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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of liberty, as our Nation prepares to celebrate its independence, we thank You that the rights of its citizens come from You. We praise You not only for the unalienable rights in the Declaration of Independence and Constitution but for the liberty we have in You: freedom from guilt, sin, addiction, and fear.

Use our lawmakers to protect and defend the freedoms for which so many have given their lives. Inspire our Senators to keep Your teachings in their hearts so that they may live for You.

We commit this day to You and thank You in advance for Your presence and power.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, the next hour will be divided between the Republicans and Democrats. The Republicans will control the first half and the majority will control the final half.

It was last night, but just barely, when we finally worked out some agreement on a piece of legislation we are dealing with. The House posted that last night just before midnight to meet their rules. It includes the transportation conference and flood insurance and student loans in one package. I say to all of my Senators that we are going to finish this before we leave. I hope we can do it today. We certainly can if the will is there. Otherwise, if it takes tomorrow or whenever, we have to finish the bill. I know everyone has

a lot of work to do, but we have to finish this legislation. The student loan program expires at the end of the month. The highway program has to be completed by the end of the month. The work that has been done has been hard.

I met with the Democratic chairs yesterday at noon. I explained to everyone that we were trying to work our way through this. These are veteran legislators, the chairmen of all of the committees here in the Senate. We talked a lot about compromise being what legislation is all about. Legislation is the art of compromise, consensus building, but when it comes right down to doing that, it is hard for Senators to give up what they want. But this is a bill that affects almost 3 million people. That is just the transportation part of it—the flood part, 7 million people, and the student loan, 7 million people. So everyone had to give a little bit or we could not have gotten this done.

I am terribly disappointed on a part of what did not get done. I have always been a big fan of the Land and Water Conservation Fund. I do not have a better friend in the world than Ken Salazar. This is something he wanted so very much, but we could not get it done. So there is a lot of disappointment in many different areas.

But this is legislation at its best. I say that purposefully. It is hard to get these pieces of legislation done, but we got it done. And as I said, we are going to work through the process. With the Senate being such that it is, people can hold measures up, but they cannot hold them up forever. So we are going to work through this. It is for the betterment of our country if we complete this legislation as quickly as possible.

MEASURE PLACED ON THE CALENDAR—S. 3342

Mr. REID. Mr. President, S. 3342 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The assistant legislative clerk read as follows:

A bill (S. 3342) to improve information security, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

#### HEALTH CARE

Mr. REID. Mr. President, there is a lot going on in Washington today. I so admire the Supreme Court's ability to keep everything quiet. I mean, it is really incredible that we are going to have two major decisions this week—one dealing with immigration, one dealing with health care—and there has not been a single word that has come out of the Supreme Court. I am so impressed. That is the way it has always been, and I hope it stays that way.

Today the Supreme Court will rule on the constitutionality of the landmark health reform that made affordable, quality care a right for every American. Millions of Americans are already seeing the benefits of this law—I repeat, millions of Americans. The Democrats are very proud that we stood for the right of every man, woman, and child to lifesaving medical care instead of standing for insurance companies that worry more about making money than making people better.

The Supreme Court's decision, being a lawyer myself—I know the Presiding Officer was the chief legal officer for the State of New Mexico, the attorney general—when you are in the area of law and are a lawyer, whatever the Court does, you accept that. That is our form of government. We are a nation of laws, not a nation of men. So whatever the Court does, we will work through that. If they uphold it, that is great. If they do not uphold it, whatever it is, we stand ready, willing, and able to work to make sure Americans have the ability to get health care when they are sick.

I look forward to the opinion coming out in the next half hour or so, and we will see what that holds. I know that will cause a lot of interest here in the Senate, but we cannot take our eyes off what we have to do today; that is, figure a way forward on these other matters with which we have to deal—flood insurance, student loans, and the big Transportation bill.

#### RESERVATION OF LEADER TIME

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

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be 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 is recognized.

#### DEBT AND DEFICIT

Mr. ENZI. Mr. President, I come to floor to talk about a bit of a crisis the United States is in right now. We are out of money, but we are not recognizing that we are out of money. We must make that realization soon. We are going to have to do some work for this country to keep it operating so that the next generation has the same hope as the present generation.

I think the best example of where we are is probably this highway bill. Highways are important to this country. We need them to get from one place to another. We need them to move the goods across this country to keep the economy going—highways are extremely important. Highways have always been funded from a gas tax, until now. Using different funding is a prime example of what is about to happen in all of the bills that we do because we have run out of money and we haven't taken the necessary steps to solve that crisis.

When the highway bill came to the Finance Committee, I suggested that we ought to change the gas tax so that there was an inflationary rate added each year for the following year. That was the least that I could think of to do for highways. It would have added half a cent a gallon. The price fluctuates at the pump more than half a cent a day.

I have to tell you, though, that I really thought there would be strong support for doing something like that, taking a minimal step. I had the amendment devised so that it could be changed easily to increase that amount. The Simpson-Bowles deficit commission said—and this was over a year and a half ago—that for the next 3 years, we needed to raise the gas tax 5 cents per year for 3 years. So we really ought to be at 7½ cents or 10 cents in increase already. Now, if we did that, the highway bill could be funded from highway funds. And that is a user fee. If you drive, you buy gas. If you buy gas, you pay for the highways on which you drive.

I have been talking about this ever since we started on the highway bill, and I have not had anybody say to me: You are wrong, we should not raise the gas tax. I was really surprised. I thought there would be a huge outcry and that I would be in a lot of trouble for suggesting a raise in the gas tax. But America understands we are broke better than Congress understands.

Both parties told me we would not vote on my amendment. And we didn't vote on that amendment in committee, and we didn't vote on that amendment on the floor. Of course, by my count, I think I had two Democrats supporting me and two Republicans supporting me, but we didn't even really get to debate it. We should debate it. We should go to the logical spot for highway money, the spot that through the history of highways has been used to fund highways.

So where are we getting the money? Well, we did raise the tax on people

who have pensions, and that is very important. There is a trust fund—the Pension Benefit Guaranty Corporation has a trust fund to see that if a company goes out of business and it had promised pensions, then the Pension Benefit Guaranty Corporation's trust fund makes up part of that. They do not make up all of it, but they make it part of it. So it is an insurance policy for people across America who have pensions. And we said: That needs a little bit more of a jolt. So we did a couple of things. One of the things was to do some smoothing so companies would not have to put quite as much money into the fund, and therefore they would have maybe more profit, and on the profit they would pay taxes, and we can steal those taxes to put in the highway trust fund so that we can build the highways. We have never stolen money to pay for highways before. Never use the Pension Benefit Guaranty trust before. But this bill does that. And then there is another little bit of money that comes right out of the Pension Benefit Guaranty trust fund that goes into the highway bill. That is the wrong way to do business. We should not violate trust funds.

Wait until the seniors who said "don't touch my Social Security" realize that Social Security is a trust fund and that we are stealing from trust funds. I think we will hear a furor across this country that will be unmatched if Social Security is touched. So we are not touching that one—yet.

We have maxed out our credit cards. You know what a maxed-out credit card is. That is when you buy something and the clerk says: I am sorry, but there is a hold on your card. When you check on it, you find out that you have so much debt with that credit card company that they are not going to let you charge any more. Well, we have maxed out a lot of our credit cards. We are relying on foreign countries to help us out with our debt. There is a problem in Europe right now. The euro is having a real tough strain. Eight of the banks that have a lot of euros have invested that in U.S. bonds because we are the safest place in the world. But if those banks collapse, they will need their money. Between those eight euro banks and the four Japanese banks, that is 40 percent of the money, almost 40 percent of the money we borrow from other countries in order to keep our government going. We are at \$16 trillion worth of debt. What is worse, we have quadrupled the bottom line on the Federal Reserve. We have made money—we have printed money to four times the amount of money we had 3 years ago.

We are facing some really difficult times, and we are going to have to deed up to those. One of those ways would be to raise the gas tax and to do the highway bill the way the highway bill ought to be done.

Now, I mention these trust funds, and I mention them for a very specific reason; that is, they found a trust fund

they could violate. They did it very cleverly. They did not mention it to anybody who is going to be affected by the trust fund. Fortunately, there were some diligent people who took a look at that highway trust fund bill, and they said: Wow, they are going after abandoned mine land money in this bill.

That is an abandoned mine land trust fund. The money comes from coal that is mined, and the money, the tax on that coal, is supposed to go to fix abandoned mines across the country. The conference report's drafters found \$700 million in that trust fund. That trust fund hasn't maxed out its credit cards because, so far, we are still mining coal in this country, and so far there is money going into it.

But there are uses for that money that need to be achieved. It helps fix abandoned mine lands. Another use is taking care of orphan miners. I mentioned the pension folks before; when their company goes out of business, they get a little help. Under the abandoned mine land trust fund, if a coal company goes out of business and the miners don't have any health insurance then part of this abandoned mine land money goes to make them whole in the health insurance area.

This system was part of a grand coalition that came together to solve some problems that are involved with mining in America. The companies and the employees and the States that were involved said this probably isn't the perfect solution, but it helps a lot of people, so we were going to do it, and we did it. We were able to override a point of order on the budget in order to maintain that trust fund and move the money from the trust fund to where it was supposed to be used.

For more than a decade, the money wasn't even taken out of the trust fund, and do you know why? Anytime I asked about it and said we needed some of the money, the government said: Oh, I am sorry. You will have to put some money in there so we can take the money out. I said: What kind of a trust fund do you have to put money into twice before you can get money out? The money already went in there once before. Here is how it works. The money goes into bonds and the bonds go into the drawer and the money gets spent. Think about that. Seniors have been complaining about the Social Security trust fund and how we have been spending money from the Social Security trust fund. They were more clever than most people who are involved in trust funds because they figured it out.

The Social Security trust fund has a whole bunch of bonds in the drawer. It doesn't have money in the drawer. But don't worry, those bonds are backed by the full faith and credit of the United States of America, and Europe is about to have a huge problem.

It is kind of interesting. In America, every single man, woman, and child owes more than \$49,000 in national debt—and it is growing daily. In one

meeting I attended, I mentioned that figure and somebody said: Can I pay my \$49,000 and not be responsible for the rest of it? I said that is not the way it works. Even if we could do that, that is not the way it works. So it is \$49,000 for every man, woman, and child in the United States. If a child is born today, we can tag him or her with a \$49,000 debt immediately.

Why is that significant? You have probably watched Greece and Italy. Greece and Italy had to do 19 percent cuts. They cut pension plans 19 percent. They cut employees 19 percent. They cut the number of employees 19 percent. They cut the services they provide by 19 percent. They cut everything by 19 percent. You probably saw there were some riots in their countries. If we cut 19 percent, there would be riots in this country. Here is an interesting fact. In Italy, they only owe \$40,000 per person. In Greece, they only owe \$39,000 per person. We owe \$49,000 per person. We are considered to be the safest place in the world to put your money, and I think that is right—at the moment—and it will change if we don't act soon.

If we keep doing what we are doing in the highway trust fund—and it shows better there than any other place I can think of—we won't be a secure place to invest. The way we are fiddling with funds and shuffling credit cards so we are not using the maxed-out ones, has to stop, my friends.

With the highway bill before us, the conferees did construct a bill so they could get quite a few votes on it. They put a limit on the amount of money certified states could get from the abandoned mine land trust fund. It doesn't discriminate against very many States. It does discriminate against Wyoming, and so I make a plea that they not do that and remove the section of the bill. Trust fund money needs to go for what the trust fund said the money would go for.

Even if they decide to steal from Wyoming—and I hope they don't—but even if they do, the money ought to go into the other States that are a part of the trust fund that need to do mine clean up. Over the 10 years of the bill, it takes about \$715 million worth of money from the abandoned mine land trust fund—10 years. I did mention 10 years.

There is a reason I mentioned 10 years. This highway bill we are talking about doesn't get all the money from all the places we are stealing from in a short enough period to pay for the highways we are going to build over the life of that bill. After the bill expires and all those things have been built, we will still be trying to collect the money from the sources it has been stolen from in order to pay for what has already been built. OK. What happens when we get to the end of this highway bill, and we are still waiting for all the places we stole the money from to get the money in? Where do we steal the next money from? We better

raise the gas tax. We better take a look at what we are doing, and make changes. If there is a user fee—and that is what the gas tax is—if we use the highways, we buy gas; if we buy gas, we pay into the trust fund. We should use the user fee to pay for highways. We have an additional problem that is the user fee is probably diminishing because there are cars that run on electricity now, and that will probably be increasing. Alternative fuels will be increasing, and that will affect how much money goes into the trust fund.

But just to meet the immediate needs, there needs to be something done, and stealing from other trust funds is not the way to do it. If we get in the habit of stealing from trust funds, Social Security will have to watch out. Of course, that will be the end of the road for a lot of people in this body if they start stealing from Social Security. But it ought to be the end of the road for people if they are stealing from other trust funds because it starts the habit, and we can't afford that habit.

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

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

The majority leader is recognized.

#### AFFORDABLE CARE ACT

Mr. REID. Mr. President, I am happy, I am pleased to see the Supreme Court put the rule of law ahead of partisanship and ruled that the affordable care act is constitutional.

This is a long opinion. We know when we come back here after the elections there may be some work we need to do to improve the law, and we will do it together. But today millions of Americans are already seeing the benefits of the law we passed. Seniors are saving money on their prescriptions and checkups, children can no longer be denied insurance because they have a pre-existing condition—protection that will soon extend to every American. No longer will American families be a car accident or heart attack away from bankruptcy.

Every Thursday I have a "Welcome to Washington." Today we had a group of people from Nevada who have or have relatives who have cystic fibrosis.

It has been so hard for these young people to get insurance. It is not going to be that way anymore. No longer will Americans live in fear of losing their health insurance because they lose a job. No longer will tens of millions of Americans rely on emergency room care or go without care entirely because they have no insurance at all. Soon, virtually every man, woman, and child in America will have access to health insurance they can afford and the vital care they need.

Passing the Affordable Care Act was the single greatest step in generations toward ensuring access to affordable, quality health care for every person in America, regardless of where they live or how much money they make.

Unfortunately, Republicans in Congress continue to target the rights and benefits guaranteed under this law. They would like to give the power of life and death back to the insurance companies. Our Supreme Court has spoken. This matter is settled.

No one thinks this law is perfect. The Presiding Officer doesn't and neither do I. Democrats have proven we are willing to work with Republicans to improve whatever problems exist in this law or, in fact, any other law.

Millions of Americans are struggling to find work today, and we know that. Our first priority must be to improve the economy. It is time for Republicans to stop refighting yesterday's battles. Now that this matter is settled, let's move on to other issues such as jobs.

I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

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

#### HEALTH CARE RULING

Mr. MCCONNELL. Mr. President, 2½ years ago a Democratic President teamed up with a Democratically led Congress to force a piece of legislation on the American people they never asked for and that has turned out to be just as disastrous as many of us predicted. Amid economic recession, a spiraling Federal debt, and accelerated increases in government health spending, they proposed a bill that made all those problems worse.

Americans were promised lower health care costs, and they are going up. Americans were promised lower premiums, and they are going up. Most Americans were promised their taxes wouldn't change, and they are going up. Seniors were promised Medicare would be protected. It was raided to pay for a new entitlement instead. Americans were promised it would create jobs. The CBO predicts it will lead to nearly 1 million fewer jobs. Americans were promised they could keep their health plans if they liked it. Yet millions have learned they can't.

The President of the United States promised up and down that this bill was not a tax. This was one of the Democrats' top selling points because they knew it would never have passed if they said it was a tax. The Supreme Court has spoken. This law is a tax. The bill was sold to the American people on a deception. It is not just that the promises about this law weren't kept; it is that it made the problems it was meant to solve even worse. The supposed cure has proven to be worse than the disease.

So the pundits will talk a lot about what they think today's ruling means

and what it doesn't mean, but I can assure you this: Republicans will not let up whatsoever in our determination to repeal this terrible law and replace it with the kind of reforms that will truly address the problems it was meant to solve.

Look, we have passed plenty of terrible laws around here that the Court finds constitutional. Constitutionality was never an argument to keep this law in place, and it is certainly not one we will hear from Republicans in Congress. There is only one way to truly fix ObamaCare—and only one way—and that is a full repeal that clears the way for commonsense, step-by-step reforms that protect Americans' access to the care they need from the doctor they choose at a lower cost. That is precisely what Republicans are committed to doing.

The American people weren't waiting on the Supreme Court to tell them whether they supported this law. That question was settled 2½ years ago. The more the American people have learned about this law, the less they have liked it.

Now that the Court has ruled, it is time to move beyond the constitutional debate and focus on the primary reason this law should be fully repealed and replaced—because of the colossal damage it has already done to our health care system, to the economy, and to the job market.

The Democrat's health care law has made things worse. Americans wanted repeal, and that is precisely what we intend to do. Americans want us to start over, and today's decision does nothing to change that. The Court's ruling doesn't mark the end of the debate. It marks a fresh start on the road to repeal. That has been our goal from the start. That is our goal now, and we plan to achieve it. The President has done nothing to address the problems of cost, care, and access. We will.

I yield the floor. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### ARMY STAFF SERGEANT ISRAEL NUANES

Mr. UDALL of New Mexico. Mr. President, just last month we commemorated Memorial Day. Memorial Day is a day of remembrance, a day of mourning, and a day of gratitude. It is a day when Americans from all walks of life gather to thank and honor the people we have lost, to honor the men and women who gave their lives in service to our country, and to acknowledge a debt that can never truly be paid.

I rise today to honor Army SSG Israel Nuanes. Staff Sergeant Nuanes

died on Saturday, May 12, while serving in Kandahar Province in Afghanistan. He was fatally injured by the detonation of an improvised explosive device. He was 38 years old.

In the decade that our Nation has been at war in Afghanistan, thousands of men and women have volunteered to serve our country. In order to protect others, they put their own lives at risk. They leave their homes and their loved ones to defend the freedoms we hold dear. Nearly 2,000 of them, thus far, will not come home.

Staff Sergeant Nuanes was from Las Cruces, NM. He lived most of his adult life as a soldier. He was assigned to the 741st Ordnance Company, 84th Explosive Ordnance Disposal Battalion, 71st Ordnance Group. He served two tours of duty in Iraq. After returning from Iraq in 2010, he enlisted for 6 more years. His unit deployed to Afghanistan earlier this year.

Time and again he answered the call of his country. President Kennedy said:

Stories of past courage . . . can teach, they can offer hope, they can provide inspiration. But, they cannot supply courage itself. For this, each man must look into his own soul.

In Iraq, in Afghanistan, wherever his country needed him, Staff Sergeant Nuanes had that courage. Despite the danger, despite the risk, he went where his country sent him with commitment, with determination, and with an unflinching sense of duty. He was awarded the Bronze Star and the Purple Heart. There is sorrow in his death, but also inspiration in his life.

This courageous soldier loved his family. He loved his country. He made the ultimate sacrifice defending it. He leaves behind two children, Israel and Laurissa. He has left them far too soon.

Abraham Lincoln said it best almost 150 years ago. There is little our words can do to add or detract on these solemn occasions. But I offer my deepest sympathies to the family of SSG Israel Nuanes. We honor his courage, we honor his sacrifice, and we mourn your loss.

#### HEALTH CARE

Mr. President, we have all heard the historic ruling on the Affordable Care Act today. I know the Presiding Officer has been following this closely. We all have been following this closely. The Supreme Court has upheld the Affordable Care Act.

The Affordable Care Act has moved us forward, but now the call on the Republican side is for full repeal of the law. So it seems their legislative objective is going to be to introduce a piece of legislation—and we will have a vote on the Senate floor—for full repeal. I wish to remind New Mexicans in particular what is at stake when we talk about full repeal.

First of all, insurance companies today, with the Affordable Care Act in place, cannot deny coverage if a person has a preexisting condition. That is something that is tremendously important to New Mexicans. If someone has a young child who has cancer and they

have to get insurance, they can't deny them because of a preexisting condition.

There is no doubt that we can improve upon the law, but New Mexico has already received more than \$200 million in grants and loans to establish an insurance exchange, strengthen community health centers, train new health professionals, and so much more.

Since passing the law, more than 26,000 young adults under 26 years old have been allowed to stay on their parents' insurance plans. Almost 20,000 New Mexico seniors on Medicare received a rebate to help cover prescription costs when they hit the doughnut hole in 2010. And 285,000 New Mexicans with private health insurance no longer have to pay a deductible or copay for preventive health care such as physicals, cancer screenings, and vaccinations. More is yet to come under the Affordable Care Act.

So this is the contrast: There are some who are calling for full repeal; there are others of us who recognize that there are significant accomplishments, and we want to work further with the other side in a bipartisan way to put aside partisanship and move forward with improving our health care system.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE DECISION

Mr. CORNYN. Mr. President, this morning's decision by the Supreme Court has clarified some things and has made other things more muddled. One, it has clarified the importance of the upcoming election on November 6, 2012. The only way to stop the overreaching by the Federal Government, including the President's flawed health care bill, is to elect a new President and a Congress that will repeal and replace this fundamentally flawed law.

