RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour 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 the Republicans controlling the first half and the majority controlling the final half.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. The Senate is currently in session.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor today, as I have just about every week since the health care law was passed, to give a doctor's second opinion about the health care law. I do that because I practice medicine in Casper, WY, as an orthopedic surgeon, taking care of families from all across our State, and I have significant concerns about the health care law as it was passed, the way it was passed, and what was included in the law.

So I come to the floor today because the American people continue to see one news story after another uncovering another error in the health care law, another mistake in the health care law, another glitch in the health care law. Call it what you will, we continue to see more of the health care law's unintended consequences—something that those who voted for it didn't foresee as happening—and we are also seeing another one of the President's broken promises.

I come to share with the American people concerns I have as more and more of these things come forward because hard-working individuals and families all across the Nation realize this health care law was not passed for someone such as them. What people asked for, the reason we went through the discussion and the debate had to do with the fact that people wanted the care they need, from the doctor they want, at a cost they can afford.

When I say people all across the country realize the health care law was not passed for someone such as them, and it was passed for someone else, that is the reason I come to the floor to talk specifically about something called the Early Retiree Reinsurance Program, which is part of the health care law.

On Friday, December 9—1 week ago—the Department of Health and Human Services announced its plan to shut down the Early Retiree Reinsurance Program at the end of this month—shut it down.

Remember, President Obama and Washington Democrats touted their early retiree program. They touted that as one of the health care law's early—they called it an early deliverable, something that would be there immediately. The health care law's supporters said this early retiree program would act, they said, as a bridge. They said the program would help employers maintain health insurance coverage for retirees over the age of 55 but not yet eligible for Medicare. They said this program would help people keep their insurance plan until the new health insurance exchanges were up and running in 2014.

It is only 2011 now, and they are trying to talk about a bridge to 2014. It quickly became clear the program was intended to be a bailout—a bailout—for companies with a large number of union employees.

On October 31 of this year—Halloween day—the senior Senator from my home State of Wyoming, the ranking member of the Senate Health, Education, Labor, and Pensions Committee, MIKE ENZI, released a report. That Halloween day report is a report the Senator asked for. It was a report he asked the Government Accountability Office to conduct, specifically looking into the early retiree program's implementation.

This is why the report is so scary: The GAO, the Government Accountability Office, said through the end of September of 2011, the administration had already spent more than half the $5 billion allocation—more than half already spent by September of 2011.

Let's fast forward to December 14, 2011. We are talking about yesterday. The House Energy and Commerce Committee released updated information about the early retiree program's spending. As of last Friday, December 9, 2011, the Obama administration—the people in charge of this bill, the people who wanted it, passed it, said it would work—said: Oh, we have now spent over $4.5 billion of the $5 billion budget—91 percent of the total early retiree program budget. It was supposed to last through 2014, and 91 percent of it is gone. The budget should have lasted 1,300 days. Instead, this administration drained the money—taxpayers' money, hard-earned dollars—in just 579 days.

The early retiree program has run out of money so fast that it is going to be forced to close 2 years early. The administration has said it is no longer going to pay out claims submitted after December 31 of this year.

The health care law's supporters promised the early retiree program would stay in place through January 1st of 2014. What we have is another broken promise. Just a little over a month after the GAO report was released, we are now finding out this administration spent more than $4.5 billion of the total $5 billion allocation that was supposed to last until 2014.

How did this administration—one that claims to be fiscally responsible, one that claims to be accountable, one that claims to be open—how did this administration allow this program to run out of money years ahead of schedule? It went broke because certain corporations and union-affiliated organizations rushed to grab a taxpayer bailout.

It is astonishing that the health care law's supporters forced the American taxpayers to foot the bill to keep private companies' and unions' health insurance benefit promises to their workers. Most Americans would be shocked and outraged to learn the administration did not even require companies to disclose their earnings in order to get the early retiree program funding.

Let me repeat that. The Department of Health and Human Services chose to not mandate that employers prove—prove—they needed funding from the early retiree program before approving the applications and then sending them—those corporations and those union plans—taxpayer dollars. The Department of Health and Human Services said: No. Here is your money.

News reports indicate small businesses asked the administration to set up a review process to stop government entities and unions from consuming all this early retiree program money. According to the GAO report, the administration refused. They decided to distribute early retiree subsidies on a first come, first served basis.

The GAO findings and the House Energy and Commerce Committee report suggest the Obama administration used the Early Retiree Reinsurance Program to reward its political allies. These two reports suggest this administration did so by directing most of the program's resources to plans serving unionized auto and government workers.

This is based on the administration's own data: Based on the administration's data, nearly half of the entire $5 billion program will be spent on just 20 entities. It is fascinating that the most money of all—the most money of all—went to the United Auto Workers Retiree Medical Benefits Trust. So how much did the United Auto Workers need? They took over $387 million.

Administration officials said the reason they are giving away the taxpayers' money so fast is because the program is so popular. Spending money fast does not mean this government and this administration is spending taxpayer dollars wisely.

Similar to so many parts of the health care law, the early retiree program just throws money at a problem rather than trying to fix it. We could have worked together in Congress. We could have worked together to help our Nation's early retirees have better access to health insurance. We could have done it by enacting meaningful health care reform—health care reform that actually lowers the cost of medical care.

Remember, that is what the President promised. That is what he promised in a joint session of Congress. He stood there, and he said under his plan the cost of health insurance would actually go down. He used the term ''about $2,500 per family per year.'' That is what he promised; that the cost of health insurance for American families would go down by $2,500 a year.

