

you started to lose the attribute the administration said was so valuable.

That was in June. In July, the Obama administration's own Justice Department confirmed the individual mandate penalty is a tax increase. Well, when ABC News's George Stephanopoulos asked the President if the mandate penalty was a tax increase, the President said: "I absolutely reject that notion." Well, if the President absolutely rejects the notion, why is his own Justice Department contradicting him?

In August, without so much as a hearing before Congress, the President made a recess appointment. He tapped Dr. Donald Berwick to run the Centers for Medicare and Medicaid Services. So how big is this Federal agency? Well, it includes oversight of a budget larger than the Pentagon's. Dr. Berwick believes the government must ration health care and that the only issue is whether we ration with our eyes wide open, as he said. Well, the President promised not to ration care, so why did he make an appointment of someone who believes it is inevitable to ration care and do it in a way without ever allowing the Senate—Republicans and Democrats alike, Members of this body—to even have a hearing so this individual could explain his position, explain his previous comments, explain what he has said and written? The President refused and did a recess appointment of someone who never testified, never came to a confirmation hearing, and he put him in charge of a program with a budget larger than the Pentagon's. Can you imagine if the Secretary of Defense was made as a recess appointment without a congressional hearing? It is unthinkable.

In September, the administration released new rules estimating that 80 percent of small businesses would be forced to change the coverage of insurance they offer to their employees. These aren't my numbers, these are the administration's own numbers. But it was the President who said, over and over, if you like the coverage you have today, then you can keep it. Now we know that was another one of the President's empty promises.

In October, responding to complaints from unions and corporations, the Obama administration began handing out waivers—waivers that excused individual groups from ObamaCare's expensive mandates. These waivers went mostly to those politically connected to this administration. Most American families still have to bear the law's expensive burdens. Clearly, for this administration, playing favorites is more important than achieving fairness. I think every American ought to be able to get a waiver from this health care law.

In November, a majority of the American people voiced their opposition to this law and handed an election response that resulted in a significant change in the composition of the House and the Senate because the American

people knew they did not want this health care law.

The American people were concerned—and they even wondered if this law was constitutional—and in December, a Federal judge in Virginia ruled it was unconstitutional to force Americans to buy a product. The Service Employees International Union, one of the biggest unions in the country, also admitted in December that fulfilling the requirements of ObamaCare would be financially impossible. This is the same law they said the country needed when they lobbied in favor of it.

In January of this year, the Medicare Actuary called the administration's claim the health care law would bring down costs "false more than true." Also, a Federal judge in Florida struck down the entire law as unconstitutional.

In February—last month—we learned the 2012 budget the IRS submitted to Congress specifically mentions the health care law 250 times. They mention it as a source of authority and funding for new powers. They called the health care law "the largest set of tax law changes in more than 20 years." To begin implementing these changes will require thousands of new Washington bureaucrats.

Well, that was through February, and here we are, on March 9. Did the American people find out anything new about the health care law in March? Absolutely. Last Friday night, the Secretary of Health and Human Services granted another 150 waivers—another 150 waivers. Now there are over 1,040 waivers covering 2.6 million individuals. These are people who don't want to live under the Obama health care law. They don't want it to apply to them. I think every American ought to have a right to that same waiver. Of those 2.6 million people who received waivers, 1.2 million are members of unions. So that is 46 percent of the waivers have been given to union members.

If you look at the Web site you must go to for that information, the Secretary has tried to disguise how they label these individuals, and so union plans are now called "multiemployer plans." Under this change in the name, at the Web site you go to learn about this, are the words "promoting transparency." So we have an administration that says one thing but does another.

But the American people now know what is in the law. As they were studying the law before the vote, they didn't want it. Now they know all about it, and they still don't want it. It is clear it is unsustainable, unaffordable, and unconstitutional. It is time to repeal and replace it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

THE BUDGET

Mr. BLUNT. Madam President, I thank the Chair for allowing me the floor for a few minutes.

First, I wish to say, Dr. BARRASSO's second opinion is clearly the opinion of Missourians. I think when you ask Americans if they want to see changes in the health care system—but not these changes—they say: Yes, we want the health care system to be changed. We just don't want it changed this way.

I remind the Chair, in Missouri in the primary election in August last year, 72 percent of the people who voted said they did not want to be part of this health care plan. This is going to be a big discussion and a big issue for the next couple of years, until we decide what direction we are going to take.

Today I want to talk about spending. Two bills are coming to the floor today about spending and there will be lots of discussion about the cuts the House made, the \$61 billion of cuts and how this cut could have been better, how this is a good thing for the government or for somebody to do. Of course, I suspect most all of that will be true. What is unfortunate is that we on the Senate floor today do not get to talk about what we might cut instead of these things, these things that will be discussed that people think are such a good idea for us to cut.

The truth is, we have to make the decisions that get spending under control. This year we are going to spend about \$3.8 trillion and we are going to collect about \$2.2 trillion. Even though "trillion dollars" is too big a concept to wrap your mind around, everybody understands that 3.8 is a lot bigger than 2.2. If your business was spending \$3.8 million and bringing in \$2.2 million, you would understand your business was not going to be in business very much longer. If your family was spending \$38,000 and bringing in the door \$22,000, you would know that could not continue. This cannot continue either.

The idea we cannot make \$61 billion of reductions in spending in a \$3.8 trillion budget, \$1.6 trillion of which is deficit spending, doesn't make sense to me and it doesn't make sense to the American people. We are going to have to have a government that can make choices.

