseas.

Some of the production has moved to Brazil and other countries that are not impeding their domestic energy production. And we are their customers. We are the ones buying it at extra-high prices.

Ironically, one of the largest discoveries of oil in the Gulf of Mexico was just announced last week. This discovery proves there are still massive amounts of domestic energy available to help alleviate the high prices if the government would simply get out of the way.

Unfortunately, the slowdown in exploratory drilling as a result of last year's moratorium is expected to lead to a 20-percent production decline next year. And things don't happen overnight. Permitting takes up to 6 years as well.

I do not know if the public is aware, but there is a Middle East cartel that helps set the price of oil. Years ago, they used to be able to set prices much easier. They could cut back the supply and increase the cost or they could increase the supply and decrease the cost. Twice I watched them drop the price of a barrel of oil down to \$8 and put the American oil industry out of business. They put it out of business long enough so that the people who were qualified to do the work got jobs in other countries. When they brought the price back up, it took years for us to bring the production back up.

Now, they have said Saudi Arabia has run out of energy, that they are just about to use up their supplies. Well, last week they announced they are going to have this huge increase in production. How did that happen? Well, there are new techniques. There are new technologies that are being used for drilling. It is helping to bring up more oil.

We ought to be doing that right here in the United States. We ought to be increasing our supply of oil. There are fields where only 20 percent of the oil was producible at the time it was drilled. New technologies, one of which is to put carbon dioxide, or CO₂, down the hole and force the oil up—that is good for another 10 or 20 percent of the oil, and it captures the carbon. Why aren't we talking about capturing carbon? We ought to be encouraging that, not discouraging that.

We also have a company in my state that would like to convert low-sulfur coal to low-sulfur diesel fuel. Low-sulfur diesel is one of the things we really want. With these fluctuations in prices we have seen over the years, they said: We have the money to build this \$2 billion plant and get it operational. But what happens if Saudi Arabia and the Middle East cartels decide to drive the price down again? What if that price got down to a point where our production was unproductive, if they put us out of business, if they bankrupted us?

Well, several years ago, Congress said: We can take care of that. We are

going to pass loan guarantees. We will provide loan guarantees for you. We are not going to give you the money, but if that price were to drop dramatically, then we would have some responsibility in the situation.

Of course, the chances of it ever dropping to that point are pretty negligible.

We allocated I think about \$8 billion for loan guarantees for these types of projects—that is no cost to the Federal Government—out there for this company to go ahead and make low-sulfur diesel and even jet fuel. Our military needs jet fuel. But out of that \$8 billion, none of it has been allocated—none of it. At the same time, we did programs for solar and wind in the amount of \$20 billion. Which do you think can produce the most energy? But it is OK with me that we have the solar and the wind. I think it is a good idea, and we are developing a lot of that in Wyoming too. But how come we can't turn a loan guarantee loose so that we can change coal into diesel with carbon sequestration? It is because of this adverse opinion on coal that creates a lot of problems.

So it is not just a problem in that area, this slowing down of the process; this is also affecting things such as medical devices.

We are interested in the health care of the American people, and we have an agency that watches out for our safety and should watch out for our safety, and we help ensure that time after time. We did a food safety bill, which is a part of that FDA plan.

But in 2003 it was obvious to the companies that make the medical devices that the agency did not have enough people, enough resources to expedite, to get their evaluation done in a timely manner, and the industry agreed to put up money—not to have any benefit to their particular company but for the whole industry—to get things streamlined, with more people looking at it so they could get the approvals, so they could get these health devices out to people so that they could be used.

Well, since 2003 when they put in the first amount of money, the resources for the FDA have doubled, the fees have tripled, and the production has been cut in half. It is taking too long.

Now, how do I gauge what is too long? Well, Europe does the safety process too. Europe approves these medical devices 2 years before we do. Two years before people in the United States are able to use these things, they are using them in Europe. And you are not hearing about any calamities with the medical devices in Europe. They are doing an adequate job of checking the safety and making sure what they are putting out produces the desired result. But not in the United States. We are slowing that process down—putting more money in, but slowing the process down.

