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 for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. The Senate is currently in session.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor today, as I have just about every week since the health care law was passed, to give a doctor's second opinion about the health care law. I do that because I practice medicine in Casper, WY, as an orthopedic surgeon, taking care of families from all across our State, and I have significant concerns about the health care law as it was passed, the way it was passed, and what was included in the law.

So I come to the floor today because the American people continue to see one news story after another uncovering another error in the health care law, another mistake in the health care law, another glitch in the health care law. Call it what you will, we continue to see more of the health care law's unintended consequences—something that those who voted for it didn't foresee as happening—and we are also seeing another one of the President's broken promises.

I come to share with the American people concerns I have as more and more of these things come forward because hard-working individuals and families all across the Nation realize this health care law was not passed for someone such as them. What people asked for, the reason we went through the discussion and the debate had to do with the fact that people wanted the care they need, from the doctor they want, at a cost they can afford.

When I say people all across the country realize the health care law was not passed for someone such as them, and it was passed for someone else, that is the reason I come to the floor to talk specifically about something called the Early Retiree Reinsurance Program, which is part of the health care law.

On Friday, December 9—1 week ago—the Department of Health and Human Services announced its plan to shut down the Early Retiree Reinsurance Program at the end of this month—shut it down.

Remember, President Obama and Washington Democrats touted their early retiree program. They touted that as one of the health care law's early—they called it an early deliverable, something that would be there immediately. The health care law's supporters said this early retiree program would act, they said, as a bridge. They said the program would help employers maintain health insurance coverage for retirees over the age of 55 but not yet eligible for Medicare. They said this program would help people keep their insurance plan until the new health insurance exchanges were up and running in 2014.

It is only 2011 now, and they are trying to talk about a bridge to 2014. It quickly became clear the program was intended to be a bailout—a bailout—for companies with a large number of union employees.

On October 31 of this year—Halloween day—the senior Senator from my home State of Wyoming, the ranking member of the Senate Health, Education, Labor, and Pensions Committee, MIKE ENZI, released a report. That Halloween day report is a report the Senator asked for. It was a report he asked the Government Accountability Office to conduct, specifically looking into the early retiree program's implementation.

This is why the report is so scary: The GAO, the Government Accountability Office, said through the end of September of 2011, the administration had already spent more than half the $5 billion allocation—more than half already spent by September of 2011.

Let's fast forward to December 14, 2011. We are talking about yesterday. The House Energy and Commerce Committee released updated information about the early retiree program's spending. As of last Friday, December 9, 2011, the Obama administration—the people in charge of this bill, the people who wanted it, passed it, said it would work—said: Oh, we have now spent over $4.5 billion of the $5 billion budget—91 percent of the total early retiree program budget. It was supposed to last through 2014, and 91 percent of it is gone. The budget should have lasted 1,300 days. Instead, this administration drained the money—taxpayers' money, hard-earned dollars—in just 579 days.

The early retiree program has run out of money so fast that it is going to be forced to close 2 years early. The administration has said it is no longer going to pay out claims submitted after December 31 of this year.

The health care law's supporters promised the early retiree program would stay in place through January 1st of 2014. What we have is another broken promise. Just a little over a month after the GAO report was released, we are now finding out this administration spent more than $4.5 billion of the total $5 billion allocation that was supposed to last until 2014.

How did this administration—one that claims to be fiscally responsible, one that claims to be accountable, one that claims to be open—how did this administration allow this program to run out of money years ahead of schedule? It went broke because certain corporations and union-affiliated organizations rushed to grab a taxpayer bailout.

It is astonishing that the health care law's supporters forced the American taxpayers to foot the bill to keep private companies' and unions' health insurance benefit promises to their workers. Most Americans would be shocked and outraged to learn the administration did not even require companies to disclose their earnings in order to get the early retiree program funding.

Let me repeat that. The Department of Health and Human Services chose to not mandate that employers prove—prove—they needed funding from the early retiree program before approving the applications and then sending them—those corporations and those union plans—taxpayer dollars. The Department of Health and Human Services said: No. Here is your money.

News reports indicate small businesses asked the administration to set up a review process to stop government entities and unions from consuming all this early retiree program money. According to the GAO report, the administration refused. They decided to distribute early retiree subsidies on a first come, first served basis.

The GAO findings and the House Energy and Commerce Committee report suggest the Obama administration used the Early Retiree Reinsurance Program to reward its political allies. These two reports suggest this administration did so by directing most of the program's resources to plans serving unionized auto and government workers.

This is based on the administration's own data: Based on the administration's data, nearly half of the entire $5 billion program will be spent on just 20 entities. It is fascinating that the most money of all—the most money of all—went to the United Auto Workers Retiree Medical Benefits Trust. So how much did the United Auto Workers need? They took over $387 million.

Administration officials said the reason they are giving away the taxpayers' money so fast is because the program is so popular. Spending money fast does not mean this government and this administration is spending taxpayer dollars wisely.

Similar to so many parts of the health care law, the early retiree program just throws money at a problem rather than trying to fix it. We could have worked together in Congress. We could have worked together to help our Nation's early retirees have better access to health insurance. We could have done it by enacting meaningful health care reform—health care reform that actually lowers the cost of medical care.