Before the health care bill became law, the President repeatedly assured the American people he would not raise taxes on the middle class. He declared emphatically that the individual mandate was "absolutely not a tax increase." But the Supreme Court has made absolutely clear the only way ObamaCare can be upheld as within the constitutional power of Congress is for it to be considered a tax increase, and a tax increase on every single American, regardless of income.

The President told us his health care law would reduce premiums by \$2,500 for the average family. That was another broken promise. Last year, the average American family, with employer-sponsored insurance, saw their premiums rise by \$1,200.

The case against this health care legislation is very simple: It relies on

massive tax increases, job-killing regulations, and government coercion. It will place Washington bureaucrats between patients and their doctors and it will cause millions of Americans to lose their current insurance coverage. So much for "if you like it, you can keep it." And as we now know, ObamaCare has made the problem of rising health care costs worse, not better.

For these reasons and more, we need to repeal this entire piece of legislation and start over. We all share the goal of expanding health care coverage, but there are good ways and bad ways to do it. The authors of ObamaCare chose a fundamentally flawed way: Yet another government takeover.

Perhaps one of the most telling things Congress has done in the last 2 years is pass a bill under Medicare for prescription drug coverage for seniors. Rather than a government-run program, we created a marketplace for competition, where prescription providers can compete for consumers' favor by improved or lower cost and better service. Indeed, by using the cost discipline of a consumer-oriented approach to health care, that government program came in 40 percent under projected cost. That is the only time I know of in the health care field where the government has actually created a program that people like and that has come in significantly under cost.

We cannot continue to cut health care payments to providers because, quite simply, fewer and fewer providers are going to provide that service. We know that is true in Medicare, where many seniors can't find a doctor to take them as a patient because providers won't accept Medicare's low reimbursement rates. We know it is even worse for Medicaid patients, because that government program pays providers a fraction of what they would be paid if they were simply covered by private insurance.

All Americans should have access to high-quality coverage and high-quality care. The best way to make quality coverage and care more accessible is to reduce the cost. ObamaCare increases the cost. We need to reduce the cost and make it more affordable, and the best way to reduce cost is through patient-driven reforms that increase transparency, eliminate government distortions, and boost private competition. Those are the reforms Americans want, and those are the reforms they deserve.

Unfortunately, President Obama has made clear he views health care reform as a vehicle for expanding the size of government and its intrusion into the decisions that should be reserved for patients in consultation with their private doctors.

Time and time again the President has put ideology ahead of basic logic and sound economics. Therefore, to ensure future health care reforms empower patients and reduce cost and make it more affordable, we need to

put a new President in the White House.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Iowa.

Mr. HARKIN. Madam President, as chair of the Health, Education, Labor, and Pensions Committee in the Senate—the committee that drafted large portions of the Affordable Care Act—in looking back at all of the hearings we had, the long markup sessions, working across the aisle with Republicans, working with the administration, finally getting it passed and signed into law, this is a great day.

There has been a cloud hanging over this because of those who didn't want to reform the health care system. They wanted to keep insurance companies in charge. Well, we said, no, we are going to change this; we are going to reform the system and make it work for people, not just for insurance companies.

There are those out there who didn't want to change, who didn't want to reform the system, and so they brought cases to court. And as we know, this issue has wound its way through the courts—some deciding yes and some deciding no—and then went to the Supreme Court.

I remember being in the Court this spring for the arguments on this law, and we have been waiting since for the Supreme Court to make its decision. Well, this morning, the Supreme Court gave a resounding confirmation that the Affordable Care Act is indeed constitutional.

Some have been saying President Obama wins this or the Democrats win or the Republicans lose—that kind of thing. I don't see it that way. What I see is that this is a great victory for the American people, for the businesses of America, and for our economy. That is what this is all about. It moves us forward so that every American—every single American—will have quality, affordable health care coverage—something we have never done in this country. That is why this is such a landmark bill and such a landmark decision by the Supreme Court.

The Supreme Court's decision allows us to move ahead and replaces what I have often called a sick-care system—a system that will maybe get to you, if you are lucky, in the emergency room if you are sick, but not one that gets to you before that to keep you healthy. That is what the Affordable Care Act is moving toward—a system of more preventive health care, more promoting of wellness and keeping people healthy in the first place by giving them the coverage they can use to access affordable wellness and preventive health care.

The Supreme Court has made it clear what we have known all along, that those who want to block this law and who are now clamoring to repeal it are on the wrong side of this issue. They are on the wrong side of history. We can go all the way back to those who didn't want to have a Social Security System. They were on the wrong side

of history. There were those who didn't want to have a Medicare system. They were on the wrong side of history. And those who want to repeal this law can stand with them. They can stand with them in history.

But I think history has shown that every time we expand the rights of people to certain basic needs in people's lives, we become a stronger country, a more unified country, a better country, with more opportunity for all.

For those of us who believe that quality, affordable health care is a right and not a privilege, this is a great victory.

I see that some in the House have scheduled a vote to repeal it after we get back from the Fourth of July break. They have already voted to repeal it; I guess they are going to vote to repeal it again. They are on the wrong side of history. I call upon my Republican friends in the House and the Senate: It is over. This is constitutional. Now let's work together to make it so that it is implemented and that it works for everyone.

I say to my Republican friends that I have never said the Affordable Care Act is like the Ten Commandments, chiseled in stone for all eternity. I have often likened it to a starter home to which we could make some additions and some improvements as we go along. But at least that starter home has put a roof over our heads—a roof that will give quality affordable health care insurance to every American. So I say to my Republican friends, bring your toolkits if you want to make it better and improve it. Bring your toolkits, don't bring a sledgehammer. Don't bring a sledgehammer to break it down and try to repeal it. So let's work together, put politics behind us, and make this bill work for everyone, make it work for every American. The Justices have spoken. Now it is time for us to get back to work to build a reformed health care system that works not just for the healthy and the wealthy but for all Americans.

This is a victory. It is not a victory for President Obama. It is not a victory for my committee or anyone else around here. This is a victory to make sure that no one—no one in the future is ever denied health care coverage because he or she got cancer, to make sure that no one in the future will be denied quality affordable health care coverage because they have diabetes.

It is a victory for families who have had a child who needed intensive, very expensive health care coverage to make sure that child would live and grow and be able to take full part in our society, although sometimes those costs are extremely high. In the past, there have been annual limits, and if you went above that, you had to pay out of pocket. There were lifetime caps. How many women have I met in the past who have had breast cancer and had to have intensive treatments for a period of time but they bumped up against a lifetime cap. They had to

pay out of their pocket. So this is a victory for them. It is a victory for families so that they don't face lifetime caps and annual caps. It is a victory for every family in America to ensure that their child can stay on their family's policy until age 26. That is who wins here—ordinary hard-working families in America. It is a victory for hard-working families to make sure that insurance companies have to provide—have to provide—cost-effective, lifesaving preventive care at no cost to get to people early on to keep them healthy in the first place. It is a victory for working families so no longer do they have to choose between paying for health insurance or other critical family needs such as food, shelter, transportation, education. That is what this is about. That is what this victory is all about. It is a victory for American families.

I say to those who now want to repeal it, who are going to start to make a political issue out of this, you are on the wrong side of history. The American people will now begin to take a look at this bill in a new light: that it is constitutional, it will be implemented, and what is in it for us? And I just went through what is in it for every American family. The American people will not want to go back. They will not want to repeal this law. There may be improvements we can make as we go along. That is fine. But I say woe to those who vote to repeal this bill. The American people will hold you accountable for being on the wrong side of history, the wrong side of progress, the wrong side of ensuring that every American family has quality affordable health care in America.

Madam President, I yield the floor, and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I come to the floor, as many of our colleagues have done, to talk about this very significant and, for me at least, stunning U.S. Supreme Court decision on ObamaCare. First of all, I use the word "stunning," not particularly because of the outcome. I would not have been shocked at either outcome—upholding the law or striking down the law. I considered both of those clear possibilities. I am stunned and shocked, somewhat confused, by the decision—by the nature of the decision, by the nature of the majority, and by the reasoning.

I am not going to dwell on that. It is not my role or the role of other Senators to second-guess it or to claim we have some authority to rewrite it. But I do find that doing backflips beyond the significant power of the Court to completely recharacterize the indi-

vidual mandate and parts of the law associated with it as a tax—it was never proposed as a tax. It was never debated as a tax. It was never written as a tax. It was never meant as a tax in any part of the ObamaCare debate or legislative action. So I certainly agree with Justice Kennedy who said out loud from the bench, which I think is significant, that to read it "as a tax" is not just reading the law a certain way, it is rewriting the law. Judicial rewriting of tax policy, judicial writing of the law to create a tax, is particularly worrisome. I absolutely agree with that.

I do think the majority, led tragically by Chief Justice Roberts, did backflips to rewrite the law in order to uphold it. I think that is very unfortunate.

What it also means for the country and for the policy debate and for us in the Congress is at least two things, which I think are also very important. No. 1, it means that if this is a tax, this is a massive tax increase on the middle class, which stands full square against the clear and repeated campaign promises of President Obama. So this is a huge tax increase, now that it is a tax, completely against everything he ran on and what he said over and over, campaigning for office.

It also means something separate that is very significant. If this is all about taxes and spending, it means a different Congress next year—hopefully, led by a different President—can repeal all of that with a simple majority of votes in the Senate through reconciliation. If this is all about taxes and spending, then it can all be undone through the reconciliation process. Of course, that is significant for one reason and one reason only: In the Senate, it means that lowers the requirement from 60 votes to a simple majority. If there is a Republican President, that would be 50 votes, plus the Vice President as the tiebreaker.

So my bottom line is simple. It was my bottom line yesterday before the opinion, it was my bottom line over the last several months, and it was my bottom line the day after Congress passed ObamaCare and the President signed it into law. It may be ruled constitutional, but it is still a bad idea that is making things worse. It is putting an all-powerful Federal Government between the patient and his or her doctor, and it is costing us an enormous amount of money as individuals, as citizens, as a society, and as a government that we clearly cannot afford.

Many of us made those arguments during the original debate. But I think all of those arguments have been validated and are even more clearly true and compelling in the months since ObamaCare was passed, in particular, because costs have been going through the roof. The suggestion that this was going to save us money and not cost us extra money—even the suggestion of that argument—has gone out the window. It is clear the opposite is true. Individual premiums have gone up as a

result, family premiums have gone up as a result, and costs to the government and to society have gone up as a result. It has made the already staggering problem of health care costs worse and worse. It has made health care for everyday Americans less and less affordable. Because of that, I certainly renew my commitment to work with others to fully repeal ObamaCare lock, stock, and barrel.

Under the Supreme Court's decision today, I restate again that I think it is very significant since it is all about a tax and all about taxes and spending that can be addressed early next year with a simple majority in the Senate if there is a President Romney and a Republican Congress to do it.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, in light of the Supreme Court's decision on the Affordable Care Act, I wanted to come to the floor today to bring just a few Rhode Island voices into the discussion that is taking place.

One such person is a man from Providence, RI, named Greg, who has a 16-year-old son named Will. Will has cystic fibrosis, which requires Will to spend several hours every day undergoing the treatment that dreadful disease requires. He sees a specialist four times a year to monitor the disease. He has daily prescriptions and treatments.

Without this bill, Will and his father were looking at two problems: One, denial of coverage because Will's cystic fibrosis was a preexisting condition; and, two, lifetime caps.

For people like Will all around the country, this has been a real blessing because lifetime caps are forbidden and kids with preexisting conditions must be covered notwithstanding the preexisting condition. So for Greg, the father in Providence, and his son Will, I want their voices to be heard today in not so much celebration but relief that what they have been provided by the health care law is still in place.

Another voice to bring to the Senate floor is Olive. Olive is a senior citizen. She lives in Woonsocket, RI. Her husband has fairly serious Alzheimer's and requires several medications to treat it. Until the Affordable Care Act came along, Olive and her husband fell in the doughnut hole and had to pay 100 cents on the dollar for the husband's Alzheimer's medications while they were in the doughnut hole.

When I ran for this office, one of the things I pledged to do was to work my heart out to close the doughnut hole. In the Affordable Care Act, it does close. Right now there is a 50-percent

discount for Olive on her husband's Alzheimer's drugs when they are in the doughnut hole. For them that 50-percent discount means \$2,400, which, for senior citizens who count on Social Security in Woonsocket, makes a difference in the quality of their lives. Overall, it is up to \$13.9 billion in doughnut hole discounts for seniors and people with disabilities as a result of this bill. That makes a big difference in every single one of those lives, just like Olive and her husband.

A third voice I wish to bring to the Senate is Brianne, who is a 22-year-old graduate of the University of Rhode Island, out and working part time as a physical therapist, but her job does not provide health insurance. She would be going without entirely, hanging her fortunes on chance, as the President recently said, if it were not for the Affordable Care Act. She and 9,000 young adults in Rhode Island have achieved coverage as a result of this bill by being able to get on their parents' policies.

Danny is also a recent college graduate living in Providence, having graduated from Brown University. He is passionate about renewable energy planning but couldn't make the health insurance work. Because of the Affordable Care Act, like Brianne, he is able to be on his parents' health insurance coverage and have that peace of mind.

The last story I will tell is about a small business owner named Geoff in Providence who provides health care insurance for his employees because he believes it is the right thing to do. He qualified for the law's small business health care tax credit, so he has seen a significant advantage to his small business from this provision.

I think it is a relief to put this quarrel behind us, to be able to move on and deal with the economic issues we face. As we do, I wish to make sure that Greg and Olive and Brianne and Geoff and Danny were all heard here on the floor today, because they are Rhode Islanders in whose lives this bill has made a real and practical difference.

I thank the Presiding Officer.

I yield the floor. I see the distinguished Senator from Wyoming ready to speak.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, it is disappointing that the Supreme Court has upheld the constitutionality of the new health care law. Just because it is constitutional doesn't mean it is the best policy, the perfect policy, or even good policy. And just because the Court upheld the law does not change the fact that the American people have overwhelming concerns about it—not all of it but a lot of it.

In fact, the Court affirmed that the new health care law is a massive tax increase on the American people. Congress must get serious about fixing our broken health care system. We can start by changing this misguided

health care law that has divided the American people and failed to address rising health care costs. Congress should work together to make commonsense, step-by-step health reforms that can truly lower the cost of health care. I was pleased to see that the Supreme Court narrowed the Medicaid expansion because States can't afford them. Hard-working Americans are still struggling in this anemic economy and need real action to make health care more affordable.

Reforms do not have to start here in Washington. Our Nation's States are laboratories of democracy and can play a significant role in addressing the health care crisis in America. Governors are in a special position to understand the unique problems facing their States, and fixing health care, like most problems facing our Nation, cannot be a one-size-fits-all solution. Efforts underway by Indiana Governor Mitch Daniels provide a great example of what different States are working on. He is moving forward with the Healthy Indiana initiative, which is an affordable insurance program for uninsured State adults aged 19 to 64.

Outside Washington, some health insurance companies have already stated they will adopt several reasonable provisions to lower health care costs. These include allowing young adults to be covered until age 26 while on their parent's plan, not charging patients copays for certain care, not imposing lifetime limits, and not implementing retroactive cancellation of health care coverage. They said they would do that regardless of how the Supreme Court case came out.

One of the most effective ways Congress can address the rising costs of health care is to focus on the way it is delivered as part of the Nation's current cost-driven and ineffective patient care system. America's broken fee-for-service structure is driving our Nation's health care system further downward, and tackling this issue is a good start to reining in rising health care costs. What is fee for service? This method of payment encourages providers to see as many patients and prescribe as many treatments as possible but does nothing to reward providers who help keep patients healthy. These misaligned incentives drive up costs and hurt patient care.

The new health care law championed by President Obama and congressional Democrats did very little to address these problems. The legislation instead relied on a massive expansion of unsustainable government price controls found in fee-for-service Medicare. If we want to address the threat posed by out-of-control entitlement spending, we need to restructure Medicare to better align incentives for providers and beneficiaries. This will not only lower health care costs, it will also improve the quality of care for millions of Americans. In the health care bill, we took \$500 billion out of Medicare and put it into new programs. Then we appointed an unelected board to suggest



cuts that can be made, and the only place left for cuts are providers, hospitals, home health care, nursing homes, and hospice care. I don't think that is where we want to be cutting Medicare.

Shifting the health care delivery system from one that pays and delivers services based on volume to one that pays and delivers services based on value is an idea that unites both Republicans and Democrats. We have been mentioning a number of simple steps that can be taken while Congress weighs the larger fixes needed for preventive care. We can encourage insurers to offer plans that focus on delivering health care services by reducing copays for high-value services and increasing copays for low-value or excessive services. Consumer-directed health plans provide another avenue for linking financial and delivery system incentives and have the potential to reduce health care spending by \$57 billion a year. Bundled payments will support more efficient and integrated care. All of these options have already been utilized by a number of private sector firms with great success. The Federal Government should be willing to support viable reforms where it is needed, but also refrain from handcuffing innovative private sector designs with excessive regulations or narrow political interests.

Our Nation has made great strides in improving the quality of life for all Americans, and we need to remember that every major legislative issue that has helped transform our country was forged in the spirit of compromise and cooperation. These qualities are essential to the success and longevity of crucial programs such as Medicare and Medicaid. But when it comes to health care decisions being made in Washington lately, the only thing the government is doing is increasing partisanship and legislative gridlock. I wish to leave the Senate with some words of wisdom from one of our departed Members, and that is Senator Daniel Patrick Moynihan, a Democrat from New York, who served in this body. He said in 2001, shortly before he retired:

Never pass major legislation that affects most Americans without real bipartisan support. It opens the door to all kinds of political trouble.

Senator Moynihan correctly noted that the party that didn't vote for it will criticize the resulting program whenever things go wrong. More importantly, he predicted the measure's very legitimacy will be constantly questioned by a large segment of the population who will never accept it unless it is shown to be a huge success.

That is a quote from Daniel Patrick Moynihan, former Senator.

Truer words were never spoken. We have seen each of these scenarios play out over the past 2 years as the new health care law polarized the Nation. I hope this distinguished body has the courage to learn from our mistakes, be-

cause our Nation needs health care reform, but it has to be done the right way. Providing Americans with access to high-quality affordable health care is something I am confident Democrats and Republicans should be able to agree on.

Two-and-a-half years ago, a Democratic President teamed up with a Democratic-led Congress with only Democratic votes to force a piece of legislation on the American people that they never asked for and that has turned out to be as disastrous as predicted. How so? Amid an economic recession, a spiraling Federal debt, and accelerating increases in government health spending, they proposed a bill that has made the problems worse.

Americans were promised lower health care costs. They are going up. Americans were promised lower premiums. They are going up. Most Americans were promised their taxes wouldn't change. They are going up. Seniors were promised Medicare would be protected. It was raided to pay for a new entitlement instead. Americans were promised it would create jobs. The CBO predicts it will lead to nearly 1 million fewer jobs. Americans were promised they can keep their plan if they liked it, yet millions have learned that they can't. And the President of the United States himself promised up and down that this bill was not a tax. That was one of the Democrats' top selling points, because they knew it would never get passed if they said it was a tax. The Supreme Court spoke today. It said it is a tax.

This law was sold to the American people under deception. But it is not just that the promises about this law were not kept, it is that it has made the problems it was meant to solve even worse. The supposed cure has proved to be worse than the disease.

We pass plenty of terrible laws around here that the Court finds constitutional. We need to do some commonsense, step-by-step reforms that protect Americans' access to the care they need, from the doctor they choose, and at a lower cost. That is precisely what I am committed to doing.

The American people weren't waiting on the Supreme Court to tell them whether they supported this law. That question was settled 2½ years ago. The more the American people have learned about this law, the less they have liked it.

Now that the Court has ruled, it is time to move beyond the constitutional debate and focus on the primary flaws of this law because of the colossal damage it is doing and has already done to the health care system and to the economy and to the job market, which needs to be turned around. There are things that need to be done and can be done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I cannot remember another day when so many Americans were waiting for the Supreme Court to rule, but today was one of those days all across America. Everyone understood that a decision just across the street this morning by the nine members of the Supreme Court was historic and politically significant.

The Supreme Court handed down a decision, consisting of 193 pages, with all of the major opinions—dissenting and concurring opinions included—in the case of *National Federation of Independent Business v. Sebelius*. We knew this was a case to decide the constitutionality of the Affordable Care Act. That, of course, was one of President Obama's first major legislative undertakings when he was elected President. Many of us who were part of the Senate and the House during this debate will never forget it. I have been lucky enough to represent my great State of Illinois for quite some time, in both the House and Senate, but there has never been a more historic and exhausting debate than the one that preceded the final vote on the Affordable Care Act. The last vote in the Senate actually occurred on Christmas Eve, and then we hurried away from here to be with our families, knowing we had done something of great historic import.

