

the son or daughter. When an adult is pulled over for a speeding ticket, no ticket is given to the 2-year-old riding in the child's seat in back. But that's exactly what, in this debate, some people are advocating: Ticket the 2-year-old who was along for the ride, they say. What that 2-year-old was doing was illegal. They were speeding too. The child was speeding.

But regardless of one's faith, punishing the wrong person for a crime because of a blood relation, because of happenstance defies our ethical sense. Some have said, This is some kind of amnesty. One can't grant amnesty to people who haven't committed any wrong, who have not violated any law.

It makes no sense to talk of amnesty for a 2-year-old who is brought along on a ride that they didn't choose. Ticketing the 2-year-old makes no more sense than penalizing a child for passively being brought here by their parents. A 2-year-old, a 5-year-old, an 11-year-old not only is incompetent to make a choice to violate the law; but even if you assume that they were, and a 6-year-old was competent for their decisions to violate our immigration laws, they are, in practice, unable to economically or socially separate from the family unit that provides for their sustenance. No one with any degree of common sense can say a 6-year-old should leave their parents if their parents are violating some law. A child has to go with their parents. There is nothing else a child can do.

With our proposals, we were willing to even say we don't even go up to the age of 18. To eliminate any question, we said, If you are 17, if you are 16, then you are going to somehow be responsible. You should know better. You should leave your parents and home and support structure. And that's a painful concession to make because I think many of us know in our hearts that 16-year-olds, 17-year-olds that we know, are they really mature and capable enough to leave their parents and survive completely on their own? Some might be, but many are not.

So we set the maximum age of 15 in the DREAM Act. That's a concession we made, we thought, to make this bill low-hanging fruit to get it passed because no one can argue that an 8-year-old or a 12-year-old is capable of what we expect a 17- or 18-year-old to have done under this bill. The lack of having some mechanism of adjusting the status of these stateless individuals, these de facto Americans is immoral for our Nation and forces underage children to bear the heavy costs of their parents' decision to violate our laws.

You know, I wish that we had passed comprehensive immigration reform and replaced our broken immigration system with one that worked, and I am proud to say I am a cosponsor of the House bill to have done that. We should reduce the number of illegal immigrants from about 15 million to about close to zero. And we know how, and we can. But we did not, so we are where we are.

We're talking about, with regard to these young people, one of the politically easiest, bipartisan, most economically important, most morally pressing elements of immigration reform, recognizing the hundreds of thousands of de facto Americans who were brought here as minors without their knowledge or consent and that our taxpayer dollars have educated and will be living their lives in our Nation as legal entities with potential to eventually obtain the full rights and responsibilities of citizenship.

You know, passing the DREAM Act would reduce the number of illegal immigrants in our country by 500,000 people. Those who oppose the DREAM Act support the ongoing presence of over 500,000 more illegal aliens within our borders. Opponents of the DREAM Act make a travesty of the rule of law and facilitate the ongoing presence of undocumented foreign nationals inside our country which hurts the budgets of counties, cities, and frustrates States, with good reason. Opponents of the DREAM Act would make a criminal, rather than a police officer, out of Zendy.

□ 2150

States like Arizona have taken actions against illegal immigration precisely because of the size of this issue and Congress' complete failure to do anything about it.

With the DREAM Act, we had a chance to cut illegal immigration instantly by 5 percent. That's substantial. I'd rather cut it by 100 percent, but 5 percent is something we can be proud of, a first step to show the American people we're serious about solving the immigration issue.

At the same time, it strengthens our economy, improves our schools, makes money for taxpayers, \$1.7 billion, and restores the rule of law to our Nation.

The CBO said that it will reduce the deficit by \$1.7 billion. That doesn't even include the future income streams we talked about earlier. I certainly expect that all Members who are serious about reducing the deficit will enthusiastically support deploying the talent that these young people have to bear in our country.

In my home State of Colorado, roughly 46,000 people would have been eligible under the DREAM Act. Madam Speaker, I have to go back to them and tell them, Not yet. Be patient. Keep playing by the rules. Study hard. Work hard. Our country will get it right. I hope it's next year. I hope it's the year after. But not yet.

Our decision before us was clear. We had the choice of making a marine scientist out of Claudia or an illegal immigrant. Last week, I'm sad to say, Madam Speaker, that while our House would have made a marine scientist out of Claudia, the failure of action in the Senate has made Claudia an illegal immigrant. Our Nation deserves more scientists and engineers, not more illegal immigrants.

