

## KING V. BURWELL DECISION

Mr. CRUZ. Mr. President, today's decision in King v. Burwell is judicial activism, plain and simple. For the second time in just a few years, a handful of unelected judges has rewritten the text of ObamaCare in order to impose that failed law upon millions of Americans. The first time, the Court ignored Federal law and magically transformed a statutory "penalty" into a "tax." Today, these robbed Houdinis have transmogrified a "Federal exchange" into an exchange "established by the State." This is lawless.

As Justice Scalia rightfully put it, "Words no longer have meaning if an exchange that is not established by a State is 'established by the State.'" Justice Scalia continues: "We should start calling this law SCOTUScare." I agree.

If this were a bankruptcy case or any other case of ordinary statutory interpretation, the results would have been 9 to 0, with the Court unanimously reversing the Obama administration's illegal actions. But instead, politics intervened. For nakedly political reasons, the Supreme Court willfully ignored the words that Congress wrote, and instead read into the law their preferred policy outcome. These Justices have joined with President Obama in harming millions of Americans. Unelected judges have once again become legislators—and bad ones at that. They are lawless, and they hide their prevarication in legalese. Our government was designed to be one of laws, not of men, and this transparent distortion is disgraceful.

These Justices are not behaving as umpires calling balls and strikes. They have joined a team, and it is a team that is hurting Americans across this country. ObamaCare is the biggest job killer in America. Millions of Americans have lost their jobs, have been forced into part-time work, have lost their health insurance, have lost their doctors. Millions of Americans have seen their health insurance premiums skyrocket, and it is a direct result of President Obama, of Democrats in the Congress, and of lawless Justices at the U.S. Supreme Court who have joined the team of the Obama administration. If those Justices want to become legislators, I invite them to resign and run for office. That is the appropriate place to write laws—on this floor, not from that courtroom.

I began my career as a law clerk of the U.S. Supreme Court, clerking for Chief Justice William Rehnquist, one of the greatest Chief Justices ever to serve our Nation. I have spent the majority of my adult life litigating before the U.S. Supreme Court, both on behalf of the State of Texas and on behalf of private parties. What this Court has become is heartbreaking. If Chief Justice Rehnquist could see this Court today, he would be filled with sorrow at what has become of the Supreme Court of the United States.

The obligation of fidelity to the Constitution and fidelity to law matters.

We are not living in a platonic oligarchy with philosopher kings governing us who believe they get to write the laws, interpret the laws, and enforce the laws. That is not the American system of governance.

At the same time, crocodile tears are flowing here in our Nation's Capital over the Supreme Court's decision to illegally rewrite ObamaCare, which has been a disaster since its inception. But one day of faux outrage from the Washington cartel won't fool the millions of courageous conservatives all across our country. They know that far too many career politicians—Democrats and Republicans—in this Nation's Capital are quietly celebrating the Court's decision. If they believe this issue is now settled so they don't have to address it, they are sorely mistaken.

I have made repeal of this disastrous law a top priority since the very first day I entered into this body, and I have made its repeal central to my tenure in office. Republicans all across the country, including my friend the Presiding Officer, campaigned on repealing this law and were elected in a historic tidal wave year—historic majorities in both Chambers of this Congress and in statehouses all across the country. It is now up to us to keep our promises.

I believe 2016 will be a national referendum on repealing ObamaCare. This law is profoundly unpopular. It is unpopular with Republicans, it is unpopular with Independents, it is unpopular with Democrats, it is unpopular with young people, it is unpopular with Hispanics, and it is unpopular with everybody it has hurt, and there are millions being hurt by this law.

The Court adopted and put its stamp of approval on the IRS's blatantly unlawful reading of the statute to make subsidies and taxes applicable to individuals on Federal exchanges when Congress explicitly provided the opposite. Jonathan Gruber famously said ObamaCare was built on exploiting the stupidity of the American people. Well, unfortunately the Supreme Court is now complicit in that deception. The Supreme Court has joined President Obama, whose statement "if you like your health insurance plan, you can keep your health insurance plan" was rightfully noted as the lie of the year as millions of Americans lost their doctors. Now those rogue Justices are complicit in that lie, in setting aside their oath of office to lie to the American people.

