

file cloture on this bill. As I said, this is an extremely important bill.

Senator LANDRIEU was on a nationwide TV program today, and one of the commentaries—who, by the way, is a Republican, a former Member of Congress—said, and I am paraphrasing: Why would the Republicans want to hold up a jobs bill?

This is a jobs bill. The small business matter now before the Senate is a jobs bill, just as we did with the patent bill, just as we did with the FAA bill. It is a jobs bill. We should move on. We should have the amendments focused on how to improve a jobs bill and not do all this other extraneous stuff that virtually, without exception, has nothing to do with this bill.

At 12 noon, the Senate will proceed to consideration of H.J. Res. 48, the 3-week continuing resolution. There will be up to 3 hours of debate on that matter prior to a vote on passage of the joint resolution.

Following the CR, there will be 2 minutes of debate prior to a vote on the confirmation of Calendar No. 11, the nomination of Amy Berman Jackson, of the District of Columbia, to be U.S. District Judge for the District of Columbia.

We are going to have a briefing this afternoon for Senators at 2 o'clock dealing with the situation in the Middle East. That will be a classified briefing.

Mr. President, I ask unanimous consent that the time used by my friend—he is my friend; I have the greatest respect for Senator ALEXANDER; he is a true gentleman—that the time he used in his speech be deducted from the Republican's time in morning business this morning. They have the first run at morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

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#### HEALTH CARE

Mr. MCCONNELL. Mr. President, next week does indeed mark the 1-year anniversary since the Democratic health care bill was signed into law. We all recall the debate quite well. It was the most partisan of debates. The only bipartisan moment was in the House when there was bipartisan opposition to the new health care bill. In the Senate, it was a strictly partisan vote—60 Democrats voted for it, 40 Republicans voted against it. If a single Democrat—even one—had changed their vote on that Christmas Eve, we would not be looking at the 1-year anniversary of the Democratic health care bill. This morning, I would like to look back on what we learned during that year.

Shortly before the final vote, then-Speaker PELOSI famously said that the

Democrats had to pass the bill so they could find out what was in it—away, as she put it, from the “fog of controversy.” Now that the fog has lifted, the question arises, What do we know now that we did not know then?

We now know that those who promised us that “if you like your plan, you can keep it” were dead wrong. The Obama administration has already admitted that at least 7 million seniors will now lose their Medicare Advantage plans. And one of the administration's own top health care analysts recently admitted that this oft-repeated pledge was “not true in all cases.”

We all knew the bill created strong incentives for businesses to drop or change employees' health care plans, the ones they get through their jobs. Now that the bill is passed, the White House admits it too. One recent study suggests that as many as 35 million American workers could see their employer-based health insurance plans dropped in this way. The administration's promises on this point, which were echoed by Capitol Hill Democrats, such as Speaker PELOSI, turned out to be hollow. Today, even the administration itself predicts more than half of all American workers will see their current employer-sponsored health care plans change within a couple of years' time.

Shortly after the health care bill became law, the Department of Labor acknowledged all of that. Small businesses would be most affected, it said, with as many as 80 percent expected to have to change their coverage to comply with the new law. For all remaining businesses, the administration now estimates that somewhere between 39 and 69 percent will be forced to change their plans to comply with costly and burdensome new dictates from health care bureaucrats in Washington.

What happened to the reassuring predictions that everybody's plans would stay the same? It turned out to be nonsense—utter nonsense.

Americans have every reason to be outraged, not only by the bill itself but also by the rhetoric that was used to sell it. Far from being reassured of all the bill's merits, Americans feel betrayed. Check the record. I doubt that one Democrat who voted for this bill told their constituents they would see a change in their plans. Yet here we are a year later and they just expect people to accept it. Democrats knew exactly what Americans wanted to hear, and that is what they told them. Perhaps the biggest deception of all was the claim that people could keep the plans they have.