I want to pose two questions. One is: What would we ask of them? What do we want these young people to do? That's what they ask me. What would you have us do?

And the second: What is best for us and our country?

Claudia posed it well. What do they want us to do? she said.

Instead of going to college and serving in the military, are we telling Claudia to clean buildings at night? Are we telling her to become a nanny or a construction worker? Are we telling her to go to a country where she doesn't know anyone, barely speaks the language, and hasn't even been to in her memory?

I want Claudia to be the best darn marine scientist in the United States and to make great scientific discoveries that benefit humanity and improve our knowledge of the ocean.

For those who oppose the DREAM Act, I ask them: What do you want Claudia to do?

These stateless young people will be a credit to any nation. Let's make it our Nation.

Madam Speaker, this debate is about Ray. Ray was brought here when she was 2 years old. Her parents told her that she was born in the United States so she wouldn't feel the stigma of being foreign born. So Ray grew up not knowing she was foreign born until she was a teenager. Ray wanted to be involved with fashion. Her tough, can-do attitude led her to start her own lace business. Now, unfortunately Ray is no longer with us. She passed away. But don't fret. This immigrant story ends happily. Ray Keller, my great grandmother, passed away at the age of 98 in 1989. Without friendly immigration laws that allowed people to naturalize, I wouldn't be standing here before you today as a Member of Congress.

So too, Madam Speaker, there are future generations of Americans including, I'm sure, future Members of this body who are relying on Congress to act to recognize their forebears as the excellent Americans they already are.

Madam Speaker, Ray Keller was a proud American. This speech tonight is not a eulogy for a lost opportunity to pass the DREAM Act and replace our broken immigration system; rather, this speech is a challenge, a challenge to the next Congress to give all of us an answer, an answer for what Claudia should do, an answer for what these young people, these children of our country should do with their lives, should do with their lives to pursue their own dreams and should do with their lives to contribute to the only country they know—the United States of America.

#### LAME DUCK CONGRESS

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

Mr. KING of Iowa. Madam Speaker, it's always a privilege and an honor to

address here on the floor of the House. And we're in the waning days, waning hours perhaps, of this 111th Congress as many are prepared to go home for Christmas, and by the count of the votes on the board tonight, some have gone home for Christmas.

And I listened to the remarks of the gentleman from Colorado who spoke ahead of me, and I'm not of the spirit to directly rebut each of the points that he's made. I want to stay within the Christmas spirit here tonight, Madam Speaker, and simply address that there is another viewpoint, and that other viewpoint was heard.

We have, over the last 4 years in this Congress, seen significant majorities for Democrats, and there were opportunities for Democrats to seek to pass their immigration legislation which they constantly refer to as comprehensive immigration reform. And that has become what the American people understand; comprehensive immigration reform is a euphemism for amnesty. And even though there were opportunities along the way over the last 4 years under the Pelosi speakership, there hasn't been a significant piece of their version of immigration reform that's passed. And, of course, neither has there been a significant piece of immigration enforcement that has passed, especially over the last 2 years with President Obama in the White House, having made those promises that he would be supporting and working towards the passage of some type of comprehensive immigration reform.

And as we saw the majority shift here in the House of Representatives dramatically, where we have 96 new freshmen coming in, 87 of them are Republicans. And I don't think there's anyone out there that looks at the results of the election and believes that this House of Representatives is going to be persuaded by emotional arguments. The incoming House of Representatives, with the 87 Republican freshmen that are coming in and swearing in here on January 5, I believe, will be a Congress that sets the rule of law in very high respect and is not as swayed by individual anecdotes and more concerned about the empirical data and what really happens to a country over the long term that doesn't enforce its laws. That's what I think we can expect to come.

I am the ranking member of the immigration subcommittee, and on that committee, over the last 2 years, with Chair LOFGREN chairing that subcommittee, there have only been eight hearings in 2 years on immigration. That's fine with me because the agenda that they would have driven would have been, I think, an agenda that I would have opposed.

But nonetheless, those eight hearings that have been held, only eight in 2 years, four hearings a year, that's all the activity that's really measurable in the immigration subcommittee.