Right now we have government trying to do the same thing over and over at all three levels. Some of those things government is trying to do at the Federal, the State, and the local level ought to be left to families, where they could be left to families. Other things are the legitimate job of government. But everything is not the legitimate job of the Federal Government and almost nothing is the legitimate job of all levels of government. We would be much better off if we tried to go through this process: OK, is this a problem that only government can solve? If the answer is yes, then the next question is: Can't we solve that problem closer to where people live and

work, and where the problem is, where families are? Can't we solve that at the city level or the county level?

Maybe the answer is no. Then the question should be: Can't we solve it at the State level? Then the question should be: If we are going to solve it at the Federal level, is there a constitutional definition that allows us to do that?

There are some things that only the Federal Government can do. But there are not very many things that only the Federal Government can do.

We are going to hear in this discussion today and in the coming weeks about lots of good that can be done in our society. We are going to hear about some things I have worked to authorize and tried to get us to make a priority and still hope to keep a priority. Some of those programs are actually cut in the House appropriations bill that I will vote for today, because my view is we have to cut spending. If we could cut the \$61 billion this year from exactly what I wanted to be cut, that would be better for me. But I am committed to cut spending in any bill we can get enough people to support, to put a bill on the President's desk that will say let's head toward a balanced budget. Let's get a balanced budget amendment. Let's head toward a balanced budget. But let's ask the right questions.

Before I came to the Congress, I was a university president for 4 years. It was a private university, Southwest Baptist University in Bolivar, MO. We did not take any Federal money or any State money. We had to pay our bills. Because we had to pay our bills, as the president of the university I was constantly being asked to do good things but I had several different categories of "no, this is why we cannot do that." There are two that maybe we ought to use the most often in Washington, DC, these days. The first is: No, that is a good idea but it is not what we do. I said that a lot as the university president. As a matter of fact, in the 4 years I was there I never had anybody come to me and ask me to do anything evil. I never had anybody come to me as president of the Southwest Baptist University and say here is something bad I think we should do as an institution. Every idea I got was a good idea, but it was not always something we could do. So one of my categories of no was "no, that's a good idea but it's not what we do."

We are going to hear lots about people with challenges that somebody should help. But the Federal Government is \$1.6 trillion in debt this year—this year; not the \$14 trillion accumulated debt, \$1.6 this year—over \$200 billion last month. Last month's deficit was within striking range of the annual deficit for the 10 years that ended in 2008. We are now spending more in deficit spending in a month than for a decade we spent in a year. If you average out that 10 years it is very close to February—and by the way, February is

the shortest month. That is the only month where we have 28 days of spending, and we set a record on monthly deficit spending for the United States of America that was almost equal to the average annual deficit of the previous 10 years.

Sometimes people came to me and they had a good idea that actually was something the university could do. Often, then, I would have to say: Yes, that is a good idea, we ought to think how we can do that, but you are going to have to help me figure out what we can stop doing so we can start doing this. This may in fact be a better thing than some of the things we are doing now, but we can't do everything. Families deal with this issue all the time. You cannot do everything, even if it would be good to see those things done.

The Federal Government is doing the wrong thing when it heads down a road where you are spending so much more than you are collecting. One obvious answer is let's collect more. I suppose if you went to the Congressional Budget Office and said what would the collection amount be for the Federal Government if the tax rate were 100 percent—since they do not do any dynamic scoring over there, they score as if tax policy doesn't matter—I guess they could add up all the payrolls of America and whatever they added up to, that is how much money the Federal Government could bring in if the tax rate were 100 percent.

But that would not happen. Frankly, the tax rate of collecting the \$2.2 trillion is about all we ought to be collecting out of this economy. For the 65 years after World War II, the government spent an average of about \$1 out of \$5, the Federal Government, that the economy could create. Now we are spending \$1 out of \$4. There is a big difference in a country where the Federal Government alone spends 1 dollar out of 4 that the country can create in goods and services as opposed to 1 dollar out of 5. You are not going to get a lot more on the taxing side. So we have to make the reductions in spending.

Then you are going to hear we are making these reductions out of 12 percent or 15 percent of the budget. Is that fair?

First of all, that is the only part of the budget we can get to without significant legislative activity. That should be the next thing on our agenda. Let's talk about the 60 percent of the budget we normally do not even talk about where if you meet the definition of the program you get the money, and see if we can't figure out how to produce better results for fewer dollars. That is what everybody else in America has been thinking about for 20 years now.

If you are still in business in America and you are competing in a global economy, you have been thinking how do we get a better result for less money, not how do we spend more money. We need to be sure the government is as good as the people it serves

in that regard. It is 12 or 15 percent of the budget where we are talking reducing spending by \$61 billion. That would not begin to be nearly enough, if you apportion it out. That is about one-seventh of the budget. If you multiply that by seven, you are still well over \$1 trillion short of where you need to be. We need to start by taking at least this much money out of that part of the budget and figure out how we can also make the government work better in the other 85 percent of the budget.

Today is what it is. Today is a discussion to prove, apparently, that we cannot do anything. We can't do what the majority of the Senate wants to do, we can't do what the majority in the House wants to do. Let me tell you what the majority in the House wants to do is a minimum entry level to solving this whole problem. I am going to vote for it today and I urge my colleagues to vote for it as well.

I yield the floor.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE JULIA GILLARD, PRIME MINISTER OF AUSTRALIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 12 noon.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon, and the Senate, preceded by the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Martina Bradford, proceeded to the Hall of the House of Representatives to hear an address to be delivered by the Honorable Julia Gillard, Prime Minister of Australia.

(For the address delivered by the Prime Minister of Australia, see today's proceedings of the House of Representatives.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. FRANKEN).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 3 hours of debate, equally divided and controlled between the two leaders or their designees.

The Senator from Hawaii.