OK, what else do we know about the bill? At a time when nearly 14 million Americans are looking for work, we know this bill only increases costs and burdens on employers and small businesses, making it even harder for them to keep current workers on board or to hire new ones. According to the independent Congressional Budget Office, the health care bill will result in the

loss of more than 800,000 jobs over the next 10 years. What is more, 200 economists and experts, including two former CBO Directors, have said that the law's “expensive mandates and penalties . . . create major barriers to stronger job growth.”

Another chief selling point of the bill is the promise that it would lower costs. Yet now we hear estimates from one of the administration's top actuaries that it will increase costs by \$311 billion. And the CBO now estimates it will increase Federal health care spending by nearly  $\frac{1}{2}$  trillion over the next decade.

What about the cost to individuals and families? Well, according to the same independent analyst at the CBO, once fully implemented, the bill is expected to cause premiums on family policies to increase an average of \$2,100 a year. So \$311 billion more in cost to the government; \$2,100 a year more in cost to the average family.

Meanwhile, other new rules are making it difficult for families to secure child-only plans. The fact that families in 19 States no longer have access to these once-common plans is just one of the harmful, unintended consequences Americans are stuck with now that the “fog of controversy” has lifted.

Taken all together, these broken promises illustrate why so many Americans continue to support a full—a full—repeal, which the new Republican-led House has passed, followed by commonsense reforms that will actually lower costs, improve care, and protect jobs.

The fog of controversy may have lifted, but contrary to the confident predictions of some, the contents of the health care bill are even worse than anyone expected. One year later, it looks even worse than it did then, and that is saying something.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent that morning business be for 1 hour and that the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 51 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half, the majority controlling the final half, and

the time consumed by the Senator from Tennessee deducted from the Republican time.

Mr. KYL. Mr. President, would the Chair acknowledge that the 51 minutes now is the time of 1 hour, equally divided, minus the time of Senator ALEXANDER; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

#### HEALTH CARE

Mr. KYL. Mr. President, as three of my colleagues have already noted this morning, President Obama's health care law turns 1 next week, and in my view it hasn't been aging very well.

On the eve of its 1-year anniversary, I too would like to review a few key developments related to the law and its implementation and note that, at least to me, it is very clear this bill has not become more popular with Americans but decreasingly popular.

Let us go back to March 23, 2010, just about 1 year ago. That is when the President signed this health care bill into law. Later, that very day, 13 States filed a lawsuit against it in a Florida Federal court. Another 13 States have joined the suit since. In addition, Virginia filed its own separate lawsuit on the day of enactment.

May 11, 2010. The nonpartisan Congressional Budget Office revised upward its cost estimate of ObamaCare. According to the CBO, ObamaCare will cost \$115 billion more than originally estimated, pushing the cost of the program to over \$1 trillion.

June 2010. With public opinion still decidedly against the law, a poll at that time found that 58 percent of Americans supported repeal. The Department of Health and Human Services launched a public relations campaign to try to change people's minds. Many seniors received a pamphlet from HHS Secretary Kathleen Sebelius that made claims such as:

Your guaranteed Medicare benefits won't change—whether you get them through original Medicare or a Medicare Advantage plan.

But, of course, the pamphlet failed to mention the fact that the law cuts Medicare Advantage plans by \$202 billion over 10 years, meaning higher premiums, less benefits, and fewer plan choices for seniors. The CBO estimates that the extra benefits currently provided by Medicare Advantage plans will be cut in half.

July 11, 2010. President Obama used a recess appointment to name Donald Berwick as Administrator of the Centers for Medicare and Medicaid Services, an agency that will play a critical role in the implementation of ObamaCare. The President used this procedure in an attempt to bypass the regular confirmation process before the Senate had held a hearing or voted on the nominee. The recess appointment allows Dr. Berwick to run the Centers for Medicare and Medicaid Services through the end of this year.

A hearing would have given Senators the opportunity to question Dr. Berwick about his very controversial views, including his espousal of health care rationing. He has, for example, praised the British national health care system, which routinely denies and rations care, as "extremely effective" and "conscientious."

On September 24, 2010, the Department of Health and Human Services issued its first waiver of ObamaCare provisions dealing with the limited benefit or mini-med plans. Since then, a total of 1,040 waivers have been granted, many to the administration's favored political constituencies. It seems as though they like the law as long as it doesn't apply to them.

