

Opponents of this bill, of H.R. 2499, contend that the two-step process stacks the deck against the current status and in favor of statehood. This is simply not the case, Madam Speaker. H.R. 2499 does not exclude nor favor any status option. Under this legislation, the purpose of the first plebiscite is clear: to inform Congress whether the majority of Puerto Ricans consent to the current political status.

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Only if a majority of voters expresses its desire to change the current status is a second vote mandated on the three alternatives: independence, statehood, and free association.

This two-step process was recommended by the President's task force on Puerto Rico's status. This task force was initiated under the Clinton administration, and it was finalized by the Bush administration. The task force called upon the expertise of 16 Federal agencies in recommending a fair process for consulting with the U.S. citizens of Puerto Rico.

Opponents of H.R. 2499 propose that the option of an enhanced commonwealth should be included as a status option during the second plebiscite. Well, this enhanced commonwealth, as envisioned by the bill's detractors, perpetuates the false hope that Puerto Ricans can have the best of both worlds:

They can have U.S. citizenship and national sovereignty;

They will receive all Federal funds and will have the power to veto those laws with which it disagrees.

If included as a viable option, an enhanced commonwealth proposal would permanently empower Puerto Rico to nullify Federal laws and court jurisdiction and to enter into an international organization and trade agreements, all while being under the military and financial protection of the United States.

It is no surprise that this proposal has been soundly rejected as a viable option by the U.S. Department of Justice, by the State Department, by the Clinton administration, and by the Bush administration.

Another misguided concern surrounding H.R. 2499 is that the bill fails to include an "English only" provision. It is premature to discuss this matter until the conclusion of the first and second plebiscites. H.R. 2499 does not require Congress to admit Puerto Rico as a State nor even to set the statehood process in motion if a majority of voters ultimately chooses statehood. If the people of Puerto Rico express a preference for statehood and if Congress is inclined to act upon that preference, further Federal legislation would be required. That legislation and not H.R. 2499 would be the appropriate vehicle in which to address any potential language-related condition on Puerto Rico's accession to statehood.

I would like now to change focus and to highlight the overwhelming bipar-

tisan support behind H.R. 2499. Introduced by the Resident Commissioner, this bill enjoys the backing of more than 180 cosponsors from both political parties, and it is strongly supported by Puerto Rico Governor Luis Fortuno, a former House colleague, who introduced similar versions of this bill in the past. This bill is also endorsed by numerous leaders in the Puerto Rican legislature and local government, including the Speaker of the House of Representatives, the President of the Senate, and many other local officials.

Given the strong support, Madam Speaker, I hope that my colleagues will join me in supporting this bill when it comes to a floor vote later this week.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PASS COMPREHENSIVE IMMIGRATION REFORM NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, over this weekend, the Governor of Arizona raised up the idea of prayer, and in her remarks, she indicated that she prayed for strength and that she prayed for our State.

I rise today to pray for Arizona, for this Nation, and for those who would think a law that was signed by the Arizona Governor raises any level of constitutionality. Yet I agree with the Governor of Arizona. They have been waiting very long, and there is a crisis that is necessary to address.

Madam Speaker, many of us on this side of the aisle have tried over and over again. Former President George Bush, in the last administration, tried, but that's where reasonable minds will disagree.

So I'd ask the Governor to ask her own party:

Why do they fail to stand up and be counted on a fair, comprehensive immigration reform proposal that, in years past, included border security as well as the opportunity for access to legalization?

So the actions this past week are a travesty, hypocritical, and not sincere because you'd ask the question: What is a legal contact? What are the law enforcement authorities of the State of Arizona to do in the midst of the work that they have in protecting the community from the array of criminal acts by anyone regardless of their background? There are burglaries, thefts, and rapes, robberies and actions that require the intervention of State and local law enforcement.

What is a legal contact? Is it a person who is rushing his pregnant wife to the

hospital and who is stopping to ask a police officer, Will you lead me through the lights to the hospital? Is that a legal contact?

