

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Connecticut is recognized.

Mr. MURPHY. Mr. President, I ask unanimous consent that after I finish speaking, Senator BLUMENTHAL be allowed to speak.

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

SANDY HOOK

Mr. MURPHY. Mr. President, this Saturday we are going to mark the 1-year anniversary of the shooting in Sandy Hook, CT, in which 20 little 6- and 7-year-old boys and girls lost their lives, as well as 6 adults who worked in that school who were charged with protecting them.

Senator BLUMENTHAL and I have come down to the floor today to offer some thoughts as we reflect on the 365 days that have passed since the most horrific mass shooting that most of us have ever seen in our lifetimes.

I think back a lot on that day—being in the Sandy Hook firehouse as the parents realized that their sons and daughters were not coming back from that school. One of the things I remember about that day is getting an awful lot of phone calls from my colleagues from all around the country, Senators and Congressmen who represented places such as Columbine and Aurora and Virginia Tech and Tucson. They all called because they had been through this before and they just wanted to offer their condolences and a little bit of advice on how a community can try to get through these awful, tragic, shattering incidents.

I sort of thought that day how awful it was that there were that many colleagues, that many representatives from across the country who could call and give me advice. What a tragedy it is that we are amassing this bank of expertise across the Nation on how to respond to mass shootings. It speaks to how far and wide the carnage and the devastation are from these mass shootings that are occurring now it seems almost on a weekly or monthly basis somewhere around the country. It is not getting better; it is getting worse.

In 1949 a guy by the name of Howard Unruh went through the streets of his town of East Camden, NJ, firing shots indiscriminately such that he killed 13 people. It was the Nation's first mass shooting. Now we have, unfortunately, had a lot of mass shootings since that first one in 1949.

But here is what is stunning: Of all of the mass shootings that have taken place since 1949, half of them took place from 1949 to 2007 and the other half have taken place in the last 6 years. Something has gone wrong. Something has changed. The problem is that it is not this place. We are approaching the 1-year mark of the school shooting in Sandy Hook, and it will be a week of mourning, but here in the Senate it should also be a week of embarrassment. It should be a week of shame that after 1 year passing since 20 little boys and girls were gunned down

in a 5-minute hail of furious bullets, the Senate and the House of Representatives have done nothing to try to prevent these kinds of mass atrocities in the future.

I come down here today not just to challenge this place to act but to tell you a little bit about what I have learned in the last year. I have learned a lot, but I want to distill it down to two pretty simple things I have learned.

I did not work on the issue of gun violence when I was a Member of the House of Representatives, in part because my corner of Connecticut did not have tremendously high levels of gun deaths. Now it is central to my mission as a Senator.

What I have learned over the last year is that despite all the rhetoric we hear from the gun lobby, when you change gun laws to keep guns out of the hands of criminals and to take dangerous military-style weapons and ammunition off of the streets, guess what happens. Communities become safer. The data tells us this.

Since 1998 the National Instant Criminal Background Check System has blocked more than 2 million gun sales to prohibited purchasers. That is up to 2 million criminals—people with criminal histories who should not have bought a gun—who were prohibited from buying a gun. The background check system works but for the fact that only about 60 percent of gun purchases actually go through the system because more and more guns are being bought in online sales, more and more guns are being bought online, and more and more guns are being bought at gun shows.

We know background checks work because we have stopped 2 million people who would be prohibited from owning guns because they have a history of domestic abuse or serious felonies or mental illness. Two million times we have stopped those people from getting guns.

Second, we can compare what happens in States with near universal background check systems versus States that have looser laws. I will give you one statistic, for instance. In States that require a background check for every handgun sale, there is a 38-percent reduction in the number of women who are shot to death by intimate partners. Deaths from domestic violence are almost 40-percent less in States that have near universal background checks.

The same data exists for assault weapons as well. In 1994 we passed the assault weapons ban. Over the next 9 years crimes committed with assault weapons declined by two-thirds.

There are legitimate arguments that there are other factors that contributed to that decline, but certainly a portion of that decline is connected to the restriction on assault weapons. Thirty-seven percent of police departments reported a noticeable increase in criminals' use of assault weapons since the 1994 Federal ban expired.

When it comes to these high-capacity magazine clips, we do not need the data that is out there because common sense tells us that if somebody decides to do mass damage with a high-powered weapon, they are going to do less damage if they only have 10 bullets in a clip rather than 30. Adam Lanza in Sandy Hook Elementary School got off 154 bullets and killed 20 children and 6 adults in less than 5 minutes. In Tucson, a 74-year-old retired Army colonel and a 61-year-old woman were able to subdue the shooter when he went to change cartridges. In Aurora, the rampage essentially stopped when James Holmes went to switch cartridges. When you have to reload multiple times, there are multiple opportunities for these mass shootings to stop. We should do things to make sure the shootings never begin in the first place, but the carnage is much worse when these madmen are walking into shopping plazas, movie theaters, and schools with 30-round clips and 100-round drums.

But here is the second thing I have learned. I learned this as well over the last year. I have learned about the amazing ability of good to triumph over evil even when this place does not act to change the laws. I have learned that despite the evil of those 5 minutes in Sandy Hook, the community of Newtown has amazingly found a way over and over to bring so much beauty and goodness to essentially cover up and drown out that horror. I have seen these kids' memories become the inspiration for literally thousands of acts of generosity and kindness.

Daniel Barden was a genetically compassionate little kid. He was that kid who always sat with the kid in school who did not have anybody sitting next to them on the bus or in the classroom. When his parents would take him to the supermarket, they would be all the way to their car with their groceries, and they would look back and Daniel would still be at the door holding open the grocery store door for people who were leaving.

His parents started a Facebook page that challenges people to engage in little, small acts of kindness in Daniel's memory. It had about 40,000 likes the last time I had checked, and the stories are endless—a woman who bought coffee and doughnuts for a firehouse in New York State; a Missouri woman who helped restock a food pantry in Daniel's honor; a woman in Illinois who paid for a stranger's meal and just wrote "Love from Daniel Barden" on the bill.

Jack Pinto was a very active 6-year-old boy. He enjoyed playing sports of all kinds. He was buried in his New York Giants jersey. His parents, Dean and Tricia Pinto, have raised money and put some of their own money in to pay for hundreds of children all around the country to have access to the same kind of opportunity to play sports that Jack had, despite the fact that their families might not have the resources the Pintos do.

Jessica Rekos loved animals. She loved whales and horses most, so her parents started a foundation, the Jessica Rekos Foundation, and they have provided yearlong scholarships for horseback riding lessons for students who would not otherwise have the resources to be able to have the opportunity to enjoy horses in the same way Jessica did.

This week an effort is under way in Newtown and across the Nation to inspire people to every day do a different act of kindness as a way to pay tribute to the 1-year anniversary. These charities that have sprung up in the wake of Newtown are doing amazing work to change people's lives—just the small acts of kindness that maybe we all do in trying to pay tribute to the memory of those kids and those adults. That makes a difference.

Charitable acts and changes in behavior—they are necessary although insufficient responses to the scourge of gun violence that plagues our Nation.

This place has to change the laws. Do something because you do not want to be next. You do not want to be sitting on a train station platform, as I was on December 14, when you get a call that 10 or 20 or 30 or 40 kids or adults have been gunned down in your State. You certainly do not want to get that call when you had a chance, but you did not take it, to do something to prevent it.

I got calls that day from my colleagues all across the country because there are not many corners of the Nation that have not been touched by gun violence. Some 11,000 people have been killed by guns since December 14 of last year. When one person is killed, psychologists tell us there are 10 other people who sustain life-altering trauma as a result of that shooting. So just imagine when 26 kids and adults die in a small community.

So I wish to leave you not with my words but with the words of a mother from Sandy Hook who represents the scope of the trauma that has been the reality for Sandy Hook for the last 365 days. Sandy Hook is recovering but very slowly. The charities and the acts of kindness, they make a difference, but there is a lot of head shaking in that community as to why this place has not risen to the occasion, shown the same type of courage those families have and done something to change the reality of everyday and exceptional mass violence across this country.

Here is what this mother writes. These are her words in an open letter:

In addition to the tragic loss of her playmates, friends, and teachers, my first grader suffers from PTSD. She was in the first room by the entrance to the school. Her teacher was able to gather the children into the tiny bathroom inside the classroom. There she stood, with 14 of her classmates and her teacher, all of them crying. You see, she heard what was happening on the other side of the wall. She heard everything. She was sure that she was going to die that day and did not want to die before Christmas. Imagine what this must have been like. She struggles nightly with nightmares, difficulty

falling asleep, and being afraid to go anywhere in her own home. At school she becomes withdrawn, crying daily, covering her ears when it gets too loud and waiting for this to happen again. She is 6.

And we are furious. We are furious that 26 families must suffer with grief so deep and so wide that it is unimaginable. We are furious that the innocence and safety of my children's lives have been taken. Furious that someone had access to the type of weapon used in this massacre. Furious that gun makers make ammunition with such high rounds and our government does nothing to stop them. Furious that the ban on assault weapons was carelessly left to expire. Furious that lawmakers let the gun lobbyists have so much control. Furious that somehow, someone's right to own a gun is more important than my children's right to life. Furious that lawmakers are too scared to take a stand.

She finishes by writing this:

I ask you to think about your choices. Look at the pictures of the 26 innocent lives taken so needlessly and wastefully, using a weapon that never should have been in the hands of civilians. Really think. Changing the laws may "inconvenience" some gun owners, but it may also save a life, perhaps a life that is dear to me or you. Are you really willing to risk it? There must not be another Sandy Hook. You have a responsibility and an obligation to act now and to change the laws.

I hope and pray that you do not fail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut

Mr. BLUMENTHAL. Mr. President, many words have been spoken since Newtown, including the very powerful words of my colleague just now. But the plain, simple fact is no words can capture what I feel about that day. No words ever will capture that day or the days and weeks and months afterwards, when we have grieved and healed and resolved that we will do everything within our power to make sure that kind of massacre never happens again.

But equally important is that the deaths by gunfire are reduced or prevented—those 26 senseless, unspeakable deaths of 20 beautiful children and 6 great educators but also the 194 children who have been killed by gunfire since Newtown, and the 10,000 or more deaths caused by gunfire, person by person, a tragic river of senseless deaths that we have the power to prevent, the power in this body and the power in this Nation.

As much as we should be shamed and embarrassed by the failure to act, we also must have hope and resolve that we will act. History is on our side. The example of courage and strength provided by those families ought to give us the resolve and the determination to act; likewise, the examples of courage and resolve by Father Bob Weiss, who had a service in St. Rose of Lima on the evening of December 14, one of the most moving public experiences I will ever have. As I said then, the world is watching Newtown. The world has watched Newtown. It has watched First Selectman Pat Llodra, who has led Newtown with her own courage and strength and determination, including

coming here as my guest on the night of the State of the Union to be an example for all of us about what a public official can do by her own example, leading by her own example.

We will mark, this Saturday morning, at St. Rose of Lima the 1-year anniversary at a service Senator MURPHY and I will attend. I have worn since virtually that day a bracelet. I wear it now. It says, "We are Newtown. We choose love." If there is a message for all of us in this Chamber, it is that we continue to choose love. We are all Newtown. Our town is Newtown. All of our towns are Newtown. I see this bracelet literally from the time I wake in the morning to when I go to bed. It will always be an inspiration for me, inescapably our hearts and minds go back to that moment when we first learned about this horrific, unspeakable tragedy.

Of course, I went to the Newtown firehouse that day. The sights and sounds of grief and pain are seared in my memory. They will be with me forever. So will be the story of the children whom we lost: Grace McDonnell and Allison Wyatt, who loved to draw pictures for their families and planned to be artists; Chase Kowalski, a Cub Scout who loved playing baseball with his father; Jessica Rekos, who wanted to research orca whales and become a cowgirl.

We will never forget the heroism and the bravery of the educators such as Vicki Soto and Anne Marie Murphy. Vicki Soto is in this picture. Her brother Carlos came to a service today here in Washington. He has continued, and so have his sisters, to come to events that provide impetus and movement and momentum to the effort to stop gun violence.

Vicki Soto and Anne Marie Murphy literally shielded their students, sought to save them with their own bodies. Dawn Hochsprung and Mary Sherlach ran unhesitatingly toward the danger entering their school and perished doing so. There are heroes in this story. It is not only about bad people who used guns improperly and illegally; it is not only about evil; it is also about good. The good includes the first responders and police who stopped the shooting when they came to the school and ran toward danger and toward gunfire and thereby ended it, when the shooter took his own life.

It is also about Ana Marquez-Greene, a beautiful girl who loved music and flowers, loved to wear flowers in her hair. She was described by Bishop Leroy Bailey as a beautiful, adoring child. That picture evokes the stories of all of those children: beautiful, adoring, a future and a life ahead of them.

For all of those stories and the tears, and the teddy bears and tributes that were outside of the firehouse, Newtown has refused to be defined simply by tragedy; refused to be locked in its past. It has moved forward, because Newtown is not just a moment, it is a movement. It is not just a moment in

history defined by tragedy, it is a movement to make the world better. It is a movement to make America safer.

That is the movement we have articulated and sought to advance. Those families, including Neil Heslin, who has come here numerous times for his son Jesse, have been an example of courage. Indeed, they have been profiles in courage. When Neil Heslin dropped Jesse off at school on the morning of December 14, Jesse gave him a hug and said: "It's going to be all right. Everything's going to be OK, Dad," because Jesse was that kind of kid, Neil told the Senate Judiciary Committee in his testimony. His pride in Jesse, as well as his grief, brought tears to all of our eyes.

Jesse was just that kind of kid. He never wanted to leave a baby crying. He never wanted to leave anybody feeling hurt. Jesse and Neil used to talk about coming to Washington, about meeting with the President. Neil met with the President but Jesse was not there, at least physically he was not there. He was with all of us as we worked with Neil to make America safer and make sure Newtown is not a moment but a movement toward a better, safer America.

I thank my colleagues for the outpouring of feeling and support on the eve of that tragedy. It was a rare moment of bipartisan unison and feeling as well as words. I wish to thank them as well for meeting with many of those families because they demonstrated a graciousness and generosity regardless of their views on any of the issues relating to gun violence and any of the bills on the floor. That graciousness and generosity I hope will prevail on this issue and again move us forward.

The acts of kindness and generosity that followed have been inspiring as well.

College students and firefighters have come together to build playgrounds in honor of the Sandy Hook victims. Bill Lavin of New Jersey, on behalf of the New Jersey firefighter system, has done yeoman's work. There are now new playgrounds in their memory in Norwalk, New London, Fairfield, Ansonia, Westport, and Stratford.

I have visited many of them. They are distinct, reflecting the character of those children such as Ana Marquez-Greene.

The Newtown High School football team took time away from celebrating a perfect winning season to devote their efforts to the children and educators we have lost.

The Sandy Hook Run for the Families not only raised more than \$450,000 for the Sandy Hook Support Fund, but it also broke the world record for attendance. In millions of actions, large or small, in Connecticut, all around the country, the people of Newtown, the State of Connecticut, and the country showed what compassion, giving, and kindness truly means in action. They chose to honor them by action.

Often the compassion and kindness unleashed by the Newtown tragedy took many other forms that were unheralded, unreported, and unspoken. These were acts of kindness that were not in the newspapers or in the public view but simply acts that meant something to the recipient and to the giver.

These fundraisers and vigils, emails and postcards, small and large signs of recognition and love from our colleagues, from people across the country, are a form of giving back. They give me hope that eventually we will prevail in this effort to make a difference.

Scarlett Lewis, Jesse's mom, is also a hero. She heard about the Cruz family who had lost two of their children to a drunk driver. Scarlett responded with that same resilience and strength by offering to give a fundraiser for the Cruz family.

When she was asked about her family and about what she had done, she explained:

What brings meaning to the suffering is doing something for someone else. . . . In doing something for them I'm also helping my own healing.

Nearly 90 percent of Americans support commonsense measures such as background checks, a number that is virtually unchanged since the issue soared to the forefront of our political discourse in the wake of Sandy Hook. Even in gun-owning households the support is virtually identical, 88 percent. That figure hasn't changed. A mountain of public support has failed to produce measures, but our resolve is unchanged because those memories of Sandy Hook, those examples of kindness and compassion, will drive us forward, as will the more than 10,000 other victims including at least 14 children under the age of 12 in 43 different States.

Congress has shamefully and disgracefully failed to act, but that is not the end of the story. There has been one vote, and we lost, but that vote is not the end of this movement. Newtown is not a moment. It is a movement. Surrender is unacceptable; the status quo is inexcusable. The families and Newtown community have refused to surrender to personal despair, and we cannot surrender to political dismay or difficulty.