Behind this decision was my human experience that most every one of us has had at one time or another. I can recall in my own family experience that moment when I was a brandnew dad and a law student—not exactly a great combination in planning, but that was my life. Our daughter was born with a serious problem. We were here in Washington, DC, and we were uninsured—no health insurance, a brandnew baby, and I was a law student. I can remember leaving Georgetown Law School a few blocks from here to go over to Children's Memorial Hospital to sit in a room with all of the other parents who had no health insurance. It was a humbling experience, waiting for your number to be called for a brandnew doctor whom you had never seen before to sit down and ask you again for the 100th time the history of your child. You never feel more helpless as a parent in that circumstance—to have no health insurance and to hope and pray you are still doing the best for your child. That experience is one that literally millions of Americans have every single day,



with no health insurance, praying that they will get through the day without an accident, a diagnosis, or something that is going to require medical care. What we tried to do with the Affordable Care Act was twofold: first, to expand the reach of health insurance coverage to more families; second, to make health insurance itself more affordable and more reasonable.

Let me start with this question of affordable and reasonable health insurance. Similar to my family, many families had children born with a problem—asthma, diabetes, cancer, heart issues. These are children who need special care, and many times families, when they turned to ask for health insurance, were turned away. That is not fair and it is not what we need in America. We need health insurance to protect those families, and that is one of the major provisions in the Affordable Care Act.

Secondly, many people don't realize until it is too late that their old health insurance policies had lifetime limits. There was only so much money the insurance company would pay. People who got into challenging medical situations, with expensive health care needs, learned in the midst of their chemotherapy their health insurance was all in—finished, walked away. We change that in the Affordable Care Act. We eliminated the lifetime limits in health insurance policies for that very reason.

We also said health insurance companies should be entitled to a profit and, of course, should charge a premium to cover the cost of their administration of health care. But we started drawing limits on what they could ask. We said 85 percent of the money collected in premiums needed to be paid into actual health care, with the other 15 percent available for marketing, for administration, and for executive compensation. Eighty-five percent had to go into the actual cost of health care, hoping to keep premiums from rising too fast. That was in the Affordable Care Act.

When it came to coverage, we detected a problem: too many families had their sons and daughters graduating from college, looking for jobs, and not finding full-time jobs with health insurance. So we expanded family health care coverage to include children—young men and women—through the age of 25. We thought parents should be able to keep them under the family health care plan while they are getting their lives together and looking for work. That was one of the basics that was included in the Affordable Care Act.

All of those make health insurance more affordable and more reasonable for the families who need it.

Then came the question of what to do about those people who have no health insurance. Some people don't have health insurance because they work at a job that doesn't provide it and they can't afford it. Others have an opportunity to pay for it but decide they are

going to wait or that they don't need it. We hear that particularly from younger people who think they are invincible and will never ever need health insurance coverage. So the question was how do we expand the reach of health insurance coverage. We did it in this bill.

We set a standard and said people should not have to pay any more than 8 percent of their income for health insurance premiums. If they are in lower income categories, we will help them with tax credits and treatment in the Tax Code to pay for their health insurance. For employers—the businesses people work for—they will be given additional tax credits to offer health insurance, hoping to continue to expand that pool of insured people in America. For the poorest of the poor, we said, ultimately, they would be covered by Medicaid—the government health insurance plan—and for at least the first several years, the Federal Government will pay the entire cost, the expanded cost of that coverage.

The notion is to get more and more people under the tent—under the umbrella of coverage. That not only gives them peace of mind, but it also means for many hospitals and providers across America there will be fewer charity patients.

Let's be honest about it. Even people without health insurance get sick. When they do, they come to a hospital and they are treated. When they can't pay their bills, those bills are passed on to all the rest of us.

In my hometown of Springfield, IL, at the Memorial Medical Center, the CEO there said: If we have everybody walking through our front door at least paying Medicaid, we will be fine. Do that, Senator. That is what this bill sets out to do.

There were some people who objected to the part which said, if someone can afford to buy health insurance and doesn't, they are going to pay a penalty. Some people called it a mandate. Others—myself included—called it personal responsibility. If someone can afford to buy health insurance, they should buy it because 60 percent of the folks who don't buy it end up getting sick and the rest of us pay for it. That is not fair to the system. It is estimated to cost those with private health insurance \$1,000 a year just to pay for those who don't buy it when they can. That was one of the issues being debated before the Supreme Court. So this bill, which ultimately passed, was signed by President Obama, has been debated back and forth ever since. It became a major topic in this year's Presidential campaign. I don't believe there was a single Republican Presidential candidate who didn't get up and say: I will get rid of it on the first day I am in office. Governor Romney has said that. Yet when you look at all the provisions—the expansion of coverage—even expanding Medicare's prescription drug Part D for seniors—to think we would eliminate

that, think about the hardship that would create across our country.

We all waited expectantly for this day, this day at the end of the October term of 2011 for the U.S. Supreme Court, and the decision today was that the Affordable Care Act President Obama signed into law is constitutional. Now we can move forward.

Some people have said: Is it perfect? The answer, of course, is no. I say half jokingly, the only perfect law was carried down the side of a mountain on clay tablets by "Senator Moses." All the other efforts are our best human efforts and always subject to improvement. The same thing is true for this. I am sure the President would say exactly the same. The good news is that today, the Supreme Court found the President's Affordable Care Act is constitutional.

There was, of course, some question of one provision or another, but the bottom line is Chief Justice Roberts—not considered a liberal by any standards—led the Court in a decision that found this law constitutional. The important part of that is it means, for a lot of families, there is going to be help through this law.

In Illinois last year, 1.3 million people on Medicare and 2.4 million people with private health insurance received preventive care at no cost. That is a provision in this law that was found constitutional today. That means that mammograms, cholesterol screenings, and other efforts ahead of time for preventive care will help people prevent illness and save lives.

Speaking of prevention, the law provides help for States with their prevention programs—programs to help our children stay strong with immunizations, programs that detect and prevent diabetes, heart disease, and arthritis.

Another reason this law is so important is because of lifetime limits, as I mentioned. Before this law, insurance companies would literally say: Sorry, you hit your limit. We can't pay for any more chemotherapy. But because the Affordable Care Act was found constitutional today by the Court, 4.6 million people in my State of Illinois alone received the care they needed last year without having to worry about an insurance company's lifetime limits. It is prohibited by the Affordable Care Act.

In these tough economic times, as I mentioned, when young people are looking for work, the fact they can now have health insurance through their family's plan up to the age of 26 is a sensible policy. Two-and-one-half million young Americans received protection under the Affordable Care Act because of this single provision, and 102,000 of them live in my State of Illinois.

Of course, the law, as I said, requires the insurance companies to spend more money of their premiums on actual medical care—85 percent, in fact. Over \$61 million has been returned to those

with health insurance policies, and 300,000 people in Illinois are included, in the form of a rebate, because of the medical loss ratio.

For seniors, it will be a helping hand to pay for prescription drugs. They are going to be able to help fill the so-called doughnut hole and have less money come out of their lifetime savings to pay for the drugs they need to keep them strong and even alive. It also means preventive care for a lot of these seniors, so they are able to get the annual checkup in order to detect some problem before it gets serious.

From the business side, the Affordable Care Act—found constitutional today by the Supreme Court—is going to help small businesses pay for health insurance. The new tax provisions help them do the right thing and buy health insurance for their employees. So far, more than 228,000 businesses across America have taken advantage of this new tax credit and have saved \$278 million.

When this is all implemented—the Affordable Care Act—30 million more people will have health insurance across America. By 2019, 15 million of these will be in Medicaid and the rest will be in exchanges and in private health insurance.

Another provision in here was important and that was the expansion of community health care clinics. Senator BERNIE SANDERS of Vermont, a good friend and a great leader on these issues, pushed hard for it. I have been to these community health care clinics across my State. They are wonderful primary care in the neighborhoods, in the small towns, in Springfield, and in Chicago, that truly help people along the way.

Today, the President of the United States went to the cameras after the Supreme Court decision and talked about this decision by the Court and this law. He said for those who believe the Affordable Care Act was just politics as usual, it was a political risk and he knew it. There were close friends and advisers of the President who basically counseled him not to try and take this on. This issue has stopped President after President.

I tried to help President Clinton and then-First Lady Clinton when they were attempting to get health care reform passed. Try as they might, they couldn't get it done. But President Obama stuck with it. Even though there was precious little help from the other side of the aisle, he stuck with it and got the bill passed. They then challenged him in court at every level they could, and today—at the highest Court of our land—it was found constitutional.

The President said—and I think we all should pay attention to this—it is not only good in its substance—and I have described that—but it is also a new challenge for us, Democrats and Republicans, to make it work. The American people want us to come together to make health insurance af-

fordable and available, to incentivize quality care, and to make certain America, the richest Nation on Earth, has the best and most affordable health care on Earth.

It took the Supreme Court 193 pages to say it today, and now it is up to us, both Democrats and Republicans, to work together, maybe put the swords aside and sit down at a table and make this law even better across America. I think the American people are counting on us. The Supreme Court, in finding President Obama's Affordable Care Act constitutional, made it clear that now it is up to us to put the policies in place that will make it successful and help families, businesses, and individuals all across America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we have had a monumental decision from the Supreme Court of the United States, and I have to say I am disappointed, because while the opinion is not very clear, in many respects, the result is clear, and that is we are getting ready to see one of the largest tax increases in the history of our country.

We are all talking about the fact the Supreme Court has declared the Obama health care plan constitutional, but let's look at how it was declared constitutional. It was not based on the commerce powers of the Congress in the Constitution. It was based, instead, on taxing capabilities—the taxing power—of the Congress.

I wish to read excerpts from an interview George Stephanopoulos did with President Obama.

Under this mandate—

Stephanopoulos says—

the government is forcing people to spend money, fining you if you don't. How is that not a tax?

President Obama replies:

No. That's not true, George. For us to say that you've got to take a responsibility to get health insurance is absolutely not a tax increase.

Stephanopoulos goes on later to say:

But you reject that it's a tax increase?

President Obama replies:

I absolutely reject that notion.

Yet the Court today said this is constitutional because of Congress's power to tax. So we are going to see the tax increase go forward, and the small businesses and businesses that are looking at this, the individuals, are going to have a whopping increase in the cost of doing business at a time when—I certainly don't have to point out—we are in an economic downturn, when the private sector is not hiring, when we have an over 8-percent unemployment rate. Yet now we see more costs on top of what we already have in this country.

I don't think that is the recipe for getting this country going again and hiring people to work.

I would like to read a few quotes from employers on the impact of the

Obama health care plan on their businesses.

Scott Womack, the president and owner of Womack Restaurants, is an IHOP franchisee. He said:

Let me state bluntly. This law will cost my company more than we make.

Grady Payne, who is the CEO of Conner Industries, said—it is very interesting because Conner Industries is headquartered in my home State of Texas:

Conner Industries is headquartered in Fort Worth, Texas with plants in 8 different states. Conner Industries started in 1981 with five people and one location. Today they have grown to 450 employees and eleven plant locations. They offer health coverage to their employees and the company pays over half of the total premium cost. In 2014, the company will have to choose how to comply with the law, either buy a more expensive, government-approved healthcare benefit or drop health coverage completely and pay the \$2,000 fine for each of their employees. Thus, Mr. Payne has stated that the impact of this law will cost them over \$1,000,000 no matter what option they choose.

The chairman and CEO of NuVasive, a medical device company in San Diego, in an op-ed said:

Provisions of the Affordable Health Care Act are destroying jobs, hindering innovation and slowing the economic recovery. To offset the medical device tax increase, we will be forced to reduce investments in research and development and cut up to 200 planned new jobs next year.

So what we have seen today is a validation of what many of us were concerned about when this law was going through Congress; that is, the enormous increase in the tax, the fine, and the overall burden to the businesses of this country which would do several things that are not good for the people of our country: It will increase costs to American consumers; it will inject the government into doctor-patient relationships; it will most certainly add new burdens on business in an environment in which we have over 8 percent unemployment. I also think it is very clear that though the President promised that people will be able to keep their health care coverage as they know it, that health care coverage is not going to be there because so many companies are going to drop the health care coverage they have been offering because it is too expensive to comply with the government conscription of the plan that is required in order to avoid the \$2,000 fine.

I think what the Court said is insightful in this respect; and that is, while they said this law is constitutional based on the taxing power of Congress, they are not ruling on the wisdom nor the fairness of the policy. I think it is going to come down to the people of our country because the election this year is going to determine the ultimate fate of this bill. The Republican nominee, Gov. Mitt Romney, has said very clearly, on the first day he is sworn into office he will ask for the repeal of this health care law.

I think it will become an issue in every contested congressional race and

every Senate race: Are you going to vote to keep this law that has been ruled constitutional based on the fact that it is a taxing power of Congress? The people will be able to decide if they want this jolt on their health care, if they want the extra cost, if they want the intrusion on the patient-doctor relationship, and if they want to possibly lose the coverage they have and be taxed to go into another plan—a government plan.

We are going to see the erosion of the quality of health care in this country if we are not able to repeal this law and start all over.

Now, I will say the purpose of passing health care reform is to provide more options for people to get affordable health care coverage. I think that is a worthy goal. I think we should go for that goal in a way that does not burden the economy of our country, stop employers from employing people; in a way that preserves the doctor-patient relationship and doesn't intrude on the people who do have coverage they want to keep. That should be our goal.

There are several months before the election. I hope we will be able to do something in this Congress to start a new process of providing affordable health care options for the people of our country and not continue on this path of enormous tax increases—which have been validated by the Court—as well as an intrusion on the quality of our health care, and not something that in the bigger picture is going to keep our businesses from hiring more people to get the economy jump-started, which should be every one of our goals.

I hope we can work on this in a productive way before the election, but I also hope the people will make the final decision in the election if Congress has not acted before; that we will have a decisive election that will say we can do better. We, the people of the strongest country on Earth, can do better than a health care system that will be eventually turned over to the government if we go down this path.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FLOOD INSURANCE

Ms. LANDRIEU. Mr. President, there are so many important issues in Washington today, it is hard to know what to speak on first. But I am going to take this opportunity to talk about flood insurance. One of the reasons is because there are three States in the Union that carry the most policies relative to our population, and it may be the most policies regardless of our population. That would be Florida, No. 1; Texas, No. 2; Louisiana, No. 3; and, of course, California, No. 4.

So while this bill affects everyone in the country, the four States that it affects the most and by far are the four States that I mentioned, and Louisiana happens to be one. So the people of my State pay a lot of attention to flood insurance. We always have, and we always will have to.

I am sorry to say that just within the last few hours, with so much changing around here at the last minute, I was just given the information that the flood insurance bill—which we have not even debated on the floor of the Senate—is now going to be put into an omnibus package which includes many other important bills: the Transportation bill, the RESTORE Act—which is also important for the gulf coast, parts of it that were accepted by the House, and there were a few important parts that were, unfortunately, left on the cutting room floor over in the House—and now the flood insurance bill.

I want to make it clear that if I were called on to vote on the flood insurance bill that is now going to be a part of this package, I would vote no because there are some very important provisions that I was going to offer as amendments to the bill that I think are crucial to not just my State but to the State of Florida, potentially to the State of California, and potentially to Texas as well. I am not sure their Senators are in complete agreement or understand some of the challenges, but I want to point out a few of them. Unfortunately, I am not going to get a chance to vote no because I am going to have to vote for the whole package, which I intend to do, although this flood insurance bill is not in the position I would support. Let me give three reasons.

No. 1, there is a provision of the bill that talks about V-Zones; that is, velocity zones. Right now, with FEMA, FEMA basically says if you are in a velocity zone, you cannot rebuild.

I have St. Bernard Parish, Plaquemines Parish, Lafourche Parish, Terrebonne Parish, Cameron Parish, and large sections of St. Tammany and St. John the Baptist and Orleans Parish that you can see are designated V-Zones. This means likely to be flooded, not just based on their elevation but the way that the historical patterns of storms coming out of the gulf affect them.

I understand that we have to be very careful in these areas so I had an amendment to say: No, you can rebuild but you have to rebuild up to the right elevation or you have to rebuild according to the highest standards. If we do not fix this, and this bill passes—which it looks as though it will—there will be great concerns or questions, if not a downright prohibition, on building in these areas regardless of whether you pay for insurance. This is not right.

The other amendment I was prepared to offer is an affordability amendment. People may not realize this—I hope

Members will be listening. Again, this bill affects all the States, but in the underlying bill there is a provision that allows these rates for everyone in the country to be increased by 15 percent a year.

People are struggling to pay flood insurance now. I think that is very steep. People who are arguing for the 15-percent a year increase say it is important to get this program actuarially sound, it is currently running a \$20 billion deficit. I am well aware of the need to get this program in line. But I was going to offer an amendment that simply created and expanded a short, small, but important affordability provision of \$10 million that the Department would have to help people on fixed incomes or lower or middle-income families who of course are working along the gulf coast and in some of these coastal areas. They are not sunbathing, not vacationing. This is not about second homes. This is about primary homes. They have a right to live and have been living for generations near the coast. These are fisherman, et cetera. That was an affordability amendment that I cannot offer or file for the RECORD.

This is a very important issue. Flood insurance is not just about business and commerce; it is about culture; it is about a way of life; it is about preserving coastal communities; it is about being resilient in storms. Yes, Louisiana wants to pay its fair share. Florida must pay its fair share. Texas must pay its fair share. We have no problem with that. We have been for years.

Some Members are now waking up and saying: Oh, my goodness, now you are telling us, people in other parts of the country, we have to buy flood insurance? But we have a levee. You are telling us we have to buy flood insurance?

Yes. We had levees in Louisiana for 200 years. Unfortunately, they break. Sometimes when the Federal Government doesn't build them correctly, they disintegrate and our people get flooded. Yes, we have levees, we pay to build the levees, and we pay for insurance, and we are still not as protected as we could be. Again, we are not sunbathing down here on this coast. We are producing oil and gas for the Nation. We are running the largest port system in North America, and we drain 40 percent of the continent.

Florida has a little different situation. They do a great deal of tourism and they do a great deal of sunbathing and other things. I am happy for Florida and their economy. But the people I represent are not running huge vacation operations. This is not an optional place for us to live. It is not optional for us, it is not optional for the Nation, and it is not optional for the world. We have to find an affordable and safe way to live here.

I had an amendment to try to make this more affordable. That amendment is not going to be offered. The only positive thing I can say about the bill—

and there are some positive things, and this is important, I know, to the realtors. I support them almost 100 percent—and the homebuilders. I have a very good record with the realtors and homebuilders. I believe in what they do and they are right when they say: We have to have a permanent extension because we cannot close deals. People cannot sell their homes. We have to have this insurance program. And they are correct.

Like a lot of things up here, it is a balance. With the amendments I was going to put on the bill and actually had worked out to do so, on balance the bill would have been better. I was prepared to vote for it on the floor. Now that it is being stuck into this package without the debate on the floor and without the amendments, I must go on record to say that I would vote against the bill in its current form, even though I know we need long-term flood insurance. Because of the increased rates, the lack of the affordability, and the lack of a fix to the V-Zones, I think it tips the balance against the bill generally.

There is nothing I can do about it. That is the way it is going to happen. But I wanted to submit my comments for the RECORD. I can promise the Members of this Senate after this bill goes into effect you are going to hear a lot of complaints from your constituents. I am certain we will be back here within the year, after the elections—regardless of who wins and who loses—fixing some provisions that should have been fixed, but because there is not going to be a debate on the Senate floor will not be.

I know this bill came out of the Banking Committee in the Senate with bipartisan support. I am well aware of that. But I think there were some corrections or some perfections that could have been done on the Senate floor. We are not going to have that opportunity. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, as we know, the Supreme Court ruled on the health care law, and we have had a lot of phone calls and e-mails. People want to know what this means above the politics. Sometimes I think that in Washington everything is analyzed over what this means for the elections and what this means to the Republicans or the Democrats. What I hope to do today by coming to the floor of the Senate is to respond to some of my constituents from Florida, and folks around the country who have called as well, to show what this means in real life and what my position is toward

this moving forward. So that is what I hope to do here today in the few minutes I have while the Senate waits on the pending matter.

Let's begin by understanding what has happened today. The Supreme Court doesn't decide whether something is a good idea or a bad idea; the Supreme Court's job is to decide whether something is constitutional. Today, by a vote of 5 to 4—four of the Justices disagreed, but five of the Justices, including the Chief Justice, decided that a key component of the health care law that passed the year before I was elected was constitutional. They said it was constitutional because it was under the taxing powers of the Congress. In essence, they said that this mandate, this requirement is constitutional because it is a tax.

That is curious, of course, because the President denied that it was a tax. I looked it up. I remember a specific interview the President gave while this was debated where he was asked by George Stephanopoulos on ABC: Is this a tax? He denied it. He denied it and said there was no way this was a tax. If I could find the right quote in here just to make sure I am not misquoting anybody in this day and age of fact-checking, the President specifically said that the notion that it was a tax was wrong. However, months later, when this appeared before the Supreme Court of the United States, his lawyers argued that, no, this is constitutional because this falls within the power of the government to tax. So that is important because that is the reason this law still stands on the books today.