What is a determination of reasonable probability? Is it brown skin? Is it someone who is dressed in yard clothes? What is the determination of reasonableness? There is no answer to that other than it is patently unconstitutional.

Yes, I want comprehensive immigration reform, which is a term that many have demonized—you have to run away from it now—but we in Texas have lived with this for a very long time, the men and women of all economic levels—the business community, the non-profit community, the faith community. The Houston-Galveston Diocese, our cardinal, the cardinal in the Houston area, has raised his voice, along with many faith leaders, to say that now is the time for real comprehensive immigration reform.

I am ashamed of the law that was written and signed, because it bears no fruit. Of course, there are law enforcement officers in the region, and certainly, I'm not from the area whose only voice is to claim airtime and to shout ridiculous comments: I can lock them up. Anybody, I can lock up. This is not to say that there is not empathy and sympathy for the borders in Arizona. There is a need now for comprehensive immigration reform for Arizona, for New Mexico, for California, for Texas—for all of America.

Though, I will tell you, Madam Speaker, if a young person comes to me in my district who came here from a foreign country—in this instance, France—who has been in our school system, who did not know the process and who is now unstated but who has never been in trouble and who is going through school—he is an immigrant, but unfortunately, status—then he is no less than the immigrants from Ireland, than the immigrants from Italy and the immigrants from places elsewhere who came to this country and who helped to build it and to make it a better place. Maybe he is no better than the immigrants who came in shackles, like myself, and their ancestors, who came in the bottom of the belly of a slave boat; but we found a way to regularize them. This Congress must find a way to regularize this process and all of the families who are huddled in fear, who have never perpetrated a crime.

I want to thank the leadership of this House and the leadership of the Senate, both of which are courageous enough to take the battering and the abuse of those who misuse the Constitution and who believe they are doing something. They are not.

Should they be responded to? Madam Speaker, they should. My answer is that we pass right now comprehensive immigration reform to save America, to save our dignity, to save the Constitution, and to stand for the values we believe in.

THE UNCONSTITUTIONALITY OF MANDATED HEALTH CARE

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

Mr. CARTER. I thank you for yielding, Madam Speaker, and I thank you for this night so that we can get together and talk about something that is still on the minds of almost everybody in the United States because, quite frankly, even though this bill has passed both Houses of Congress and even though it has been signed into law by the President, the overwhelming majority of the people in this country are waking up every day to find out there is something else that nobody knew was in this bill and are finding out about something else that is being imposed upon the States and on the people of this country that nobody knew was going to happen.

It's because it was a 2,400-page bill, or something like that, which nobody ever read, and it was voted on and passed when there were people who were responsible for its contents who couldn't tell you what was in it. In fact, I believe the Speaker of this House made a statement: We need to pass this bill so we can learn what's in it. That's kind of when the worrying started in this country. It was when people started hearing those kinds of things from our leadership.

So we are now at a point where there has been a lawsuit—and we talked about this. I believe it was last week or the week before last. We talked about the fact that a lawsuit has been filed by the attorneys general of multiple States in this country. Well, this is a growing process. When we last talked, there were 20 States that had joined in this lawsuit, and here we are on April 26, 2010, and we have 22 States. So two more States have joined in this process, and there is at least the possibility that we could add, maybe, another five or 10 States to this lawsuit.

So, right now, as it stands right now, it is my understanding—and I can be corrected. I do not claim to be a great historical scholar of the Supreme Court of the United States. I have read cases, which was required by my profession, and I have taken constitutional law in law school. I had great constitutional law debates among my law school colleagues when we were young, would-be lawyers. In my practice of law and as a judge, I've had some periphery of the constitutional requirements that are set out by the Supreme Court, but I don't claim to be an expert on it.

I am told that, since the Court started, this is probably the largest single group of States to have filed suit on behalf of their individual States and to have joined together on an issue. Now, I may be wrong about that, and I certainly will be corrected if somebody wants to correct me, but it's close.

