

We have recovered more than \$4 billion so far, and the law will keep cracking down on those who are taking advantage of the vulnerable. As small businesses in Nevada and across the country have discovered, we are cutting taxes for businesses that give their employees health care.

These consequences of the health reform law—I have mentioned only a few of them: save lives, save money, and save Medicare as we promised—are just the tip of the iceberg. As more parts of the law go into effect, it will do even more good; even more lives and more money will be saved. It is important to remember this context when we talk about the opinion handed down yesterday in Florida.

Two Federal judges have ruled in favor of the law, two have ruled against it. Lawsuits and lawmakers' efforts to repeal this bill are nothing more than attempts to raise taxes on small businesses, add more than \$1.5 trillion to the deficit, force seniors to pay more for their prescriptions, and let insurance companies once again stand in the way of a child and the medical care he or she needs.

Health care reform is complex, but this debate is very simple. We put patients in control of their health care. Repeal would be insurance companies back in charge. We cannot afford it, not with our wallets and certainly not with our lives and health.

Let me spend just a minute on jobs. The health reform bill is about jobs. I was visiting with someone from George Washington University, the medical department. As I walked in, she said: You know, because of the health care bill, we are going to hire 500 new physicians. I went back and told my staff, and they said: Oh, no, that couldn't be true. I had my staff go back and check with the woman who told me that, and it is true. That is just one facility.

Also about jobs, we need to look to the future. Democrats are working to create jobs and strengthen the middle class, and we are starting today with the first jobs bill of this Congress. This bill, which will modernize Americans' air travel, creates and protects more than 280,000 jobs. We are improving the infrastructure and reducing costly passenger delays. We are going to have a passengers' bill of rights. This is the kind of commonsense solution that creates jobs while making our economy more efficient and America more competitive. This is a bipartisan bill. We need to stop refigting yesterday's fights and start strengthening our future. We are ready to work, to get the American people back to work, and I am hopeful and confident our Republican colleagues will join us in starting with this jobs bill on the floor today.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REPEAL

Mr. MCCONNELL. Mr. President, it is no secret that most Americans opposed the health care bill that Democrats jammed through Congress last March. It is also no secret that Democrats would like to move past it. But the fact is, the more Americans learn about this bill the less they like it, and the more urgent it becomes for those who pledged to repeal and replace it to follow through.

Opposition to the bill continues to build. And when two Federal courts in a row rule that this bill is unconstitutional and we learn every day of some other way it is not only making health care worse but also hurting jobs and the economy, it is no wonder more Americans support repeal than oppose it, and that the percentage of those who say they support full repeal is higher now than ever. Americans are outraged that the promises they were made about this bill have turned out to be empty. And court rulings like the one out of Florida yesterday only add to the urgency of scrapping this bill and starting over.

Leave aside for a moment all the broken promises. The first requirement of this law or any law is that it at least be constitutional. This bill fails to meet that basic test.

And, as yesterday's ruling concluded, it can't be fixed.

This entire bill hinges on its core requirement that every citizen purchase health insurance. If that is unconstitutional, and two Federal courts now say it is, then the whole thing needs to be scrapped.

But of course we knew that already, based on all the other chaos this bill has wrought.

Let's review.

The President said as recently as last week that this law would slow rising health care costs—that it would bend the cost-curve down. Yet just 2 days later, his own actuary at the Centers for Medicare and Medicaid Services said that Federal health spending would rise by hundreds of billions of dollars over the next 10 years as a result of this bill.

The President said again and again that Americans would be able to keep the plans they had. Yet since the bill's passage, business after business has announced that it would rather pay a fine to the government than cover the health insurance costs of employees that would grow under the new mandates and regulations, and millions of seniors are now expected to lose access to the Medicare Advantage plans they know and like.