And so I think when the gentleman from Colorado makes his case, I think

it's heartfelt, and I think he is deeply convinced that it's the right policy and agenda for America. As we move close to Christmastime, knowledge that he has is a viewpoint, and I think he'd acknowledge that I have mine. I will stand up, Madam Speaker, for the rule of law.

And the implications of what goes along with the very well named but not very good policy DREAM Act, I think, became more and more aware to the American people. And as they spoke and weighed in and made their calls in the Senate, then this project, this vote that was held in the Senate failed. And when it did, that's the end of it for the 111th Congress. And it's pretty unlikely that it will be the beginning of it in the 112th Congress as the Congress is configured. And so, from my standpoint, I'm looking forward to the work that we must do and the work that we must do to address the immigration issue coming forward.

There is something that I think is a bipartisan interest to us though, Madam Speaker, and that is, I hear on both sides of the aisle, and I began to hear this about 6 years ago, the concern about how employers were victimizing employees who were unlawfully here in the United States, working unlawfully in the United States.

□ 2200

So I began to look at how can we address this in a bipartisan way. And even though it seems as though the Obama administration and Janet Napolitano included are unwilling to enforce immigration law against employees, they are willing to enforce it against employers. Note some of the enforcement action that has gone in and just gathered the information from the illegal employees, but not brought charges against them, nor started deportation, but brought just the charges against the employer instead.

So I looked at this situation a few years ago and put together a proposal, and this proposal takes into account the Democrat viewpoint, the Republican viewpoint. Both of us are opposed, I believe, in principle, to employers victimizing employees, of them flouting the law and capitalizing on the cheaper labor that they are able to hire and compete against their competitors who would be complying with the law. And also it recognizes that this Federal Government has found itself sometimes where the right hand doesn't know what the left hand is doing. And sometimes the agencies within the government are working at cross-purposes to each other.

One of those examples would be a Social Security Administration that deals with millions and millions of no-match Social Security numbers or Social Security reports that are duplicated multiple times, the same Social Security number used multiple times, maybe all across the country where we know it's impossible to be in two jobs at the same place at the same time.

The Social Security Administration seems to turn a blind eye towards the implications of the illegal employment and the fraudulent documents that are used for people to work unlawfully in the United States because often those claims on the Social Security trust fund aren't ever filed. People are walking away from it.

If they are working illegally in the United States, often those illegal workers will claim the maximum number of dependents so their withholding on their State and Federal income tax is zero. But they pay the payroll tax, the Social Security, the Medicare, and the Medicaid because they really have no choice with that. But then they aren't going to be in a position to tap into that as an illegal worker in America.

So the duplications that go on and the money that flows into the Social Security trust fund, a significant amount of that is rooted in illegal labor. Social Security trust fund, happy enough getting those extra revenues coming in, and the Department of Homeland Security seems to want to secure some of the areas that are their due, but not reach out and actually put together a network that would address this thing in a broader holistic way.

So I was looking at that thinking, which agency actually does an effective job of enforcing the laws that they have and which one is most respected by the American people? And as I cast my mind across these agencies, it came to the IRS. The IRS has the respect of every taxpayer in America. They don't want to be audited. They fear an audit. Was it 58 percent of the people would rather have a root canal than an IRS audit? Root canals may or may not be all that painful, but that's one of the measures that came out in one of the pollster's numbers, 58 percent would rather have a root canal than be audited by the IRS. I would be among them. I would rather have the tooth pulled myself.

But the IRS does an effective job of enforcing the law, and they do an effective job of going down through a person's books and accounting and coming up with flaws that are there. So I put together a proposal, and it's called the New IDEA Act. The New IDEA. New IDEA stands for the New, and the acronym IDEA is Illegal Deduction Elimination Act. What it does is it clarifies that wages and benefits are not tax-deductible for Federal income tax purposes if they are going to an illegal employee. And it gives the employer safe harbor if that employer uses E-Verify.

So if the employer in their hiring of employees runs the Social Security numbers, the identification information that's on the I-9 form into E-Verify, and it comes back and they only hire those employees that clear through E-Verify, then we give them safe harbor. But if they have employees that are on the list, the Social Security numbers will be on the tax form when the IRS comes in to do a normal audit. We don't accelerate the audits,

just a normal audit. The IRS would then punch the Social Security numbers of those employees that are on the tax form into E-Verify; and if it comes back they are all lawful to work in the United States, no problem. If it bounces back that some of them cannot be confirmed to work lawfully in the United States, we give the employer time to cure, the employee time to cure. And if the employer uses E-Verify, again they have safe harbor.