We've got 50 States in this Union, and 22 of them are already in this lawsuit. So, if we pick up three more States, we'll have half the States in the Union involved in this lawsuit. Even 22 is really kind of a mind-boggling number. It also represents 44.56 percent of the population of the United States.

So, within these red States that you see on this map here—those dark States as compared to the light States, if anybody is still watching in black and white—that represents almost half the population of this country who are asking the question, and the question is very simple:

Does the Constitution grant Congress the power to mandate the coverage that's set out in this bill?

Now, that is a big question, but it focuses down to a much narrower issue. There are more issues here, but the most narrow issue is if Congress has the authority to mandate that people who are living within the continental United States must buy certain products, namely, health insurance, from designated sellers of that product, which will mean some insurance company. The issue is that they have to, that they cannot have an option, that they cannot say "no," and that if they say "no" that they can be fined under the IRS Code and can be required to pay up to a \$2,000 fine for not purchasing health care. There are some ranges in that. The fine can be less, but if it's \$1, it's a fine punishing you for not buying a product.

Now, the great debate is broadly about the Ninth and 10th Amendments, but it is specifically about the commerce clause as set out in the Constitution of the United States. So every attorney general in every one of the States you see here—and this is a pretty nice cross-section. We've got the east coast, one on the west coast, a whole bunch of southern States, a whole bunch of western States, and a whole bunch of midwestern States which are in this fight, and they are asking a real simple question about the commerce clause.

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But as I said, it's like we wake up every morning and we have new things to talk about, about this plan.

A recent Center for Medicine and Medicare Services has come up with some new findings on this bill. Let's examine these together. I'm glad to have my friend, Mr. BURTON here, who is going to join me and we will talk about some of this stuff.

Twenty million Americans who currently can't afford health insurance will buy a policy under duress from the threat of fine and IRS action. This is what they found: Four million Americans will still not be able to buy and will be fined \$33 billion a year and still not have health insurance. Fourteen million Americans will lose their employer-sponsored health insurance as a direct result of this new law. Twenty-three million Americans will still have

no health insurance coverage in 2019 after the bill is fully implemented. And 21 percent of the gross domestic product of the United States will be spent on health care after the law is implemented, which is higher than if Congress had done nothing. So if nothing would have happened, we spent 21 percent of the gross domestic product.

So we were sitting here, and the first thing we were told is the reason we need to pass health care is we need to get a cheaper product. I mean, we need to save money. We need to reduce the deficit, reduce the debt.

Well, we haven't reduced the spending because it's going to be 21 percent of the gross domestic product, which is larger than it is today, and it's estimated it's larger than it would have been if we hadn't done anything.

So these are facts that sort of jar you into reality that we have got a product that every American sitting around the coffee shop tomorrow morning ought to be talking about, that everybody in every office building, on every farm and ranch, and every small business in America ought to be asking questions about what has become the new law of the land.

I think the attorneys general of the multiple States in this country, they started asking these questions as the process was going through, and as they discovered nightmare after nightmare after nightmare as it pertains to the States, they started getting rattled and they started to say, This can't be. We can't be imposing this kind of will under the Commerce Clause.

So I think it's important that we look at the Ninth and the 10th Amendment and the Commerce Clause, and I'm going to start off, and then we're going to talk about some constitutional law here with my good friend DAN BURTON. We're going to see how we figure this.

I think everybody out there learned in school we have a Constitution and we have amendments to that Constitution, which are just part of the Constitution. They just came at a different time. And the amendments have a lot to do with individual rights to liberty in this country. And when our Founding Fathers were looking at this project and what they were doing, they were going from sovereign States. The people of Virginia considered themselves—Virginia was a sovereign State. That meant a sovereignty-laden State. And they were meeting in Philadelphia to see how much sovereignty they would surrender and what they would create in the form of a Federal republic.

And remember what Benjamin Franklin said when asked as he walked out the door what kind of a government they had created, and he said, A republic, if you can keep it, because it depends upon those who were given that gift to keep that republic, which means it has some basic concepts which our Founding Fathers were ingenious about creating, and one of them