Let's remind ourselves of what a mandate is. This is not a mandate that the government provide an individual with insurance, this is a mandate that a person find insurance for himself or herself. For a mandate to work—and anyone who has been for a mandate will admit this to you—the penalty for not buying insurance has to be severe enough so that the person will decide to buy the insurance; otherwise, people will just pay the fine and not get the insurance.

So what does this mean in the real world? I found a blog post from 2009. The numbers may have changed a little bit, I am not 100 percent sure, but this is from when the House was deliberating at the time. An economist took this up on July 14, 2009, and he actually used a couple of real-world examples. This may be very similar to you, so listen carefully.

The first example he used is of a gentleman who is single and earns about \$50,000 a year, which is four times the Federal poverty level, so he wouldn't qualify for the subsidies under the bill. Now, he is a single 50-year-old nonsmoker, small business employee. That means he works for a small business that doesn't provide health insurance and isn't required to because the law requires businesses that have more than 50 employees to provide insurance. If he works at a place that has

five employees, they are not required to offer health insurance. So to reiterate, he is 50 years old, works at a small business that is not required to offer insurance, and makes \$50,000 before taxes. He doesn't have insurance. Now, he cannot afford a bare-bones policy. This economist went through ehealthinsurance.com and found that the cheapest policy he could find was \$1,600 a year. Depending on where you live in the country, when they start taking out taxes, \$50,000 doesn't add up to a lot of money. This is middle class. He can't afford a \$1,600-a-year policy, so instead he would have to pay a \$1,150 fine, which is a tax. That is what he would have to pay. Guess what. Even after paying the \$1,150, he still doesn't have insurance. This is the real-world impact of the mandate.

Here is another example. This one actually uses my home State, so I picked this one. A married couple with two kids has a small business. They run a small tourist shop in Orlando, FL. I am not sure if these are real people or if it is hypothetical, but I like the fact that they picked Orlando, FL. The husband and wife make \$90,000 a year at their small business. That is what the business makes, again, before taxes. They have a small business making \$90,000. Between all the expenses they have and all the other tax components that come up, it is middle class. This is middle class, OK? These are two employees, but their wages exceed the amount to qualify for the small business tax credit. Because their business is so small, there will be no financial penalty for a business that only has two employees, but as individuals they still have to buy health insurance for themselves and for their children.

So here they are, husband and wife, 40 years old, two kids, they own a small tourist shop, and they are the only employees, making \$90,000 a year together. The cheapest insurance they can get is a high-deductible plan with about a \$6,000-a-year annual deductible. It costs them about \$3,800 a year. The fine is \$2,000 a year. So that is probably what they end up having to do now. This is a \$2,000 increase in their taxes through a fine, and they still don't have insurance to show for it.

This is the third example I want to give, and this is not part of the analysis. I pointed out that the law now requires any business with more than 50 full-time employees to offer health insurance. Now, offering health insurance is a good thing. We should try to encourage that and provide opportunities for businesses to do it. Imagine you are one of these businesses and you are asking yourself if you should hire the 51st or 55th employee. Should I grow my business? Well, as a result of this new mandate, maybe you decide not to now. How much will this cost us? It is \$2,000 per employee if they don't comply. How much will this cost us? Maybe this is not the year to add a few jobs. Even worse, maybe they should become a part-time business.

I heard a lot about this in my campaign from franchises. Taco Bell and McDonald's are not owned by Taco Bell or McDonald's, they are owned by a small business owner. They are going to decide to make everyone part time because they can't afford to pay the fine. They can't afford to pay for the insurance. This would be a bad idea no matter what the economy is because now we are discouraging them from growing their businesses. No matter what the economy looked like, this would be a bad idea.

Let me explain why it is worse. No. 1, guess who gets to enforce all of this stuff. Guess whom they have to answer to. Guess who they have to prove they have insurance. Your neighborhood, friendly IRS. That is who is in charge of enforcing this. Millions of Americans now have an IRS problem because they don't have health insurance.

This idea that they don't have health insurance—because if we read some of these statements and interviews that the President gave when he said it wasn't a tax, it made it sound as though they don't want to buy insurance and they want to use the money for something else because they are irresponsible. They are not irresponsible. They can't afford it. There is not a private market for them to buy insurance because they can only buy insurance from their States. If they live in Florida and there is some company in California that wants to sell them insurance, too bad, they can't buy it. That is ridiculous. That is what we should be changing here. These people are not doing it because they don't want to be responsible. They can't afford it. Their house is upside down. They are making half as much and working twice as long. Their kids want to go to college. Everything has gotten more expensive, including gas, milk, their water bill, and electricity bill. On top of that, we are going to hit them with this?

We just got a report today that shows that the economy barely grew in the first 3 months of this year. It was less than 2 percent. Our economy is not growing. When it is not growing, the debt gets worse, the unemployment gets worse, everything gets worse. We should not be doing anything in Washington that makes it harder for people to grow this economy. Why would we do something such as this to people? Why would we hit the owner of a tourist shop with a \$2,000-a-year tax or else the IRS is going to chase him around? Why would we hit this guy who is 50 years old, trying to make a living in the world working for a small business, with a \$1,000-a-year tax when we are trying to grow our economy?

Health insurance is a real problem. It is. I wish more Americans could get their health insurance the way Congress gets it. We get it very simply. We get to choose, depending on which State we are from, between 8 to 10 companies, and we can decide. If we want a higher copayment, we pay less premium and vice versa. We get to choose.

Most Americans don't have that choice. They get their insurance from their job and their job tells them: This is your insurance plan. Pick a plan out of this book. Those are the kinds of things we should be working on.

So apart from everything else, this is a terrible idea because it hurts our ability to grow our economy. This is the real-life impact of this bill. This is the impact it is going to have, and we are going to see it. We are going to see it in a further downturn in our economy and in slower economic growth. This is going to have a real impact. This is a big deal. People across this country and across Florida have every right and every reason to be worried about the impact this is going to have on them. This is a middle-class tax increase, and millions of Americans now have an IRS problem. People will now have to, for the first time in American history, prove they have health insurance or they are going to have to deal with the IRS. I guarantee that is not good for small business. I guarantee that is not good for the middle class. I guarantee that is not good for economic growth.

That is where we are today. If there is anything I hope we can do—I wasn't here when the health care bill passed, but I hope some of my colleagues who voted for this will think to themselves: This is not what we intended. We want to help people who are uninsured but not like this. This is never what we wanted to do. I hope enough reasonable minds will come together to either suspend or repeal this, and let's start from scratch. Let's come up with a real plan to help deal with the health insurance crisis in America.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, today marks one of the most historic and certainly highly anticipated Supreme Court decisions in a long time.

I would be less than candid if I didn't say I am enormously disappointed that the Court upheld the law in its individual mandate which requires all Americans to purchase government-approved insurance whether they choose to or don't choose to. I believe it is fundamentally wrong for the U.S. Government to intervene in the lives of Americans in this very direct way. However, the Supreme Court's role within our system of government is to interpret the Constitution, and they have spoken. So with the ruling now officially out, what is important is where we go from here.

The Court did not decide that this law is good policy. In fact, Chief Justice Roberts went out of his way to clarify this point. It is clear in my mind that we must do everything we can to repeal this flawed law because it is enormously bad policy.

While we have waited over 2 years for the final decision about this law's constitutionality, we haven't had to wait

that long to learn why the law is bad for America. The law was a train wreck from the very beginning: backroom deals, empty promises, political tactics that epitomize what disgusts Americans about their government. Some of the law's leading supporters even admitted they hadn't read the 2,700-page bill. The Speaker acknowledged we are going to have to pass the law to see what is in it. My colleagues across the aisle hastily passed the bill on the notion that there were some gold nuggets in there, tucked inside the law, and that maybe Americans would think they were lucky enough to cash in. We have come to know nothing could be further from the truth.

After more than 2 years, there has been a lot of rain but not a single rainbow and certainly no pot of gold when it comes to this legislation. Instead, what we have seen is one broken promise after another.

Just last week, the administration's own Medicare Actuary reported national health care spending will increase at an average of more than 50 percent over the next decade. The same study estimated, in 2014, the increase in private health insurance premiums is expected to accelerate to 7.9 percent. But the startling fact is that is more than twice the increase Americans would have faced in the absence of the health care law.

This is just one of many studies that indicate the law does not bend the cost curve down as the President promised. It begs the basic question: Why would Congress pass a massive overhaul of our country's health care system that actually increases the cost of care? It is so ironic that the majority decided to call this health care law the Affordable Care Act. One can hardly argue that more people will receive better care under a plan that drives costs upward as well as puts Medicare on an unsustainable path.

The Medicare Actuary asserted in the most recent trustees report that the law could lead to significant access issues for beneficiaries under Medicare, and Medicare itself is estimated to be insolvent by 2024. Due to the cuts to Medicare and the health care law, he said: "The prices paid by Medicare for health services are very likely to fall increasingly short of the cost of providing those services."

He goes on to say: "Severe problems with beneficiary access to care" will occur.

That is just another way of saying, to put it very directly and simply, our seniors are going to find it harder and harder to find a doctor or a hospital that will accept them as patients. To put it simply, our seniors are going to have difficulty accessing medical care under this law.

The health care law perpetuates the problems within this very difficult system. It is clear that heavy-handed government solutions are not the answer, but that is exactly what this law creates. In this law, there are 159 new

boards, over 13,000 pages of new regulations, and it gives the Secretary of Health and Human Services more than 1,700 new or expanded powers. No one will convince me this act isn't a seizure of our government, of our health care system, and putting it under the power of government.

Americans don't want government bureaucrats diagnosing and prescribing their care. They want the freedom to choose an insurance plan that covers their needs and to simply see the doctor of their choice.

It seems the President even manipulated this sentiment, which is why he said no fewer than 47 different times: "If you like your plan, you can keep it." He knew that pledge would help him gain support for his law, but, sadly, the American public was misled and his promise can't be kept.

The nonpartisan Congressional Budget Office estimates up to 20 million Americans could lose the insurance they get through work—the insurance they like and want to keep—because of this health care law. Families in 17 States, including my own State of Nebraska, no longer have access to child-only health insurance because of the mandates in this misguided legislation. That is not the only way the law will hurt hard-working American families. The Director of the CBO testified that the new law will mean 800,000 fewer jobs over the next decade.

The American people deserve more than a laundry list of flawed policies and empty pledges. Americans deserve step-by-step reform instead of rushed policy; transparent reforms, not a 2,700-page entangled mess; and an open debate, not a closed-door discussion and the backroom deals that were so necessary to get this flawed piece of legislation passed. More than anything, they deserve sound policy that delivers on the promises.

I will do everything I can to continue to push to repeal this misguided law and to push for policies that set us on the right course because the path we pave will define our future as a nation. There is no disputing that Medicare and Medicaid are two of the biggest drivers of our Nation's \$15 trillion debt. So if we want to secure a sound future for our children and our grandchildren, we have to fundamentally reform these government programs, not double down on policies that will bankrupt them. In that same vein, we can't ignore our struggling economy. Instead, we need policies that promote business growth and job creation. I believe we can pass step-by-step reforms that confront these tough issues and policies that depart from a top-down, one-size-fits-all approach.

The issue of health care touches all of us at the deepest level. Whether it is a new life entering into our world, a tough diagnosis, a lifesaving surgery or care for a loved one in their final days, health care decisions should not be dictated by Washington. Families and the physician they trust need to be at the

heart of the decisions that impact their health. The Supreme Court has spoken definitively about the constitutionality of this law, but Americans have spoken loudly and clearly when it comes to the sensibility of this process and of this policy. It is time to repeal it and put in place sensible reforms that truly do bring down costs.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Madam President, I rise today to speak about the Supreme Court's ruling this morning in the case involving the constitutionality of the Affordable Care Act's individual mandate. In that case, the Supreme Court rendered a decision that may be spun by many, perceived by many, as a victory for the proponents of the controversial individual mandate contained within the Affordable Care Act.

I would submit today, however, that this victory, if it is being called that, will prove to be not only hollow but also short lived. I say that because, significantly, the Supreme Court was able to uphold the constitutionality of the mandate only by a series of gymnastics that allowed the Court to find this was a tax.

First, the Court addressed the issue and concluded, for only the third time in the last 75 years—only the third time since 1937—that Congress had, in fact, exceeded its power as asserted under the commerce clause of the U.S. Constitution.

Having concluded that Congress lacks the authority to compel commerce, the creation of commerce so that it could then regulate commerce, the Supreme Court went on to shoe-horn this individual mandate provision into the Supreme Court's conception of Congress's taxing power. This awkward construction is one that exposes many of the true flaws of the individual mandate.

The mandate itself, we must remember, was not wildly popular among the American people at the time it was enacted. It has become even less popular as the American people have come to understand it. A recent poll revealed that roughly 74 percent of Americans do not like the individual mandate. This is easy for us to understand when we think about the fact that we as Americans—we are born as a free people. We were intended to live as a free people. It offends our most basic sense of freedom to have one of the most personal decisions made for us by government—particularly by the impersonal, distant government that is based in Washington, DC.

These kinds of decisions should be made by the individuals and families in

consultation with their doctors, not by government bureaucrats in Washington, DC. So the fact that it is unpopular does not surprise us, and given the fact that the Supreme Court was able to uphold the individual mandate only by calling it a tax is very significant. It is especially significant given the fact that it was pitched to the American people as something other than a tax.

The President promised us he would not raise our taxes. He promised us the individual mandate did not amount to a tax increase. He promised us all along that he would never raise the taxes of any American earning less than \$250,000 a year. Well, those who participated in Congress who voted for this provision also promised us this would not amount to a tax increase. They did so for one simple reason: They knew it could not pass. They knew it would not be able to get the number of votes necessary to make it become law if they called it a tax. So they did not. They went to great lengths to make sure it was not described or characterized or structured as a tax within the text of the statute itself.

Now, after the fact, the Supreme Court has taken the step of shoe-horning this regulation into Congress's taxing authority, and it is calling it a tax, effectively insulating those Members of Congress who voted for it from the political liability attached to having voted for a tax increase—not just any tax increase but a tax increase that the Joint Committee on Taxation has concluded will be borne overwhelmingly by hard-working, middle-income earners.

In fact, they have concluded that over 75 percent of the burden associated with this mandate that has now been deemed a tax will be paid by those earning less than \$250,000 a year. It was unpopular before we were told it would be deemed a tax. Now that it is a tax, we cannot expect that its status as a tax will enhance its popularity. If anything, we can expect that it will become even less popular with the American people.

For that reason, I am absolutely convinced that for those who call this a victory for the individual mandate, it will prove to be anything but a victory. It will prove to be something that will result in a groundswell of people contacting their Members of Congress, telling them they do not want their taxes raised, telling them that Members of Congress who voted for this promised them it would not be a tax increase, asking them, for instance, to vote on it, to decide once and for all whether they are willing now to call it a tax, given that was the only way in which it could be affirmed, upheld, as a valid constitutional exercise of Congress's power.

As we move forward to the November elections, we are going to hear a lot about what people do not want out of their national government. We will



continue to hear a lot from those people who are offended by this notion that the government can tell them where to go to the doctor and how to pay for it, who are offended by the notion that government would step in and tell Americans: You have to buy health insurance, not just any health insurance but that health insurance which Congress, in its infinite wisdom, has deemed necessary for every American to purchase. And if you do not, you are going to be penalized. If you do not, you are going to be taxed.

People are going to be upset about this. They are going to complain to Congress and to candidates for Congress. They are going to complain to the President and to other candidates for the Presidency that this is not the kind of government they want. After they do that, they will proceed, and they will start talking about what kind of government they do want. That is where we have to move, away from the kind of government we do not want toward the kind of government we do want.

The kind of government we do want today is, in so many respects, the same kind of government we as Americans have always wanted ever since our founding; that is, a government that at the national level recognizes limits to its power, recognizes that whenever government acts it does so at the expense of our individual liberty.

When the Federal Government acts, to a significant degree it does so at the expense of our State governments, governments which are closer to the people and often more responsive to the needs and to the evolving demands of the people. This is not simply a technicality upon which we are involved in a discussion. This is a very important part of the political process. It is essential that any time we raise taxes, we do so in a way that is clear to the people and that we stand accountable to the people for raising taxes. The courts do not have the expertise to do that, and yet they exercised that power today.

As the majority opinion today reminded:

The Supreme Court of the United States possesses neither the expertise nor the prerogative to make policy judgments. Those decisions are entrusted to our Nation's elected leaders who can be thrown out of office if the people disagree with them.

This reminds me of one of my favorite quotes from our country's greatest Founding Father, George Washington, who said something very similar way back in 1789, when he explained:

The power under the Constitution will always be in the people. It is entrusted for certain defined purposes and for a limited period to the representatives of their own choosing. And whenever it is executed contrary to their interests or not agreeable to their wishes, their servants can and undoubtedly will be recalled.

This reminds us of the fact that we as Americans are in control of our own destiny as a nation. We as Americans are here and have the prerogative to explain what we want and what we do

not want out of our government. The government exists to serve the people and not the other way around. The decision rendered by the Supreme Court today, while I disagree with it in many respects, is one that I predict will usher in a new era of robust debate and discussion over issues of federalism and individual freedom. That debate, I am convinced, will lead inexorably to the result that we as Americans will become more free, less captive to a government that tells us where to go to the doctor and how to pay for it, and that we as a people will again prosper as we regain our God-given right to constitutionally limited government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to speak on the Affordable Care Act. Today I am so relieved that the Supreme Court has upheld the Affordable Care Act as constitutional. With this ruling, our Nation's highest Court has made it clear that no matter who you are—a man or a woman, a senior facing cancer, a child with juvenile diabetes—you will have health care that is available, reliable, and undeniable.

Health care reform has achieved many goals that the American people wanted us to do: One, expanding universal access. Now 32 million people will have health care they did not have before. Second, it breaks the stranglehold of insurance companies, ending their punitive practices, particularly in those areas of preexisting conditions where they denied health care because a child might have autism or asthma or for women where they had a particular approach where they charged us more than for men of comparable health status—30 percent more. Then they treated simply being a woman as a preexisting condition, or a pregnancy, sometimes the need for a C section. In some States being a victim of domestic violence was considered a preexisting condition. We ended that practice.

We also saved and strengthened Medicare, and we emphasized prevention, early detection, and screening. That will save lives, improve lives, and also save money.

I am proud of what we did in Congress with the universal coverage. For the first time in our history we are committed to covering every single American with health care. It helps young families to be able to look out for their children. It helps young adults recently graduated from college, some looking for a job, some working in startups where there is no health insurance.

Because of health care reform, 52,000 young adults in Maryland will have coverage on their parents' policies while they go back to school, look for a job, or get that entrepreneurial spirit going.

Then there are these punitive practices of the insurance companies. Much has been said about how we interfere

with people's right to see the doctor of their choice or get health care.

That is what insurance companies have been doing for years. People in pinstripes sitting in boardrooms made decisions on who could get health care and who couldn't. We stopped them from denying families health insurance. We stopped insurance companies from denying children's coverage. Congress ended, as I said, discrimination against women.

I remember when they tried to take our mammograms away, and I said no and organized the preventive health care amendment. We women fought to have access to mammograms and other things related to our particular life needs. The fact is we wanted it for the men too. We organized for the prevention amendment so we could limit the need of copays for this, so we women could have access to mammograms, so men could have access to screening for prostate cancer, so all Americans could get that screening for the dread "C" word, such as colon cancer, and how about diabetes and heart disease. These are the kinds of things that, if we can have early detection and early screening, will save lives, stop the spread of the disease or keep it from getting worse.

Diabetes, undetected, uncontrolled, and unmanaged, can result in the loss of an eye, a kidney or a leg, all because one has lost their health insurance. Because of what we have done in the Affordable Care Act, not only will people have health care, but they will have the preventive services where, early on, they will be able to examine exactly where they are and have access to a diabetic educator and have the monitoring and coaching they need and, hopefully, the diabetes comes under control and the health care costs come under control. That is what we did in this bill, and I am very proud of it.

I travel my State a lot. As I went from diner to diner out there in the communities, where I could talk to the people unfettered, unchoreographed, they said to me: BARB, I not only worry about losing my job, but I worry about losing my health insurance. I don't know what will happen to my family. I fear that I am one health care catastrophe away from family bankruptcy. I want to make sure my family is taken care of.

I talk to small businesses. How can they afford that? They need predictability and understanding and they need access to something called the health care exchange, where it will be akin to an economic mall, where they will be able to go to the health exchange and see the whole lineup of private health insurance companies and the benefits they offer. Small businesses will be able to navigate that and see what they need and what they can afford for the benefit of their workers.

This is the American way. This does use market techniques, but at the same time we don't use the free market to endanger the people in terms of universal access and some of these others.



There are many things in this bill. One of the other things I like so much was that we insist that 80 percent of the premium we pay goes into health care, not into the executives' pockets for perks, privileges or profits.