But the IRS then can conclude that the wages and benefits have been paid to illegals, and therefore those wages and benefits are not tax deductible. What that does then is it kicks that business discount, the schedule C business expense, over onto the profit column. When it does that, it makes that income, and the income then is taxable for interest and penalty.

And so the net result will be roughly this: if an employer is hiring illegals roughly at say \$10 an hour, and I can do the math on this, Madam Speaker, and the IRS comes in and does the audit and concludes that an employee is illegal at \$10 an hour, by time the tax that's applied to that as a business income as opposed to an expense, and the interest and the penalty is applied, the \$10 an hour illegal employee becomes about a \$16 an hour illegal employee, causing the employer to make the rational decision with their capital, and that is clean up their workforce before the IRS shows up.

There is a 6-year statute of limitations. It's cumulative. The clock would start to tick on that when the bill would become law. And then over a course of 6 years, there would be a cumulative 6-year statute of limitations. That means that employers the first year would see 1 year of exposure, second year 2, obviously, on up until 6 years. And the greater the exposure, the greater the risk and the liability and the greater the incentive to clean up their workforce as they move forward.

But it doesn't pull the plug on anyone. It's not a dramatic change. It is a business incentive plan that I think will move thousands of employers into the legal employment business.

And today it's New IDEA Act, it's H.R. 3580. And I believe it will become, in the upcoming Congress, the most useful and effective piece of immigration legislation that this Congress may consider. And it's likely to be referred to the Ways and Means Committee because there are tax components to it. And I look forward to working with people to get the cosponsorships on the bill and work it through the process and earn a hearing and perhaps earn a markup, and one day see it go over to the Senate, where I would be glad if they would take it up and onto the President's desk. It's something that should have bipartisan support again, Madam Speaker. H.R. 3580 the New IDEA Act, the IRS coming in.

By the way, the bill also requires the Internal Revenue Service and the So-

cial Security Administration and the Department of Homeland Security to put together a cooperative team so that they are sharing information so that when the right hand doesn't know what the left hand is doing, we put them together and require that they cooperate with each other so that the right hand and the left hand and the middle hand of the IRS, Social Security Administration, and Department of Homeland Security all know what each other is doing, all are cooperating towards a common goal of cleaning up the illegal workforce in America through the New IDEA Act.

And I think that that has some promise and an opportunity to one day become law in this Congress. And I intend to work it pretty hard. That's something that I think can be proactive.

Now, I wanted to speak, though, as I came here tonight, Madam Speaker, I wanted to address the situation of a lame duck session. A lame duck session, this lame duck session has been full of all kinds of issues that I think didn't have any business being in the lame duck session. A lame duck session is, of course, for those listening in, it's the session of Congress that takes place after the election.

So the election took place November 2, and there was a dramatic shift in seats here in this Congress. And as in a shift in power, all the gavels are changing hands going over from Democrats to Republicans, including the Speaker's gavel. And this will happen on January 5 of this upcoming year, not very far from now. And as that happens and this dramatic shift is taking place, it's because the people in America have spoken. The people in America have spoken up, and they have said, we want to change course.

They watched President Obama digging this hole economically, socially, I think a radical social agenda, I think a radical economic agenda, foreign policy agenda that I don't quite have a theme figured out for. But the President's agenda, the agenda of Speaker PELOSI, the agenda of HARRY REID, the American people said, Stop, you have been digging a hole. Been digging a deep hole with roughly \$3 trillion in spending that's over and above what would be normal spending here in this Congress. And the American people went to the polls November 2, and they took the shovel out of the hands of President Obama by means of shifting the majority here in the House of Representatives and changing the gavels from the hands of Democrats into the hands of Republicans.

When the people of America say stop, it's enough, the people that are serving in this Congress in this lame duck session, this session between November 2, the election, and January 5, which is the swearing-in of the new Congress, the people serving in this Congress need to understand when the American people said enough, that's too much, stop, this Congress needed to respect

the will of the American people and stop.

□ 2210

Stop digging, stop moving the radical social agenda. In fact, stop moving the radical socialist agenda. HARRY REID should stop, Speaker PELOSI should stop, Barack Obama should stop, and this Congress should have only dealt with those issues that were necessary to keep this government functioning in its proper fashion between November 2nd and January 5th.