I was moved the other day when I saw a clip of Ronald Reagan endorsing the Brady bill. Ronald Reagan, as President, was a victim of gun violence, as was Jim Brady, who was paralyzed by the same hail of bullets that struck the President of the United States when they were fired by a deranged person, John Hinckley.

Twelve years passed before the Brady bill was passed. It was 12 years of struggle, work, resolve, and courage by Sarah and Jim Brady, with eventually an endorsement by Ronald Reagan.

The sadness and anger I feel today, prompted by the memory of that tragedy and this body's failure to respond, is mitigated by the knowledge that his-

tory is on our side, that America is better than the oath we took in April. The people of Newtown have not failed. The people of America have not failed, and this body has not yet failed.

We can and we will do better because Newtown and that vote will be with us.

Newtown is more than a moment. It is a movement that eventually will prevail.

I yield the floor.

The ACTING PRESIDENT pro tempore.

Mr. BURR. I rise to address the nomination of Cornelia Pillard to the DC Circuit Court. This nomination is a good example of government overreach that has led to things such as the ObamaCare debacle.

Let me say to my colleagues who have been on the floor speaking about Newtown, I had an opportunity to spend an hour with parents of Newtown children. It is a compelling personal story that they shared.

No parent should have to watch a child die. No parent should have to live and a child die. My heart still goes out to those who lost children at Newtown.

Today, with the Affordable Care Act fresh on my mind, I venture back to think about when I came to the floor in 2009 and said in front of my colleagues of the Senate and the American people—I wish to spend the balance of this second half of the hour rehashing some of the things I came to the floor to talk about.

There were numerous opportunities before the legislation was passed. I remember it was very close to Christmas in December of 2009.

I said premiums will increase for younger and healthier individuals because of the new federally mandated rating rules. Over 40 percent of the uninsured are ages 18 to 34, the same group that will be hit with the highest increases if this bill passes.

What do we hear Americans are focused on today? Young people. Are they going to join?

Today their insurance is three times lower than what it will be in January of 2014. Why? Because of the Affordable Care Act.

No. 2, premiums will increase because of new federally mandated insurance standards. Experts estimate many of the health plans purchased today by individuals and small businesses will not meet the minimum requirements mandated by this bill, which means that all Americans will be forced to buy richer plans.

Let me remind those who are listening that this was in 2009 on the Senate floor. Listening to the comments of those today who say we never anticipated some of these things would happen—if they didn't anticipate, it is not because people weren't on the Senate floor. It wasn't because we made this up. It is because people who were experts, CMS actuaries, CBO administrators, were sharing with us what would happen if this legislation became law.

Premiums will increase because of new federally mandated benefit packages. The bill empowers the Secretary

of Health and Human Services to decide which benefits are covered and which benefits are not.

What are Americans learning every single day? When they can get on the exchange, they are finding that they are 65 years old and they have to have maternity coverage.

I turned 58 and my wife has pretty much informed me we are not going to have more children, but I can't buy coverage without maternity coverage. Why? Because they want to charge me more to shift that cost.

We didn't have health care reform. We just changed where we are shifting the cost from. Now we are embedding the premium versus charging more at the delivery point of health care and shifting it within the delivery system.

We are shifting it within the population by charging those of us who are a little bit older more—because we mandate that we have to have services we are never going to use—and younger people who are healthy who probably are never going to need to go to the doctor. I hope they do because prevention is actually one of the most beneficial things we can promote. Now we are going to charge them three times what they were paying, and we believe they will take it?

Premiums will increase because of the new excise tax on medical devices. Innovation is what saves health care dollars. Yet in the Affordable Care Act, or what some call ObamaCare, we actually put new taxes on medical devices.

Every time we have a stent that is inserted, every time a medical device is used on a person, their health care bill goes up because we have now taxed the device they are using. If the device price goes up, and the reimbursement goes up, the premium goes up.

It is starting to make some sense. Again, this was in 2009 before we passed the bill. Premiums will increase because of a new excise tax on health plans.

We actually taxed the same health plans that are in the exchange that we told everybody would save them money. Premiums will increase because of the new excise tax on prescription drugs. Wait a minute. I thought we were bringing down the cost of health care.

In 2009, again, new taxes on devices, new taxes on health plans, new taxes on prescription drugs, these were all things that we all knew. The President knew it. My colleagues who voted for the plan knew it, but everybody seems to have amnesia today: Oh, my gosh. How could the costs go up? I never knew this was going to require people to buy a health insurance policy that had benefits they would never use.

Premiums will increase because of a new fee to sell plans in the mandated exchanges. This phenomenal exchange market that created competition, we now created a new fee on the part of insurers to enter the exchange. Premiums will increase because of a new tax for comparative effectiveness.

Comparative effectiveness means we are trying to bring new generics, whether they are in pharmaceuticals or biologics to the marketplace. We have decided to tax that process. Premiums will increase because the bill forces 15 million more Americans to enroll in Medicaid.

Why is that happening? It happens because doctors are paid so little on Medicaid that they have to charge more for everybody else. We are cost shifting when we purchase the premium, and all of a sudden we are learning we are cost shifting even when the service is delivered. Reform? No.

In 2009, again I came to the floor and I talked about the Affordable Care Act, ObamaCare. Zero times did it mention provisions prohibiting the rationing of health care—zero. Nine times it mentioned new taxes created in the bill. Thirteen pages are in the table of contents. The bill weighed 20.88 pounds and it took 36 pages for the CBO to estimate the pricetag of ObamaCare; 70 government programs authorized by the bill, and 1,697 times in the Affordable Care Act the Secretary of Health and Human Services was given the authority to create, determine, and define things in the bill. This is a bureaucrat whom we allowed 1,697 times to determine what Congress's intent was in the legislation through almost 3,000 pages; 3,609 times the word "shall," not "may," was in the bill. It cost \$6.8 million to taxpayers per word.

Let me remind you. This is what I came to the floor and talked about in 2009 before the Senate passed this legislation in the dark of night.

Twenty-four million people left without health care. This is the bill that was supposed to insure everybody. Twenty-four million people without health insurance; a \$1.2 billion cost to the taxpayer per page, and \$5 billion to \$10 billion of additional funding needed for the IRS' implementation of the bill.

In other words, we are going to fund \$5 billion to \$10 billion for the IRS to chase down people who owe a penalty because they made the determination they couldn't afford or they didn't need health care insurance.

There are \$8 billion in taxes levied on uninsured individuals. There is a way to make health care affordable—tax people who don't have it.

So \$25 billion of additional Medicaid mandates placed on States; \$28 billion in new taxes on employers not providing the government-approved plans; \$100 billion estimated annually of fraud in Medicare and Medicaid; \$118 billion in cuts in Medicare Advantage—to seniors all across this country who found this product to be the one that provided the most security and benefits for them; \$465 billion in cuts to Medicare—cuts to Medicare. This was the health care system that was at that time projected to be insolvent by 2017.

There are \$494 billion in revenues from new taxes, fees, levied on American families and businesses; a \$2.5 trillion cost for full implementation of the legislation.

At that time we had a \$12 trillion debt. Today, we have a \$17 trillion debt. Health care was supposed to be more affordable because we reformed it. We didn't reform it. We took it over. The Federal Government took it over.

Let me go to another process I talked about in 2009. This is all marked up. It has been in my desk drawer since then. It is a word search of the bill. There are 4,677 times where the legislation said shall, must or require; 899 times it said tax, fee or revenue; 470 times it said agency, department, commission, panel or bureau; 196 times it said regulate or regulation; 134 times it mentioned treatment; 180 times it mentioned prevention; 40 times it mentioned choice; 25 times it mentioned innovation; and 13 times it mentioned competition.

If we listen to those who are out selling this awful plan today, what are the three words we hear? Choice, innovation, competition—those things that are mentioned the least in the almost 3,000 pages of health care legislation in 2009. This bill wasn't reform. This bill spent trillions of dollars at a time of record deficits and debt. When fully implemented, I said then, this bill is projected to cost \$2.5 trillion over 10 years. CBO said at the time that this bill will increase Federal health costs, not lower it.

What have we heard from the President? It is going to lower health costs. It is going to bring it down. It is going to be more affordable. Middle class, this is the greatest deal for you.

The bill raised taxes by more than \$500 billion at a time of record unemployment. The bill violated the President's own pledge to protect the middle class. Who gets taxed in this bill? Again, this is from 2009 on the Senate Floor, right here, before the vote. Uninsured Americans, insured Americans, families with high-value insurance plans, high health costs, small business, individuals who need medicines or medical devices, and employers that provide retiree drug coverage. Employers that provide retiree drug coverage, we tax them.

The bill cut \$466 billion in Medicare to fund new government programs. Medicare faced at that time a \$38 trillion underfunded liability and insolvency that was projected to occur in 2017. Instead of fixing those problems, this bill raided Medicare to start a new government entitlement. The bill cut Medicare Advantage. It cut hospitals, it cut nursing homes, it cut home health, and it cut hospice.

Nobody in the administration can go out today and say: Oh my gosh, we didn't know this was going to happen. We talked about it right here day after day after day.

These are not things we made up. If we did, we would be prophets, because they are all coming true. Everything is aligning with what we said.

The bill would increase premiums, making care more expensive, not less. I mean let's get past what was the easy

part, and that was setting up the exchange, setting up the Web site. Or at least it should have been.

New taxes in this bill will get passed on to consumers, increasing yearly premiums—this is what I said then; listen to this—by \$488 a year, according to some estimates. The average premium would increase by \$2,100 for a family policy in the individual market.

There are individuals who are seeing \$488 a month in increase, and in addition to that a deductible they have never had applied to them before.

This bill imposed costly new burdens on struggling States. The bill threatens health care choices millions now enjoy with a tangled web of new rules, regulations, and government-run plans. The government will require you to purchase insurance or face a fine and will tell you what kind of insurance you have to have, even if you like what you currently have.

I am not a prophet. I was going by what the experts said in reading the bill. So for everybody who went out and said: If you like your insurance, you can keep it; if you like your doctor, you can keep him; if you like your hospital, you can keep it—we were on the Senate Floor saying: That is not what the bill says. It is not going to happen.

This bill cut \$135 billion from hospitals, \$120 billion from 11 million seniors on Medicare Advantage, nearly \$15 billion from nursing homes, nearly \$40 billion from home health agencies, nearly \$7 billion from hospice. Cutting Medicare to fund a new government program in my book is not reform. It is ignorance.

The CMS Office of the Actuary—let me tell you, the Actuary is like the gold standard. The CMS Actuary is like the guy who puts that stamp of approval on it, and there is nobody higher from the standpoint of what the actuary says. He says the bill increases national health expenditures. National health expenditures under this bill would increase by an estimate of a total of \$234 billion, 0.7 percent, during 2010 and 2019.

That is exactly the opposite of what everybody is out saying today. Despite promises that reform would reduce health care spending growth, the bill actually bends the health care curve upward. According to the analysis, the national health expenditure as a share of GDP is projected to be 20.9 in 2019, compared to 20.8 percent under current law.

How could you go out and make a claim this was bending the cost curve down? How could you promise the American people it was going to be cheaper?

The total number of persons with employer coverage in 2019, according to the CMS Actuary pre-2009, when the bill was passed, was projected to be 5 million lower under the reform package than under current law. Let me say that again. The CMS Actuary told us in 2009, before we passed this bill, that

employer-based coverage would drop by 5 million individual covered lives. I might say that some estimates are coming in at 100 million employees losing their health care under employer plans right now.

The new fees for drugs, devices, and insurance plans in the bill will increase prices and health insurance premium costs for consumers, and this will increase the national health expenditure by approximately \$11 billion per year.

The bill funds \$930 billion in new Federal spending by relying on Medicare payment cuts which are unlikely to be sustainable or permanent. As a result, providers could find it difficult to remain profitable; and absent legislative intervention, they might end their participation in the Medicare program, possibly jeopardizing the care to beneficiaries.

See, it wasn't Republicans who talked about rationing, it was the Actuary at CMS in his analysis of the Affordable Care Act. He said: Here is what is going to happen. It is seniors who are going to get hosed on it because they are not going to have access to the doctors anymore.

The bill is especially likely to result in providers being unwilling to treat Medicare and Medicaid patients, meaning that a significant portion of the increased demand for Medicaid services would be difficult to meet.

How could anybody listen or read what the CMS Actuary said and remotely go out and tell the American people: Geez, this is going to increase coverage for everybody.

The CMS Actuary noted that the Medicare cuts in the bill could jeopardize Medicare beneficiaries' access to care. He also found that roughly 20 percent—20 percent—of all Part A providers—hospitals, nursing homes, et cetera—would become unprofitable within the next 10 years as a result of these cuts, meaning they are going to go out of business.

You know, pretty soon it is not going to be the network the insurance provider put together, it is going to be the fact the hospital went out of business because they couldn't withstand what this bill has done to them.

The CMS Actuary found further that reductions in Medicare growth rates through the actions of the Independent Medicare Advisory Board—now, that is going to sound a little odd to some because prior to the bill passing it was called the Independent Medicare Advisory Board, but it is now called the Independent Payment Advisory Board—IPAB—an entity that when set up and it is kicked in—16 members picked by the President—will determine reimbursements and scope of coverage. It is not the Congress of the United States. If we don't legislatively do something with their recommendation, it becomes law. It goes into effect.

The bill would cut payments to Medicare Advantage plans by approximately \$110 billion over 10 years resulting in

less generous benefit packages and decreasing enrollment in Medicare Advantage plans by about 33 percent. So 33 percent of seniors would lose their Advantage plan. Again, this is 2009. This is not today.

The President, in 3,000 pages said it would reduce costs. The chief actuary says that is not the case.

Let me read a letter I got in the last couple of weeks from Lori Perez from Willow Springs, NC.

I am a divorced mom of three. I received insurance through my employer. My rate has increased \$100 a month. This is a huge difference that will have to be budgeted by reducing groceries and foregoing my son's braces I had planned for 2014. I looked into dropping my company provided insurance to join an exchange but I do not qualify to receive a subsidy because my insurance rate is less than 9½ percent of my income. It is 9 percent. My yearly income qualifies. Apparently, Obama thinks I can afford an additional \$1,200 a year. I am considering dropping my insurance, paying out of pocket as needed for health care, and paying the fine at the end of the year. It would be less expensive. This is ridiculous. What can we do?

What do you say to Lori? Oops. That is the law. Here is somebody who was 100 percent satisfied, an employer doing the right thing, and the Federal Government has now put her in a situation where she is considering just giving up her health care, doing away with it. Why? Because she can't afford it. This is a woman with a job. She is thinking about giving up her groceries and delaying her son's braces. Why? Because of ObamaCare.

Where are we today? Let me speed forward. I said we have the health care exchange, the healthcare.gov Web site. There are companies every day that get Web sites set up. This one is complicated. They had 3 years to do it. It still is not right today. But I am convinced they will get it right.

For the first time the American people are getting on the Web site and they are able to look at the health care options they have. And what are they finding? They are finding that the premium costs for something equal to what they had are two times, three times more expensive per month. They are finding this new thing they have never had before called deductibles. And I am not talking about a \$100 deductible that you pay before you get participation in a doctor's visit or an emergency room visit; I am talking about \$1,000, \$3,000, \$5,000. I have heard from friends who have now signed up for plans and have a \$15,000 deductible.

I say to my colleagues—especially my colleague from Florida—it sounds like a health savings account, doesn't it? You have insurance, but you are responsible for the first \$15,000. The guy who shared that with me, his premium is \$1,444 a month with a \$15,000 deductible. I don't think he is going to drop it, but sticker shock is rampant.

Benefit package. How many people have come up to me and said: I am not going to have any more children, but I have to have maternity coverage. Something is wrong.

They are right—something is wrong.

How many kids would like to have a scaled-down version that allows them to have a set of benefits, and they are willing to roll the dice, and if something bad happens, they will pay out of pocket? No, they don't get that option. The choice does not exist—unless it is a choice of the things created in the Affordable Care Act.

Networks. This is one the American people haven't gotten to yet, and I can't wait until it happens. I have gone through getting on the DC exchange and going through the process of trying to figure out whether my doctor in North Carolina is available in this plan or that plan. Wait until the American people go onto [healthcare.gov](http://healthcare.gov) and they start picking a plan and look to see: Is my primary doctor on there? Is my hospital on there? Is the specialist I see on there? Are the drugs that I take on this plan?