I believe in the free enterprise system, and I believe in profit, but I don't believe in profiteering. So we said 20 percent goes into administrative costs, and if they can control those, they will make a bigger profit. But 80 percent has to actually go to rewarding providers for the health care they do, for their education and training. I think it is terrific.

Part of the bill has already kicked in. My constituents in Maryland will see over \$5 million returned to them because we insisted on this provision. We are for providers getting what they need in terms of reimbursement but at the same time looking at and making sure it goes into the health care they need.

Today we have had the ruling of the Supreme Court. I was out there on the steps of the Supreme Court, and I loved every minute of it. As you know, I got into politics as a neighborhood protester. I fought a highway and the downtown establishment and I fought the political bosses. When I talk to young people around the world—particularly those with aspirations in autocratic or dictatorial environments—I tell them that in America when you are a protester, they don't put you in jail, they send you to the Senate. I am here because of the first amendment of the Constitution—free speech, freedom of assembly.

When I was out there on the steps today and heard the roar of the crowd, whether it was the tea party who had access to a microphone or whether it was me who had access to a microphone, I knew the Founders' vision of America had worked. They believed in limited government. They believed in checks and balances. No President should have unlimited power. No Congress should have unbridled power, and the Supreme Court would be an independent judiciary to act as referee.

President Obama proposed a bill. We duked it out in the Congress and we passed it and sent it out into the land. There have been legal challenges. It went to the Supreme Court, and the Court looked at the bill not for utility or even desirability, they looked at it for constitutionality. Today, they ruled that the bill was constitutional.

I am sure somewhere there is Tom Jefferson, John Adams, and his wife Abigail, who said they lived the Constitution, and in that health care bill, by the way, John, they didn't forget the ladies.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time to comment on the Supreme Court decision on the Affordable Care Act. This was a good day for the American people. It allows us to move forward with providing universal health care coverage for all Americans—affordable, quality health care.

I wish to quote from a former Member of this body when he said:

For me, this is a season of hope, new hope for a justice and fair prosperity for the many and not just for a few, new hope. And this is the cause of my life, new hope that will break the old gridlock and guarantee that every American—north, south, east, west, young, old—will have decent, quality health care as a fundamental right and not a privilege.

That was a statement from our former colleague, the late Senator Ted Kennedy, on August 26, 2008. This Congress acted and did what was right to move this Nation forward to join all the other industrial nations in the world to say health care is a right, not a privilege.

The Supreme Court today recognized it was Congress's responsibility, and Congress had the legal authority to move forward. As a result of this decision, we are going to find that \$10.7 billion has been recovered already today by dealing with waste, fraud, and abuse in the Medicare system. We will be able to continue with those programs that make our health care system more affordable. We will be able to continue health care coverage for those between the ages of 19 and 25 who are now on their parents' health insurance policy; 3.1 million young adults have benefited from that provision of the Affordable Care Act that was upheld by the Supreme Court today.

Seventeen million children with pre-existing conditions can no longer be denied coverage by their insurers. That provision is now safe as a result of the Supreme Court decision. And 5.3 million Americans on Medicare have saved, on average, \$600 on their prescription drugs.

As you know, we worked in this Affordable Care Act to close the coverage gap—the so-called doughnut hole—on prescription drug coverage for our seniors. In upholding the Affordable Care Act, the Supreme Court allows us to continue to make sure that coverage gap is eliminated.

There are 70,000 Americans with pre-existing conditions who now have the security to know their coverage is safe. In addition, in 2011, 32.5 million seniors received one or more free preventive services. So far in 2012, 14 million seniors have already received these services.

The expansion of benefits in Medicare that was under the Affordable Care Act, providing the wellness exam and eliminating the copayments on

preventive health services, will also now be saved and our seniors will be able to continue to receive those benefits.

On the doughnut hole, the coverage gap on prescription drugs will save \$3.7 billion for 5.2 million seniors, with an average of \$651. This is real money. This is the difference between some seniors being able to take their medicines or having to leave them on the pharmacist's desk. That is now also protected.

Insurance companies will provide almost 13 million Americans with over \$1 billion in rebates in 2012. We put into the health reform proposals protections against excessive premiums by private insurance companies. Well, that is going to save consumers in America over \$1 billion. And 105 million Americans will no longer have lifetime limits on their coverage.

Insurance should be there to protect you. Before the Affordable Care Act, there were limits that might not have covered extraordinary costs, catastrophic costs. We now have that protection as a result of the Affordable Care Act and the Supreme Court's upholding that decision today.

It is also important for small businesses. In 2011, 360,000 small businesses took advantage of the tax credit that helps small companies afford to buy health insurance for their employees. When we fully implement this bill in 2014, small companies will enjoy the same larger pools and lower premiums that larger companies enjoy today in covering around 2 million workers. So we have already made a significant amount of progress as a result of the Affordable Care Act and the Supreme Court upholding that law today.

I wish to talk a minute about the Patients Bill of Rights. One of the major parts of the bill was to take on the abusive practices of private insurance companies. We all know that was at risk if the Supreme Court did not uphold the actions of Congress. As a result of upholding the actions of Congress, we now find, for example, access to emergency care, a provision I worked on, says it is prudent for you to go to an emergency room if you are having shortness of breath, if you are having chest pains. It is the right thing to do to go to the emergency room and that your insurance company has to pay for that visit. It can't go by your final diagnosis that it may not be a heart attack. After you get your bill, and it is not paid for by your insurance company—you might have a heart attack—this bill protects a person and makes sure insurance companies do not use abusive practices against you.

Access to women's health care is guaranteed under the Patients Bill of Rights. Access to pediatric care and choice of health care professional as your primary care—all that is in what we call the Patients Bill of Rights that protects you against abusive practices of private insurance companies.

Clinical trial coverage is also here, and the provision I worked on, health

disparities. We know we pay a heavy cost in America because of health disparities in minority populations and in gender issues. We now have a National Institute for Minority Health and Health Disparities at the National Institutes of Health. That will help us understand why we have these disparities in our system and what we can do to reduce those disparities, because it is the right policy for America and it will also save us money. That law now is protected. That institute is protected and is no longer in jeopardy as a result of the Supreme Court's upholding of the Affordable Care Act.

Let me talk about oral health care. We have talked frequently on the floor here about Deamonte Driver, the 12-year-old in Maryland who, in 2007, had no health insurance and could not get access to dental care and lost his life. We said that was not going to happen again in our State, or anyplace in the Nation, and we are proud that children's access to pediatric health care—dental care—is protected under the essential benefit provisions in the Affordable Care Act that was upheld by the Supreme Court today.

I also want to comment on the importance of the legal decision beyond health care. To me, it shows the Supreme Court was able to find a way to advance the rule of law and to follow precedent we have seen in upholding programs such as Social Security and Medicare, which are mandatory insurance programs. It is the right decision on the rule of law. It is the right legacy for this Court to find a way—in a Supreme Court that has nine different Justices with different views—to come together on an opinion that upheld the authority of Congress to act on a major national problem.

Now it is time for us to move forward. This issue has been litigated. The Supreme Court is the final arbiter of this decision. It is constitutional. I urge my colleagues, both Democrats and Republicans, to work together to implement this bill in the best manner for the people of this Nation. We know we are saving money, we know the Congressional Budget Office says the implementation of the Affordable Care Act will save hundreds of billions of dollars over the first 10 years and then trillions of dollars beyond that in our health care system. Let's work together to make sure it works. Let's work together in the interest of the American people. Let's put our partisan fights aside, let's accept what the Supreme Court has done, and let's move forward to get this law implemented in the most cost-effective way so we can indeed achieve the goal Senator Kennedy was talking about—that every American should have access to affordable quality care in the richest Nation in the world.

With that, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, today, June 28, 2012, 30 million American people gave thanks, and it is because the Supreme Court this morning upheld the health care law that will provide those 30 million people with access to affordable health insurance.

Today is a proud day for America and for the values we cherish because on this day our Nation's highest Court has reaffirmed that America is a country that works for everybody, not just a privileged few. We fought for these values for many years, and this victory is just the latest in America's long struggle for a fairer and more equal country. We took the first step 77 years ago when President Franklin Roosevelt signed Social Security into law, ensuring that in this country no senior would go hungry. Thirty years later President Lyndon Johnson helped America take the next step when he created Medicare and Medicaid, ensuring that our seniors and the most vulnerable among us would always have access to health care. And today our efforts to ensure that every American has access to quality health care has been given the stamp of approval by our Supreme Court. Today we established our belief in America, the wealthiest Nation on Earth, that it is our moral duty to make sure everyone can keep themselves and their families healthy.

A little more than 2 years ago, we heard the call of Americans struggling to pay for health care—parents who had to choose between keeping their children healthy and putting food on the table and seniors who couldn't afford lifesaving medication. So we passed and President Obama signed into law the Affordable Care Act, and already millions of Americans are reaping the benefits of this law.

Thanks to health reform, insurers can no longer deny people coverage for a preexisting condition. If someone has cancer or some other longtime sickness, insurers can't deny them coverage if they are already sick from these conditions. Up to 17 million children with preexisting conditions are already benefiting from this provision. Under the Affordable Care Act, insurance companies are prohibited from canceling coverage when people are sick. And more than 3 million people in my State of New Jersey no longer have a lifetime limit on their health insurance coverage.

Today millions of seniors are already receiving free preventive health services and are saving an average of \$600 a year on prescription drugs. And it is not just seniors who are seeing lower costs; almost 2 million New Jerseyans with private insurance now receive preventive health service at no additional cost. For women, these services include

cancer screenings, such as Pap smears and mammograms. Since the 1950s, cervical cancer screenings have cut mortality rates by more than 70 percent. Think about that—70 percent of the people are alive now who otherwise would have died if they didn't have the coverage.

Young people have benefited as well. More than 73,000 young adults in New Jersey obtained health coverage last year through their parents' insurance plans. This has brought their parents peace of mind, knowing that their children, who may have just graduated from school and are making their way in the world, will be covered with insurance if they need it.

But even with the Supreme Court's decision, our friends the Republicans continue to fight our efforts. They are again showing they will stop at nothing to make seniors have to pay more for medications, more families going bankrupt, and more parents having to choose between feeding their children and taking them to the doctor.

Our colleagues across the aisle keep telling us that they want to repeal and replace health reform, that they simply favor other solutions, but they have no proposals and no ideas on how to do that. Instead, they just keep giving the American people the same message: Give your benefits back; we can't afford it—in this rich Nation of ours.

Well, I have a message for my friends here in this place where care is so carefully given: If you don't want Americans, I say to colleagues here, to have affordable health coverage, then you ought to give yours back. That is what I say. The Republican hypocrisy is stunning. As Members of Congress, politicians have access—all of us—to world-class health care, but they are determined to take away the lifeline that health reform law offers to families who really need it.

Let's be clear. Without this law, insurers could once again restrict benefits, cancel coverage when people get sick, and refuse care to people with preexisting conditions. The Republicans want to return to the days when it was legal for insurers to turn away sick children, to say: Sorry, you are not covered by insurance. No matter how sick you are, we can't give you any help.

And I say to my Republican colleagues, stop attacking the American health care plan, not the Obama health care plan. Start working with us to ensure a healthy and happy future for all of our children and grandchildren.

Americans don't want to relive the health care debates with the lies about death panels and socialized medicine. The American people want us to move forward and work together to lower costs and make sure no American gets left behind. That is what the American people deserve from us. They send us to this place for 6 years at a time. That is the America we must believe in. That is the America we fight for. And today we are one step closer to making that America a reality.

I speak for myself. Some years ago, I was 18 years old and I signed up to serve my country in World War II. It was a dark moment in our history. The war was at its height. My father was on his deathbed. He was just past 42 years of age. He had cancer, acquired—like his brother and his father did—from work in the mills of Paterson, NJ. That is what they had. My mother was a 37-year-old widow. Things were tough. Things were difficult. I had a little sister. My father died, and we all grieved. I was already enlisted in the Army, and they permitted me to stay home until my father passed on. But what happened is not only did my father leave grief, but he left bills—bills for hospitals, for pharmacists, for doctors. People shouldn't have to go through that. The coverage ought to be there that says: We will take care of you. You are an American citizen. Be proud of that. And don't let anybody fight to take away your rights to protect their rights. No, that is not a balance.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I ask consent to be recognized for 5 minutes to speak about the Supreme Court's ruling.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, there are a couple observations I would like to make about the historic ruling by the Supreme Court today. No. 1 is about the legislative process. Members of Congress during the debate on Obama health care had a very passionate, heated debate which is part of democracy. As I recall the debate, when people on our side suggested this is a tax increase, that all the fines and costs associated with the health care bill would be a massive tax increase, our friends on the other side, almost to a person, said: No, this is not a tax increase. President Obama assured the American people during the debate that the fine is not a tax.

I think the reason that was so is because if we debated this bill and the only way we could pass the bill is using the power of Congress to tax under the Constitution, there would not have been 10 votes for the legislation. Nobody would have wanted to go home and say I just increased your taxes by billions of dollars over the next 10 years to fix health care, because I think most Americans believe our health care in this country needs to be reformed, and it is in many ways broken and needs to be fixed, but there are very few people in this country who believe we don't tax enough and that is the problem with health care.

That is not the problem. The problem with health care is not the lack of how much we tax, it is the lack of choices people have and the competition when it comes to purchasing health care. Many of us want to give people a chance to buy health care outside of the State in which they live, which they cannot do today. Many of us believe some form of medical malpractice reform will lower costs. Many of us are for preventing preexisting illnesses being used to deny health care.

I would like to give individuals the same tax writeoffs as businesses have when it comes to purchasing health care, and I am willing to help those who do not have the money to buy health care to be able to purchase health care in the private sector.

I am willing to do a lot of things, but I am not willing to impose a massive tax increase to fix health care. Also, I do not think it is fair for people in the body, during the debate on a bill, to say: This is not a tax increase, vote for the bill, and wind up having to be told by the Court the only way this is legal is for it to be a tax increase.

Here is my challenge to every Member of the Democratic Party who said this was not a tax increase when we debated the bill. I am asking now, if they did not want to increase taxes to fix health care, repeal this bill and work with me and others to find a way to fix health care without a massive tax increase. If after the Supreme Court ruling they are still OK with the legislation, be honest enough to go back home and say: I raised your taxes to fix health care because I thought that was the right thing to do.

Then let's have a debate about whether that is the right thing to do. I can promise, it is not the right thing to have a debate where the President of the United States and the architects of the bill assure everyone they are not having a tax increase when, in fact, that is the only way this bill can stand.

I believe we all owe it to the American people to be on record. If after today's ruling Senators are still for this legislation, have the courage to tell the American people: I am for it, even though I had to raise your taxes to make it happen. Stand behind what they believe. If someone believed at the time this should not be considered a tax increase and they are upset or they are worried that it is now being called a tax increase and they think that is wrong, have the courage to say let's start over. Nobody is going to hold it against a political leader who is willing to change their mind if it makes sense.

I cannot think of a better opportunity for Congress to revisit an issue than this. If there is ever a bill that needed to be revisited it is the Obama health care bill. It needs to be revisited and it needs to start over because it was passed on a party-line vote. It was passed with statements being made that this is not a tax increase when it turned out to be. I hope we have the wisdom and the courage to start over and sort of get this thing right.

The second point I would like to make is that no one in this country has suggested that health care needs to be fixed through a massive tax increase. Let's find a better model to fix health care than hundreds of billions of dollars of new taxes.

A final thought is, how do we move forward? In November of 2012, every person who voted for Obama health care told their constituents this is not a tax. They owe it to their constituents to go back and say: Listen, the Supreme Court said this can only stand with it being a tax. I am either OK with that or I would like a second chance to fix it.

President Obama is a good man and sincerely believes that health care needs to be reformed in a certain way. I agree it needs to be reformed but not in this way. The President owes it to the American people to correct his statement when he assured us all this was not a tax increase. Many Americans found comfort in that. I have always believed the Court could uphold this law under one theory and one theory only. I never believed the commerce clause was so broad that we in Congress could compel someone to buy a product they did not want. The Court said today that the commerce clause cannot be used in such a fashion.

The bill was sold as a power within the commerce clause. The Court said today the commerce clause will not allow Congress to make the public buy a product. That is not commerce. That should make all of us feel better that there are some limits on the commerce clause vis-a-vis our Congress. But the Court did say when it comes to the power of a tax to tax, the Congress's discretion is broad. That is constitutionally true, and it has always been so. The Congress has the power to raise taxes to pay for a war. Even though we may disagree with the war, we have it in our power to say for the public good we are going to raise taxes to pay for a war.

Congress also has the power, in my view, to say: The health care system is broken. We are going to raise taxes to fix it. I don't think that is the right answer, but I think that is within our power.

The Court said today the fine is really a tax. Now that we know it is really a tax, what are we going to do about it? Are we going to leave in place the largest tax increase in modern history to fix health care or are we going to be smart enough, wise enough, and courageous enough to start over? I hope we are wise enough, courageous enough, and smart enough to start over and this time do it in a way that is truly bipartisan.

The worst possible outcome for the American people is for the Congress to pass legislation that affects one-fifth or one-sixth of the economy and say this is not a tax, and at the end of the day that is the only way the law can stand is for it to be a tax.

So I hope between now and the election we can have another debate about

health care. All those who stand by this product need to tell their constituents: I believe in this product, and I am willing to tax you in a large way to make it happen. If we had had that debate to begin with, this bill would have never passed and we would have worked together. Second chances are hard to get in life. Congress now has a second chance.

One final thought about Medicaid expansion. Congress said we are going to expand Medicaid dramatically under this proposal to insure people not covered by Medicaid today. If you are 133 percent above poverty, you would be included in Medicaid. In my State 31 percent of South Carolinians would be eligible for Medicaid under the Obama health care formula. That would mean an additional \$1 billion of a matching requirement by the State of South Carolina to get the Federal money. That means my State would have to cut education, raise taxes, or cut public safety to come up with the money to match Medicaid expansion under the Obama health care act.

The Supreme Court said we cannot do that to the States. We cannot expand Medicaid dramatically, which will bankrupt States and tell them if they don't agree with the expansion, they lose all the money under the program; that is coercive.

In September of last year, along with Senator BARRASSO, I introduced legislation called the Graham-Barrasso bill, which would allow States to opt-out of Obama Medicaid expansion and still receive the money they receive under the current program. That is basically what the Court said we should be doing. So I hope the Republican leader will impress upon the Democratic leader to bring up the bill we introduced last September and legislatively allow States to opt out of Medicaid expansion under ObamaCare if they choose to.

I guarantee there will be a bunch of red and blue States opting out of Medicaid expansion under this bill because it will make them hopelessly bankrupt, and that is not the way to solve health care for the poor. That part of the bill needs to be addressed too.

This is a historic ruling by the Supreme Court, but for it really to be historic in its fullest sense, Congress should take this historic opportunity to revisit health care and get this right without a massive tax increase.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, my friend from South Carolina articulated very well what happened today with the Supreme Court. I think

it is going to be a wake-up call for a lot of people in America. I think it will, as he suggested, have a profound effect on the elections in November when people realize the Court has ruled that people who don't have coverage are going to be penalized by \$695 per individual, and families who do have coverage will have to pay an additional about \$2,100, and the employers of America are going to be dealing with the government exchange. People are going to be concerned about it. I think they are going to want to send people to Congress in both the House and the Senate and in the White House who are going to change this system.

So I stand on the Senate floor and say that is what I am predicting and we will see what happens.

#### HIGHWAY REAUTHORIZATION

I want to make one comment because we are going to vote shortly on a significant bill. It is the highway reauthorization bill. It makes me very proud because we have been trying for a year and a half to do this. When we passed the last highway reauthorization bill, it was in 2005. At that time I was the chairman of the Environment and Public Works Committee. It was, as I recall and going from memory, a \$286.4 billion bill. It was for 5 years. Of course, that expired in 2009.

The problem we have had since 2009 is that we have been operating on what they call extensions. Most people are not aware that when we operate on extensions, we are operating with the same amount of money we are spending out of the highway trust fund, but we are only getting two-thirds of what we would get if it were a reauthorization.

First of all, they can only do it in a short period of time. There is no planning, and they have all said we lose about 30 to 33 percent of the amount of spending power or money that should be spent on highways, bridges, and maintenance.

It is kind of funny because I have been ranked as the most conservative Member of this body at different times, and I am always in the top three. Yet I have always said I may be the most conservative, but I am a big spender in two areas: One is national defense and the other is transportation, and that is what this is all about.

I have had occasion to talk to a lot of the new members of the conference committee over in the House and explained to them the conservative position and the conservative vote on this is to vote for the highway reauthorization bill that is going to be coming up to us. Hopefully, it will be here tonight. It is going back and forth between the House and Senate. I believe most of the conferees have already signed off on this bill, so it is coming up. It has been a long time in the making. I am very excited about it.

Let me also say that while I take the position that the conservative vote is to vote for the highway reauthorization bill, I am not alone in this feeling.