As recently as last week, the President said: "This Law Will Lower Premiums." Yet since its passage we continually hear the opposite: insurers across the country are raising premiums to cover the cost of all the new mandates they will have to comply with. One insurer in California recently stunned policyholders by announcing it would be increasing rates by as much

as 59 percent for tens of thousands of customers starting next month. Hikes are also expected in Iowa, Vermont, and Connecticut. In Washington State, one father of five was recently told his \$532 monthly premium could nearly triple next year. He said that when he heard the news he just sat back and said: "You've got to be kidding me."

It is a good way to sum up how many Americans have felt about this bill all along.

And that is to say nothing of the effect this bill has had on the economy and jobs. Despite the empty promises we have heard from politicians about this bill being a job-creator, we continue to hear just the opposite from the businesses themselves. Job creators are telling us that all of the bill's new mandates and fees are stifling businesses and making it even harder for them to start hiring again.

The National Federation of Independent Business says that if this bill stays intact it will "stifle the ability [of businesses] to hire, grow and invest. . . ." "Simply put," the NFIB said in a recent letter, "Congress must repeal [this bill] immediately." To take just one example, Abbott Laboratories said last week it plans to cut nearly 2,000 jobs in response to changes in the health care industry, including this bill.

As I said, yesterday's ruling out of Florida, only adds to the urgency of repeal. As if it weren't enough that this bill increases health care costs, increases insurance premiums, and is leading people to lose coverage they already have and like, it is also unconstitutional—something many opponents of the bill, including me, have been arguing all along. The state can no more compel Americans to buy health insurance under the Constitution than it can compel them to buy vitamins, even if it concluded they would be good for our health. While Congress may have the power to regulate commercial activity, no court in our nation's history has ever interpreted that to mean that Congress can regulate commercial inactivity as well, which is precisely what the health care bill would do.

Most Americans have opposed this bill from the start because they were skeptical of all the claims that were being made about what it would do. The process that was used to jam it through made it even less popular. But the reality has been even worse than people feared. It violates the Constitution—which is reason enough to repeal it—it is driving up premiums, increasing costs, and driving people off the plans they have. And Americans are just as outraged by the special waivers the administration is giving out to select groups as it was by the special deals. The special deals are reminiscent of the deals it gave out to lawmakers who agreed to vote for it. In other words, the implementation of this bill is no better than the process used to pass it.

At this point, it would be a dereliction of duty if Republicans didn't fight

for repeal. We made a promise to our constituents that we would vote to repeal this bill on their behalf and that is just what we intend to do.

The importance of a repeal vote becomes more evident every day. Americans view it as an important decision point—a marker that shows we are serious about a return to limited government. On that point, it should be clear where Republicans stand. Every one of us voted against the bill. Every one of us voted for repeal after that. And this week, every Republican reaffirmed his or her commitment to doing it again.

Democrats made a lot of promises about this bill. Virtually every one has proved to be empty. Republicans have made one promise: that we would work to repeal it and replace it with common-sense reforms that lower costs, protect job creation and that people actually want. It is a promise we will keep.

AFGHANISTAN VISIT

Mr. McCONNELL. Mr. President, we have entered our tenth year of fighting in Afghanistan, and we can never express our gratitude enough to the heroic men and women of our Armed Forces who continue the battle there. Many of them—nearly one-fifth of all U.S. forces in that country—are from units based in Kentucky: Fort Campbell, Fort Knox, the Kentucky National Guard, the Marine Corps and the Reserves.

I recently led a Congressional delegation to the region and spent some time in Afghanistan to see up close the progress our forces are making there in clearing out the Taliban and creating the opportunity for Afghan security forces to assume greater responsibility. During my visit, I had the honor of meeting many of the servicemembers from Kentucky. I told them that we are proud of them, we support them, we thank them for their service, and we pray for their safe return.

Forces in Afghanistan from Kentucky units number more than 18,000 strong. They have seen much military success—but in the process, many have made the ultimate sacrifice for their country.

The 101st Airborne Division, based out of Fort Campbell and known as the Screaming Eagles, endured a particularly hard year, losing more than 100 soldiers since last March. In fact, nearly one out of five American lives lost in Afghanistan in the past year has been lost from the 101st. The men and women who stood beside them honor their sacrifice by continuing the fight.