This is incredibly complicated. The American people were used to calling their insurance broker and saying: Here is how much coverage I want, here is how much I have to spend, and here is my health condition. And they designed a program to meet their health condition, their income, and their age. Now we penalize you for your age—if you are old or young—and we force everybody to take the same benefit package regardless of whether they can afford it, and we say: If you don't get it, we are going to charge you this year a 1-percent penalty on your income, and that goes up to 2½ percent at the end of the transition period.

We are going to get past this period which I call the enrollment plan period. Next, we get to the part the President delayed. We never understood that something that was in statute, the executive branch could just decide, no, it is not going to go into effect. But for large and small employers, they had a 1-year delay. All of a sudden, in 2015, their employees are going to be in the same marketplace that we are.

What makes that particularly difficult is we extended the enrollment period for individuals in [healthcare.gov](http://healthcare.gov) until March 31, 2014. They can still enroll. Well, April 1, 2014, through April 27, 2014, insurers will have to decide what their premium cost will be in 2015. So given that they have no real experience on what the mix of ages and health conditions in their plan is, what are they going to do? They are going to err on the side of higher premiums; that is, higher than we will see in 2014, which a majority of the American people say are higher than they can afford. Imagine what it is going to be like in 2015. And in that group is the 80 percent of America, not the 5 to 10 percent who are provided for by employers today.

I see my colleague here, and I am infringing on his hour, but I do want to stress one last thing. I mentioned only once the Independent Payment Advisory Board, IPAB. At the end of the day, mark my word, everything that I

commented on I read from my 2009 notes—notes that I came to the floor then and said: This bill shouldn't become law, and here is why. I spent 5 minutes talking about that today.

But I am going to make this statement, and I will come back to the floor 2 years from now when IPAB is up and running and the benefit packages have been cut down and the reimbursements have been cut to doctors and hospitals, and I will point to the statement that I made here that picking a 16-member advisory panel that has the authority and the power to set the scope of coverage and, more importantly, the reimbursements will have a most devastating effect on health care in this country.

It will ration health care because of the doctors who choose not to participate in plans that participate in the exchange. It will force hospitals out of accepting plans that participate in the exchange. And for those of us forced by government to be in the exchange and to choose, our choices will be gone. Our costs will go up. We will get care—when we are queued in line or at the emergency room or from a doctor we don't know or don't trust or from a hospital we have to drive to. It is not going to be reassuring to that mother who now has maternity coverage but no obstetrician and no local hospital to deliver a child because, you see, we didn't reform health care. We didn't do anything to liability. We just changed the pocket we pay out of. We taxed everybody we could find to pay for it. And still—as I said in 2009 and I believe will be true today—at the end of the process, there will be 24 million people without health insurance. Why? Because of ObamaCare. Because of the choice—or the lack of choice—we gave them.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Florida.

Mr. RUBIO. Mr. President, I intend to be here for the next little bit—under an hour—sharing this time on the floor with you to discuss some of the issues before us, particularly the pending issue before us of nominations and the concern we have about that.

People back home and across the country may be watching the news tonight or perhaps over the last few weeks they have watched the news and wonder what this debate is about. I wish to use this opportunity tonight to address the nomination of Cornelia Pillard for the DC Circuit because it is a good example of the government overreach that has impacted all sorts of issues in our lives. So on this nomination issue, let's lay the groundwork here so people back home understand what is happening.

Last week or the week before last the Senate majority, by a simple majority vote, changed the practice of the Senate that has existed here since the beginning of the Senate, and they did so in an effort to grab more power for themselves and the President.

Basically, here is the precedent which has been set here and which is exemplified by the nomination before us. The precedent which has been established from now on is that any Presidential nominee, except for the Supreme Court—at least for now—is only going to need a simple majority vote to confirm them. There are problems with that because in the Constitution it gives the Senate—wisely—the power to advise and consent. The reason that was done, especially for judges, is that these are lifetime appointments. When someone is made a Federal judge, it is for the rest of their lives—unless they are impeached, which is a rare occurrence, thankfully. So these are people who are going to serve on the bench for the rest of their working lives, making decisions about the application and interpretation of our Federal laws. That is why the Senate was given this extraordinary opportunity to vet these people and to look for a supermajority of votes in this Chamber before someone is put in a position such as that. The other positions, of course, are Cabinet nominees, and so forth, and those are very important as well.

By breaking the rules to change the rules of the Senate—something that, by the way, we were told at least on two occasions this year was not going to happen but ultimately did—what we basically saw was the ramming through—just as ObamaCare was, on a party-line vote—of the President's nominees, and tonight's nominee is an example of that. This is going to have enormous consequences on this institution for sure. You are seeing it play out tonight.

I say to my colleagues in the majority party that the history of this body is that power trades hands. I believe that as early as January next year when a new Congress reconvenes, you won't be in the majority, you will be in the minority. Soon thereafter, there may be a Republican President appointing judges and appointing Cabinet members and other appointees. Now, all of a sudden, a simple majority is going to be enough, and you have set that precedent.

Beyond the impact that is going to have on this institution, it is going to have an impact on this country. It is going to have the impact of putting these activist judges, such as the nominee before us tonight, on the bench. It is going to have an impact on a wide range of issues, from ObamaCare, to the sanctity of life, to the Second Amendment, just to name a few.

Why does the majority want to pack this articulate bench, this particular DC Circuit Court of Appeals with a supermajority? Why? Well, it is because it is a court which is often called the second highest court in the country. It is a court which is key in reviewing all these regulations that are being imposed upon us. It is a court which is key in reviewing all these assertions of Executive power that this President and other Presidents have instituted.

The current DC Circuit as currently made up has proven to be somewhat of an obstacle to the big-government agenda the White House and the majority here in the Senate have been pursuing, and they don't like it. That is, by the way, why the majority leader earlier this year said: We need at least one more—meaning one more judge—and that will switch that majority on that court. Well, with that vote, by changing the rules, that is what they are setting up for here.

Now they seek to expand it tonight or early tomorrow with a nominee who, quite frankly, is completely out of the mainstream. For example, on the question of abortion, do you know what Professor Pillard calls pregnancy? "Conscription into maternity." I don't know what that means, but I bet the vast majority of Americans would see that as outside the mainstream.

By the way, as you look at the majority pulling out all these stops to confirm controversial nominations, such as this one who is someone completely outside the mainstream, they do so despite the fact that they have spent most of the last 10 years basically filibustering some of former President George W. Bush's best nominations to the judiciary, especially to the DC Circuit. Let me give some examples.

Senate Democrats, over 2 years, refused to even give Peter Keisler a Judiciary Committee vote despite his extraordinary credentials and a record of public service. At the time, they argued among other things that maybe the DC Circuit wasn't busy enough to warrant filling some of these vacancies. He was just the most recent of several Republican nominees to the DC Circuit whom Senate Democrats blocked and filibustered. There were others. For example, they successfully filibustered Miguel Estrada, a Honduran-born legal superstar, a person who some said may one day be the first American of Hispanic descent to serve as a Supreme Court Justice. Senate Democrats voted seven times to filibuster this great American success story and this great judge. Other nominees to the DC Circuit, including then-California Supreme Court justice Janice Rogers Brown and Brett Kavanaugh, also faced long delays of failed cloture votes and filibuster attempts, as did, by the way, President Bush's nominees all across the country.

The numbers on this issue do not lie. Numbers are facts, and the numbers don't lie about the double standard that has been applied here today. For example, tonight's vote on Judge Pillard will come after just 190 days after her nomination. For historical context, Senate Democrats obstructed now-Chief Justice John Roberts' DC Circuit nomination by 729 days. Another impressive nominee whom I mentioned earlier, Mr. Kavanaugh, took 1,036 days. Miguel Estrada was obstructed for 184 days. Janice Brown's

nomination took 684 days. Tonight, 190 days. And on that and similar cases, they have completely changed the rules of the Senate and how the Senate nominates people to lifetime appointments to the second highest court in the land.

But despite this record and despite the fact that the DC Circuit is still known to be underworked today, the majority presses ahead on what will be a midnight or 1 a.m. vote to install a controversial law professor on the Nation's second most important court.

So what has changed? What caused the same people who used to routinely filibuster highly qualified judges to now come here and make these changes?

What has changed is that now there is a Democrat in the White House. What has changed is they now want an ideologically compliant court. What they want is a liberal activist court, one that protects all the things they have rammed through Congress over the years and imposed through regulations and pushed through Executive order.

Now we know why Senate Democrats were less interested in the workload of the DC Circuit or the objective qualifications of the nominees over the past decade, why they were less concerned about that than they are today. It is because their dreams came true of having a Democrat in the White House and a majority in the Senate so their efforts to keep vacancies open, that is what has brought us here today, in order to fill them in order to radically change the Federal judiciary into their own image.

But I think what is important to understand is that this whole effort to start this debate about judges and all that is an effort to distract from another big government intrusion that everyone knows too well; that is, ObamaCare. Interestingly enough, this Sunday I was at a wedding. I was approached by someone who had a story similar to what my colleague from North Carolina just outlined. This is outside of ObamaCare. This is someone who has employer-provided care, but that is going to be impacted by these changes that are happening in the law. She had just gotten notice that her premiums had gone up, but here is what is worse. Her deductible had gone up to about \$5,000 or \$6,000. She doesn't have \$5,000 or \$6,000. The way she quickly figured it out is she is going to have to spend \$6,000 she doesn't even have before she can even begin to use the health insurance plan that she can barely afford. She is basically uninsured.

I wish I could tell you that is a rare story and we are not getting a lot of input about that, but we are. This ObamaCare disaster is starting to take its toll. I think it is unconscionable, by the way, that the majority seeks to distract focus of this body on these important issues such as ObamaCare by pulling this stunt on the judges. But

what it doesn't stop is the wave of letters we are getting from people all across the country. These letters are not talking points. These are not complex policy analysis. These are not op-eds in newspapers. These are the letters from real people who are being impacted in real ways by this law.

I wish to share with you some of their stories. I am going to leave their last names out to protect their privacy, but I wish no share with you some of these examples because these are very typical of the kinds of things we are hearing about all across the country.

Philip in Winter Springs. Philip is retired. He is living on a fixed income with insurance from United Health Care that he has for himself and for his wife. His monthly premium increased from \$530 to \$867. That is over a 60-percent increase in his monthly premium and his \$15 copay has doubled now to \$30.

How about Charles in Winter Garden? Charles had employer-provided health care which ObamaCare caused to spike in price nearly 80 percent more for his plan and his deductible is \$12,000. He cannot afford \$156 a week for health insurance if he wants to be able to provide for his two children and pay his bills.

Here is one from Janet in Titusville. Janet is a single mom who is losing insurance for herself and her children in January. This is not Janet's first challenge with the economy, by the way. She has been unemployed for 3 years. She took an underemployed job to provide insurance for her kids but only to lose it 1 year later. She just wants insurance that doesn't cost nearly 10 percent of her income so she can provide for her kids.

David in Lakewood Ranch has an insurance plan that will be canceled as of April 1, 2014. His current policy costs him about \$291 a month with a \$6,000 deductible. The new policy his insurance company suggested raises his monthly premium over 60 percent to \$466 with a \$12,000 deductible as well. David also looked at the silver plan for the exchanges but the monthly costs would be \$525, with a \$7,500 deductible. David's other problem is if he waits until his current plan is canceled on April 1, 2014, any other costs he has leading up to his deductible did not count on the new policy so he will be spending even more trying to reach a deductible that will increase along with his much higher monthly premiums. As he wrote to our office: I just want my old plan back.

Colleen in Winter Park is self-employed. She chose to have a plan that costs her \$60 a month because that is all she can afford. She says that while she knows if she had to use her policy there would be hospital costs, she is more than willing to accept the risks.

Guess what. Her policy has been canceled. The new option is a \$600-a-month plan and there is no way she can afford that plan. There is no way she can afford it.

How about Sarah in Live Oak. Sarah had an individual policy for herself with a \$2,000 deductible that ran \$68 per month. Her plan has been canceled. Now she is looking at a \$288-a-month plan with a \$5,000 deductible. She feels she has been lied to by the President and by Congress and who can blame her for feeling that way.

How about Warren in Sanford. Warren in Sanford had health insurance for his family, four members of his family, with a monthly premium of \$533 and a \$10,000 deductible. While he would have preferred a lower deductible because his family is healthy and he was willing to take that risk, now that plan is gone. So Warren went on the exchanges to look for a new policy. His new monthly price was \$1,300, more than double his old plan, with a \$13,000 deductible. As Warren noted: "Bottom line is I will be paying more and I will be getting less." He will be forced to do things like skip vacations or miss out on his children's activities.

Then there is Joe in Melbourne Beach. Joe had a health care plan that was canceled because of ObamaCare. He liked his plan. He told our office that he "took great care in selecting my plan that I felt was right for me and for my needs." Now he has to shop for a new plan and all he sees are more expensive options. He tried the ObamaCare Web site, but it did not work for him, and on top of the Web site not working he is nervous about security risks when it comes to submitting his information to these Web sites.

There is Kenneth in Land O Lakes. He and his wife had a private insurance plan for over 11 years, but they do not anymore. They received a letter in the mail canceling their plan, telling them that "due to the recent ACA legislation this policy is no longer available." The new option that is available to him, by the way, is from an insurance company that had a premium that was double the price of his current plan: \$2,400 more a year. He doesn't know how he is going to cover this additional expense.

I don't think anyone disputes that we have a health insurance problem in America. But this is a disaster. Of course they want to do this judge thing. Of course they want to trigger some sort of fight about judges, Republicans objecting to judges and nominees. If you supported this, if you had voted for the law that does this to people, you don't want to talk about this. If you are responsible for the passage of this law, if you have gone around the last 2 years bragging about this law, if you are the one who went around telling me if you have a policy you like you can keep it, why would you ever want the world focused on this?

The problem is people are going to be focused on this because this is no longer a theory. ObamaCare is no longer some theoretical thing that is going to happen at some point in the future to someone else. ObamaCare is

happening to real people right now. Right now, all over this country, people are feeling these impacts. These are real people. This is not some outside third-party group running a commercial. This is not someone here giving a speech about what they think is going to happen. This is what is happening now and there are going to be more of these and it is going to impact Republicans and Democrats and conservatives and liberals, red States and blue States. Everyone is going to be impacted by this. They already are being impacted by this. This is going to have a dramatically negative impact on our economy, on our people, and our country as a whole.

That does not mean we do not have a health insurance issue that should not be addressed. We could have addressed it and we still can by, for example, giving people more options in a truly vibrant, private, personal marketplace. Allow people to buy insurance from any company in America that will sell it to you. Allow people to buy it with money that is not taxed, just like when your employer buys it for you. Incentivize, encourage people, make it easier for people, make it more rewarding and more flexible to put money in a health savings account so you can have tax-free money you can use to pay your deductible, to pay your copayments, to pay out of pocket, to pay for your kid's braces. These are real options that are available to us, none of which were pursued.

Instead, what was pursued is this big government solution, one-size-fits-all plan rammed down the throats of the American people just like the judges, just like the nominee tonight. She is being rammed down our throat. Because when what you stand for cannot withstand scrutiny, when you have a judge such as the one before us tonight who is so outside the mainstream, you don't want a process that examines their record and requires consensus. You have to ram it through. When you have a law that so fundamentally alters the makeup of American health care, you don't want this thing being analyzed. You have to ram it through. They did it on ObamaCare and they did it on judges.

There is a reason our Republic was set up this way. There is a reason the system of checks and balances was set up this way. There is a reason the Senate was built this way, with people who serve 6-year terms, two per State. Because they wanted a Chamber that would slow things down and look at them carefully and weigh them.

But you cannot do that when you are changing the rules to ram things through. What you are going to get are radical lifetime appointments to the bench such as what we are on the verge of doing tonight in the Senate and what you get are these damaging changes to the law on health care which leave people with fewer choices, with more expenses and, here is the kicker, with less access to the quality

health care that is second to none in the United States.

We have the best health care providers in the world. When rich and powerful people around this planet get sick, do you know where they come? They come to the United States. They come to our centers of excellence. Other places around the world have quality places similar to that too, but they are only available to people who have money to pay out of pocket. Their government-run insurance plans don't allow you to do that. They socialize you. They force you to wait in line behind other people until your turn is up. The only people who can go to the front and get the highest quality health care in many places on Earth are the richest people in the world who can afford to pay for that out of their pocket. This law brings us a little closer to that because many of these quality providers, the Sloan-Ketterings, the Mayo Clinics, the MD Andersons, these extraordinarily high-quality health care centers, many of these are not on the health care plans at all. In order to fit under ObamaCare, you have to cut people out of the plan so we get closer to the day when the only people who can afford to go to these centers are people who can afford to pay for it out of their pocket and everybody else, people on ObamaCare, they are just going to get whatever the plan covers. That is what you are stuck with. That is what we are headed toward.