After today's ruling, ObamaCare will now be responsible for imposing illegal taxes on more than 11 million individuals and for burdening hundreds of thousands of businesses with illegal penalties on their workers, killing jobs and further slowing economic growth.

You are a young person right now. You come out of school. You have student loans up to your eyeballs. You are struggling. You don't know if you are going to get a job. The dismal Obama economy means your future is bleak. You have no hope or optimism of actu-

ally getting a career, getting skills, moving towards the American dream. Well, today the U.S. Supreme Court has joined arm in arm with President Obama and the IRS in illegally imposing taxes on you—you, that young person starting your career, struggling to make your student loan payments.

Working as a part-time employee making coffee doesn't pay those payments, and yet you are stuck with the individual mandate, which is a tax, so says the Supreme Court and so the Obama Justice Department argued. Right after President Obama told the American people it wasn't a tax, the Obama Justice Department said yes, it is a tax. The Supreme Court agreed. You, the single person, the single mom trying to feed your kids, are paying an illegal tax because of the lies emanating from Washington, DC.

You, the teenage immigrant, as my father was 58 years ago, washing dishes, making 50 cents an hour—he couldn't speak English, but he was filled with hopes and dreams. He was filled with an aspiration for the American dream. Ours is the greatest Nation in the history of the world because people can start with nothing and achieve anything. That is the promise of America.

ObamaCare is strangling that promise. You, the teen, are paying illegal taxes right now today because of President Obama's deception, because of the IRS's lawlessness, and because of the Supreme Court's judicial activism, violating their oaths of office.

I remain fully committed to repealing every single word of ObamaCare. Mark my words. Following the election in 2016, the referendum that we will have, in 2017, this Chamber will return and we will repeal every word of ObamaCare. We will bring back economic growth, we will bring back opportunity, and then we will pass commonsense health reform that makes health insurance personal, portable, and affordable and that keeps government from getting between us and our doctors.

We will recognize that this horrible experiment has failed. When millions of Americans lose their jobs, are forced into part-time jobs, lose their health care, lose their doctors, when millions of Americans see their premiums skyrocket, it is incumbent on Members of this body, it is incumbent on the Federal Government to fix the wreckage they caused, to fix the wreckage the Supreme Court has now embraced lawlessly.

We will repeal ObamaCare, and I will fight with every breath in my body to make sure that happens in 2017.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, first I have to say that clearly there are two Americas on how we view health care, that is for sure, after hearing my colleague speak about the “disaster” of providing tens of millions of people health insurance, affordable health insurance.

Where I live in Michigan, it is great that families no longer have to put the kids to bed and then say a little prayer: Dear God, don't let the kids get sick. For millions of Americans, the Supreme Court decision has reaffirmed the fact that they will have that peace of mind.

When Chief Justice Roberts, writing for the majority today, said “Congress passed the Affordable Care Act to improve health insurance markets, not destroy them,” I think he was absolutely right. I commend him and the majority—substantial majority—for understanding that in the competitive, private marketplace that we set up through insurance exchanges, we meant for all Americans to have the opportunity for the tax cuts that allow them to be able to purchase insurance, most people purchasing insurance for under \$100 a month, which, contrary to destroying America, I think is making incredible differences in people's lives and creating the opportunity going forward for a competitive marketplace for small business.

Certainly now, I hope from here that we will go forward and stop all of the repeal discussions and get down to the business of improving health care because I think there are still things we need to do. We need to look at how things are working and make sure things are going as well as possible, particularly with small businesses, and I feel we have some work to do. But it would be nice if we could get beyond the unfortunate commentary that has gone on for too long that somehow providing affordable health insurance for Americans is going to be the end of our country.

I certainly think that on something like health care, where nobody controls whether they get sick or mom and dad get sick or the kids get sick or their friends get sick—we are in a situation where our job is to figure out the best way to support people taking responsibility to purchase insurance and make sure that it is affordable, high quality, and low cost. And that is something which we—in the greatest country in the world, with all of the innovators, all of the smart people we have, the wonderful doctors, the wonderful hospital facilities we have, certainly we can do that.

