

by George Washington and his troops, which swore allegiance to a country that was not even formed yet—an allegiance that would have caused him to be executed if we had lost the American Revolution. So there was a lot at stake when our country was founded, and so much of it was about liberty and about an ability to resist a king or an imperial leader.

George Washington himself imposed his own character upon the American character by his modesty and restraint, by his decision to step down as general of the American army. He could have been general for the rest of his life. He made the decision to step down as President of the United States after two terms. He could have been President for the rest of his life. But at the beginning of our country, liberty, to many people, meant avoiding an executive that was too strong, that didn't have proper checks and balances. And our Founders put into our Constitution checks and balances with the court and with the legislature.

Of course, as we like to point out, article 1 is about the Congress, about the legislature. And as I said earlier, perhaps the best known function the Senate has is the ability to advise and consent. The President may nominate, but those important people—men and women—may not take their offices until they have been confirmed by the Senate.

This administration, I am sorry to say, has not respected those checks and balances, as I had hoped it would. I would suggest maybe a retreat to Mount Vernon for President Obama and the White House staff. The Obama administration has appointed more czars than the Romanovs. We have always had some czars, such as the drug czars, but they have three dozen—three dozen who aren't subject to the usual restrictions that we have through the appropriations process.

The most blatant example of the imperial Presidency are the recess appointments at a time when the Senate, according to this court, was not in recess, in order to put into those positions men and women with whom the Senate would not agree. If the President could do what the President did on January 4, 2012, on a regular basis, we might take a recess break for lunch and come back and find we have a new Supreme Court Justice.

I am here to suggest the right thing to do would be to respect the tradition of checks and balances that is built into our Constitution. It is at work here, because the President took an action, we didn't like it, and the third branch of government has made a decision the President was wrong. The way to go forward is for the two remaining members of the National Labor Relations Board who were appointed unconstitutionally to resign their position and for the President to nominate as rapidly as he can men or women to fill the remaining vacancies on the board. And to the extent the committee on

which I am the ranking Republican, which oversees labor matters, has anything to do with that, I will pledge speedy consideration of those nominees.

Let's get the National Labor Relations Board back in business. But it cannot be open for business today. It cannot be properly open for business today. Those two members should resign their positions and recognize the court has said we still have in America a Constitution that provides checks and balances. So take down the sign that says: Open for business, and put up the sign that says: Help wanted. Nominations accepted.

Mr. President, I commend my colleagues to read my floor remarks of February 2, 2012, about recess appointments, which I made following the President's so-called recess appointments and following my visit to Mount Vernon.

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

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

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 152

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that no points of order be in order to the Lee amendment or H.R. 152, prior to a vote on passage of the bill.

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

HEALTH CARE COSTS

Mr. WHITEHOUSE. Mr. President, we are now entering a postfiscal cliff phase of budget negotiations, and a troubling but familiar refrain is already beginning to echo through this Chamber which goes something like this: In order to fix our deficit, we must cut Medicare and Medicaid benefits. This is wrong. This is flatout wrong and it is factually wrong.

A recent Providence Journal editorial touched on the dangers of that misguided approach. The editorial read: We need a better run Medicare and Medicaid, not one that covers fewer people. Quality can be improved and costs contained without throwing people off the rolls and into the streets and back into the free care of emergency rooms mandated for the uninsured and into expensive private insurance. In the end, we all pay in some way, in quality of life and in money, for the gaps we tolerate in our health care system.

Attacking Medicare and Medicaid is consistent with a particular political

ideology—it has been part of that political ideology for decades now—but it is not consistent with the facts. It ignores the fact that our health care spending problem is systemwide, not just in Federal programs. It ignores the fact that we operate in this country a wildly inefficient health care system. It is not just Medicare.

For example, Secretary of Defense Robert Gates said, in reference to the defense budgets: We are being eaten alive by health care.

New data from the Centers for Medicare and Medicaid Services shows our national health care spending increased to \$2.7 trillion in 2011, which is about 18 percent of America's gross domestic product. This is more than three times what it was in 1992, and it is about 100 times what it was back in 1960. The Presiding Officer, the new Senator from Virginia, and I were probably around in 1960. So in our lifetime it has gone up 100 times.

At this rate, by 2020, \$1 out of every \$5 in this country will go toward health care. This is a rocketing pace of increase.

In 1979, the year after I graduated from college, \$221 billion; 1987, \$519 billion; 1992, \$857 billion; and now \$2.7 trillion. Anybody looking at that graph of our exploding national health care costs who can think that Medicare is the problem simply does not have a grasp of the facts.

Let's compare U.S. spending to other developed countries. This is us, "pre" the last report when we were still at 17.6 percent of GDP. The next least efficient developed country is the Netherlands at 12 percent of GDP in 2010. Germany and France were at 11.6 percent of GDP.

This margin right here is the margin by which we are more inefficient than the least efficient of our industrialized competitors—\$800 billion a year. We could save \$800 billion a year on our national health care system just by becoming as efficient as the least efficient of our national competitors.

For all of this extra spending, the extra \$800 billion a year, one might expect that we would have paid for and earned longer and healthier lives, but that is not the case. Our National Institute of Medicine recently compared the United States to 17 peer countries. We were worst for prevalence of diabetes among adults among those 17 countries, worst for obesity across all age groups of those 17 countries, and had the worst infant mortality of all 17 countries. We suffer higher death rates and worse outcomes for conditions such as heart disease and chronic lung disease.

This chart from that National Institute of Medicine report shows all these dots of the other countries grouped around cost—expenditure per capita—and life expectancy. That is the United States of America, the dot with the red circle around it. We are an outlier, below virtually all of these countries