We are going to deny the American people access to the highest quality health care system in the history of the world, not the best health insurance marketplace—there are reforms that need to happen there—but qualitywise, second to none. We are going to deny people access to that.

The other reason, by the way, this whole debate on judges is very bad for the country is it distracts us from the fundamental issue of our time, the central issue that faces our people and our country. It is one that I wish we spent more time focused on around here. I think both parties are a little guilty of not focusing on it enough.

When I was a child, when I was younger, I had all kinds of ideas about what I wanted to be when I grew up. I was blessed with parents who taught me that every single one of these dreams are within my reach. From my earliest memories, my parents instilled in me the belief that even though my family was not rich or powerful or connected, I could grow up to be anything I set my mind to because I was in America. Because I am an American. My parents knew America was special because they knew what life was like outside of it.

My parents were born into a society that most people are born into—where the success you have in life is predetermined by the family you were born into. By the grace of God, my parents were able to come here—the one place on Earth where that isn't true—and the promise of America changed their lives.

My parents never made it big. My mother worked as a cashier, a hotel maid, and even a stock clerk at Kmart. My dad was a bartender who primarily worked at banquets. Through hard work and determination, my parents made it to the middle class, and they gave us, their children, the opportunity to do all the things they were never able to do—to be anything we wanted to be. As I said, they were never rich, but my parents achieved the American dream.

That phrase, the “American dream,” is a phrase we use all the time, but it is a phrase that is often misunderstood. The American dream has never been about becoming wealthy or famous. Instead, it is about people, like me, who were born and raised here. It is about things I sometimes think we take for granted.

The American dream, what is it about? It is about a happy and stable home life where you can live without fear for your safety or the safety of your family. It is about the freedom to worship any way you want. It is about having the chance to get a good education and find a job that rewards hard work with financial security. The American dream is about being able to send your kids to college and being able to retire comfortably. It is about the opportunity to pursue happiness without being limited by your social status or your background. Perhaps most of all, the American dream is about being able to give your kids the chance and the opportunities you never had. This is the true American dream. It is not just a phrase. It is our identity as a nation. It is what it means to be an American.

We are still a country where the American dream is possible. We are still a place where, if you work hard and are determined, you can earn a better life. But we have to be honest. Over the last 10 years it has gotten harder to achieve this. It has gotten harder to find a good job and get ahead financially. It has gotten harder to save for retirement and send your kids to college. It has gotten harder to pay for health care, childcare, and the monthly payments on your student loan.

For the last 5 years we have been told that a bigger government that does more and spends more is the answer to this problem. Do you know what that has left us instead? It has left us with about \$17 trillion in debt and millions of Americans chronically out of work. The result is that despite all of this news we get from time to time about how the economy is getting better or the stock market is climbing, for many people across this country there is a sense that recovery is not reaching them. That is creating true uncertainty and even fear about the future. There is the constant worry that you could lose everything you worked so hard for. There are doubts about whether you will ever make enough and have a few extra dollars after pay-

day or be able to save for the future. Even for those who are enjoying the life they always wanted, you find a growing sense that their children may not get that same chance.

It is not surprising that some are starting to wonder whether the time has come for us to lower our expectations. Maybe the time has come to downgrade the American dream. This doesn't have to be the new normal. We have a choice. If we go in a new direction that gives us a government that creates less debt, an economy that creates more stable middle-class jobs, an education system that trains our people for the jobs available now and in the future, strong families who teach the values of success, and a financially healthy Social Security and Medicare system for retirees—if we are responsible enough to courageously and boldly fight to do these things, we can save the American dream. We can restore it. Actually, we can expand it to reach more people than it has ever reached before.

Our first priority here should not be ramming through rules changes to get liberal judges appointed. Our first priority should be more stable middle-class jobs. That should be our first priority. Stable middle-class jobs are the cornerstone of the American dream.

Let me break it to everybody here in Washington: Politicians don't create jobs. Politicians don't create these stable middle-class jobs. These stable middle-class jobs are created by everyday people when they start a business or grow an existing one. That, my friends, is the reason the American free enterprise system is the single greatest engine of prosperity the world has ever known. The key to our success as a country has always been a thriving free enterprise system, not a thriving bigger government.

What we need from our government are policies that foster a free enterprise system, that provide opportunities for everyone who is willing to work hard, and a government that stops spending money it doesn't have. We have to bring our \$17 trillion debt under control.

We need to address our broken Tax Code. We need one that creates more taxpayers, not more taxes. The current one we have is a major obstacle to the American dream. Why? Because our current Tax Code is expensive and complicated. Our current Tax Code is rigged. It is rigged to help those who are politically connected. It is rigged to help them at the expense of everybody else.

We need to reform the runaway regulations we have. They are destroying job creation. By the way, they too favor the well connected. They too favor the people who can afford to hire lobbyists to help write these rules and lawyers to help write the loopholes.

We need government policies that remove unreasonable restrictions on energy exploration here in this country so we can be freed from our dependence

on foreign oil and create more jobs in the energy sector but also in manufacturing.

As I mentioned earlier, we need to get the cost of health care under control but not through the big-government solutions, such as ObamaCare, that were rammed down the throat of the American people but by encouraging the development of an individual health insurance market that gives people more choices, not more mandates.

The middle-class jobs of today and in the future will require more education and skills than ever before. That is why one of the most important investments of our time and our resources that we can make—instead of wasting time on all of these distractions on changing the Senate rules to force through radical judges like the one being proposed here tonight—is in a quality and affordable education system that gives our people the unique skills they will need to succeed in a new global economy. To do that we need to take the power out of the hands of Washington, DC, and give it to the State and local school boards so they can undertake innovative reforms.

We need to pursue policies that expand access and interest in science, technology, engineering, and math because that is what the jobs of the future are going to be based on.

As mentioned a moment ago, we need to get the cost of college under control. I know. I graduated with over \$100,000 in student loans. We need to give working Americans trapped in low-paying jobs access to college or a career education that is affordable and flexible so it meets within their busy lives. If you are a working parent—particularly a single parent who is working—you can't just quit your job and move to the nearest college town to go to school for 4 years. We have to create programs. We have to reform our existing programs so they are accessible and affordable for people who are in this position. It will give a receptionist at a law firm the ability to become a paralegal. It will give a mail clerk at a medical office the ability to become an ultrasound technician. We have to meet this issue. There is an extraordinary need.

By the way, we have to give all of our students more access to career and vocational education. You can still make a good middle-class living as an airplane mechanic or as an electrician. Why have we stigmatized these? Why have we told children in this country that if they go into these fields, they are not successful? These are good, stable, and necessary middle-class jobs. You know what happens when a kid wants to work with their hands but they are not learning it in high school. They drop out. We have to address that—not just at the Federal level but across the country.

In addition to a good education, the American dream was built on a set of

fundamental values such as hard work, discipline, honesty, and self-control. Teaching these values is the responsibility of our families. Government can't impose these values, and, quite frankly, it can't teach them. Government policies should encourage and reward them.

I think we should empower parents by giving them the ability to send their kids to any school they choose. There is no reason why a parent should not be able to put their kids in the best possible educational setting just because they are poor. There is no reason why we should force people to send their kids to failing schools just because that happens to be the school right down the street. That is not fair. If you are rich, you can send your kids to any school you want. You know what. They do. Do you know who can't do that? The people who can't afford to pay for that. That is wrong, and we should change it.

We should strengthen our charities and our churches, which make an extraordinary contribution in helping the less fortunate and reinforcing values that are so important to success. We should reinforce them by making important changes to our Tax Code that will encourage and reward Americans for donating more.

We need to have safety net programs. The free enterprise system doesn't work without a solid safety net. It needs to be a safety net that helps people who cannot help themselves or to help people who have fallen to get back up and try again. We don't need a safety net that is a way of life.

We need to reform our existing safety net programs—welfare, unemployment insurance, disability, and Medicaid. They should all be reformed so that in addition to providing for those who are in need, these programs should also be promoting work and education and self-reliance.

Last but not least, I think the American dream means the ability to retire with stability and security. That is why having a financially healthy Social Security and Medicare system is so important. We can bicker around here all we want about how many votes it takes to get a judge in or who is obstructing what. Here is a fundamental fact: Social Security is going to run out of money in 20 years, which happens to be right around the time I will be getting close to being eligible for it. Medicare is going to run out of money in as few as 8 years.

The good news is that if we act and start to take steps to address that now, we can fix these programs, and we can fix them without disrupting the lives of people who are on those programs now—like my mother. I would never support any changes to these programs that would hurt people like my mother, who is on Social Security and Medicare. We can fix it, but to fix it, people like me—decades from retirement—are going to have to accept that while our Medicare and Social Security will be

the best in the world, it is going to be different than it was for our parents, but it is going to exist.

By the way, beyond this, we should do some other things. We should make it easier, through changes in our taxes, for people to work beyond their retirement years. We should expand access to tax-advantage savings accounts for those who don't have access to a 401(k). We should incentivize people to save for their retirement.

I think what has bothered me the most in the 3 years I have been here is the lack of urgency about any of this. People talk about it. They propose laws called good things that maybe they polled and it sounded good. But in terms of moving on any of these things I just talked about, there is not a lot of urgency about it. We need to have more urgency about it. We need to stop wasting time around here changing the rules of the Senate to get a couple more of the President's radical appointments to the bench confirmed and spend a little bit more time figuring this out.

For most of the history of the world, almost everyone who was born was poor, without power, and without wealth. That only belonged to a select few. For most of the history of the world, your future was determined by your past. If your parents were poor, you would be poor too. If a person was born without opportunities, so were their children. What makes our country special is that hasn't been true here. What makes America special is we are a people not united by a common race or a common ethnicity; we are a people united by a common value: The idea that everyone has the God-given right to achieve a better life without being held back by the government or by one's social standing.

Right now, I work here. Washington is broken. It was broken when I got here and it still is. It is a process that is unable to function. With all due respect, it is a process that is plagued with people—in both parties, by the way—who are more interested in being someone than in doing something. I am telling my colleagues that if we continue on this road we are on right now, if we continue on the road we have placed this country on, we are going to lose the things that make America special. That is what we should be focused on, because there is another direction we can take. If we can find the political courage to boldly and responsibly confront and solve the challenges before us, we can restore the American dream. Actually, we can expand it to reach more people than it ever has before.

Every generation of Americans before us has had to do this. Every generation before us has been asked to do something to keep America special. Each has been asked to make sacrifices and take bold steps to preserve what makes us exceptional, and now it is our turn.

I remember a few years ago, there was a moment that reminded me of

what is truly at stake here. I have shared this story many times. I was about to give a speech in a hotel ballroom. I think it was in New York City. There was a bartender there who had heard me speak before about my father, who was also a bartender, and he approached me with a gift. The gift he gave me was a name tag that said "Rubio, banquet bartender," a name tag the same as they give in hotels. At that moment, I was reminded of how this country literally changed my family's very life. Not so long ago, it was my father who stood behind a bar, just like the one that gentleman stood behind, in order to give me the chance to earn a better life, and America made that possible. It was never easy. Both of my parents worked well into their retirement years.

I remember when I was in high school, well past midnight, on many nights, I would hear my father's keys jingling at the door as he came home from another long day of work. When we are young, the meaning of moments such as that escapes us. But now, as I get older and my children get older, I think I understand that moment a little bit better. Like the man who gave me that name tag that night in New York, my father was coming back from more than just another day at work; he was coming back from a day of fighting, so that the doors that had closed for him would be open for me.

This is still one of the few places on Earth where a person can do that. That is what makes us special.

Before us is the question of whether this generation of leadership is up to the task of keeping this country that way. I don't personally have any doubt that we are up to the task. Despite our many differences, I believe our people are much more united than our politics would lead one to believe.

Every single one of us, every single American is the descendant of a go-getter, of an immigrant or of a slave or of someone who overcame extraordinary odds to stake their claim in this American dream. Every single one of us comes from someone who refused to accept the life they lived and always desired to have something better for themselves and for their families. Every single one of us is a descendant of someone who insisted that their future must always be better than their past.

This is who we are as a people. This is who we come from. I believe that is still who we are. All we need now are leaders that reflect that in their policies and in their priorities.

So I still have more faith in this country than perhaps the political coverage might lead us to have because we are free people, and we are always going to vigorously debate the best way forward. Sometimes, because of the nature of our Republic, it takes us a little longer to get it right, but we always have. I believe we will again. In the end, there is no such thing as the Republican dream or the Democrat

dream, there is only an American dream. Despite all the challenges this country faces and despite some of the skirmishes on the floor of the Senate—at times unnecessary, such as this debate with the judges and the rule change—despite all of that, I know for a fundamental fact that the American people are not willing or prepared to give up on this American dream.

That requires us to act. That requires us to stop wasting time around here and to focus on the issues. We have this golden opportunity to restore this American dream and to bring it within reach of more people than ever before. We have an opportunity before us to claim our heritage as a people who always leave behind a Nation better than the one that was left for them. We have a chance to usher in a new American century and to write the latest chapter in the story of the single greatest Nation that man has ever known. So I hope as we conclude these debates on issues such as this, we will somehow find a way to begin to work together on what really matters, on matters of importance, on what impacts Americans now and those yet to come.

That leads me to one final point. I see my colleague from Wisconsin is on the floor, as well as others who wish to speak. I will close with one more point, one more issue I think we are being distracted from because of the silliness of breaking the rules to change the rules so we can impose on the American people out-of-the-mainstream judges and cabinet appointments that are less than qualified, and that is the issue of American leadership in the world. Look around the world today. Look at the impact of uncertainty about our foreign policy and what effect it is having across the planet.

I am going to be honest and straightforward about this issue especially: This is an issue for both parties to reflect on for a moment. We all understand why we are wary—and we should be—of international engagement. We have gone through a decade of two conflicts in the Middle East. We turn on the television and we see people we have spent money and sacrificed lives on behalf of burning our flag and celebrating our tragedies, and we wonder, Why are we involved in the world. Why are we engaged in these places? But I hope everybody understands that in the absence of American leadership a vacuum is created, and that vacuum leads to chaos, and chaos ultimately impacts our national security and our economic well-being.

Take a brief tour around the world with me for a moment and my colleagues will see what I am talking about. Turn on the news and see what is happening in Ukraine where a country is being increasingly intimidated into going back into basically what looks like an effort to reconstitute the former Soviet Union, being torn between that and choosing modernization in the West with the European Union. There are people in the streets pro-

testing against that and riot police going in there to force them out.

Look at the Middle East, where Iran proceeds full speed ahead with weaponizing, towards creating a nuclear weapon and the impact that would have—and not just on arming the one country in the world that most uses terrorism as a tool of statecraft. We had testimony today from the administration. No country in the world uses terrorism more than Iran does, and they are going to get a nuclear weapon. It won't just be Iran getting a nuclear weapon. If Iran gets a weapon, so will Saudi Arabia and potentially Turkey. Look at what is happening in Asia. The Chinese have announced that a certain area belongs to them and their airspace, that others have to get permission from them and notify them before anyone flies through there. South Korea and Japan and others, they are starting to wonder whether America will live up to its commitments to provide for their defense and to assist them or maybe they need to strike out on their own and provide their own defense capabilities.

Look at the opportunities in the Western Hemisphere we have abandoned because we have taken our focus elsewhere. I could go on and on.

Are we a strong enough voice on behalf of religious liberties? Meanwhile, religious minorities around the world are being oppressed in unprecedented ways. In particular, Christians in the Middle East are facing persecution that is reminiscent of the early days of the church.

How about human rights? How about human trafficking and modern day slavery? All of these things require American leadership.

We can't solve every problem. Foreign aid isn't charity. It needs to further our national interests and the funds need to be accountably spent. But this is something we should be more focused on and we are not. Why? Because we continue to get involved in these sorts of skirmishes here and, in particular, undermining the ability of this body to function by changing the rules by breaking them.

So I hope this will serve as an opportunity to reevaluate all of this, because the challenges before our country are real and the consequences of not acting appropriately are dramatic. I hope we will take this seriously, because we still have time to get this right, but we do not have forever.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

Mr. WHITEHOUSE. Mr. President, this is the 52nd consecutive week we are in session that I have come to the floor to ask us to please, for Lord's sake, wake up to the damage carbon

pollution is already doing to our atmosphere, oceans, and climate, and to look ahead, to use our God-given sense, and to plan for what is so obviously coming.