That is, in fact, what is happening through health reform. Right now, 16.4 million Americans who were without insurance before the Affordable Care Act now have the confidence and security of knowing they have health care coverage. Now, 6.4 million Americans, because of the Supreme Court decision,

will be able to keep the tax credit. They are not going to see their taxes go up. They are going to be able to keep the tax credits that are going to allow them to make sure that insurance is affordable. That includes over 228,000 people in my home State of Michigan. That is a lot of people.

What is also so incredibly important is that of those people who already have insurance—the majority of Americans—they are having better opportunities to keep it, not be blocked, not be dropped, not have caps.

Some 129 million Americans have preexisting conditions, whether it is diabetes, juvenile diabetes, cancer. Colleagues here have been in situations of announcing various kinds of cancer, diseases, and so on. Some 129 million Americans—including 17 million children—no longer have a risk of being denied coverage because of the insurance company being able to stop them if they have a preexisting condition.

#### “BEAT THE PRESS” SOFTBALL GAME

I was with a wonderful group of women from Congress—if I can just divert from that serious moment to say that last night we raised money for breast cancer survivors in a wonderful game between the press and the women Members of Congress. Despite both teams doing a great job—I was very impressed with both sides, but the great news is that the Congresswomen won. We called it “beat the press.” It was great. But what was most important last night was seeing all the breast cancer survivors who were there, women who had been able to get that checkup, been able to get that treatment, knowing that going forward, wherever they work—if they move from one job to another, if they change insurance, they are still going to be able to get the coverage they need. They are going to be able to get that mammogram with no copay as preventive health care. They are going to be able to get the care they need. If they need treatment, they are not going to arbitrarily have an insurance company come in and say “We don't really care what your doctor says about how many sessions you need or radiation treatments. You get 10 and that is it” or “You get 5 and that is it” or whatever the number is.

Mr. President, 129 million Americans with preexisting conditions today can breathe a sigh of relief because they are going to be able to continue to have the health insurance they need. Some 105 million Americans no longer have a lifetime cap on coverage, including mental health and substance abuse coverage, which is so very significant, and 76 million Americans with private coverage are eligible for expanded preventive services, such as mammograms and prostate screening.

We all wish our wonderful friend and colleague Senator KING all the best as he gets his treatments next week. We know he will come back strong, as well as all of our colleagues who have been in similar situations.

This is a big deal. This really is about saving lives. That is what this is all about. It is not a political game. It is not just going back and forth between Republicans and Democrats. This is health. This is medical care. If you get that horrible diagnosis—you are sitting in a doctor's office, and you are told you have cancer or a heart condition or any number of other things—you are going to be able to get medical care.

We also know that consumers have saved \$9 billion since 2011 because the law requires insurance companies to spend at least 80 cents on every dollar we give them on medical care. That was not always the case. You can get a rebate if they don't.

So I hope that at this moment in time, we will stop the efforts to repeal health reform. I know it is in the budget that passed. The Republican budget—House and Senate—sets up a process to be able to go back and one more time try to repeal health insurance for tens of millions of Americans. I hope we will not do that. I hope the other side will not do that. We certainly will not do that. I hope that, instead, we will get about the business of making sure it works as well as possible and that we are strengthening the quality measures, the opportunities for competition, and continuing to bring rates down.

We know that if health reform is repealed, it will increase deficits by hundreds of billions of dollars and cause 19 million Americans to lose their health insurance just next year, according to the budget office—19 million people—and 24 million people in the next few years. The Congressional Budget Office says that a repeal would result in a \$353 billion increase in the budget.

I congratulate the Supreme Court for common sense today and for understanding what we meant, what legislative intent was all about, and urge that we now decide we are going to work together on health care moving forward.

#### HIGHWAY BILL

Ms. STABENOW. Mr. President, I have one more topic I would like to speak about today, and that is the fact that we have a looming deadline. In 36 days, the highway trust fund is going to be at zero—empty. In 36 days as of today, if we do not act together, there will be a shutdown of the highway trust fund, which will have a ripple effect through the entire economy and harm businesses and workers and families in every single one of our States coast to coast. The harm will be felt equally—Republicans, Democrats, Independents, people who don't participate in the political process, people who do. Everybody will suffer if we cannot come together and address the highway trust fund. If this happens, Congress fails in its responsibility.

With all due respect, I have to say that it falls right on the majority because we have been saying and will