Mr. President, I would like to submit for the RECORD a statement by the

chairman of the American Conservative Union. It is an op-ed by Al Cardenas, who is the chairman of the American Conservative Union. He presents a strong case as to why this is the conservative position that should be taken.

I ask unanimous consent that the statement and op-ed piece by the chairman of the American Conservative Union be printed in the RECORD.

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

[From the Examiner, June 21, 2012]

#### CONSERVATIVES SHOULD BREAK TRANSPORTATION BILL GRIDLOCK

(By Al Cardenas)

The spending and debt crises of the past few years in Washington have forced an important debate about the proper role of government, and the need for prioritizing government spending.

The failed \$800 billion stimulus, TARP, countless bailouts and Congress' failure to make a serious attempt at controlling our \$16 trillion debt have given many conservatives rightful anger over how Washington spends our money.

Unfortunately, well-placed mistrust in Congress' ability to spend our tax dollars is now jeopardizing legitimate spending projects, chief among them this year's transportation funding bill. If Congress fails to act by June 30, important transportation projects critical to our national defense and our economy will lose their funding. The effects on our already suffering economy will be far-reaching and profound.

While there are important disagreements between members of the House and Senate on this bill, enough consensus exists on the broad framework that there's no excuse for not passing it in time.

First, the current framework does not contain any earmarks. This is a monumental achievement in its own right considering "Bridge to nowhere" and "John Murtha's airport" served to make transportation earmarks the poster children of wasteful pork spending. Second, the myriad of highway spending categories that used to serve as hiding places for pet projects has been reduced from 87 down to 21.

Third, thanks to the leadership of Senator Jim Inhofe and conservatives in the House, the cumbersome and unnecessary environmental review process for road construction projects will see significant reform. How much reform is up for debate, but we're going to get something better than what we have now, that much is assured.

Fourth, not passing a bill will hurt our already suffering economy.

While big-government Democrats mistakenly place their economic faith in the religion of government spending, conservatives know the economic pump is best primed by a robust private sector. Government cannot do much to stoke job creation on its own, as evidenced by President Obama's repeated failures during the past three years. But government can play a profound role in stalling job creation and hurting economic growth. Failure to pass a transportation bill would have a negative effect on commerce and the businesses that count on safe and reliable roads.

Perhaps most importantly, those of us who believe in constitutional conservatism understand that unlike all the things the Federal Government wastes our money on,

transportation spending is at the core of what constitutes legitimate spending.

Article One, Section Eight of the Constitution specifically lists interstate road-building as one of the delineated powers and responsibilities vested in the federal government. In Federalist Paper #42, James Madison makes an early case for the federal government's role in maintaining a healthy infrastructure, by stating "Nothing which tends to facilitate the intercourse between the states, can be deemed unworthy of the public care."

Let's be clear—the legislation before Congress is still the product of a Democratically-controlled Senate, and far from conservative perfection. But there can be no denying that it represents a marked improvement over previous transportation funding bills. Enough progress has been made, victories won, and concessions secured from Democrats, that conservatives should feel comfortable dropping their objections and working to ensure passage of a bill before June 30.

The road to reforming government spending will be long and winding, but conservatives have us headed in the right direction.

Mr. INHOFE. I am looking forward to having this. Certainly, my State of Oklahoma is not the only State that has bridges and road problems.

Another good thing we are waiting on—and I feel very confident we are going to be able to pass this out of the Senate—is the pilots' bill of rights, which we are in the process of, hopefully, getting done. When that time comes, I would like to be recognized to talk about some of the great extensions of justice to people who have been denied that justice heretofore just because they happen to be pilots.

I will yield the floor, and I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

#### HEALTH CARE DECISION

Mr. COATS. Mr. President, I come to the floor today to speak about the Supreme Court ruling on health care. Obviously, we were all glued to the television set this morning and watched this historic and momentous decision. I was deeply disappointed with the ruling. I respect the Court and its work, but I was disappointed that the Court failed to strike down this law as many anticipated they would. I was disappointed because I believe the law has been deeply and fatally flawed from the very beginning.

It became a major issue, of course, in the 2010 election as people watched this massive bill that impacts every American get passed without bipartisan support. The procedures were worked around and violated in order to pass—even though it was against the will of the majority of the American people. This was a 2,700-page monstrosity so infamously described by the then-Speaker of the House as something we

have to pass first so you can find out what's in it. Well, we found out what's in it. We have had 2 years to examine this and we have seen parts of it being played out, with more to come.

I think what we have learned is this bill is fatally flawed and it ought to be repealed. It doesn't mean we don't have health care issues we should deal with, but we need to deal with it in a bipartisan way that can be better explained to the American people and that is affordable. It is labeled the Affordable Care Act, but it is anything but affordable. In a time of deep recession and over a period of the last 2 or 3 years of a stagnant economy, this law adds a burden of regulation and taxation that is working against our ability to come out of this deep hole of economic distress.

Americans found out what was in this bill, and I think it reaffirmed many of their deep concerns about going forward with a plan that tries to wrap up the entire U.S. health care system in one big ball—2,700 pages worth. It reaffirms the people's concerns with federal rules and regulations and taxes and mandates. The American people are saying that this is not how we want reform of our health care system. We want to make it more affordable and more accessible, but letting Washington essentially decide how to go forward without giving flexibility to the States and flexibility to the private sector to initiate reforms clearly is not what the American people—or at least the majority of the American people—were wanting.

Despite the promises that were made about the impact of this bill by those who authored it and by the President, middle-class Americans have found that the health care law is a massive tax. The Supreme Court reaffirmed that today. This is not just a penalty; this is a massive tax on working Americans—and not just the rich. It is a tax on the middle class and it is a tax on every American taxpayer, even though the President has insisted, now famously, on YouTube and every news station, that this was not a tax on the middle class or a tax on any Americans.

Families have found out their insurance premiums are going up, not down, as was promised by those who supported this bill and authored this bill. Seniors have found out they may not be able to keep the insurance plan they have and could lose access to Medicare Advantage. Medicare Advantage is a program many seniors have enrolled in and found to be successful in addressing their health care needs at a reasonable cost.

Business owners found out they would be fined \$2,000 per employee if they failed to provide workers with a health care insurance plan approved by Uncle Sam. I don't know how many business owners I have talked to in Indiana over the past couple of years who have said they have sat down with their employees and discussed with

them how much they are able to provide in health care coverage without cutting jobs and without sinking the company. Many companies have worked out different types of agreements with employees and various types of plans based on their ability to provide that kind of coverage acceptable by both the employees and the owners of the business. Now all of these agreements are wiped out because it is determined that Washington will decide what the minimum level of the plan should be. Several business owners have told me they simply can't run their business in this economy on the low margins, if any margins they are achieving, and provide that kind of increase in insurance or opt out of it and pay a fine of \$2,000 per employee.

For those businesses with under 50 employees, there is an exemption. Other businesses have said: Guess what. I have 47 employees. Does anyone think I am going to hire over 50? No way. No way am I going to push myself into a category where I have to pay a fine of \$2,000 per employee if I don't comply with the health care mandates out of Washington, DC. So what we see is a lot of payment of overtime for existing workers but we don't see hiring. We don't see the expansion of hiring, particularly in small business, because of the so-called Affordable Care Act.

I have spoken to patients and doctors all over the State of Indiana, including health care providers, insurance companies, hospital administrators, doctors who are part of a group and those individuals who are in a private practice, and all of the other entities that are engaged in health care. They all have major concerns with this law and to a group, they have opposed this Affordable Health Care Act, or so it is described.

We have a dynamic medical device industry in Indiana, as we do in several States across this country. It is one of the cutting-edge, leading industries in terms of our ability to provide new and innovative products to make people's lives healthier and safer and to prevent a number of unintended consequences from various medical procedures. They learned after reading this act that they were going to be subject to a 2.3-percent tax levied on their gross receipts because they were a pay-for for this bill. These companies that make pacemakers, artificial joints, and surgical tools find that this tax is something that drives them to the point where they need to think about transferring their business overseas, or part of their business overseas, or not hire the workers they wish to hire. This is a tax imposed on one of our dynamic and innovative industries that is leading in our exports. This industry may no longer be able to compete under this tax.

Just because this ruling that came down today saying the health care law is constitutional does not mean it is the right policy for us to go forward. The law remains unpopular and

unaffordable. I wish to state here today that I am committed to working with my colleagues to repeal the health care law and give our citizens the power and the flexibility to make their own decisions relative to their health care and to use those innovative ideas that are out there to put a much better package together that addresses the real question of rising health care costs and access.

I have traveled our State and listened to all of these providers and I have asked them this question: If the health care law is struck down by the Supreme Court, what would you propose? Because we still have a problem here. We have rising health care costs that have to be contained, we have an access problem, and we have a number of other problems in terms of gaining access to coverage and payment for health care issues. What would you propose? I have a long list of answers. I have talked about it here on the floor. I talked about it during the campaign. All across my State I have talked about the things I have learned from listening to the people who are on the frontline doing this business every day. There are all kinds of innovative solutions out there. There are all kinds of things we ought to be looking at. I know all of us who support the repeal of the current law are committed to bringing forward sensible, affordable, cost-effective, quality-effective solutions to our health care issues.

What the Supreme Court essentially has done is say that this issue is for Congress. Congress represents the people. We need to be representative of the people. So what we need to do now is listen to the people. It is the people who will decide the future of health care for this country. I believe it is the people who will decide in this coming election. It is the people who will decide whether they want evermore Washington—evermore taxing and spending, evermore debt, evermore Federal mandates and regulations—or whether they want to approach this in a different way that can reduce spending, empower individuals, give States greater flexibility, and bring forward sensible, step-by-step, incremental, affordable, tested, proven ways of addressing our rising health care costs.

So the Supreme Court has turned it back to Congress. It is our responsibility now to go forward and represent all those who were not listened to when this bill was run through this Congress in a way that violated a lot of our procedures and in a way that I believe went against the majority will of the American people. Here we are, and now it is back on us, and we now need to stand up and take responsibility. Those who voted for it will be defending it, of course. Those who voted against it—or those of us who were here, partly because it was an issue in the 2010 campaign—are here to not just simply say we don't like what is there but to offer also positive solutions to the problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Today's Supreme Court ruling that the Affordable Care Act is constitutional and the law of the land is a victory, I believe, for Rhode Islanders and for all Americans. Families will no longer fear financial ruin if a child becomes seriously ill or face denial of health coverage due to a child's pre-existing condition, and they will no longer have to worry that the terms of their coverage will run out as they are being treated after a major medical emergency.

Indeed, tonight, all Americans can sleep a little easier knowing they and their children will have access to quality, affordable health care. This is the type of security we want for our children and what this law will provide.

Indeed, for the first time in our history, parents can, with some confidence, trust that whatever lies ahead, their child at least will have access to affordable health care. We couldn't say that with any confidence a few years ago—even 2 years ago—before we took up this legislative activity.

This law has already benefited many people in Rhode Island, including individuals, families, and businesses. Children up to age 26 are now able to remain on their parents' health insurance plan. In Rhode Island, this has benefited an estimated 9,000 young adults and their parents. Over 15,000 Rhode Island seniors have saved a total of \$14 million on prescription drugs since the law was enacted, an average of close to \$600 annually. Seniors will continue to save on their prescription drug costs until the existing coverage gap is closed and will continue to have access to free preventive care such as annual wellness visits and screenings.

Rhode Islanders can now expect rebates if an insurance company spends too much on administrative costs and CEO bonuses instead of on their health care.

For too long, health insurance companies got away with increasing premiums and decreasing coverage, which resulted in higher costs and unfair practices. Beginning in 2014, Rhode Islanders will be able to purchase health insurance on a new exchange, a single point of entry where they can evaluate the costs and coverage of health insurance options. They will, indeed, for the first time for many Rhode Islanders, have a real choice about the health care they receive and the insurance they purchase. According to Families USA, 97,000 Rhode Islanders will have access to tax credits to make their coverage more affordable. Thousands more childless adults will gain coverage through the Medicaid Program.

Now that the Court has spoken, I hope we can work on a bipartisan basis to do what we must do, and that is to create jobs and improve our economy. This health care decision is a landmark decision, but the work now—the work

of all of us—should be to reinvigorate our economy so that not only can people have confidence in their health care, but they can have the further and indeed very primary confidence that they will have meaningful work.

In that respect, I am glad Congress is poised to take action that will enable millions of students and families across the country to breathe a sigh of relief about the student loans they need to borrow for the upcoming academic year. Everyone, from every sector of the country, will tell us that the key to our future is higher education, that we cannot be competitive in a world economy unless we have the best educated students in this country, that we cannot be the powerful force we have been in the world unless we have education.

The key for so many jobs today is going on past high school into postsecondary education. Yet we are days away—unless we act—from doubling the loan interest rate we are charging our students.

There has been quite a bit of stalling tactics for months. I hope those tactics are over, as the July 1 deadline approaches. I hope we are soon to take action to prevent the doubling of the subsidized Stafford loan interest rate.

I would like to thank majority leader HARRY REID for his tireless efforts to negotiate a bipartisan solution. I also wish to recognize and thank three other individuals who were absolutely critical in this effort, who were leaders, without equivocation, with deep conviction; that is, Chairman TOM HARKIN of the HELP Committee, who led with vigor throughout this effort; Senator SHERROD BROWN of Ohio, who has been committed to this effort; and also our colleague in the House of Representatives, Congressman JOE COURTNEY of Connecticut. They have been extraordinary.

Last January, Congressman COURTNEY and I introduced legislation to permanently extend the law that makes college loans more affordable for millions of students across the country.

President Obama called on Congress to address the student loan interest rate hike in his State of the Union Address. Back then, many Republicans scoffed at the idea. In fact, they voted for budgets that assumed the interest rate would double, and they did that without any apparent equivocation.

But thanks to students and families across the country who raised their voices and made themselves heard, my colleagues got the message: Fixing the student loan interest rate matters. It matters a great deal. It matters to individuals trying to build a better life for themselves. It matters to parents whose dream to give their kids a chance at a better life depends on being able to afford college. It matters to our shared economic future because the single most important investment we as a nation can make is to educate our young people.

So thanks to groups such as Campus Progress, USSA, U.S. PIRG, Young



Invincibles, and the Rebuild the Dream coalition that pushed this issue to the forefront where it belongs. The letters, e-mails, calls, visits, bus tours, and campus rallies made a difference.

We should soon be voting, I hope, to keep this student loan rate low for another year. However, it is important to remember this is only a temporary, short-term fix. Now we need to develop longer term solutions to the growing burden of student loan debt, the rising cost of college, and the need to improve higher education outcomes so students complete their degrees and get the full benefit of their investment in education.

These are tough issues, but we have to address them head on. Our economy and our future depends on addressing these issues.

It is estimated, for example, that more than 60 percent of the jobs will require some postsecondary education by the year 2018. In 2010, only 38 percent of working-age adults held a 2-year or 4-year degree. We have very few years to go from 40 percent to 60 percent. That gap represents the challenge we have in being a competitive economic force in the world. Certainly, if we are ever going to close that gap, we have to make sure we do not double the interest rate on Stafford loans, as a first step.

But, as I suggest, there are many other steps we must take. We have to address the rising cost of college. The cost of attending college has increased by 559 percent since 1985—559 percent—rising far faster than costs for gasoline, health care, and other consumer items.

Keeping student loans affordable and interest rates low is one part of the solution. Providing more grant aid through Pell grants and other programs is another.

We need to call on institutions to do their part to keep costs in check. Yes, the college community has to rally around this and has to think of innovative ways to provide excellent education at a lower cost, a more affordable cost. States have to play a role too. When State support for higher education goes down, tuition goes up. The crises of so many States—real crises, difficult crises—have forced them to reduce their support for higher education, and the result, as I suggest, has been tuitions climb, and that is another burden middle America and middle-class, middle-income families are bearing.

I look forward to working with my colleagues on developing a comprehensive approach to addressing these issues.

Also, I would just like to say, I hope we are on the verge—at least for the next year—of avoiding a doubling of interest rates on student loans. We have a long way to go to ensure that every American with talent and drive and the skills has the means to go to college. This is an important first step. There are many more we must take, and I hope we do that very quickly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REID. Mr. President, I want to spend a few minutes and bring everybody up to date. We have had wonderful cooperation in the last several weeks. We have gotten a lot done. Our passing the three bills that are left to do—student loans, flood insurance, and the highway bill—would be a significant accomplishment. We are going to do it; it is only a question of when.

A lot of the committees and the chairs and ranking members worked late last night. I talked to CBO today. They didn't get the information that they started scoring until 4 a.m. They are moving forward and doing their best. As with all agreements, things come up, and at this point everything appears to be just right. The committees of jurisdiction have indicated they have worked through all these matters. They have completed the drafting of a revised version of the conference report. We expect this to be filed momentarily—it could have already been filed.

But what we have done many times is we have voted on what the House has filed before they passed it. We have done that many times. It is standard procedure. Right now we don't have the consent from all Senators to do that, but that could be forthcoming. I will report back to the Senate within the next hour, after I find out whether we can finish this work tonight or whether we have to come back tomorrow.

Everyone stay tuned. At this point, I can't express enough appreciation to everyone—Democrats and Republicans in the House and Senate. As I laid out to my chairmen at the lunch I had yesterday, this has been truly an example of what legislation is all about—compromise. Compromise really sounds good. Legislation is the art of compromise—until you are faced, as a Senator, with something you may not get because of the overall good of the bill. Sometimes we have to understand that we have to give things up for the betterment of this country. We cannot let the perfect be the enemy of the good. So everyone understands that to this point.

As I have indicated, we will know within the next hour, and I will report back as to whether we can finish tonight or come back tomorrow.

The PRESIDING OFFICER. The Senator from Illinois.

#### SURFACE TRANSPORTATION

Mr. DURBIN. Mr. President, I thank the majority leader and especially Senators BOXER and INHOFE, as well as their counterparts on the Commerce

Committee and the Banking Committee, who have put so much time into this bill, so much effort. We are trying now to get this important and complex bill right and then to secure the support of both sides of the aisle to move it forward. A lot of work has been going into it. Everybody is working hard to try to accomplish what the majority leader has spelled out. I am sure he will tell us if there are any developments.

#### POLITICAL PRISONERS

Mr. DURBIN. Mr. President, off and on and for some time I have come to the floor to speak about an issue that doesn't receive a lot of attention, which is political prisoners in foreign lands—journalists in Cameroon, an AIDS activist in Uzbekistan, and a lot of others. I am pleased that over the years, working with many of my colleagues, we have been able to see many of these innocent political victims released. Former Senator Brownback, as well as Senators CARDIN, CASEY, Kennedy, LIEBERMAN, and RUBIO have all been part of a joint effort to deal with these political prisoners.

Sadly, there is no shortage of political prisoners in this world. They languish in horrible prisons in places such as Iran and North Korea. Today I want to focus on a number of them, and I will preface my remarks by apologizing ahead of time for my pronunciation of these names. Some of these are extremely difficult to pronounce for those of us in the States, particularly from the Midwest.

I suppose one might start typically with the most outrageous case, but, tragically, all of the cases I speak to fit that definition. Let me start with the heartbreaking case from 6 years ago—that of Gambian journalist Ebrima Manneh.

Manneh was a reporter for the Daily Observer newspaper. He was allegedly detained by plainclothes Gambian security officials. He was held incommunicado for years, although he was seen during the initial years of his detention by witnesses in at least one detention facility and one hospital. No one has seen him for years. It is possible he died in custody. But imagine the pain and uncertainty of his family, who have no help and no answers.

The Economic Community of West African States Court of Justice, which has jurisdiction over Gambia, and the United Nations Working Group on Arbitrary Detention both ruled against the Gambian Government on the case and called for his release. After years of waiting, the Gambian Government recently requested United Nations help to investigate Manneh's case and the death of one other journalist.

This was a welcome move by the Gambian Government, and I hope ongoing discussions with the United Nations will expedite the investigation and bring some resolution to the case and answers for Manneh's family.

Some years ago, there was a change in leadership in Turkmenistan, one



that many hoped would open that country's closed and repressive political system. Unfortunately, President Berdimuhamedov has yet to meet those modest expectations. One would think in a country where the President wins an election with a 97-percent vote, and where there is an annual week of happiness, that Turkmen leadership could be more gracious to its political opponents. Unfortunately, the following examples demonstrate just the opposite.

Gulgeldy Annaniyazov is a long-time political dissident who left Turkmenistan in 2000 to settle in Norway as a political refugee. He reportedly returned to Turkmenistan in June 2008 to visit his family and was arrested. After a closed trial on October 7, he was sentenced to 11 years in prison.

Annakurban Amanklychev and Sapardurdy Khadzhiyev are members of the human rights organization Turkmenistan Helsinki Foundation. They were convicted in August 2006 after trials of only 2 hours and sentenced to 6 and 7 years in jail on charges that were never very clear.

Unfortunately, we don't have a photograph of Mr. Khadzhiyev. Turkmenistan Government officials have been quoted as asserting these individuals were arrested and convicted for "gathering slanderous information to spread public discontent."