There are things out there that people could really use. Before I came to the Senate, I had a heart valve tear. At

that time, they had to do open heart surgery and go in and stitch it up, put a special ring in there, which fortunately for me has held very well. It repaired my heart, and it is in as good or better shape than it was before that time.

But there is a medical device, and now they can come in just like they go in with a stent and put that into that part on the heart, pop this little umbrella open, and I would be fixed. I wouldn't have to have that invasive heart surgery. That has already been available in Europe for 2 years. It still hasn't been approved in this country.

That is a process which is bogged down, which is costing jobs. So what do the companies do about it? They said: Well, let's see, why don't we build our stuff over in Europe? Now, if you build a plant, you are probably looking at 10, 20, 30 years of production before you are in a position to move that plant somewhere else, like back to the United States should we cure our problems. So we have to cure that problem now before we drive all of that overseas and all of those jobs overseas. The people who do the manufacturing on those rings get good pay, they have skilled jobs, but they do them in the country where the plant is, they don't do them in the United States. That is just one more example.

Well, I have another one. Right now, they are in the process of doing a rule and regulation about how long you can drive a truck, how long you can idle a truck, what kind of medical inspection the driver should have to have. One of the groups that brought that to my attention is the owner-operators of trucking companies, and they say the people who are drafting this rule have never driven a truck.

That is one of the problems with a lot of these rules and regulations: the people who are making the rules have never owned a business. And there is this tendency in government to be afraid that at some point something might go wrong, and it might come back. They have never had anybody come back on them for saying no or for slowing something down. Well, actually, they have never had anybody come back on them for saying yes. I wish they would realize that. The outfit with the liability in this is the company, not the one who approve the rule. They just need a good process they can move through and we can have a lot more jobs in this country.

Another way we can assist the jobs, as I have been saying, is by simply getting out of the way and by reducing the regulatory burden the Federal Government places on employers.

The first step here would be to repeal the health care law that is already driving up costs and paralyzing employers who are uncertain of their future obligations. Unfortunately, the President and his supporters in Congress are fighting this effort every step of the way. Although the President issued an Executive Order on January

18 of this year directing agencies to re-evaluate the regulatory requirements they impose to be sure they are tailored to impose the least burden, less prescriptive, and justified cost-benefit analysis, we have yet to see any regulatory relief from any agency.

Speeches will not save America, action will. The President can say he wants to get things done, and if nobody does them, we are in worse shape than we were before, not better shape.

I had hoped the entire administration would take this directive on looking at all of the regulations seriously, particularly because regulatory burden falls most heavily on small businesses whose hiring will pull us out of this ongoing recession. Small businesses represent 99.7 of all employer firms. They employ over half of all private sector employees. They pay 44 percent of the U.S. private payroll. They generated 64 percent of the net new jobs in this country over the past 15 years.

I owned and operated a small business. I can tell you that if I had thousands of pages of regulations from a health care law hanging over my head, I would hesitate before creating any new position that increased my exposure. The key is to stay under 50 employees. There is less regulation under 50. I know of some companies that already were at 52, 54, 56. They said: Do you know what we are going to do? We are going to reorganize so that we are under 50 employees.

Although reorganization is always good—we should take a little dose of that here in the Federal Government, but we don't. Everything is based on what we had before plus inflation—no reinventing, no doing things differently. I am seeing that in Wyoming as they are trying to close down some of the small post offices without any new ideas for them, without even covering the costs. But that is another story, and I will cover that later.

As the Senator from Tennessee said earlier, we are here and we are not getting anything done. I think that is part of the strategy. There was no budget—647 days with no budget and bills left undone. We get to this process here where, to keep us from doing amendments on this side, we just keep the floor open like this for days. Then we have a cloture vote, and because we have not had an opportunity to put any of our amendments in, we vote against cloture, and that keeps cloture from happening, and the leader then pulls the bill, and that ends the process. We go to another bill on which we are also going to do the same thing. Some of these are good ideas and ought to be passed, but we don't make it to that point. I am sure that is for the next election, saying: Those darn Republicans just held up everything. That is not how we ought to be operating.