What are families at home seeing? They continue to see the cost of their health insurance go up—and go up a lot. The President and Washington Democrats squandered their chance to enact real health care reform, and they did that the moment they decided to ram a very partisan health care law through Congress and ignore the cries of the American people—people at home who said: Stop. Do not do this.

Now the American people are seeing, once again, the consequences of those actions by this President and the Democratically controlled Congress, seeing that the consequences are ones they, the American people, continue to have to pay for.

It is time to repeal the President's health care law. We need to get back to patient-centered care, the care people need, from the doctor they want, at a cost they can afford.

At this point, I continue to come to the floor because I continue to believe this health care law is bad for patients, it is bad for providers—the nurses and doctors who take care of those patients—and it is terrible for the American taxpayers. That is why, as I go home every weekend and talk to people around my home State, they say: This was not passed for me. This was a law passed for somebody else. It is why seniors on Medicare know $500 billion under the health care law was taken from Medicare, not to save Medicare but to start a whole new government program for other people. It is why the popularity of this health care law actually continues to go down—and it is less popular today than it was the day it was passed.

It is time to repeal the President's health care law and replace it with health care proposals to help Americans get the care they need, from the doctor they want, at a cost they can afford.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PAYROLL TAX CUT EXTENSION

Mr. CASEY. Mr. President, I rise this morning to talk about an issue that the American people expect us to take action on, and that is to provide another extension of the payroll tax cut we put into place in 2010.

I want to provide a little bit of background by way of recent history. We started this debate a number of weeks ago when I proposed legislation which would do the following—this is a brief summary. But here is what I proposed: that we would not only continue the payroll tax cut for workers, but that we would enlarge it, make it a bigger cut. So instead of having the payroll tax cut for employees across the country that would amount to $1,000, as we did last year—that was the right thing to do last year as part of the larger bill—I thought we should go further and cut the payroll tax in half for workers across America.

What we are talking about here is 160 million American workers. This is not some small matter. This is a major issue for the American people and for those 160 million families in America. That is what I proposed on the employee side; instead of cutting it to the level we did last year, we cut it even more—cut it in half.

Then I added to that a provision for business so that you would have businesses across the United States, 98 percent of them, also get their payroll taxes cut in half as well. So you have employees and employers getting a cut of their payroll tax obligations in half. I added a third element, which would be a credit, so that if you are a business and you add to your payroll, meaning you hire someone, you increase wages, you somehow increase your payroll, you could get not just a cut in your payroll tax as applies to those new employees or wages, you would have a full cut. In other words, you would pay zero, zero payroll tax if you added to your bottom line.

What you have here is three elements in legislation that would not only help 160 million workers but would help most of the businesses in America. I put into the legislation a provision that says if we are going to do all of this, we need to pay for it. We had a full series of ways to pay for it. One of those was, of course, the provision of the surtax on individuals with incomes above—the key word is ''above''—$1 million. So if you are making $1 million, that entire million dollars was tax free; not a dime of surtax until you went above it. We had it at 2.2 percent. We had a vote on it. It was rejected by the other side. I said: Well, okay, let's come together. We will work with the other side, our leadership, and take into consideration some of the concerns the other side raised, trying to be reasonable, trying to compromise and come together.

What we did is we reduced the surtax substantially to 1.9 percent, a big cut, a big reduction in the level of the surtax. As I said, I wanted to have a payroll tax cut for businesses across America. The other side did not want that, for whatever reason. The other side did not want to cut payroll taxes for business. I do not understand that, but that is what they wanted. They wanted that out of the bill. So that was out of the bill. The surtax was reduced. We are at the point where we are talking mostly about expanding and extending—I should say extending first, extending and hopefully expanding the payroll tax cut that we put in place last year for workers, 160 million workers, and as we cut it in half, $1,500 in the take-home pay of workers, $1,500 in your pocket, so you would not have, absent this action, as last year, $1,000 dollars in your pocket in take-home pay, because of the action we took last year.

Here we are now, all of these days later, several weeks now of debating this issue. For whatever reason, the other side does not want to have a vote on a measure the House passed. I do not understand that. I realize the votes are not there, but I think it is very important that we move forward and come to an agreement on a very fundamental issue for the American people.

They know, as well as everyone here knows, this is not in dispute, it is a fact, that if we pass a payroll tax cut for 160 million Americans, the impact on the economy will be seismic, substantial—you can pick your word—it will have a huge positive impact on our economy.

The corollary to that is if we do not do this, it will have a very adverse, negative impact on gross domestic product and on jobs. So if you want to reduce the number of jobs created in America in 2012—I do not know anyone who wants to do that, but if that is what you want to do, not taking action is a way to do that.

We hear phrases in Washington all of the time: Job killer. Not passing a payroll tax cut extension for 160 million Americans is a job killer, without a doubt.

Anyone who is credible in this town knows that. This is something the American people want us to do. They are tired of the finger-pointing and whining and the politics of Washington. They want us to get this done. We should get it done—if we are doing the right thing—today or tomorrow, but we have some people who are playing games.

I hope our friends on the other side of the aisle, who talk a lot about tax cuts and a lot about helping folks through this recession, will vote with us to cut the payroll tax and end this long debate that doesn't make much sense. We have a lot of other issues to debate, but this should not be one of them because we have been working on this for weeks.

The American people understand what this is about. This is about take-home pay. This isn't a complicated issue. We are either going to put more money in their pockets or we are not. It is very simple. We believe, on this side of the aisle—and I think the overwhelming majority of Americans believe this—that if workers have more take-home pay in their pockets, the impact on the economy will be very positive.