After a long deployment, many of the soldiers from the 101st are due to return home over the next few months, just as their brothers-in-arms from Fort Knox are deploying. About 3,500 soldiers from the 3rd Brigade Combat Team, 1st Infantry Division and the 703rd Explosive Ordnance Disposal Detachment will arrive in Afghanistan in the next few weeks or are already

there. It is the biggest deployment from Fort Knox since World War II.

Hundreds of servicemembers from the Kentucky Air and Army National Guard are performing critical missions in Afghanistan as well. The 123rd Airlift Wing, the 2123rd Transportation Company, the 20th Special Forces Group and a Kentucky Guard Agricultural Development Team have all recently sent men and women to the fight, some who have served as many as six tours.

It was my honor to meet some of these brave warriors in person this month when I visited the headquarters of the 101st Airborne Division at Bagram Air Base in Afghanistan and also during my stop at Camp Leatherneck in the southern part of that country, the outpost for a number of Kentucky Marines.

These extraordinary men and women leave their loved ones thousands of miles behind and put on their country's uniform every day, with their lives in the balance. They have seen their friends and fellow soldiers and Marines make the ultimate sacrifice, and yet they fight on to accomplish a difficult mission. And they continue to make their country, the Commonwealth of Kentucky, and this Senator very proud.

When we honor our servicemembers, we also honor their families, who endure the long months with a loved one gone and in harm's way. This country would not have the finest fighting force in the world without their sacrifice and support as well.

It is brave servicemembers like the ones I got to meet who keep this country free. When both the Senate and the House of Representatives met in joint session recently to hear the President deliver his State of the Union address, we did so under the cloak of freedom that these heroes provide. America is grateful for their service and their sacrifice.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee.

(The remarks of Mr. CORKER and Mrs. MCCASKILL pertaining to the introduction of S. 245 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, my remarks may take a little longer than 10 minutes, so I ask unanimous consent that I may deliver my remarks in full.

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

Mr. HATCH. Thank you, Mr. President.

AFFORDABLE CARE ACT

Mr. HATCH. Mr. President, we have come a long way in 1 year.

On December 24, 2009—1 day before Christmas—this body passed a radical overhaul of our Nation's health care system. That is right. The majority passed ObamaCare on Christmas Eve.

It was not this body's finest moment. It was not the administration's finest moment. And I expect that this debate will go down in history for its persistent lack of attention to the considered views of ordinary Americans—Americans who rejected ObamaCare's giant new entitlement expansions and the job-killing taxes haphazardly cobbled together to pay for them.

It did not have to be this way. In the midst of the greatest fiscal collapse since the Great Depression, Americans wanted Democrats, who controlled all of the levers of power in Washington, to focus on job creation. Instead, like teenagers set loose when mom and dad leave town, they did what they wanted to, and focused on a government takeover of the Nation's health care system.

Surprising only the most ideologically driven, support for ObamaCare cratered during the townhall meetings of August 2009. The message was loud and clear. Our health care system, and in particular the government policies that contribute to unsustainable inflation in the health care sector, might be in need of reform. But the solution to our problems is not additional government regulation and control of health care delivery by Washington bureaucrats. And the solution is most definitely not to be found in the billions of dollars in new taxes, most of which will be passed through to American families in the form of higher premiums.

For those who did not deliberately put on blinders, the wishes of their constituents were obvious.

Stop the push for ObamaCare and move onto fixing the economy.

But the Senate did not listen.

Instead, prodded ahead by an administration that saw the great liberal dream of government-run health care slipping, the long march continued.

First, the Democratic majority cut short the Finance Committee's bipartisan negotiations.

Then, heads down, the majority plowed forward on the floor, allowing virtually no meaningful amendments.

And before going home for Christmas, it passed the most sweeping reform of the Nation's economy in over 70 years without a single Republican vote.

Every Democratic senator supported the bill.

Not one Republican did.

When ObamaCare passed the Senate, its proponents assumed it was on the