The legal bases for their detention are suspect at best and raise serious concerns of political intimidation, questionable charges, closed trials, and inappropriately punitive punishment.

In May 2010, more than 20 Senators—and that is not an easy feat in the Senate—signed a letter to Secretary of State Clinton urging the administration to raise these cases with the Turkmenistan leadership. I know the State Department did in fact take those steps, and I thank them, but I hope they will continue.

In November 2010, the United Nations Working Group on Arbitrary Detention released its opinion that the arrest and continued detention of the Turkmenistan Helsinki Foundation members is arbitrary and in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. That United Nations group called on the Turkmen Government to immediately release them.

Sadly, they continued to languish under harsh sentences that include hard labor, torture, and forced psychotropic drug injections.

To the leaders of Turkmenistan, I say, if you want to change the image of your nation in the world, you must release these and other political prisoners.

Some who follow this may wonder what difference it makes if I make a speech on the floor of the Senate about someone languishing in a prison in Turkmenistan. All I can tell you is that after years of doing this, it does make a difference. It turns out, people listen. And when they listen, some-

times they react, and often in a positive way. These people languishing in prisons do not believe anybody in the outside world knows they are alive. Groups are trying to make sure others are aware of that fact, and that is why I come to the floor, as many of my colleagues do.

It is hard to believe in Europe there is still one regime like that of Alexander Lukashenko. He is often known as the last dictator of Europe. I have been to Belarus twice, once with the Helsinki Commission group, led by Senator CARDIN of Maryland, where we actually met this President Lukashenko; and most recently I went there after the highly suspect 2010 elections held in December. What was egregious about this election was that President Lukashenko, on the night of the election, beat up and arrested all the candidates who had the nerve to run against him, as well as hundreds of Belarusian citizens who showed up in central Minsk to protest his actions.

Lukashenko's barbaric behavior, and that of his KGB henchmen—and, yes, Belarus still has something called a KGB security service—earned him sweeping condemnation from Europe and the United States, further isolating his nation and hurting his own people.

Sadly, today, a year and a half after this outrage, Lukashenko is still holding the man in this photograph. This Presidential candidate—Mikalai Statkevich—was sentenced to 6 years in a medium security prison for having the nerve to run against Lukashenko. At least 6, and as many as 13, other protestors from the election still sit in jail.

This is outrageous in Europe today or anywhere on the planet, for that matter. It is time for President Lukashenko to let this man and these people go.

Next I turn to Vietnam. Although our bilateral relationship continues to improve with Vietnam, we cannot ignore the troubling disregard for freedom of speech in that country. It is illustrated by the unfounded detention of the popular blogger Nguyen Van Hai, better known as Dieu Cay.

Let me show this photograph of him. He is the head of the Free Vietnamese Journalists' Club, and as such Cay has been detained almost continuously by Vietnamese authorities since 2008, when he was convicted and tried for trumped-up tax evasion charges.

In 2009, the U.N. Working Group on Arbitrary Detention highlighted Cay's case, as well as the "illegal arrests" and continued persecution of a number of other Internet bloggers.

In October 2010, on the day Cay was due to be released, having fulfilled his sentence, he was transferred to a new jail and re-arrested for violating a security provision that prohibits propagandizing against the government. The propaganda in question—3-year-old blog postings. The subject of his propaganda—freedom of speech, and other

issues considered by the government to be too sensitive, such as labor strikes and the trials of two human rights lawyers.

Cay's arrest is part of a well-documented trend in Vietnam in which national security concerns have been cited as a pretext for arrests and criminal investigations.

The State Department's Human Rights report notes the Vietnamese Government is increasing suppression of dissent, increasing measures to limit freedom of the press, speech, assembly and association, and increasing restrictions on Internet freedom. The trend is clear, and it is very concerning.

Secretary Clinton noted in a speech last year on Internet Rights and Wrongs, "In Vietnam, bloggers who criticize the government are arrested and abused."

It is long overdue that Vietnamese leaders release Cay and stop harassing journalists and bloggers.

Lastly, on Saudi Arabia, our ally on many important issues, but also a friend with whom we have vast differences when it comes to basic freedoms and women's rights. Let me tell a recent story that is truly hard to believe.

Since early 2012, the Saudi Government has imprisoned 23-year-old blogger Hamza Kashgari. His crime? He tweeted an imaginary conversation with the Prophet Muhammad. That action sparked a spate of death threats, causing him to remove the tweet and flee to New Zealand in fear of his life. While stopping in Malaysia for a plane transfer, Malaysian authorities detained him until their Saudi counterparts swooped in and returned him to Saudi Arabia under arrest.

Back in the kingdom—facing accusations of blasphemy and calls for his execution by top clerics—he repented before the Saudi court and showed great remorse, asking for forgiveness. That was 4 months ago, yet he remains imprisoned, awaiting his fate, with no sense when a decision will be made.

I can imagine his actions sparking a debate in Saudi Arabia, but leading to calls for a death sentence for blasphemy? In today's world, that is hard to believe.

Saudi Arabia has initiated steps toward social, educational, judicial, and economic reform, and we encourage them to do more. Immediately freeing Mr. Kashgari would be an important move. This man has suffered enough and deserves his freedom now.

These are just a sample of the many political prisoners who still suffer in parts of the world. I want them and their families and the governments that unjustly imprison them to know they are not forgotten. I and my colleagues here in the Senate will continue to do our best to draw attention to their plight, work for their release, and stand up for the cause of human rights in the United States and around the world.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

#### SURFACE TRANSPORTATION

Mrs. BOXER. Mr. President, we are anxiously awaiting work on the Transportation bill that came out of the Environment and Public Works Committee, of which I am proud to be the chairman.

Last year we wrote a bill called MAP-21. That stands for Moving Ahead for Progress in the 21st Century. I was proud to see this bill become a bipartisan bill, with Senator INHOFE working with me and his staff and my staff working together as one. When we got it out of the committee, I think it was a unanimous, or close to unanimous, vote.

I know when our young people learn how a bill becomes a law it sounds a little easier than it really is. I often think, in my spare time I should write a little pamphlet on how a bill really becomes a law because I would say to the young people who are here today, as well as those who might be listening, it is a little trickier than it sounds because when we learn about how a bill becomes a law in school, it is very simply put.

The bill starts in a committee in the House or Senate, and it moves to the floor of that body. Then it starts in a committee in the other body, it moves to the floor of that body. It passes both Chambers. If it is identical, it goes to the President. If there are differences, there is a conference committee, and then it goes to the President. The President either signs it or vetoes it. If he signs it, it is a done deal. If he vetoes it, we need to have a whole lot of votes—two-thirds—to override.

So that is how it is taught in schools, and it is absolutely true. But getting it to the point where we are now, where we await a conference report, is sometimes a very long and winding path. This one was a long and winding path. I think we are where we are, at the point where we hope to vote soon on it, because people were willing to meet each other halfway.

I have been saying for a long time, we all stand in our respective corners and insist that it is our way or the highway and nothing ever gets done. We must come together, and the Senate proved it can come together around our version of the highway bill. It passed by 74 votes. We were hopeful the House would just take it up and pass it. It didn't happen that way. They wrote a less comprehensive bill; they sent it over; and then we went into a conference committee. There was a lot of difficulty because there were issues

that were simply not seen in the same light between the House and Senate.

I would have to say, through all of this Senator INHOFE and I, Republicans and Democrats, on the EPW Committee were united. But we didn't have that unifying factor with the House Republicans. I want to thank every member of the conference committee, Democratic and Republican, House and Senate, because everyone worked extremely hard. They worked hard. They were knowledgeable. Their staffs worked hard. They asked a lot of questions. They cared a tremendous amount about the policies.

The great news about the bill that is coming out of the conference committee is that it is a jobs bill, first and foremost. It is going to save about 1.9 million—almost 2 million—jobs that are currently held in the private sector, and it will create up to 1 million new jobs through an expanded TIFIA program. TIFIA is a program that fronts the funds for local government to have a revenue stream, and the leverage on that is about 30 to 1. So if you have an amount of approximately \$1 billion, you will be able to get \$30 billion of economic activity. So that is a good part that we can all be proud of. That is a fact.

The bill will be coming soon, we hope. It is not here yet, and it is not done yet, but it is close. What we hope we will have before us is a bill that creates close to 2 million—I am so tired. I have to say, I haven't gotten much sleep in the past 3 days because we have been working nonstop.

I will say it again. We protect almost 2 million jobs that are currently held in the private sector, and we will create up to 1 million; hence, the 3 million jobs that are relying on this bill.

We have thousands of businesses that care a lot about what we do. These are general contractors, these are equipment dealers, these are people in the concrete industry. I can tell you these organizations of business and labor have been behind us every inch of the way. When I was giving up hope because I didn't think we could move forward, they were there to say: Keep on going. And they weighed in. I think the work product reflects the fact that we would never, ever give up.

There is a lot of talk about, What did Democrats give up? What did Republicans give up? Let's just say this is a negotiation between Republicans and Democrats, a negotiation between the House and Senate, and not everybody got what he or she wanted. That is for sure.

But I just want to say to people who might be listening that in a negotiation nobody gets everything they want. You have to meet each other halfway, and that is what happened in this negotiation.

We both wanted to see this as a reform bill. The Senate brought a package together that took the 90 programs down to 30, and that pretty much survived the conference committee. We

also did some more reforms, certainly, on project delivery because all sides agree it is taking too long to get some of these public works projects done. It is taking sometimes 15 years, 14 years, 13 years to do a road start to finish or to do a bridge. We need to make sure we can move faster because our economy needs that, but still, in my view, protect the rights of citizens throughout this country to ensure their communities are taken care of, that there is no damage to their communities, that the air quality is protected, the water quality is protected.

We were able to keep those environmental laws while we were tough on deadlines and milestones and very tough to say: This is it. If you can't finish in this time, and we are trying to get this for 15 years to 8 years per project—if you don't do that, you have to explain why. There has to be a really good reason why these projects would be delayed.

I believe the funding in the bill is fair. Every single State is protected. This is a 2-year-3-month bill. Every State will get the amount of money they got last year, plus inflation. That is very important. It is the current level of funding with the inflation put in, and every State can now know, if and when this bill passes, that they can count on that funding for 2 years and 3 months. Everything is paid for.

There are a lot of comments about, what did we do about pedestrian walkways and bike paths. I want to be clear. That was an intense subject of negotiations. There were those who wanted no funds set aside for bike paths, pedestrian paths, and it was very clear—safe streets, safe roads to school, et cetera—we had to negotiate on this.

Honestly, I think what has come out is a good thing, and let me explain why. We kept the same amount of funding, same set-aside percentage for these transportation alternatives, but what we said was, for the first time, half of those funds will go directly to locals, will go to the metropolitan planning organizations, will go to the large cities. That is key because we want the local people, who know their area best, making these decisions. We protected those funds. The only way anyone in the State can use those funds is if there is a nationally declared disaster and there are some unobligated funds around—yes, that could be borrowed but must be paid back from any supplemental appropriation.

On the State portion, which is the other 50 percent, we built in more flexibility, and there are a lot of people who are calling this a cut. It is not a cut. Some States will use it all. I say to the people in the States who are worried about it, use your pressure, use your power, use your grassroots strength to make sure you lobby your State legislatures and your Governors to provide for safe streets to schools, for bike paths, for pedestrian walkways. These are very important safety issues.

I know not everyone is happy, but I wanted to be clear on that. If the choice is between doing away with that wonderful program, which I think is wonderful, or making a few concessions on flexibility, I think we did the right thing. I honestly do.

This bill is all paid for. I have to thank so much Senator MAX BAUCUS and his team, the Republican members of the Finance Committee, and also the team in the House headed by Mr. CAMP because they came up with a pay-for that people on all sides can live with. It gives us that security for 2 years and 3 months.

We don't have any riders on this bill. I know some people very much wanted it. We don't have them. It became part of the give-and-take at the end of the day.

Two provisions that I lament are not on there are the oceans trust fund, which is part of the RESTORE Act, and the Land and Water Conservation Fund that was also part of the RESTORE Act. I lament that those provisions are gone. I commit myself to working with Senator WHITEHOUSE on the oceans trust fund and Senator BAUCUS on the Land and Water Conservation Fund to get that done. But I have to be completely, totally frank with the Senate; we just could not get it done. There was nothing we could offer or give that would allow us to move forward with those two very critical environmental programs.

I tell you, our oceans deserve attention and our land deserves attention. These issues are certainly not going away. Having said that, the rest of the RESTORE Act is in this bill. That means those folks in the Gulf States who were so harmed by this horrible BP spill will be able to use some of those fines as they come in to restore—that is why we called it the RESTORE Act—restore their environments, restore their fisheries, restore the damage that was done by that horrific BP spill. We don't know how much money will come from those fines. We will watch it very carefully. But we know that when they do come—if this bill passes, and I am very hopeful it will—our Gulf States will have the help they need.

I want to say to the people, particularly in Louisiana, whom I visited many times, your Senators work very hard. I would say MARY LANDRIEU took the lead on this. Senator VITTER was on the conference. I want to say that MARY LANDRIEU—you know her well—is unrelenting, and she was very clear with us.

I want to say to my friend in the chair, from Alaska, how helpful he was to us, pointing out some of the great unmet needs he is dealing with in his State, a beautiful State, a very interesting State that has unique needs. I want him to know how much I appreciated his working with us, giving us the facts as we needed them. I also thank Senator MURKOWSKI, but I particularly want to say to Senator

BEGICH, thank you. You happen to be in the chair, and I believe you were mentally effective for your State. Really, you made the case for fairness. I hope you are comfortable with how this bill turned out.

I have never met a team of more dedicated staff—never. Again, they are not resting because we are not done. Until we are done, they are not resting. But we are talking seriously about this staff getting 3 or 4 hours of sleep over the last 2 or 3 days. The issues were still coming at us in ways we could not believe at noon today. Last night we had to work out some issues.

It has been, in many ways, a very difficult negotiation but certainly, if and when this bill comes before us and it is passed, a very satisfying one.

I have to mention Bettina Poirier, who is my chief of staff and chief counsel. I have never seen anyone more professional, more energetic, more persuasive. I have to thank her counterparts: David, Grant, Andrew, Jason, Tyler, Mary, Kate, and Paul, all of whom were just amazing. If I left anyone out, forgive me; I will correct it in the RECORD if I did.

I have to say to the staff of Senator INHOFE that you were amazing—part of the team. You worked together. If we had disagreements, we talked them out, but for the most part we were on the same page. So Ruth and James, you know who you are. You also have had a very rough few days, working very hard on this.

Congressman MICA's staff also worked very hard, and they are very tough negotiators, but we were able to talk out our differences. It was not always pleasant to deal with it because people see things in different ways, but we got it done.

We are not out of the woods yet in the sense that we do not have the bill before us. We are awaiting a decision made by the leaders as to when we will have this vote. But I would like to say that I believe, as I stand tonight, that really the work of the conference is completed, and that is very rewarding.

The last thing I want to say is a huge thank you to the outside groups that have stood by my side this entire time. I tell you, I have had conference calls with them for months and months, sometimes four times a week, sometimes three times a week, sometimes six times a week, seriously, sometimes on Saturday, Fridays, Mondays—when ever we needed to touch base. This is an amazing coalition of people—workers from organized labor, people from the construction trades. The chamber of commerce and AFL/CIO worked together. That is a rarity, you know, in today's very difficult atmosphere where everyone is arguing over everything—the granite people, the cement people.

I want to say something to a gentleman—I will not identify his name—who brought a couple of cement trucks. We had a rally. I think Senator BEGICH was there. After the rally, we were say-

ing: Pass the bill, get the bill done. I talked to this gentleman. He identified himself as a conservative Republican who is so much for this bill. One of the most touching things that happened was that he introduced me to two of his drivers who came over to meet me. As I stood there with these two gentlemen and the owner of the business, I realized how much they were counting on us.

What we do here matters. What we do here should matter. What we do here is literally life and death for the construction industry, for the business end and for the workers.

We know—our President and all of us—we all know this economic recovery is too slow. One of the things that is weighing us down is the construction industry. One of the things that is weighing it down is the transportation sector. We know that if we do not do our job and we pass another extension here, that is a signal that the construction industry is going to suffer and suffer mightily. We cannot have that. We are on the brink of getting this done.

I know I have left out a lot of people I want to thank. I do not have really a written speech here in front of me. I will go back and I will correct the record if I left anyone out. But we are close to getting this done. Whether it is in the next few hours or more than a few hours, I believe we will get it done. All the people who brought us to this day—I should mention Senator REID, our majority leader, who never gave up even though I was—at one point, I am sure he was ducking me as I walked around because I would always say: Let's keep going, Mr. Leader. And he did. He kept on going.

When we went over to meet with Speaker BOEHNER was a very important moment, with Chairman MICA. It was important. I think it helped us at that point to realize that everyone did want to have a bill.

I have to say that the Democrats in the House—I am sure it has been very difficult for them because they had so many priorities as well. But they were very clear, day after day, pushing hard for a bill, until finally everybody came together and passed some messages to the conferees that said: Get the job done. And everybody came together on that one—get the job done.

For me personally, this has been a very important day. This is a day when I think we are very close to getting a transportation bill done.

It is also a day that President Obama will forever remember, where the centerpiece of his work was upheld as constitutional by the Supreme Court. We all know we cannot go back to the days when people with preexisting conditions suffered and could not get insurance. We just cannot go back to the days when being a woman was considered a preexisting condition. It was impossible for her to get insurance. We cannot go back to the days when kids were thrown off their parents' health insurance at 18. We can't go back to

the days that seniors were going broke, having to choose between a drug that was lifesaving or having dinner that night.

In my State, 6 million Californians are getting preventive services. They are getting mammograms, cancer screenings, and everything they need now because of this health care bill. There are 300,000-plus senior citizens who are getting help paying for their prescription drugs and 300,000 more students who are now on their parents' insurance.

We are going to hear a lot of outrage about how this was bad for America. Let me just say that I thought today was a critical day for America. No piece of legislation is perfect. We will have to fix this, that, or the other in everything we do whether it is in a transportation bill or health care bill, but I think we need to move forward. We need to not go backward. We need to make sure that health care in America doesn't become such an expensive burden for all of our people because it just drags down our families and it doesn't enable them to do for their kids and for their moms and dads.

So I think today was quite a day for the history books, and I look forward to working across the aisle in everything we do here, whether it is transportation or health care or anything else, to make life better for people, not to make it worse. I think if we all do that and if we listen to each other, we can get things done.

I thank the Chair.

I notice there is no one on the floor at this time, so I would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE DECISION

Mr. SESSIONS. Mr. President, I want to share a few thoughts about the Supreme Court's ruling today and the status of the health care bill.

I believe the health care bill cannot be justified as written and will have to be changed. It will have to be repealed, and we have to start over. It is just that simple.

As ranking member of the Budget Committee, I began to look at the numbers we have had. Our team is going to redouble their effort in the weeks to come so we can know precisely how much this legislation will cost. As that becomes more and more understood by the American people, it will be clear that we do not have the money to pass the bill.

I know a lot of people are confident that it will undermine the right of an individual American to see the doctor of their choice, despite the President's protestations. Even I believe today that people will not be able to continue

to keep their insurance—at least not all people will be able to—and there will be other different problems. There is a real concern that under the legislation the quality of health care will go down. I believe that is accurate for a lot of reasons, and people like Dr. BARRASSO and Dr. COBURN have explained that in great detail.

As a member of the Budget Committee, I want to share some thoughts about the financing of the legislation to raise the issue of why we cannot go forward with it.

The President promised the American people before a joint session of Congress, right down the hall in the House Chamber: "Now, add it all up, and the plan that I'm proposing will cost around \$900 billion over 10 years." Now, \$900 billion is a lot of money, there is no doubt about that. He said that is how much it would cost over a 10-year period. As we have all learned, that was a gimmicked-up number. It was fundamentally gimmicked up as a result of the fact that the cost of the bill where it begins to pay out money and will have real cost and the implementation of the bill was delayed 4 years. So you take a 10-year window, and the bill is going to be out there for 6 of those 10 years, and you announce it is only going cost \$900 billion.

That is not the right question, is it. The right question for the American people to actually understand the impact of the legislation would be to ask how much it would cost over the first 10 years of full implementation. That is what you should be asking. We all know that the numbers have come in on that. Under the CBO estimate strictly adhering only to the insurance portion of the bill, I believe they came in as saying not \$900 billion but \$1,400 billion would be the cost over the first 10 years, but the true cost of the health care bill is yet higher still. A complete and honest assessment of the cost of the President's health care bill would include a full 10 years of spending starting in 2014. Adding up CBO's estimates for the different provisions in the bill, the President's health care bill will amount to at least \$2,600 billion—\$2.6 trillion, not \$900 billion. It is almost three times the estimated costs over the true 10-year period. Now, that is how we go broke in this country. That is how this country is going broke. We go through a whole debate, and the President insisted that is how much the bill was going to cost.

