

would have a health care benefit, and if they retired at age 50, they could rely on that company providing them health care until they became eligible for Medicare, and then I guess it would become secondary to Medicare. But what a great benefit. But after all, when you work for a company—I guess a lot of people don't do that today, Madam Speaker. But if you spend 25 or 30 years, 5 days a week, 365 days a year being loyal to that company, you have earned it. It's not a gift. It's something that you have earned.

And when Medicare part D was passed, a lot of concern on the part of the Federal Government that these companies would just say, Well, okay, we'll just drop the coverage for our retirees and they can, when they get eligible agewise for Medicare, they'll just pick up their health care then.

Well, a tax break was given to these companies on that cost that they incurred in providing the health care benefit for their retirees, and indeed it did include prescription drugs for many of these companies. And all of a sudden with this new law, ObamaCare—ObamaCare, Patient Protection and Affordable Health Care Act—that tax break was taken away. I really didn't realize it. I'm on the Energy and Commerce Committee and very involved in all the markups and back-and-forth that went on for a year, but I wasn't aware of that provision. But in the aggregate, something like \$6 billion worth of tax advantage to incentivize these companies to continue to pay the health insurance for their retirees was taken away.

Well, they were required, the companies, as this was a cost to their bottom line, the SEC requirement was that they immediately let the SEC know, to make a filing to that effect. And what they did, they were literally threatened to be drug before the Energy and Commerce Committee with the threat of subpoena to come and prove they weren't lying.

Madam Speaker, my colleagues, and the American people, that is a pretty scary scenario, is it not? Is it not? It's unbelievable is what it is. But these companies submitted all the required documents that the committee demanded and then the committee realized that the companies were right and they were wrong. This indeed was an unintended consequence. And this bill is riddled with stories like that. It's been 3 months and we're finding something new like that almost every day.

Here's also what we got, as I refer you back to the easel. ObamaCare hurts all employers. Independent Mercer Survey on ObamaCare: 97 percent of employers responded that the legislative changes would cause premiums to rise. And indeed they have.

□ 2020

The survey also examined business' fears about the law's new employer mandate penalties. More than one in four employers, 26 percent, and nearly

two in five retailers, 39 percent, may not be in compliance with provisions requiring coverage of all employees working over 30 hours per week. And finally, of those, a majority, 59 percent, said they would consider changing their business practices so that fewer employees work 30 hours or more per week.

So what we're talking about, again, is that this bill, while it may get a few more people health insurance, it's going to cause so many more people to lose their jobs, to add to that 16 million. And, Madam Speaker, as I said earlier, these people, once they've been out of work a while, they want health insurance, but they also want a paycheck because they have to support their families. And they'll do everything they can to protect their health.

You know, they won't let them walk to school on a busy highway, and they'll make sure they're wearing their helmets when they get on their bicycles. But, you know, food is not free, clothes are not free, mortgage payments are not free.

So, again, this is why the American people said, you know, we're in a rut. We're in a ditch, and we think it's time for you to stop digging. You are making it worse. You are digging the hole deeper, borrowing all of this money and us being \$13 trillion in debt. You cannot spend your way out of debt. It's impossible. It can't be done. It's never been done. Let's get this country back on its feet and get people back to work, get that unemployment rate down to 6 percent again; and then we can do the things that we need to do.

Madam Speaker, I could talk about a number of Republican alternatives. WALLY HERGER, my good friend from California who is the ranking member of the Health Subcommittee on Ways and Means, just introduced a bill within the last couple of days that does all the things that we need to do. And I can assure you, Representative WALLY HERGER's bill is not 2,500 pages long. And that's a commonsense sort of thing.

I am going to mention one other thing to my colleagues, and then I'm going to wrap up this evening. I was so disappointed, and my physician colleagues were so disappointed, Madam Speaker, when the President did not follow through on his promise to do something about medical liability reform, so-called tort reform. We've tried to many times pass that in this Chamber under a Republican majority, but we couldn't get it through the Senate. I have given a lot of thought to that. And particularly when the CBO says that we could save \$54 billion over 10 years, I think it's probably closer to \$100 billion a year. I have seen many other studies that suggest that.

But I think that the bill that I am introducing right now—it's called MEDMAL Act of 2010. MEDMAL is an acronym. It stands for Meaningful End to Defensive Medicine and Aimless Lawsuits. Doctors all across this coun-

try are ordering all of these unnecessary tests. They're getting criticized for getting a CAT Scan on everybody that comes into an emergency room with a headache. But I'm telling you, they're doing it not to gin up their own revenues. They're doing it because they're scared to death that if that one in a million situation where the person has a brain tumor or an impending stroke is missed, they will be sued and not only lose all of their assets, they would lose their profession. We can't continue that way. And I would think Republicans and Democrats alike, if we could join hands can do something about that.

So I have introduced a bill, and, Madam Speaker, I think that it will really make a difference. And I will be talking about that a lot as we go through these remaining 6 months of the 111th Congress and trying to work my colleagues on both sides of the aisle to make sure it's something that's fair, that our trial attorneys who, for the most part, are great people and are very skilled in what they do, and they're representing their clients who have been injured maybe by some doctor or hospital practicing below the standard of care, they deserve their day in court. We don't take that away. That would not be right.

But we also try to end this frivolous jackpot justice that exists today. And I think this bill will do that. So while I don't have too much time to talk about it tonight, Madam Speaker, I certainly do plan on sharing it with my colleagues maybe as we come back next week.

Well, let me thank you for your attention tonight. I thank my leadership for giving me the opportunity. I probably needed another hour to really go over everything that I wanted to talk about. But I think it's important for us to know that the American people are not done with this. As I said, it's not over until the American people win because that's why we're up here. We're up here to win for the American people, not for the special interests, not for ourselves. We're public servants, and we're obligated to continue to work to try to do what's right for the American people. And I think we can and will do that.

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#### VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

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#### TOPICS OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.