In those weeks, I have spoken about all different aspects of carbon pollution, its effect on sports and our economy; its effect on oceans and coasts; its effect on agriculture and wildfires; its effect on storms and insurance costs. I have spoken about the measurements we can already make of the harm already happening: Sea level rise, which we measure with a yardstick, basically; ocean temperature, which we measure with a thermometer; and ocean acidification—the fastest in 50 million years, according to research published in “Nature Geoscience”—which we can measure with litmus tests.

I have, I hope, to anyone listening with their logic turned on, thoroughly rebutted the deniers' phony arguments against solving carbon pollution, whether those arguments purport to be based in science or religion or economics or our competitiveness.

I have listed the thoughtful and responsible groups—from the Joint Chiefs of Staff to the U.S. Conference of Catholic Bishops, from Walmart to NASA, from Ford and GM to Coke and Pepsi, from America's garden clubs to just last month our major sports leagues—who understand the truth about climate change and are saying so.

I have done my best to expose the calculated campaign of lies that we are up against and the vast scandalous apparatus of phony organizations and engineered messages that are designed to propagate those lies. I have traced the connections back to, of course, the big carbon polluters and their billionaire owners. I have been obliged to point out that the money of those big polluters and billionaires floods this Chamber, that their lobbyists prowl the outer halls, and that to a sad and disappointing degree this Congress is bought and paid for by that polluter influence.

One factor we have yet to consider is whether as an institution Congress has just become completely irresponsible. Maybe this Congress just cannot operate as an institution at an intelligent level. Some Congresses are going to be smarter and more responsible than others. That is just the natural order of variation. Some Congress is going to be the sorriest Congress ever. Maybe we are it.

Some organizations, like NASA, for instance, are very smart. That is why NASA is driving a rover around on the surface of Mars right now. That is a seriously smart organization.

Some organizations take ordinary people and call them to be their very best, to play at a level above their natural talents, to heed a higher calling than their selfish inclinations. At their best, our military and our churches tend to achieve that.

Some organizations, however, take even the most talented people and drag them down to the lowest common denominator, and stifle the best and bring out the worst in even those very talented people.

I ask people watching, which type of organization do you think Congress is right now? Which type do you think we are? As an organization, it is hard to say anything kinder of Congress than that it is now a really irresponsible organization. We could not even keep the U.S. Government running. Standard & Poor's estimated that our tea party shutdown foolishness cost Americans tens of billions of dollars for no gain—none. We cannot sort out the basics of building and maintaining our American infrastructure. Our own American Society of Civil Engineers gives our country a D-plus for infrastructure.

That is not complicated stuff. Yet we flub it like a football team that fumbles the ball at the snap.

Get a little more complicated and Congress seems to get even worse.

Let me show you just one health care chart. This chart I have in the Chamber shows the average life expectancy—in years—in a country compared to the cost per capita of health care in that country. Together, they make a pretty good proxy for how a country's health care system is doing. This group shown here on the chart represents most of the OECD member and partner countries—our industrialized international competitors.

This, shown here on the chart, is us—way out here, all alone, spending the most by far for results that are mediocre at best. We would save nearly \$1 trillion a year if we could just get our per capita cost down to what Norway and Switzerland spend. They are the next two most expensive countries on the planet, and we are \$1 trillion a year more laid out per capita. Think of what we could do as a nation, what we could build and invent with \$1 trillion a year if we were not wasting it on bad health care. And bad it is. We get worse results in longevity than virtually any modern economy.

Look who beats us: Japan, Great Britain, Switzerland, Netherlands, Norway. Germany does, Italy does, Greece does, Luxembourg does. They all beat us. Chile and the Czech Republic are the two countries we beat for longevity.

Look at the size of that problem—those lives lost, those trillions of dollars wasted—and then look at the quality of the health care discussion we are having in Congress, and tell me this is not a completely irresponsible organization.

That brings us to climate change. Yes, it is complicated, when you are trying to predict and model something as complex as what our climate is going to do in the years ahead. But it is also simple, when you look at the stuff that everyone agrees on, the stuff that you can measure, the stuff that you would have to be a nut or a crank or an eccentric to dispute.

Nobody responsible—nobody responsible—disputes the principle that adding carbon dioxide to the atmosphere raises the temperature of the Earth, and that it does so through the so-called greenhouse effect. A scientist named John Tyndall figured that out at the time of the American Civil War. I brought his musty old paper in here several speeches ago. Its old leather binding was flaking and peeling. When that report was first published, Abraham Lincoln had just been elected President. In all the years since then, this principle of science has always been confirmed and validated. It is not some questionable theory. The greenhouse effect is real. It would not just be wrong, it would be irresponsible to deny that.

Nobody responsible disputes that for over a century our modern economy has run on fossil fuels and that burning those fossil fuels has released gigatons of carbon dioxide into the atmosphere. The Global Carbon Project estimates that mankind has pumped about 2,000 gigatons of carbon dioxide into the atmosphere since 1870. That is a pretty solid estimate, and I have never even heard anyone dispute it.

So we know those two things: adding carbon dioxide to the atmosphere traps more heat; and we have released an estimated 2,000 gigatons—2,000 billion tons—of carbon dioxide into the atmosphere.

Let's go on from there. It is a known principle of science that a significant portion of that multigigaton carbon load is absorbed by the oceans, and that the chemical reaction when that absorption happens into the oceans makes the oceans more acidic. No responsible person disputes either proposition. It is not some theory. It is something that you can actually do and measure in a lab. Again, it would not just be wrong, it would be really irresponsible to deny that.

We also know that the oceans do more than absorb carbon. They absorb heat. Indeed, they have absorbed most of the excess heat trapped by greenhouse gases—over 90 percent of the heat between 1971 and 2010, according to the recent IPCC report. What happens when the oceans absorb heat? They expand. Thermal expansion is a basic physical property of liquids. It can also be shown in a very simple lab. It is not a theory. Again, it would be not just wrong but irresponsible to deny that too.

It would not just be wrong, it would be irresponsible to deny what those simple measurements and clear principles tell us. But we do. We do. We deny it. Congress will not wake up and address this problem. Like those monkeys: See no carbon, hear no carbon, speak no carbon.

Because we are so irresponsible, because we deny this reality, we are failing to take precautions and, as a result, many people will suffer.

For those of us who love this country and are proud of it, and are proud of

our government, and want this country and its government to be a beacon of hope and promise and rectitude, it hurts a little extra for the Congress to be such a failure. It hurts a little extra that we in our generation have driven Congress—the hub of our noble American experiment in democracy, the beating heart of this great Republic—down to that low level.

It is a harsh judgment that this body is an irresponsible failure. But on climate this Congress got it the old-fashioned way; it earned it.

I will close with a final observation. Compare the irresponsibility of this “see no carbon, hear no carbon, speak no carbon” Congress with the recent exhortation from Pope Francis. Here is what the Pope said. I will quote him at some length.

There are other weak and defenceless beings who are frequently at the mercy of economic interests or indiscriminate exploitation. I am speaking of creation as a whole. We human beings are not only the beneficiaries but also the stewards of other creatures. Thanks to our bodies, God has joined us so closely to the world around us that we can feel the desertification of the soil almost as a physical ailment, and the extinction of a species as a painful disfigurement. Let us not leave in our wake a swath of destruction and death which will affect our own lives and those of future generations.

The Pope continued:

Here I would make my own the touching and prophetic lament voiced some years ago by the bishops of the Philippines:

And he quotes them:

“An incredible variety of insects lived in the forest and were busy with all kinds of tasks. . . . Birds flew through the air, their bright plumes and varying calls adding color and song to the green of the forests. . . . God intended this land for us, his special creatures, but not so that we might destroy it and turn it into a wasteland. . . . After a single night's rain, look at the chocolate brown rivers in your locality and remember that they are carrying the life blood of the land into the sea. . . . How can fish swim in sewers like the . . . rivers which we have polluted? Who has turned the wonderworld of the seas into underwater cemeteries bereft of color and life?”

Small yet strong in the love of God, like Saint Francis of Assisi, all of us, as Christians, are called to watch over and protect the fragile world in which we live, and all its peoples.

What is our answer to the Pope, to this great Christian leader? In Congress, it is the monkey answer: Hear no carbon, see no carbon, speak no carbon.

We still have time to mitigate the worst effects of climate change.

We can actually do it in painless ways. We can even do it in advantageous ways, in ways that will boost our economy, but we have to do it. We have to wake up. We simply have to wake up.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, I rise to address the nomination of Cornelia Pillard to the DC Circuit. This nomination is a good example of the government overreach that has led to the ObamaCare debacle.

The good Senator from Rhode Island was talking about how much we spend on health care in this Nation. The very unfortunate fact is the Patient Protection and Affordable Care Act does not address that cost.

Let's face it. The Patient Protection and Affordable Care Act is about as Orwellian a name as you could possibly come up with for a piece of legislation. We are watching millions of Americans lose their health care coverage. Those patients are not being protected by the Patient Protection and Affordable Care Act. We certainly are not watching the cost of health care decline.

The Patient Protection and Affordable Care Act did not bend the cost curve down. It has dramatically increased or bent the cost curve up. Of course, anybody who even has the slightest knowledge of basic economics realizes that if you mandate expensive coverages on any insurance policy, the price is not going to go down, the price is going to go up. We are witnessing that.

We are certainly witnessing that in my home State of Wisconsin, where a young man aged 27, on average, is seeing his premium increase by 124 percent, going from a little over \$1,100 per year, to closer to \$2,500 per year. A young woman of that same age, 27, is seeing her premium increase by 78 percent, going from about \$1,400 per year to about \$2,500 per year. That is not bending the cost curve down.

That is not even talking about the added or the increased cost of their deductibles, the increases in their maximum out-of-pocket amounts they are going to be spending every year. So again the Patient Protection and Affordable Care Act does nothing that it promises. It is a disaster for our health care system. It is a disaster for our Federal budget. It is a disaster for people and their health and their lives.

I am on the floor of the Senate tonight, normally not down here at this time. Normally, I would be sitting at home doing a little bit of homework. So I guess what I would like to do is spend a few minutes doing what I would be doing at home, reading letters from constituents from Wisconsin.

When I introduced my piece of legislation, trying to protect as many Americans as possible from the damage of the health care law, trying to honor the promise President Obama and Members of this Chamber made repeatedly to the American public that if you liked your health care plan, you could keep it, I told a story about a couple in Wisconsin who contacted our office. Initially, this couple wanted to be identified. They wanted their story told. By the time I had gotten hold of them on the phone, to make sure they were actually getting some help in securing some health care, the husband had second thoughts. He watched his government. He watched the Internal Revenue Service being used as a political weapon. So he feared for his privacy. He feared for his economic security. So

he asked me: Please do not use my name. Tell my story, just don't use my name.

That is a pretty sad fact. That is something we need to ponder. It is something we need to address. But that couple, their story is pretty simple and pretty sad. His wife was suffering from stage IV lung cancer. He was recovering from prostate cancer. They were participating in the high-risk pool in the State of Wisconsin, a risk-sharing pool that worked.

It was expensive for them, but it was something they could afford. I knew it worked because in my 31 years of business, as I provided health care for the people who worked with me, every now and again, unfortunately, one of the people who worked for me would have a serious health condition. When we would go to renew our policy, frequently those individuals, if the condition was bad enough, would be lased out. They would lose coverage under our plan. But that was OK because the State of Wisconsin, very responsibly, made a provision for those individuals, the high-risk sharing pool.

So what would end up happening is because they were denied coverage, they automatically qualified for the high-risk pool. I, of course, would pay for that coverage in the same way we would pay for coverage through our own health plan. What I found over the years, because this happened a number of times, is the coverage was very comparable. It was not a Cadillac plan but solid insurance coverage. So similar coverage and very comparable price.

It was a plan that worked. It was a plan that covered those individuals with high risks. It was a plan that covered 22,000 Wisconsinites until this body, this Congress, passed the Patient Protection and Affordable Care Act, which I describe here as neither of those two things.

As a result of the passage of that bill, those high-risk pools are now obsolete. So this couple got the letter saying they would lose coverage as of January 1. Put yourself in the position of people suffering from cancer or recovering from it. You have a lot of worries in life. You do not need the additional worry of losing your health care plan. But that is what this couple faced, as millions of Americans are facing the exact same worry, the exact same harm, the exact same damage. It is unconscionable.

They obviously went onto healthcare.gov, almost 40 times when I talked to them. They were never able to successfully log onto it at that point in time. So we helped this couple get in touch with the insurance carriers that would be operating within the exchange. They started getting quotes. They quickly learned their premiums were going to double. Their out-of-pocket maximums were also going to come close to doubling as well. So the Patient Protection and Affordable Care Act did not protect these two individuals, and it certainly did not offer them affordable care.

As I went through letters from our constituents, we did make a few phone calls, knowing I was going to come down here, and asked if anybody would want to be identified. A few brave souls agreed to be identified. I will read their names as I read their letters. The first Wisconsinite, Michael Wagner, writes:

I am self-employed and have a family of four. The President said we could keep our plan if we liked it and our doctors. Not true. We are being pushed off our plan for the exchange. He said the average family of four would save an average of \$2,500. Not true. I think he just makes numbers up. My equivalent policy on the exchange will cost \$7,500 more per year. That is almost a 100 percent increase.

He said we can keep our doctors. Not true. Our current company and PPO network is not offered on the exchange. The list goes on and on. The bottom line is that this needs to be stopped. If it is not, the American people will stand up and the landscape of Senators will be unrecognizable after the next midterm election. Thank you for your time, and I hope you have the gall to stand up for your constituents.

Mr. Wagner, I definitely have the gall to stand up for my constituents. The reason I ran for the Senate was not because I wanted to be a Senator. The primary reason I ran for the Senate was to be the vote to repeal this monstrosity, to be the vote to protect Americans from the damage I full well knew this law would inflict on millions of our fellow citizens.

The next constituent who wrote to me, Darren Schauf, wrote:

We are a small manufacturer in Sparta, Wisconsin, who has been in operation since the mid 1960s. We currently employ 24 people and are a family-owned business, fabricating large fiberglass statues and water slides that are shipped all over the U.S. and Canada. We have been providing our employees health insurance for 15 years, paying for 100 percent of the premium.

Pretty responsible employer. Those are the types of businesspeople I know. Those are the types of businesspeople who are very concerned about the people who work with them. Those are the types of businesspeople who this President demonizes in his class warfare. Let me go on:

We have experienced the increases in health care cost over the years and weathered them fine. I received our renewal this week for next year. Because of the Affordable Care Act, our premium went from \$3,887.77 per month to \$7,103 per month. How does this happen? What definition of "affordable" is being used to describe this effect? We will not be able to pay 100 percent of our employee's premium at this rate. How can we get a plan that is at least close to the cost that we were paying last year?

Mr. Schauf, I know how you can get a plan close to what you were buying last year. If this body would take up my bill, If You Like Your Health Plan, You Can Keep It Act, that is a true grandfather clause that actually would honor that promise for millions of Americans. We cannot save the policies that have already been lost. We cannot repair all the damage already done by this health care law. But we can still help millions of Americans if we act, if we are responsible, if we care.

The next two constituents to write me are Brad and Dawn Nielsen. They write:

My wife and I just received a notice that our monthly health care insurance cost will increase by 184 percent, increase by \$1,330 per month starting in January 2015, and you need to understand how cheated we feel with this and what you have done.

I am assuming he is referring to President Obama and Democratic Senators and Democratic Members of the House who voted for this monstrosity. Again, I ran to be the vote to repeal this law.

We are both retired and have been paying our health care insurance for the past 3 years. We have what would be considered a good policy that falls in line with what would be considered a gold package as it relates to the ACA guidelines. We will be able to keep this policy with our insurance carrier through 2014 with a 7½ percent increase in the monthly premium that is to cover the new—

He puts in quotes—

“the Affordable Care Act” cost. Although we were not happy about the increase, we were told by our carrier that the monthly premiums will increase to \$2,054.51 per month starting January 2015. This is not right. You as our representative need to understand what you have allowed to happen to us as well as others.

Again, Mr. and Mrs. Nielsen, I wish—I wish we would have prevented this.

I wish the Members of this body would hear your plea and do something to protect you, as the bill claims to do, to repair the damage.

We have worked hard, made sacrifices to be able to retire, saved through our company's retirement plan, invested when we could and even put both our kids through college. Now to be forced to pay an outrageous amount for something we have had for the last 3 years isn't right. This increase is a game changer for us and will dramatically affect our standard of living moving forward.

It is important that you understand what is happening and the need to change this unfair law.

I hope the President, I hope Members are listening.