When the Democrats had a filibuster-proof majority in the Senate, they had 60 Democratic Senators, and they insisted it was going to pay for itself. They said there was more revenue than needed to pay for the cost of the bill, so don't worry about it, be happy. On Christmas Eve, without amendments and after much secret debate and a bill plopped on the floor, the bill was voted up or down, 60 votes to 40. Every single Democrat voted for it, and every single Republican voted against it.

I just have to say that the first 10 years of the bill is going to cost three times what was estimated.

In addition to delaying the major spending provisions during the original window of the legislation, here are some of the other accounting gimmicks, tricks, and maneuvers that the drafters used to manipulate the score the Congressional Budget Office gave to the bill, to manipulate how much they would say the bill cost and to hide its impact.

Well, one of the most significant things is a double-counted \$400 billion. Can you imagine that? The U.S. Government, according to the score manipulation and the way it was done by the CBO, utilizing complex rules of the CBO to its advantage, the way it was analyzed, they double-counted \$400 billion. So they cut Medicare expenses, they raised Medicare taxes, but they took the money and used it to fund the new bill and said they made Medicare more solvent. In some ways, we could argue they did make Medicare insolvent because the money that was spent on the health care bill was borrowed from Medicare. They are debt instruments for Medicare.

So my analysis of the legislation is that Medicare got a benefit, but there was no money for the health care bill. Yet they counted it as being \$400 billion free to be spent without adding to the debt of the United States, but it does add to the debt. Medicare is going broke. Medicare is going to call the debt from the United States. It increases the debt of the United States \$400 billion. It was counted both places—as income from Medicare and income available to be spent on the health care provision. That is a stunning development.

I got a letter from the head of the CBO the night before we voted, December 23, and he said, in effect—not in effect, I think this is a direct quote: It is double-counting the money, although the conventions of accounting might indicate otherwise.

He told us in a letter before we voted that it was double-counting the money, but under the unified budget process rule that was utilized here, it didn't score.

In addition, they counted \$70 billion of extra income that would come from the CLASS Act, which was designed for young people. The net result of that was that in the first decade or so of the CLASS Act's implementation, healthy young people wouldn't make many claims and there would be a surplus of \$70 billion. But over 20, 30, 40 years, the CLASS Act goes into serious decline. Its actuarially unsound. It was referred to as a Ponzi scheme by the Democratic budget chairman, Senator CONRAD. Finally, the Secretary of HHS could not certify it as a sound program, so \$70 billion has been wiped off that as income available to be spent.

They included—unrelated to this bill—student loan savings of \$19 billion.

They relied on off-budget Social Security revenue for \$29 billion, not scored toward the cost of the bill.

They ignored the cost of implementing the law. Imagine that. I mean, you have a bill. How much is it going to cost? It is going to cost \$900 billion. Well, do you not score the cost of it? What about all these IRS agents? There will be 1,000-plus to 2,000 IRS agents who have to be hired and paid for, which is \$115 billion not counted in the cost of the bill. Is this why we are going broke in this country? We score a bill, say it only costs \$900 billion, and we have \$115 billion of administrative costs not even counted.

Then there was no permanent solution to the doctor reimbursement figure. To pay the doctors at the rate they needed to be paid—and I agree they need to be paid at this rate—would cost \$208 billion over the current level of expected spending. If we don't have this doc fix, as we call it, doctors would receive a 20-plus percent cut in pay for doing Medicare work immediately. They are already paid less for Medicare work than they are paid for private insurance. Doctors would quit doing Medicare work if they took a 20- or 25-percent reduction in fee payments. That is \$200 billion. That was one of the main reasons we were supposed to have comprehensive health care reform, to deal permanently with this doctor fix that was being fixed every year, but not permanently. The bill didn't do it. The bill never fixed it, therefore leaving a \$208 billion hole in the plan that we have to find money for, and it is an essential part of all of that.

So I would just say to my colleagues that this cost is unsustainable. It will put us on a debt course we cannot continue to be on. We are going to continue to look at the numbers, and I am going to ask people, if they desire, to come to the Senate floor and show me if I am wrong. Let me see where I am wrong. But I don't think they can show that we are wrong because I and my staff are working as hard as we can to make sure what we say about the cost of this bill is accurate and fair.

What does this do to the long-term debt of our country? That is a matter of great importance. One of the things our government does now is analyze the unfunded obligations of the U.S. Government. When we pass a law that says when everybody reaches a certain age, they get to draw a Social Security check of so much money, and it increases on a percentage basis each year, that is an obligation of the United States. That is an entitlement program, we call it. People are entitled to that whether the government has any money to pay it.

So the health care bill is an entitlement. It has a guaranteed right for an individual American to receive certain subsidized health care benefits under this plan, and it is a permanent program, but it doesn't have a permanent source of income dedicated to paying

for it in any significant fashion. So it creates what the Congressional Budget Office refers to as an unfunded liability, unfunded obligations. To show Americans and Congress the true state of our long-term financial health, they do it over 75 years. It is not a perfect estimate, but it is a pretty good estimate of whether the programs are actuarially sound and what they will do to the debt of America over 75 years.

Under the numbers we have seen from the CBO and the work of our committee, it is pretty clear the health care bill that was passed by this Congress will add \$17 trillion to the unfunded liabilities of the United States of America—\$17 trillion—not a little amount of money, a huge amount of money. To give perspective on how large it is, the Social Security unfunded liability over 75 years is only—only—\$7 trillion. This is 2½ times as large an unfunded liability addition to our government as Social Security, and we are wondering how we are going to save Social Security. It is more than half of the unfunded liabilities of Medicare or half of the unfunded liabilities of Medicare over 75 years.

At a time when we have a serious demonstrated requirement that we reduce the unfunded liabilities of Medicare and Medicaid and Social Security, this bill would add \$17 trillion to it. This is why every expert has told us this Nation is on an unsustainable course.

The total unfunded liabilities before the passage of the health care bill were \$65 trillion over 75 years. That trend, experts tell us, is unsustainable and threatens the future of our children and grandchildren. After the bill passes, it is \$82 trillion. We don't have the money to do health care reform in this way, with 2,700 pages and \$17 trillion in additional cost to the Treasury. We don't need to affirm and repass legislation that was said to cost \$900 billion in the first 10 years. In truth, in the first 10 years of its obligation—beginning the year after next—for the first 10 years it will cost almost three times that much—\$2,600 billion. So it is a matter of great concern to me.

As to the Court decision today, I am going to look at the Court decision and evaluate it. But I think it is additional proof that this health care legislation, from the beginning and in its entirety—a 2,700-page Rube Goldberg contraption—will never work. It is further proof of that.

Even the fundamental justification for the legislation that it was not a tax but a mandate has been rejected by the Court. The law was only upheld by saying it is not a mandate. In effect, it is a tax that the sponsors of the bill directly said it was not. Indeed, the President said it was not a tax himself, directly. So certainly this opinion that allowed the legislation to stand, by the narrow margin of 5 to 4, in no way is an affirmation of the wisdom of the bill but is in fact demonstration that the people who cobbled it together and who

rammed it through without full floor debate and amendments, that that scheme was flawed from the beginning and it will not work.

Indeed, there are 1,700 references in that legislation to regulations to be issued by the Secretary of HHS. In other words, once the bill is passed, we will turn over huge sections of it to unknown bureaucrats who will issue regulations to administer this monstrosity. It is just not a practical and decent way to do business.

So I believed the bill clearly violated the interstate commerce power granted to the Federal Government. The Federal Government can only act and pass legislation if it has been specifically authorized by the Constitution. One of the authorized powers was to regulate interstate commerce. But if a person is sitting on the creek bank in Alabama, not buying insurance, not participating, can he be made to buy a product in interstate commerce when he is explicitly not participating in that? I didn't believe it could be done, and the Court agreed. The Court rejected the Obama administration's argument that it did.

They said the Federal Government has no power to compel a person to participate in a commercial market when a person doesn't participate. If a person participates, maybe they can regulate it. But if a person doesn't participate, they can't tell a person to participate because this is a government of limited power.

It was a historic and important ruling that the Supreme Court made clear: that there are limits to the power of the U.S. Government. I felt good about that. But now that Chief Justice Roberts and other members of the Court concluded that it may look like a mandate, but we call it a tax—and I haven't done the technical analysis they went through to reach their opinion, but that doesn't seem correct to me. It seems as though it is still a mandate, a mandate to buy something a person doesn't want to buy. That doesn't sound like a tax to me. Maybe it is. Maybe they can defend it that way, but I don't see how that is a tax. It sounds like a mandate and a penalty.

So scholars will be reading that opinion for some time, and we will know whether Chief Justice Roberts announces that this apparent mandate, apparent requirement that the President said was not a tax, now it is a tax and the law is constitutional because of it. We will wrestle with that. But it does deal with the fundamental question: Can we afford this legislation. I say we cannot. I believe the facts are crystal clear that we cannot. We absolutely have to reform it, start over, create a health care system that works at a reasonable cost for the American people and does not burden our children with exorbitant debt that could throw us into a debt crisis at most any time, and in the long term destabilize the health of the Nation we love so much.

## FLOOD INSURANCE

Mr. BINGAMAN. Mr. President, on June 20, I introduced a bill to authorize the FEMA administrator to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands. Senators TOM UDALL, MARK UDALL, and MICHAEL BENNET are co-sponsors of this legislation.

As we speak, wildfires are burning across the Western states and it is critical that we take immediate steps to protect communities against the tragic consequences of flooding. To this end, I am pleased that the Senate included this legislation in the National Flood Insurance Program reauthorization bill, which we will be voting on later today or tomorrow.

Flooding is the most common and costly natural disaster in the United States. In 1968, Congress created the National Flood Insurance Program to help provide a means for property owners to financially protect themselves. The Act, however, requires a 30-day waiting period before coverage under a new contract for flood insurance can take effect. This is to prevent individuals from delaying until the last minute to purchase insurance when the risk of flooding is high.

Unfortunately, today's large catastrophic wildfires in the West can alter the watershed conditions on our forested Federal lands so rapidly that nearby communities find themselves in flood hazard areas that didn't exist the day before. The heat of the fires can make the ground impermeable to water, which significantly increases runoff when rainfall comes.

In some cases, the U.S. Forest Service will advise a community to purchase flood insurance immediately after a wildfire is put out, only to see that community flooded by a few inches of rainfall weeks before the 30-day wait period has lapsed. When this happens, homeowners are tragically without any flood insurance coverage.

Every year States throughout the U.S. deal with the devastating consequences of wildfires. Firefighters are currently battling several major fires in New Mexico, including the largest fire in the State's history. Over 340,000 acres in the Gila and Lincoln National Forest have been burned and over 100,000 acres have been burned in Colorado leaving thousands of residents struggling to cope with the aftermath and the risk that flooding presents.

While our immediate concern is fighting these wildfires, we need to take steps to protect communities against the tragic consequences of flooding. In fact, in the area of the Whitewater-Baldy Fire, though the damage from the fire is extensive, the damage caused to property and risk to life is expected to be far greater from the associated flooding despite the mitigation and prevention efforts in progress. Recently, I joined Secretary Vilsack and Forest Service Chief Tidwell for a briefing on the Little Bear

Fire, and although progress is being made in containing the fire, people are very concerned that the monsoons will soon drop rain on soil that can't absorb the moisture.

It makes little sense to punish homeowners in communities who have not faced the kinds of flood risk they are currently presented due to the sudden devastation of nearby Federal forest land.

I should also note that after consultation with the Congressional Budget Office, it is my understanding that this legislation does not score for budget purposes. I appreciate the Banking Committee's willingness to work with us on this issue. This legislation represents a critical step forward in providing access to Federal flood insurance. The fire-stricken communities need help, and they need it now.

## SURFACE TRANSPORTATION

Mr. LEAHY. Mr. President, I am dismayed that the final conference report on the surface transportation reauthorization bill did not include funding and continued authorization for the Land and Water Conservation Fund, LWCF, program, despite the fact that this provision was included in the Senate-passed bill. This short-sighted decision is counterproductive and ultimately, harmful to America.

The LWCF program represents a promise that was made to the American people almost 50 years ago to invest in conservation and outdoor recreation. The LWCF Program has long been a successful bipartisan program that has touched all 50 States and nearly every county in America. I strongly believe that the LWCF provision, that was included in the Senate bill and which was passed in the Senate by a vote of 76 to 22, should have been included in the final conference report.

Over the course of half a century, the LWCF program has protected natural resource lands, outdoor recreation opportunities, and working forests across America. The program is so successful, in fact, that every part of the LWCF Program is oversubscribed, with the demand for State and local recreational needs, access for sportsmen, and working lands opportunities far exceeding the funds that have been available.

The LWCF Program has been extremely important to Vermont. Two successful Vermont examples are the Green Mountain National Forest and the Silvio O. Conte National Wildlife Refuge. Among the most visited lands in the National Forest System, the Green Mountain National Forest has provided accessible and affordable recreation for millions of residents in the densely populated Northeast. Likewise, the Silvio O. Conte National Wildlife Refuge, which stretches across Vermont, New Hampshire, Massachusetts, and Connecticut, is a revolutionary project that has helped to conserve prime fish and wildlife habitat across the 7.2 million-acre Connecticut River watershed.

By failing to include the LWCF Program in the final conference report, I believe that we are squandering a critical opportunity to protect America's precious natural resource lands and grow the economy. The Outdoor Industry Association estimates that outdoor recreation is an overlooked economic giant, generating \$646 billion in direct consumer spending, supporting 6.1 million direct jobs, and producing \$80 billion in Federal, State, and local tax revenue each year. This amount dwarfs total spending in other sectors such as pharmaceuticals and motor vehicles, which respectively account for \$331 billion and \$340 billion in direct spending.

I am extremely disappointed that the final conference report did not include the bipartisan-supported LWCF Program. This will hurt all Americans today and for generations to come. I urge my colleagues to come together and right this wrong. The benefits of the LWCF Program are clear and we owe it to the American people to provide funding for this essential and successful program.

Mr. President, I thank the Chair and yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. REID. Mr. President, I am sorry it has taken so long. There are a lot of things to do around here. The conference report has been filed. As I said earlier today, I appreciate very much the work of everyone, including our very hard-working staffs on both sides of the Capitol. But there is no need for us to wait anymore. We are not going to finish this tonight. We are going to have to come back tomorrow.

I have talked to a number of people, and I wanted to make sure before anything was announced that the papers had been filed. They have been. We have a number of issues we are trying to work through procedurally. We are not going to be able to do that tonight. I am not passing blame on anyone, because we all have a lot to do tomorrow, a lot of things that we are going to put on hold. This is a very big work period for us the next 10 days. I think it is appropriate to say we will be back at 10 o'clock in the morning to finish this legislation and do it as quickly as we can. We do not know what time the House is going to vote on this tomorrow, but we may have to wait now until they pass it. That is one of the pieces we are working on. We have done our very best to try to complete everything tonight, but we are not going to be able to do that.

I am disappointed. I heard that from many people, how disappointed they are that we could not move further



down the road. But that is the way it is.

Mr. LEAHY. Mr. President, would the leader yield for a question?

Mr. REID. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished majority leader has been working very hard to accommodate Senators in a vote. I know he has the support of every member of our caucus in doing that. I believe I heard the distinguished leader say we will come in at 10.

Mr. REID. Yes. If I thought it would help to come in earlier, I would do that. But it would only be—

Mr. LEAHY. The Senator anticipated my next question. I appreciate that.

Mr. REID. We likely cannot do anything until the House votes on the bill tomorrow. We are trying to work through that. I have to say, the House has been extremely cooperative in everything we have done the last few days. I see on the floor my friend, the chairman of the Environment and Public Works Committee. She knows how hard this has been and how cooperative the Republicans have been. No one has been more so than the ranking member of the Environment and Public Works Committee, JIM INHOFE. I will always admire JIM INHOFE for the manner in which he approached this important piece of legislation. We pass out accolades on this floor, about everyone, how hard they work, but we would not be able to get this bill done except for JIM INHOFE. Fact.

So I am disappointed we cannot do this tonight. As the chairman of the Judiciary Committee just said, we would stay here tonight on our side until the wee hours of the morning, because we have some things to do. I was scheduled to be in Lake Tahoe tomorrow, but I can't be there. Other people have certainly more important trips than that. But it is one of the issues we have to face with these jobs we have, which are a tremendous privilege, but sometimes we do not have the ability, as a Governor does or the President does, a member of the Court does, to say: This is the schedule. There are 100 different leaders here, each thinking they have the best way of solving the problems of the world, and it takes a while sometimes to work through their opinions.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ROCK ISLAND ARSENAL'S 150TH ANNIVERSARY

Mr. DURBIN. I rise today to celebrate a major milestone for Illinois and

the nation. One hundred and fifty years ago on July 11, 1862, Illinois' own President Lincoln signed an Act of Congress that established the Rock Island Arsenal.

Rock Island started out during the Civil War as a small Union prisoner of war camp which also held and distributed supplies. It has grown into a critical manufacturer of 21st century supplies for our troops in the field. And in doing so, it also serves as the lifeblood of the Quad Cities region that hosts it.

In celebration of its 150th anniversary, I would like to highlight Rock Island Arsenal's impressive history and the impact it has had on the community and the nation.

Rock Island has a long history of producing supplies for our military. It was rifle cartridges and siege howitzers in the Spanish-American War of 1898. In World War I, it was rifles and a variety of personal equipment. By World War II, the Arsenal's emphasis had shifted to artillery production, and workers increased production from 75 artillery cartridges a year to 600 a month during the war. This ability to rise to the challenge for our servicemembers is a theme at Rock Island.

Products weren't the only thing changing at the Arsenal. So were demographics. Everyone is familiar with the image of Rosie the Riveter, as women stepped into the workforce. The Arsenal was no different—32 percent of the workforce was female during World War II.

Yet some of the workers were only teenagers. Squeezing in 40 hours of work while going to school, students were picked up after class and bused to the island. They worked Saturdays too. In a not uncommon story, Arsenal worker Anna Mae said her wartime effort was a family affair. "My mom worked on one side of the island, my stepdad on the other and I was in the middle."

Years after the war ended, Anna Mae returned to work at the Arsenal until retirement. When she learned that her war efforts contributed to her pension, she articulated the selflessness of so many when she said, "I never would have thought (about) that—we were just trying to win a war."

In the Korean War/Conflict, the sense of urgency on the island returned. Crews worked 10-hour days, 6 days a week, and sometimes on Sunday to get weapons and equipment shipped out. For Vietnam, the Arsenal created new products designed to counteract the Viet Cong's guerilla "hit and run" tactics, such as the M102 lightweight howitzer. The Arsenal continued to contribute to systems that meant life or death for the soldiers for the 1991 Gulf War—and then adapted as the military went through a drawdown after the war ended.

But as we all know, that peace did not last long. A little more than 10 years ago, the attacks of September 11th changed our world—and the nation again found itself at war. Again to

their credit, the Arsenal workforce went into overdrive to provide our troops what they needed. Machinist Jeff Roberts recalled, "Everyone's mentality is it's one collaborative effort to get the soldiers what they need as fast as you can."

They did—in a unique way. The Arsenal has the Department of Defense's only vertically integrated metal manufacturing capability. It has the only remaining foundry in the U.S. Army. It means that raw materials can go in one side and come out the other as very intricate finished products. It does this with a number of materials, including stainless steel, carbon steels, and titanium. The result—new equipment to better protect our troops, especially on short notice.

We all know how devastating improvised explosive devices (IEDs) were to U.S. troops in Iraq and continue to be to servicemembers in Afghanistan. In 2006 and 2007, our nation had fallen short in armor kits for Humvees and other ground vehicles to protect our troops. I urged then-Secretary Gates to use Rock Island's production capability to get these kits to our troops faster. Secretary Gates agreed. Rock Island became the single largest producer of these armor kits. Talk about saving lives.

Lieutenant General Raymond Mason, Army's Deputy Chief of Staff for Logistics, recently noted, "It was critical that we had (the organic industrial base), along with our manufacturing capabilities at our arsenals at Watervliet, Rock Island and Pine Bluff. This allowed us to expand for wartime demand . . . " He also added, "By ensuring we maintain a core level of work, we then retain expandability capabilities if something else happens in the world."

As I look to the future, I would say that is exactly what we are doing at Rock Island. Earlier this year, I introduced the Army Arsenal Strategic Workload Enhancement Act of 2012, with the support of Senator MARK KIRK, Senator GRASSLEY, Senator HARKIN, and the Senators from New York and Arkansas.

The bill does just what General Mason was describing. It would create a strategic plan to ensure arsenals receive the workload they need to keep workers' skills sharp for whatever the future may hold.

We worked with Senator LEVIN and Senator MCCAIN on this. I was pleased that major portions of our bill were included in the report accompanying the National Defense Authorization Act, which was voted out of the Armed Services Committee last month.

But the Arsenal isn't complacent. They are partnering with private industry interested in working with titanium and other lightweight metals at the Quad-City Manufacturing Lab which opened in 2010. In these times of tough budget decisions, these partnerships enable Rock Island to sustain itself at no cost to the government