Reducing the regulatory burden that is imposed by the Federal Government would be an important step, but we also need to make sure the administration's independent boards and agencies

get the message. So far, it is clear they have not.

An extraordinary effort is underway at the National Labor Relations Board to deter Boeing from expanding into a right-to-work State, where it would create work for over 1,000 employees. Those thousand employees have already rejected a union, but they have the right to do that. Now, this would be 1,000 more people employed in a billion-dollar-investment facility.

So what has happened in Washington State that might have the people there upset? Well, I am not sure. Boeing has also hired 2,000 additional employees out there, so it obviously has not hurt their employment. There will be seven of the planes built in Washington State and three of them built in South Carolina per month. But the case has drawn a great deal of attention not because Boeing is a big company but because the agency's fact-twisting and publicity-seeking reveals a strongly biased agenda. Our economy cannot recover when this administration's policies result in exporting jobs rather than airplanes.

The wisdom of the National Labor Relations Act is to defend the right of employees to collectively bargain when they choose to do so, not stepping in to limit employees' ability to exercise their right not to form or join a union.

At the National Mediation Board, we have seen rulemaking to change the way election results are counted in order to favor organized labor.

When that did not work and the majority of employees still voted against the union, the agency launched multiple investigations trying to smear the employer. These government-sponsored efforts to increase union density have done nothing to create jobs. In some cases, the Federal Government has been counterproductive to that goal and should get out of the way.

Pending before the Senate and being held hostage under political pressure are three free-trade agreements—South Korea, Colombia, and Panama. These pacts have been negotiated for years, and they will open markets to our producers. Yet this administration has failed to submit these agreements to Congress and is refusing to consider a reasonable compromise. That is wrong and it is hurting over \$1 billion worth of U.S. beef exports to Korea which would help ranchers all across the United States, including my home state of Wyoming. The Korea agreement not only helps grow U.S. agricultural exports but would also open the door for future trade with China which is an even larger market for U.S. farm products. And that is just one industry. The Korea agreement, as well as the Columbia and Panama deals would also help our service manufacturing and finance industries just to name a few.

In the committee on which I now serve as ranking member, the majority scheduled three hearings on the middle class and job growth. I am concerned about the middle class. The first hear-

ing asked the question of whether the American dream is slipping out of reach. I made the point then that I am repeating today. The American dream starts with a job. The focus on pay, benefits, and organizing does nothing to create a job. We are going to have another one of those hearings next week. I am not sure where it is going. We have not proposed any legislation yet to deal with these issues. We are just getting press. That doesn't get jobs. Stalling the growth of the domestic energy production industry or increasing the regulatory burden on American businesses doesn't increase jobs either and neither does blocking free-trade agreements with our partners around the globe. An unelected, unconfirmed general counsel at a small agency is getting in the way of business management decisions that create jobs.

The American dream is not out of reach, but it is suffering from needless hand-slapping threats. Those should be changed to hand-clapping progress. But this administration has to stop getting in the way of job creation so Americans can have jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

MEDICARE

Mr. CORNYN. Mr. President, last month, the Medicare trustees warned that Medicare will go bankrupt in 13 years, which is 5 years earlier than they had previously calculated. You heard me right. One of the most important programs that the government actually runs—the Medicare Program—designed to provide health care to seniors, is going to run out of money in 13 years, 5 years earlier than projected just last year.

The Medicare trustees noted that Medicare's unfunded liabilities—that is the number it is responsible for—are more than \$24 trillion, but that is also growing. Stated another way, this is a \$24 trillion gap between Medicare's future benefit costs and the future taxes of premiums that are expected to be collected to pay for it.

Today, I am, along with nearly all my Republican colleagues, sending a letter to the President of the United States, insisting he comply with the law. What law would that be? Well, the law that was passed in 2003 that, under these circumstances, requires the President to propose a plan to deal with this funding crisis for Medicare. President Obama has said he is willing to make some tough decisions. Yet he refuses to provide concrete, constructive, and meaningful proposals to deal with this impending insolvency of one of our most important government programs.

The Medicare trustees have issued a Medicare funding warning in their annual report every year since 2006. They are required to do so under the Medicare Prescription Drug, Improvement,