The next constituent, Jeff Cubinski, writes:

I am sending you this email about the 2014 ACA. I just received my letter from Humana stating my insurance is going to increase nearly 300% from \$550/month to \$1559/month. I cannot afford this—how is this Affordable Care? I have carried insurance all my life being self-employed—what is this plan trying to put the self-employed out of business???? I want to keep my plan the way it is—why are we being forced to change to a plan that has benefits we DON'T need?? Please help us citizens that have been carrying health care. Please make Government for the people by the people again!

I wish to quickly answer that question. Why is this individual being forced to change to a plan that has benefits that he doesn't need? It is because there are people in Washington, in this alternate universe, who believe they are so smart, so clever, they know what is best for every American. They are so compassionate. They are trying to help.

They are not helping much. This law is not helping much. It is doing real harm.

President Obama and Senate, Members of the House, please listen to these constituent letters. Have a change of heart. Work with us to limit the damage before it gets greater.

Those were the individuals we contacted who were willing to be identified. The rest of the individuals were either not contacted in time or decided, as the couple, that they had seen their government be used as a weapon against other citizens and decided to remain anonymous.

The next Wisconsinite writes:

I am writing you to inform you that as of January 1st 2014 my family of six and I will no longer have health care. This will be the first time in my life or the life of my children that we will be in this position. The reason for this is the Affordable Health Care Act, laughable name. On that day my premiums through work will go from \$250/month to well over \$1000/month. In looking through the Market place, my family's premium would also be well in excess of \$1000/month.

We are a typical middle class family, my wife and I both work full time, our combined income is in the \$75,000 range. We are home owners with a mortgage, we drive 8 to 9 year old cars, our children go to public schools, we do not live an extravagant life style.

I have been struggling to figure what to cut to be able to afford this new health care system the government stuck us in. No matter what we cut it will not add up to \$1000. The other option is to put our house on the market and try to find something else outside of Madison. That is not what we want to do. Our kids are in high school, one with special needs and we feel that would be unfair to them.

So do I.

Continuing:

Mr Johnson please explain to me how on earth is this affordable and fair.

I can't. It is not affordable; it is not fair; it is utterly unfair. It is utterly unnecessary, but it is a fact. It is one I hope everyone who supported this bill can live with. I hope it is a fact that everyone who voted in support for this bill thinks about and is held fully accountable.

Continuing:

I find this Affordable Care Act to be divisive, unfair and an unjust tax on the middle class.

I will not vote for anyone that supported this Act or continues to support this Act given the effect that it is having on my family. Sir, I am begging for your help. Please find a way to help my family and the rest of the Americans like us.

Did we hear that, an American citizen begging for help from the harm that the Affordable Care Act, the Patient Protection and Affordable Care Act, inflicted on his family. He is begging this Congress, this chamber, this President, for help. Please hear him.

Another constituent writes:

I'm feeling very upset and stressed over the new health care laws. I feel they are unfair and hurting working families. Our household income has shrunk and our health care cost is going up over \$300 a month. According to healthcare.gov if insurance costs more than 9.5% of gross income it is considered unaffordable. When a single person applies only his/her income is taken into consideration. When a family applies total household income is used to figure out af-

fordability of single-only coverage. Single only coverage for myself is about 8% of our family income; single only coverage for my husband is about the same. That means 16% of our income would be used for insurance (throughout employers) just for us. 16% of our income would be gone and our 4 children would be uninsured. Family coverage costs 12% of our family income still higher than 9.5%. Where is our tax credit? We don't qualify for tax credits because we have “affordable insurance through our employers.” If total household income is used why isn't family coverage affordability taken into consideration. Last year my family made about \$55,000 (174% of the poverty level.) Next year we will make less due to reduced hours. Money is already tight, this new law will make things very uncomfortable for my family. I am turning to my representatives for help. Please help families in the same situation to the best of your ability; we need your help! This law is hurting us; be our voice.

Another Wisconsinite writes:

I just called Physician's Plus to find out about the status of our Health Insurance policy. Our policy will not be renewed due to the Affordable Care Act.

It seems these constituents decided to drop the patient protection because he obviously wasn't feeling particularly protected.

Continuing:

My husband and I are freelancers in the video production field. My husband works so hard to support and take care of me and our two children. We are not rich, by any means, just taking care of business. We have paid 100% of our premiums for 15 years. We have bought coverage that makes sense for our family at different times. Currently, we pay \$513.60/month with a \$3000 deductible. When I called Physician's Plus yesterday, the person there said that my plan cannot be renewed. He said the new premium for a comparable plan will be \$1743.00!!!

Again, that compares to \$513 and it will be \$1,743.

Continuing:

We cannot afford this in any way. I guess we are the collateral damage?

I have tried to get on the ACA to find out our options. I refuse to give them personal information so I can only go by the Kaiser Foundation estimate. There is only one plan that will keep our Pediatrician and it looks like we will be looking at a \$12,000 deductible with close to a \$1000/month premium. We are on the high end, so get a very minimal subsidy. We do not want to get any help from the government, we want to be independent, but the government is forcing their hand on us!

Again, we live in the land of the free, the home of the brave, and yet these brave Wisconsinites are being forced. They are being coerced. This is the antithesis of freedom of choice.

Continuing:

Please understand we want people to have health care, but why are they destroying us in the process? I am in the process of scrambling to find a job that provides insurance. I was offered a Educational Assistant job that has been changed to 29 hours, no health insurance.

I wonder what caused that change in employment.

Continuing:

Most opportunities I am finding have recently dropped insurance coverage has a benefit.

We are scared about the future.

This is what the Affordable Care Act has done. That is what the patient protection and Affordable Care Act has done to Americans, to Wisconsinites. It has made them fearful. They are afraid, they are scared for their futures. Good job, Congress. Good job, President Obama. My, aren't we a compassionate lot. Didn't we do a fine job. Aren't we smart.

The next Wisconsinite writes:

I'm extremely unhappy with the so called "Affordable Care Act." Unfortunately, for my middle class family, the new law is creating un-affordable health insurance. I am a 35 year old project management consultant and my wife and I have 2 children. We currently purchase health insurance on the individual market and are very happy with our coverage. We currently pay \$352 per month to cover our family of 4. The plan offers a copay of \$35 when going to the doctor, and has a \$7,500 deductible for our family.

I have begun researching what our health insurance premiums will cost going forward under ObamaCare and I am outraged with what I've found. The cheapest policy I can find is \$761.71—

Let me refer back to the fact that they are paying \$352, so that is more than a 100-percent increase.

Continuing:

—\$761.71 per month for a Bronze plan and a \$12,600 deductible!

Again, that compares to the \$7,500 deductible under the plan that they are "happy with."

This is 116 percent more than what we currently pay, with a higher deductible. If I look at a comparable plan to what we have now, the new cost will be around \$900 per month, which is a 156 percent increase. Also, our income is slightly above the threshold to get any subsidies.

The new regulations in ObamaCare will not benefit our family, but they will more than double our cost. We need to repeal this terrible law and replace it with simple, market based incentives. Health insurance should be more like car insurance. You don't submit a claim to get your oil changed in your car. Same goes for health care. We should pay out of pocket for routine health care using a transparent price structure that allows consumers to shop for the care they want. Then have a cheap insurance policy for major illness coverage. Republicans need to communicate this alternative, and make it simple for people to understand.

I could not agree with this individual more. He continues:

I realize repeal and replace is not possible until after the 2016 elections, but I appreciate and support wholeheartedly your new "If You Like Your Health Plan, You Can Keep It Act." For the millions of people out there like me, we should be able to keep our current plan indefinitely. Hold the President to his promise and pass this law to grandfather in all existing policies.

Let me just stop a minute and talk a little about the bill I did introduce—If You Like Your Health Plan, You Can Keep It Act. It is a pretty simple act. I encourage my colleagues to cosponsor it and pass it as soon as possible. I wrote it a certain way. I wrote it using the exact same grandfather language that was in ObamaCare. The problem with the grandfather language within the Patient Protection and Affordable Care Act is that, yes, it grandfathered

plans, as long as you totally changed them. We took the grandfather language and we just pulled out the you just have to totally change your plan. We made it a true grandfather provision: the same language, the true intent, the honest intent.

So I urge my Democratic colleagues to support that bill. Again, let me emphasize we cannot at this late hour, unfortunately, salvage most of these plans that have already been lost to the individuals whose emails I am reading from tonight. But there are millions of Americans who will lose their coverage in the future.

Let me tell you how it is going to happen. I bought health care for the people who worked for me for 31 years in my business. I always was going to do that. There was no way I was ever going to subject the people who worked with me to the financial ruin of not having a health care plan.

That being said, as the previous writer was saying, I didn't pay for their auto insurance, I didn't pay for their homeowners or property insurance. I always kind of wondered: Why am I having to make these very personal decisions for the people who work with me? Why am I having to decide on their levels of deductible and having to decide is it a PPO or an HMO? I know the reason why. It was government interference in the marketplace back in the 1940s, with wage price controls.

Unions very naturally said: You can't raise our wages, give us some other benefit tax free, and that began the destruction of our health care system in terms of patient involvement, in terms of a competitive marketplace. Back then, 68 cents of every health care dollar was actually paid by the patient. There was free-market competition to ensure cost restraint, to ensure high-quality and high levels of customer service. That is what the free market does. Today, only 12 cents of every \$1 is paid by the patient.

But getting back to the millions who are going to be losing their employer-sponsored care, most employers care deeply about the people who work with them. They also would not expose the people who work with them to financial risk. But under the Patient Protection and Affordable Care Act, the decision is totally different now. Now an employer is going to be facing double-digit premium increases when these plans they were able to quickly renew before January 1 come due in 2014.

If the exchanges, as they should have been from day one, start operating properly, employers are going to be faced with a decision: Should I pay \$15,000 per family for family coverage? By the way, that is up \$2,500 per year, not down \$2,500 per year as President Obama promised us. Do I pay \$15,000 per family coverage and try to comply with the 20,000-plus pages of law and rules and regulation or do I pay the \$2,000 or \$3,000 fine, and I am not putting my employees at financial risk? I am potentially making them eligible for subsidies in the exchange.

That is the decision employers are going to be facing. Here is the kicker. Even those who are saying: I am not going to do that; I am going to keep providing that coverage, just wait until the first competitor drops coverage and pays the \$2,000 fine rather than a \$15,000 fine. Marketplace competition is brutal. It is not fun. It is why businesses that succeed should be celebrated, not demonized. But that is a decision to be made by millions of employers. As a result, tens of millions of additional Americans will lose the health care coverage they get through their employers using pretax dollars and get forced into the exchanges.

Maybe some will get subsidies paid for by the American taxpayer—actually, paid for by a debt burden placed on the backs of our children and grandchildren because we can't afford the Affordable Care Act. That is what is going to happen. That is what this Chamber, this Congress, this President needs to consider.

That is why I am asking my colleagues in the Senate to join with me to pass the If You Like Your Health Plan, You Can Keep It Act—so we can protect millions of Americans, so we can honor that promise that was made repeatedly by this President and Members of this Chamber who voted for and supported this bill. Accept responsibility, be held accountable, act responsibly, and join me in that effort to protect Americans.

Another Wisconsinite writes:

Please allow me to introduce myself and my family. We are an average, middle class Wisconsin family that is having a really bad year. My husband was diagnosed with cancer in May, I lost my job and our family health insurance in June. Because of preexisting conditions, our only insurance option was the high insurance risk sharing pool.

Again, that is the plan in Wisconsin I certainly found worked for real Americans. It worked. It will now be obsolete because of the health care law.

This individual continues:

For our family of three (myself, husband and college student daughter) our monthly premiums are \$783 per month, with a \$7,500 individual deductible. With the high insurance risk sharing pool ending December 31, 2013, I am searching for insurance, as I have yet to find employment. I have tried over 20 times to get on the affordable health care Web site with no luck. I have been able to set up a log in and user name, and have entered some information, which is never saved when I have to log out due to a "please wait" message that never goes away. I am working with an insurance agent to secure quotes outside of the government Web site, as I am sure we are way too middle class to be afforded any type of subsidy. Although I am unable to determine this through the defective Web site. Our cheapest quote is \$1,580 per month—

Again, that compares to \$783 per month. Again, basically a 100-percent increase.

—with a \$12,500 deductible.

Her previous deductible was \$7,500.

Therefore, the Affordable Care Act would cost my family over \$9,500 more per year in premiums and our total deductibles to meet

will increase to \$37,500 from \$22,500 for the family. The total effect is \$24,500 additionally in 2014. Are we seriously supposed to be able to absorb this into our budget? What does our family do in this situation? We simply cannot afford \$1,580 per month for insurance or \$24,500 per year. What are our options? My husband will undergo chemotherapy and has a surgery scheduled for 2014. I am feverishly—

Do you hear that word—“feverishly”—looking for employment with health insurance coverage. I am sure we are not the only family adversely affected by the law. Please provide answers for all of us. I look forward to hearing from you.

Again, my plea is to please provide true protection. Please provide security. Please accept the responsibility of what this law, what your support for this law did and is doing to millions of Wisconsinites, to millions of Americans. It is simply immoral what this law is doing to people, to their lives.

It is not going to be pretty what this law is going to do to our health care system. It will lower quality and it will produce rationing because the only way the government can afford to provide all of this access is actually by limiting access. Of course, we are already seeing a very limited number of doctors who are actually accepting these contracts from the networks that are provided in the exchange, primarily because of all of the mandated coverages that are dramatically increasing the price of health care, as I have demonstrated this evening in these emails and these letters we are receiving from real people, from people who are suffering because of the Patient Protection and Affordable Care Act.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to speak on the topic of the nomination of Cornelia Pillard to the DC Circuit.

Before I go to that specific topic, I wish to address a broader topic, which is how we got in these circumstances in the first place and why we are here tonight, why we are having this discussion, and how this nuclear option, as it has been described, has come about.

Most immediately was November 21, 2013, just a few weeks ago, when the majority party in the Senate unilaterally decided to break the rules of the Senate, violate the rules and rewrite the rules themselves. Despite the fact the rules clearly say it takes a two-thirds majority of the Senate to do that, they decided to disregard that and change the rules themselves. So they did that on November 21, 2013.

What they specifically did, the specific rule change they imposed unilaterally on the Senate, was to completely eliminate the opportunity for the minority party to have any ability to be a check or a balance to the process of selecting and confirming the nominees of a given President to the judiciary of the United States of America, the Federal judiciary, or to the executive branch.

It is a little bit sweeping, but that is exactly what has been done. This is contrary to the entire history of the Republic, where this has never been done before, and it applies to lifetime appointees. Of course, Federal judges, as we all know, once they are confirmed, they hold that office until they decide they are done—at whatever age that might be. It is a lifetime appointment. Unless they commit an impeachable offense, there is nothing anybody can do about it.

One of the things that is interesting about this decision by our Democratic colleagues is they decided to eliminate the rights the minority party has had in the Senate for centuries. They decided to do that despite the fact that 20 of them warned vehemently against engaging in this very activity just a few years ago. As a matter of fact, none other than the Senate majority leader who personally led this effort, Senator REID, said in 2009:

The right to extend the debate is never more important than when one party controls the Congress and the White House. In these cases, a filibuster serves as a check on power and preserves our limited government.

In 2009 the senior Senator from New York said:

The checks and balances which have been at the core of this Republic will be evaporated by the nuclear option. The checks and balances say that if you get 51 percent of the vote, you don't get your way 100 percent of the time.

That is what our friends, the leadership of the majority party, the Democratic party, said very recently.

So you have to ask yourself, why would they do a complete reversal? Why would they do a 180-degree switch? Why would they go from a position of absolute vehement opposition to the nuclear option that denies the minority party any say whatsoever in the confirmation of Federal nominees—why would they go from that to where they were just a couple weeks ago when they executed their plan and unilaterally broke the rules so they could change the rules to inflict that very policy on the current minority party, the Republican Party?

We can look at what the majority leader said at the time. One of the things he said on November 21, 2013, the day on which the majority leader made this change:

There has been unbelievable, unprecedented obstruction. For the first time in the history of our Republic, Republicans have routinely used the filibuster to prevent President Obama from appointing his executive team or confirming judges.

That is what Senator REID has asserted as his justification for this unilateral, unprecedented deprivation of minority party rights. In fact, just this evening Senator REID was back on the Senate floor, and he used the word “obstructionism” about a dozen times. So I think it is worth considering what has actually happened. What does the record show? Let's go back to March 2011 because that is an interesting moment in this discussion about how and

whether and when and under what circumstances to confirm nominees.