December 13, 2010. A Federal district court judge in Virginia ruled that the law's mandate that individuals purchase government-approved health insurance is unconstitutional.

January 19 of this year. The House of Representatives voted 245 to 189 to repeal ObamaCare.

January 25, 2011. My Governor, Jan Brewer of Arizona, asked Secretary Sebelius to waive the maintenance-of-effort provision in the health care law. That is the provision that forces an unfunded Medicaid mandate on States by denying them the flexibility, the full ability to manage their own Medicaid Programs to fit their own budgets and their own unique Medicaid populations. This is a huge problem because Arizona, along with most other States, is experiencing a dire budget crisis.

January 26, 2011. Medicare Chief Actuary Richard Foster testified before the House Budget Committee. He acknowledged to the committee that President Obama's promise that Americans will get to keep their coverage if they like it is "not true in all cases."

January 31, 2011. Judge Roger Vinson, a Federal district court judge in Florida, ruled that the individual mandate in the law is unconstitutional and he invalidated the entire law. He concluded the law's requirement to buy insurance or pay a fee:

... is outside Congress' Commerce Clause power, and it cannot be otherwise authorized by an assertion of power under the Necessary and Proper Clause. It is not constitutional.

He also writes:

It is difficult to imagine that a nation which began, at least in part, as the result of opposition to a British mandate giving the East India Company a monopoly and imposing a nominal tax on all tea sold in America, would have set out to create a government with the power to force people to buy the tea in the first place. Surely this is not what the Founding Fathers could have intended.

On February 2 of this year, on the Senate vote to repeal the law, it failed on a party-line vote, 47 to 51. So the Senate did not follow the path of the House of Representatives to repeal ObamaCare.

On February 14, Valentine's Day, the IRS submitted to Congress its fiscal year 2012 budget request. The health care bill is mentioned by the IRS more than 250 times. The IRS will have to

hire thousands of new workers to implement the many new tax provisions. As the request noted, the health care law:

... presents a major challenge for the IRS. It represents the largest set of tax law changes in 20 years, with more than 40 provisions to amend the tax laws.

Just to remind my colleagues and our constituents throughout this country, the health care law has more than 40 provisions, the largest set of tax law changes in 20 years.

February 22 of this year. A Clinton-appointed Federal judge ruled that ObamaCare is constitutional because the Constitution somehow permits the Federal Government to regulate what the court called "mental activity."

So much for keeping your thoughts to yourself.

On March 3, 2011, at the request of the Obama administration, a Federal judge in Florida, the Federal judge who had previously ruled that ObamaCare is unconstitutional, clarified his ruling and noted his continuing concern with the fact that if the law is upheld, he says, "Congress could, indeed, mandate that everyone buy broccoli."

I think the first President Bush would have a real problem with that mandate.

March 14, 2011, just 3 days ago. The latest Rasmussen poll shows that support for repeal of the health care law has reached its highest level since May of 2010, with 62 percent of likely voters now favoring repeal.

That is what we should do. These developments highlight just some of the reasons why the bill is so unpopular and so deeply flawed that the American people agree it should be repealed and it should be replaced with more sensible ideas.

The debate on the health care law will no doubt continue throughout this year, especially now that two Federal courts have already ruled it is unconstitutional. It would be best if we could stay the law until the Supreme Court rules on its constitutionality. States and businesses could save a great deal of money, and insurance companies wouldn't have to raise their rates. We will have a chance, I hope, to vote on such a proposal.

Some things age well with time—not ObamaCare.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise also to speak to the issue of the health care reform bill, which my colleague from Arizona has pointed out is now seeing its 1-year anniversary. I think it is good to put in perspective the issues most Americans care about.

As I travel my State of South Dakota and elsewhere in this country, I hear repeatedly what most Americans think we ought to be focused on right now in Washington, DC; that is, the economy, job creation, spending, and debt. They believe those are the issues that are most important. I think the public