In March 2011, Republicans decided that, you know what, it probably would be a good idea for the President—President Obama at this time, obviously—to be able to get a very large number of nominees appointed and confirmed without even having to go through the Senate process. The legislation is called the Presidential Appointment Efficiency and Streamlining Act of 2011. Under this act, thousands of appointees from the executive branch were simply no longer subject to Senate confirmation.

So what Republicans did in March 2011—far from obstructing anything—was to say: Mr. President, here is a huge category of Federal nominees, and we won't even require a vote. We won't even require Senate consideration. You get these, all of them. You nominate them, they are done, period.

Does that sound like obstruction? Not to me. It was passed by a Republican-controlled House, supported by Republicans in the Senate, and signed into law.

So today the law of the land, as a result of Republican cooperation, is that this President enjoys a luxury no previous President has had—this huge category of nominees who are solely, exclusively at his discretion. It doesn't matter if a single Senator or every Senator strongly objects. It doesn't matter. It is totally irrelevant.

So I think we ought to consider that legislation in the context of this discussion. But let's take a look at those nominees who remain subject to and who prior to this legislation have been subject to Senate confirmation.

One category is Federal judges. We have many district courts around the country. So far, the President has nominated 174 candidates to Federal district courts around the country. Of the 174 the President has nominated, I wonder if you could guess how many have been confirmed. I will tell you how many have been confirmed—174. There have been 174 confirmed and zero rejected. At the circuit court level, prior to the recent episode, the President had nominated 41 candidates to the circuit court. Of the 41, 39 had been confirmed. So the total of judicial nominees President Obama has sent to us in the Senate is 217, and 215 have been confirmed and 2 have been objected to. By my math, that is something like 1 percent objected to, 99 percent confirmed. This doesn't strike me as unreasonable obstruction.

But judges aren't the whole story. There are also the nonjudicial nominees, and we ought to consider those as well. So far, at least as of when we compiled this data, the President has nominated 1,488 individuals to various Federal spots throughout the executive branch—the agencies, his departments, and so on. Of the 1,488, 1,486 have been confirmed and 2 have been blocked by Republicans. That would include 100 percent of the President's Cabinet

nominees and 100 percent of virtually every other category but not every last one. If we add those together, the total of the President's nominees, both judicial and nonjudicial, 1,707 confirmed, 4 rejected. So that works out to something like the Senate has confirmed with Republican support—because prior to the rule change, it couldn't happen without Republican support—the Senate has confirmed 99.9 percent of President Obama's nominees to judgeships and to nonjudgeships. You have to ask yourself, could that possibly constitute outrageous obstruction, unprecedented obstruction, as Senator REID has said, preventing President Obama from appointing his executive team or confirming judges? How can this possibly be?

The majority leader came down to the Senate floor on the date on which he decided to unilaterally change the rules by breaking the rules and he cited as an example the outrageous case of Chuck Hagel, who had served in this body. Chuck Hagel. Whatever became of Chuck Hagel? Oh, that is right, he was confirmed to be Secretary of Defense, as has virtually every single other nominee the President has proposed.

The leader seemed to think it was completely unreasonable that Republican Senators would demand some information from former-Senator Hagel along the way. It seems to me the fact that he is a former Senator should not change his obligation to provide the information the Senate requests, and when he provided that information, he was confirmed easily.

So it seems pretty clear to me, it seems pretty indisputable that this really never was about obstructionism. A 99.9-percent confirmation rate? It just can't be about obstruction. It is clearly not.

So we have to ask ourselves, if it is not the case that Republicans have been obstructing the President's team—and it is clearly not—then why did the majority in this body decide to unilaterally change the rules and deny the minority the opportunity to have any say whatsoever on the confirmation process? Fortunately, some of our colleagues on the other side have explained this for us. They have told us why they made this change. But let me put it in a little bit of context.

We are in a situation here where we have a divided government. It is true that the American people elected President Obama to a second term, and elections have consequences. But on the very same day, the American people reelected Republicans to be the majority party in the House. And all elections have consequences, not just Presidential elections.

So the reality is that the very liberal agenda President Obama would like to pursue is very difficult. He can't get most of the liberal things he wants to do, whether it is some kind of cap and trade or card check or his war on coal. This is well outside of the mainstream

of where the American public is, and it is not where the consensus is in the House of Representatives. So his legislative agenda isn't going anywhere in the House. The administration understands that very well, the President understands that very well, and so do the members of the majority party here in the Senate.

What do you do if you have an agenda that is out of step with the American people and can't pass in a duly-elected House of Representatives? Well, some people think the thing to do is do an end run around the legislative body, bypass the legislation, and use an undemocratic—I would argue unconstitutional—process and have unelected, unaccountable bureaucrats impose by fiat and through regulation that which you cannot achieve through legislation.

Of course, that is completely inconsistent with our Constitution, with the way our Federal Government is intended to operate, and with the principle of the separation of powers. It would require pursuing an agenda that is out of step with the American people and without the consent of Congress, which, of course, is supposed to be a partner with any executive branch, with any President in pursuing any agenda.

Of course, our Founders foresaw the danger of an Executive who would try this sort of thing and would do an end run around the legislature and try to use the enormous power at the disposal of the Executive, who has massive staff and huge agencies and all kinds of resources, and understood that it is quite possible that you could have an Executive who would try, for instance, selective enforcement of laws, maybe unilateral suspension of laws, as we have seen this administration do, writing rules and regulations that are inconsistent with the laws. These are all behaviors we could anticipate.

Our Founders did. They did. They anticipated this could happen. So what they did is they built a system that would have some checks and balances, that would provide some limitations. Among the other ways they did it—there were many ways this was done, but one of them was the separation of powers and specifically the creation of a judiciary which would be a referee on whether, for instance, a given agency, a given regulator, was in fact complying with the laws or whether they had gone rogue, whether they had gone overboard, whether they were overreaching, whether they were pursuing some agenda for which they did not have authority.

These courts play an absolutely vital and I would say completely indispensable role in giving individual Americans their last hope in seeking to preserve their liberty against an unfair, arbitrary, and even unconstitutional executive overreach. That is what the courts do.

As it happens, there is one particular court that plays a disproportionate role in this process of adjudicating and

officiating over Federal regulations. It just so happens that by virtue of its location, a big majority of cases in which an American citizen challenges a regulation because that citizen believes this is a regulation that is unfair, unconstitutional, illegal or otherwise not consistent with our laws—the venue where this ends up finally getting adjudicated is very often the DC Circuit Court of Appeals.

This has become a bit of a problem for the administration and some of our friends in the Senate because the DC Circuit Court of Appeals has become a bit of an obstacle to some of the ambitions they would like to impose. One example, for instance, is last year the DC Circuit Court of Appeals struck down for the second time in 4 years the EPA's regulations on cross-State air pollution. This is a complicated story. We do not have to get into all the details but, bottom line, these are regulations that would among other things have a devastating impact on States such as Pennsylvania that have a big coal industry and that have a big utility industry that uses coal to fire generators. The court found that the EPA had gone beyond its legal authority. The statute clearly says what the EPA may do and may not do. They were going beyond what they are permitted to do and the DC Circuit Court of Appeals said so.

That is not the only case in which the DC Circuit Court of Appeals has ruled in ways that are problematic to some of our friends here. Another was a decision they made regarding recess appointments. You may remember this. A while back, the President made a very extraordinary decision. The President decided for the first time in the history of the Republic that it was up to him to determine when the Senate was in recess and when it was not; that was his unilateral decision to make. No other President ever took it upon himself to decide it was his power to determine when a different branch of government was in recess, but this President did. He said that is his decision. So I guess by his logic he could decide when we are out on lunch, that is a recess; out on the weekend, that is a recess; that is up to him by his standard. So he created an opportunity for himself to make appointments that he knew would not be confirmed in the Senate or were unlikely to be confirmed.

There was bipartisan, in some cases, concern about some of these folks. He went ahead and made the appointments. The DC Circuit Court of Appeals said actually, no, the Constitution is pretty clear. You do not have that authority.

These are just a couple of examples where a nonpartisan, completely competent, and very highly respected appellate court made decisions about Executive behavior. This has not sat so well with some of our colleagues.

Why do I bring this all up? Because this is what this is truly all about. This

is not about Republican obstructionism. What this is about is our Democratic friends want to pursue a very liberal agenda. They cannot do it through legislation so they intend to do it through regulation. As they overreach and go beyond the legal authority, which they have already done and intend to continue to do, the victims, American citizens who are victims of this overreach, are going to challenge these rules and regulations in court. When they do, they are going to end up in the DC Circuit Court of Appeals.

Some of our friends want to do whatever it takes to make sure they can win those decisions. Those are not just my words. The senior Senator from New York complained about the DC Circuit. He was on record claiming the DC Circuit "overturned the EPA's ability to regulate existing coal plants."

OK. He further went on to say, "The SEC cannot pass rulings unless they do what is called a cost-benefit analysis." That was another complaint the senior Senator from New York made about the DC Circuit.

So he told a group of supporters that in order to reverse this, Democrats will "fill up the DC Circuit one way or another."

I think this is about as clear as it could be. There are people who do not like the decisions coming out of the court and so their intention is to pack the court with people who share their political views and will therefore sustain decisions about the advancement of their liberal agenda.

But it was not only the senior Senator from New York who made these comments. The majority leader himself explained this as well. Referring to the DC Circuit Court he said:

They're the ones that said . . . the president can't have recess appointments. . . . They've done a lot of bad things, so we're focusing a very intently on the D.C. Circuit. We need at least one more. There's three vacancies, we need at least one more and that will switch the majority.

Could there be a more direct, straightforward statement about what their real intent is? Their intent is to pack the court with partisan people who will give them the decisions they need so they can advance the agenda they want when it is blocked through the ordinary legal and constitutional legislative process. That is what is going on here. That is why we are here tonight. That is what is taking place.

When Republicans decided that we do not think it is a good idea to manipulate courts this way, to populate them with partisans, to try court stacking for the purpose of advancing an agenda, that is when our Democratic friends decided to go nuclear. The pity of this is our Founders had enormous foresight. They were absolutely brilliant. They constructed an incredible document, a series of documents that have guided this Republic for centuries now. They anticipated a lot. I do not think they anticipated that the leader of the majority party in the Senate would

just turn it over to the control of the executive branch and make this institution just a rubberstamp for what the President wants to do. But that is where we are.

What is the practical consequence of all this? Why is it that this is such a terrible idea? Let me touch on a few of the reasons. There are a lot of reasons I think this is a disastrous policy, but let me touch on a few of them. One result of this is undoubtedly a further polarization, in fact a radicalization of the Federal Government.

The second is that as a direct result of this unilateral decision and the ability now of our Democratic friends to simply steamroll nominees through without any consideration by the minority party, we will have to expect fluctuations, volatility in administrative and regulatory rulings.

Then last and probably most disturbingly, I think there is a real danger that a justice system that has been the envy of the world and is recognized for its impartial and nonpartisan integrity may very well be increasingly viewed as a partisan and biased one.

Let me explain this a little bit, the idea that we have a more radicalized Federal Government. For 200 years, a President has always known that in order to nominate and to get confirmed one of his nominees he would need broad support in the Senate. It would not fly if he selected someone who was only appealing to a few or even a very small majority. So what does this do? That forces any President, whether it is a Republican or a Democrat, to nominate people who would have that broader bipartisan appeal. Frankly, Presidents of both parties are always under pressure from their respective bases to pick the most extreme people. That is what pleases the base of either party. It has always served the Republic well that a President can say I have to get that person confirmed through the Senate and if I pick the most extreme people that is going to be a problem. The fact that a President has needed that bipartisan support has essentially required that a President look for people who represent a broad consensus across America.

In this postnuclear Senate, that moderating influence is gone. There is no such influence anymore, and I think it is a safe bet that we can expect more extreme nominees. We have already seen some evidence of it. The Hill ran a story recently. It reported that now that the nuclear option has been detonated, far left interest groups are "pressing President Obama to select left-wing nominees for key regulatory and judicial posts, nominees who could never have been confirmable before." That is no surprise. That is exactly the kind of consequence we should expect.

The second consideration is stability in rules and regulations that are promulgated by the various regulators and agencies. I hear every day across Pennsylvania one of the grave concerns of business that is hampering our ability

to have a stronger economy, to have the kind of growth we would like to have, is uncertainty about regulations.

It is true and it is important. Guess what. It is likely to get worse because, first of all, this huge administrative, bureaucratic State that we have devolved into recently touches on virtually every aspect of our life and there are hundreds of agencies, boards, and commissions that the administration controls. What is likely to happen now is that if the White House and control of the Senate changes parties, we are likely to see big swings in the ideology and the partisanship of these folks because they were not consensus candidates in the first place, right. Given that now we have a situation where a majority party just steamrolls their way through whomever they want and has every incentive to go to the extremes, when they lose an election what are we going to have? We are going to have the exact opposite swing. So for businesses trying to make a decision about whether to invest in America to grow their company, to hire more workers, they are going to worry and wonder: What will the regulatory regime look like in just a few years, depending on how the election goes? It is much less predictability, less stability, and the direct result of that is going to be less investment and fewer jobs. This is not good news for our economy at all.

Finally, my concern is that for similar reasons we are going to see a diminishing of the judiciary, of the status of the judiciary among the American people, of the credibility, of the respect the American people have had.

A moment ago I said I think one of the great strengths of the American Federal Government throughout our history has been, generally speaking, that—and there have been exceptions, and there will always be some exceptions—by and large at all levels the American people have had a pretty high respect for the judiciary. They respect the fact that our judges are capable and competent and tend not to be partisan hacks. They tend not to be polarizing political figures who are trying to advance an agenda. They have tended to be men and women of ability and integrity who were calling balls and strikes the way they see fit. They realize they are the umps and referees; they are not the players on the field. They are not there to advance an agenda; they are there to officiate based on the law and the Constitution. That has been the case.

The reason our judiciary has been so respected is because it is nonpartisan. It is independent of the other branches of government, and it has behaved that way. The American people have the confidence that they can go before a Federal judge and receive a fair and unbiased hearing whether the judge is a Democrat, Republican, liberal, or conservative. The fact is that most Americans don't worry and say: Wait a minute. Is that judge a Republican? It

doesn't occur to most people to ask that question, nor should it because it doesn't matter in most cases.

This respect for the judiciary that the American people have is extremely important. In Federalist 78, Alexander Hamilton talked about the importance of this deep respect for the judiciary. He said:

The judiciary is beyond comparison the weakest of the three departments of power.

Whereas the executive branch has the military and Congress has the power of the purse, the judiciary cannot enforce its own decisions. It relies on Americans' respect for it and willingness to enforce its rulings as essential.

The fact is that the deep respect the American people have had for the judiciary has allowed our courts, including the Supreme Court of the United States, to issue decisions that have profoundly affected our lives, profoundly changed our society, and so many times so much for the better. A famous example would be *Brown v. the Board of Education*, which reversed the separate-but-equal doctrine. It ended the southern government laws that banned White and Black persons from associating with each other. This created a certain upheaval at the time, but it stuck, and part of the reason it stuck was because the public saw that this was a decision by a nonpartisan court that was acting as an arbiter of our Constitution. The respect the American people had for our courts was a big part of why a contentious decision quickly became accepted and became part of our fabric.

Alexander Hamilton explained that the judiciary's integrity and independence are absolutely critical; otherwise, Americans' "confidence" in the courts will be replaced by what he described as "universal distrust and distress." He said:

The benefits of the integrity and moderation of the judiciary . . . must have commanded the esteem and applause of all the virtuous and disinterested.

Considerate men of every description ought to prize whatever will tend to beget or fortify that temper in the courts: as no man can be sure that he may not be to-morrow the victim of a spirit of injustice, by which he may be a gainer to-day.

The inevitable tendency of such a spirit is to sap the foundations of public and private confidence, and to introduce in its stead universal distrust and distress.

When a President, with the cooperation of a legislature, rubberstamps judicial nominees for the purpose of ratifying a political agenda—when this happens, the American people's trust in the judiciary will be badly damaged, and we are at the threshold of that moment now. Of course, it also completely undermines our whole system of separation of powers. The fact is that when judges are seen as being at the beck and call of a legislature, a President, or a party, our individual liberty is simply not secure.

Again, to quote Hamilton:

The general liberty of the people can never be endangered from [the courts] . . . so long

as the judiciary remains truly distinct from both the legislature and the Executive.

He goes on to say:

Liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments.

When you have one party ruling and completely controlling this process—and controlling it for the purpose of advancing a partisan agenda—that strikes me as exactly the danger Hamilton warned us of.

So where does that leave us in this regard? I don't think we are doomed, but I do think it is very important that the American people rise and make their objection to this clearly heard. It is important that the American people contact their Members of Congress. They need to exercise their ultimate control of this process at the ballot box and urge the Senate majority to give up its plan to use the courts to achieve a legislative agenda that they cannot get through a duly-elected Congress that represents the American people.

By the way, there is another big incentive for our friends to want to pack this DC Circuit Court, and that is because the front-burner and most prominent policy and political issue of the day is largely going to be litigated right there very soon. The DC Circuit is going to hear a very important case that goes to heart of ObamaCare. The DC Circuit is hearing a case about how the IRS has chosen to implement some rules. The law is very clear. The law unambiguously states that the subsidies ObamaCare has designed for many people who buy health insurance through their exchange—those subsidies will only be available through the State exchanges.

As the Presiding Officer knows, ObamaCare contemplates two different categories of exchanges through which people are forced to buy the mandated insurance. There are State exchanges, and in those States that don't operate an exchange, there are Federal exchanges. Well, the law says that the subsidies are available only for the people who purchase their health insurance through the State exchanges. What the administration is attempting to do is to completely disregard the law and make the subsidies available to people who buy through either the State exchange or the Federal exchange. That is not what the law says. I understand that this administration routinely disregards the law, but that is why we have an independent judiciary—to impose a check when they do this.

There is a legal scholar by the name of Mike Garvin who is following this case closely. He has explained what is going on. He said:

Congress knew that the federal government cannot require the states to establish or operate Exchanges, so it offered subsidized insurance premiums for residents of states with State-operated exchanges to entice states to undertake this responsibility. Instead, fully 33 states—from Texas to Ohio to President Obama's and Vice President

Biden's home states of Illinois and Delaware—have said "thanks, but no thanks." Instead, these states have chosen to shield their businesses and residents from the worst of the potential "train wreck."

That creates a bit of a problem for the administration because with so many States choosing not to participate in this disaster and having only a Federal exchange, if they actually comply with the law they signed, then there would be a lot of people who would not be eligible for the subsidy. If the DC Circuit Court of Appeals were to simply follow and impose the law, then that would create a huge problem, which strikes me as yet another incentive for why perhaps we have gone through what we have gone through over the last couple of weeks—because it is so important for our friends on the other side to get the decisions they want out of this court.

All of this brings me to what we really ought to be working on. By the way, all of these nominees who are before us and tying us up this week are all entirely at the choosing of the majority leader. None of these are essential, none of these are urgent, and none of these are emergencies. We could be passing legislation, such as our Defense authorization legislation. We have a budget deal that could be on the floor. We have a farm bill that is overdue. We have a lot of things we could be doing. We could be trying to deal with the enormous problems caused by ObamaCare, but we are not. We are dealing with nominees instead.

I think we ought to focus on the problems that ObamaCare is causing, and I will admit that sometimes it is hard to know where to begin because these problems are so huge. I will start with the taxes ObamaCare has been imposing on us and continues to impose on us. It is a pretty extraordinary list. As best we could tabulate, there are something like 20 different taxes that were created as part of ObamaCare. There is over \$1 trillion worth of taxes to burden this economy and diminish our opportunities to grow and invest and create the jobs we need at a time when our economy is weak and needs an opportunity to recover. Instead, we saddle it with all of these taxes.

For instance, we have an excise tax on charitable hospitals.

We have a tax in the form of the codification of the economic substance doctrine. It is a tax hike of \$4.5 billion that allows the IRS to completely disallow legal tax deductions.

We have the black liquor tax hike, which is a tax increase on a type of biofuel.

We have a tax on innovator drug companies.

We have a \$2.3 billion annual tax on the industry. We have a Blue Cross Blue Shield tax hike, which is a special tax deduction in current law that would only be allowed if 85 percent or more of the premiums are spent on clinical services. That is a tax increase which went into effect in 2010.

We have a tax on indoor tanning services.

We have taxes that took effect in 2011. There is the medicine cabinet tax. Americans are no longer able to use health savings accounts or flexible savings accounts or health reimbursement pretax dollars to purchase nonprescription over-the-counter medicine. So the inability to use these taxpayer accounts for legitimate medical needs is a tax increase.

We have the HSA withdrawal tax hike.

Going into effect in 2012, we have the employer reporting of insurance on W-2.

In 2013 we have a surtax on investment income. We have a whole new 3.8-percent surtax on investment incomes, and this can only have the effect of diminishing investment in our economy. It diminishes the return on investment, diminishes the incentive to take a risk and start a new business, provide capital to a new business, grow a business, which is all due to ObamaCare.

We have the hike in the Medicare payroll tax.

One of the most egregious of them all—we have the tax on medical device manufacturers. This one is particularly egregious because it is so badly designed on top of being ill-conceived. This is a 2.3-percent tax on the sale of medical devices. Irrespective of whether a company has any income whatsoever or makes any money from this, we are imposing a tax on the sale of these products. The average medical device company has a profit margin of less than 5 percent. A 2.3-percent tax is about half of all their income that now goes to a new sales tax. By the way, they still have to pay income taxes, all the ordinary income taxes.

This is absolutely devastating, because what these companies are then forced to do is, if virtually the entire bottom line goes for taxes, they don't have the money to reinvest in their business. The medical device industry is one of the best industries we have in this country. It is so dynamic. It is so creative.

I wish my colleagues would come with me to parts of Pennsylvania where this industry is just thriving—or was thriving but not so much anymore. It was thriving because of the creativity, the innovation, the devices, and inventions that people are making, improving the quality of life and extending life. It is amazing, the marriage of technology and creative minds and experts in health care, what they are creating.

But, unfortunately, for a lot of these products, it takes a long time before they are actually profitable for the company that sells them, long after they have begun sales. This tax imposes the burden before they have ever become profitable. What is the effect of that? It is that it makes this whole industry less appealing to invest in, less attractive to entrepreneurs, to investors. Whether it is venture capital or

private equity or wherever the source might be, less is going to medical devices, an industry that is saving lives and improving the quality of lives. It is a big manufacturing industry. Most of these companies manufacture their products in the United States and many in Pennsylvania. We sell a lot of them overseas. We have a big trade surplus in medical devices because we lead the world.

What does ObamaCare do? It slaps a new tax on the sales. It is a terrible policy.

We have a high medical bills tax. Currently, those people who face high medical bills are allowed a deduction for medical expenses to the extent that those expenses exceed 7.5 percent of adjusted gross income. The new provision, which took effect just earlier this year, raises that threshold before a person can take that deduction. That is just a complicated, convoluted tax increase on people who have high medical bills.

There is the flexible spending account cap. There is the elimination of the tax deduction for employer-provided retirement drug coverage in coordination with Medicare Part D. There is the individual mandate excise tax. There is the employer mandate tax. There is the tax on health insurers. There is an excise tax on comprehensive health insurance plans.

There are 20 different taxes, the combined effect of which is, without a doubt, to significantly weaken our economy.

But that is not the only way ObamaCare weakens our economy. The mandate ObamaCare imposes on employers kicks in on employers who have 50 or more employees. I have spoken with a number of Pennsylvania employers who have 45 or 47 or 48 employees. They are not subject to the hugely expensive mandates of ObamaCare, and do my colleagues know what they tell me? They are not going to be subject to it. They will go to great lengths to avoid hiring the fiftieth employee. They will hire temps. They will pursue automation. They will do all kinds of things they wouldn't otherwise do because this government makes it too expensive for them to hire a fiftieth employee. At a time when our workforce participation rate is at a record low because so many people have given up even trying to find work, ObamaCare makes it too expensive for employers to hire new workers.

It has a similar effect on hours worked, because this 50-employee count applies to anybody who works 30 hours or more, so one of the ways a business can avoid these crippling costs is to cut back on the number of hours for their workers. That doesn't work out so well for somebody who needs those hours to pay their bills to support their family. It is happening all across the country.

Another aspect that is really outrageous is this mandate in ObamaCare

that employers must—regardless of whether the employees want it or not—provide contraceptive and abortifacient coverage. One of the problems with this is that these services run completely contrary to deeply held religious views for a lot of people, faith-based institutions, and others. So the administration decided they will offer an accommodation for faith-based institutions. The accommodation they offer is pure sophistry. What they offered was to say you won't have to—you, the faith-based institution—you won't have to actually pay for those services which you find objectionable based on your faith. You won't have to pay for them, but you have to buy an insurance plan that has them and the insurance company will just have to give you that for free.

This is the most ridiculous thing in the world. Private companies aren't in the business of offering their services for free. If there is an aspect of it that they supposedly have to give away, then they will pass on the costs for the services they provide. Nobody is fooled by this. This is yet another of the details of ObamaCare.

But, really, some of the biggest problems I have saved for the end, and that is the series of broken promises that ObamaCare constitutes. One of the most glaring is this promise we have all heard. I don't know how many times we have heard it, but we all have. We heard the President and so many of our Democratic colleagues who support this bill say: If you like your health plan, you can keep your health plan. Let's be very clear. Everybody who supported this bill who is familiar with it—and that would certainly include the President of the United States and my friends here—they knew from the beginning that was not possible. They knew that because the legislation was designed to prevent many people from keeping their health insurance. It was written for that purpose, in part, because they had to. The whole point, or a big part of the point of ObamaCare was to establish standards that the government determined were appropriate, regardless of whether an individual American thinks that a given plan is adequate or not or suitable for herself or her family. It was up to the government to make this decision, not the individual, and they would establish criteria, and if your plan didn't meet the criteria, your plan was going to be canceled. That is in the legislation. That is codified. It always was. It is at the heart of this legislation.

So for anybody to go around the country saying, If you like your health plan, you can keep your health plan, they were knowingly stating something that was completely untrue, was always untrue, and was necessarily untrue. The examples abound.

I have emails from constituents. I have too many. I won't have a chance to run through them all this evening. I may have to come back on another occasion. But I will share a few with my

colleagues. This is from a small business owner from Lancaster County, PA. I got this just—I think I got this earlier today. I will just quote from this email from my constituent, addressed to me. It says:

As my Congressional representative, you need to know how ObamaCare is harming my life and health care.

I work for a small construction company. My cost for family health care was already over \$11,000 per year. We received notification that our policy was being canceled since it did not comply with the requirements of the Affordable Care Act.

Our company looked for the best rates they could find for comparable coverage which did comply. They chose a new insurance company. We just recently were given the costs for next year. My costs to cover myself and my family will be over \$17,500, a 59-percent increase. Even with that, the deductibles and out-of-pocket maximums are higher. This is not "Affordable Care". This would eat up a major part of my income.

I attempted to log onto the healthcare.gov website several times, but always get kicked out. I do not hold much hope that I will get any better rates, because I don't qualify for a credit.

We were already struggling to live on my take home pay. We cannot afford to have it reduced by over \$6,500.00. We may have to drop coverage for my wife or kids, and pay the penalty.

I suspect that this law will result in many more people losing more health care, at the expense of a few getting free or reduced cost healthcare.

I got this just a week ago from a man from Cumberland County, PA. He said:

My wife Barb and I have been trying for almost three weeks now to get signed up. . . . all income and health info and private information is on the unsecured web site and the application is accepted . . . but we have not been able to get on to pick the plan or get our price . . . so nobody has been paid. Thus our canceled insurance ends on Dec. 31st and we look to be out.

A BIG mistake by the folks who voted for this . . . I've had cancer a couple times, my wife has had cancer and we both see our doctors when needed. This ACA will ruin many families if we can't get onto an insurance plan.

A woman from Lebanon County, PA, sent me this email a week ago. She said:

We had our healthcare discontinued, and after an appeal we were able to get it reinstated, but only for this year. Currently we have a health care savings plan with a deductible of \$3,000 a year. . . . In the new plan, our deductible would increase to \$12,000 . . . and our premiums would increase to \$9,000 a year. How is a middle class married family supposed to pay for that?

This is absolutely ridiculous, and this is our situation. I hope every government worker has to purchase their plan through this plan.

Here is another. A man from Delaware County in southeastern Pennsylvania:

I am 66 and I am on Medicare. My wife is 63. Her insurance company canceled her "longstanding" policy due to the requirements of the ACA. Her "new" policy costs \$350 more per month. We are on a strict budget. . . . We are the hard working middle class. Who stands for us?

There was another promise we frequently heard, and that promise we fre-

quently heard was that if you like your doctor, you will be able to keep your doctor. This too was known to be impossible. Since the law was designed to discontinue health insurance plans and force people on to alternative plans, not all plans cover the same doctors. Certainly, some were going to lose their coverage. Let me give an example of an email I got from Westmoreland County just last week. She writes:

I have been self-employed for 13 years and have never been without health insurance. 3 years ago I was diagnosed with multiple sclerosis. Having an expensive preexisting condition was not a problem for me as I had never let my insurance lapse. My medications cost (without insurance) \$4,000+ per month. I received notice several weeks ago that they would now cancel my plan and would do so as of Jan 1, and I had to sign up for new coverage through the health insurance exchange.

My staff reached out to this woman and tried to help and, after several attempts, she was able to access the exchange. Do my colleagues know what she learned? She learned that in her region there were two options available to her. One covers her doctors who have been treating her for her MS for years. The other covers her prescription drugs. Neither one covers both.

These are the kinds of decisions people are being forced to make all over America. They are the kinds of decisions people are being forced to make every day. It is the direct result of the loss of personal freedom that this legislation imposes on people, and this is the topic that we ought to be addressing in this body so we can pursue the only solution, which is to repeal this bill and move health care in a completely different direction.

I believe my time has expired, so I will yield the floor.

**THE PRESIDING OFFICER.** The Senator from New York.

FALLEN FIREFIGHTERS ASSISTANCE TAX  
CLARIFICATION ACT

**Mr. SCHUMER.** Mr. President, I rise to speak about a particular incident that occurred in Webster, NY, a beautiful town near the City of Rochester.

On Christmas Eve, 2012, nearly 1 year ago today, the 125-member West Webster Volunteer Firemen's Association—a volunteer fire department east of Rochester, NY—faced an unimaginable tragedy when four of their brave members were wounded, two fatally, when they responded to a fire but instead faced an ambush of unspeakable proportions.

While many families across our Nation were waking up last Christmas Eve morning to finish preparing Christmas dinner, shopping, wrapping presents, picking up the family from the airport, four Webster families were instead fronting a heart-wrenching tragedy.

The call of a house on fire came into the West Webster Fire Department at 5:30 a.m. on December 24, and although it was a cold snowy morning, still dark before the Sun rose, everyday heroes from the West Webster Fire Depart-

ment courageously did what they volunteered to do on behalf of their neighbors and on behalf of their hometowns. They, similar to millions of brave volunteer firefighters throughout our country and throughout its history, left their homes and their families in safety to put out a fire that always creates danger.

This routine call turned into a tragedy which shocked the community, people throughout the country, and even people throughout the world.

Firefighter Joseph Hofstetter, a 14-year volunteer for West Webster Fire Department, arrived first on the scene. Firefighter Theodore Scardino arrived soon after with LT Mike Chiapperini in a pumper truck, followed by 19-year-old firefighter Tomasz Kaczowka driving the department's SUV.

What they did not know was that the fire was intentionally set by the home's owner in order to lure these innocent firefighters into a senseless sniper ambush. The sniper was hiding behind a berm amid the chaos of the fire and began shooting at the responding firefighters.

The firefighters were confused at first to hear popping sounds and thought it might be from the fire but LT Mike Chiapperini, who was also a Webster police officer, knew better and shouted to his fellow volunteers to take cover, but unfortunately it was too late.

Firefighter Hofstetter was shot in the pelvis while trying to alert dispatchers on the radio to the situation.

Ted Scardino was shot in the shoulder, and 5 minutes later he was shot again in the leg. The 16-year volunteer lay there while bleeding for over an hour, enduring the December cold while sustaining second-degree burns on his head as the fire now spread to consume six other neighboring homes.

Lieutenant Chiapperini and Firefighter Kaczowka both died in the ambush.

As news of this horrific, senseless Christmas Eve tragedy spread, well-meaning people from across the Rochester and Finger Lakes area, across New York State, across the Nation and the world reached out to the West Webster Volunteer Firemen's Association to offer support and prayers.

Thousands of incredibly generous people flooded the department with countless financial contributions to support the volunteer department, to support the four firefighters—and in the case of Lieutenant Chiapperini and Firefighter Kaczowka, to support the families they had left behind.

Not realizing that collecting and distributing the funds to the families would jeopardize the association's tax-exempt status with the IRS, the association accepted donations from generous people all around the Nation wanting to help the four families who suffered the most on that day.

They collected these donations for the victims, for their families, and they want to give these donations to