This Congress could have passed a simple continuing resolution like this House did today that would have bridged the gap through November, December, maybe even January and February, but have gotten a smooth transition over into the next Congress, a respect for the voice and the will of the American people, as Republicans essentially did in the year 2006, respected the will of the American people.

This has not been to be. One radical thing after another. Don't Ask, Don't Tell comes through here on the floor. That is a piece of policy that had all the last 2 years to be brought forward, if that was the will of the majority. But the majority was afraid of the wrath of the American voters.

They were afraid of the wrath of the American voters, so they didn't bring a budget. It is required by statute. Since 1974, the first time this Congress hasn't passed a budget, the House of Representatives since 1974. It didn't happen this year.

The process was shut down, Madam Speaker, so that first the thing that went away was the open rule that allowed any Member to offer an amendment on an appropriations bill that could cut spending down or plus spending up and make some reasonable changes within the germaneness rules of the policy of the appropriations rules. But that was shut down in the second year of the Pelosi speakership.

And then there were the appropriations bills themselves shut down, and they began to run this government on continuing resolutions, omnibus spending bills. The omnibus spending bill that was brought up in the United States Senate, \$1.72 trillion, full of pork, chuck full of earmarks, 6,600 earmarks, pork that just dripped with fat in the United States Senate. And the American people finally rose up and they let the Senators know it is no longer going to be business as usual.

The American people have risen. They have packed this Capitol with tens of thousands of people, and they come with their American flags, their yellow Gadsden flags, the Don't Tread on Me flags, Constitutions in their pockets, patriotism on their heart, tears in their eyes at what they see is happening in this country. The American people have done everything that you could ask them to do in a constitutional fashion. The American people have peacefully petitioned the government for redress of grievances. It is constitutional.

And, Madam Speaker, this Congress' heart was hardened. They refused to listen to the American people. They rammed through out of this House the cap-and-tax bill, cap-and-trade some call it, a debilitating bill that punishes American industry and American investment and American entrepreneurs and rewards other countries, puts us at a disadvantage with emerging economies such as India and China. It passed the House and not the Senate, thankfully.

I am thankful for the filibuster that exists in the United States Senate. There is a complaint that it has been used too much and that something needs to be done to put an end to the filibuster or to alter it. Well, I would submit, Madam Speaker, that the reason the filibuster has been used this much is because of the radical agenda that has been driven through the Senate, promoted by the President, promoted by the Speaker of the House and driven and managed by HARRY REID, the majority leader in the United States Senate, who looks like he will stay as majority leader in the United States Senate.

Cap-and-tax out of this House floor. ObamaCare. We watched the President come in and nationalize the banks, the insurance companies, the car companies, Fannie and Freddie, the student loans. All of that swallowed up, 33 percent of the formerly private sector economy swallowed up by the Federal Government. And then ObamaCare, the nationalization of our skin and everything inside of it.

The American people came and surrounded this Capitol. Not one deep with arms stretched out as far as they could go, six and eight deep all the way around the Capitol. We don't have a picture of that because of air security, or there would have been news helicopters up above taking shots of the human ring, six and eight deep all the way around the Capitol that was formed to tell this Congress stop. Stop. You are spending too much. You are taking away our liberty. You are passing legislation that is unconstitutional, or at a minimum constitutionally suspect. All of that taking place before the election.

And then at the election, the American people poured forth and filled up the voting booth and put their mark down on their ballots, no, no, no, no, to the radical social leftist agenda that has been driven through this Congress, and that message should have been heard loud and clear before the stroke of midnight on the 2nd of November.

And the new day comes forward, the new day came forward and we see nothing but dig in, drive that agenda and drive that agenda. I, Madam Speaker, am here to speak up against it, and I am hopeful that in any succeeding lame duck session that we have, whether it would be Republicans in the majority or Democrats in the majority, that we respect the will of the American people and stand down and bridge

the gap between the election in November and the new Congress in the early part of January with just the minimum amount of legislation necessary to make that transition.

If the majority holds the same and there is work that needs to be done and not very many seats have changed dramatically, then in that case it is a little bit different question. But when the majority changes and the majority changes dramatically, as it did this time in a way more dramatic than 1994 even and as dramatic as going back to 1948 and another previous election, then no.

There have only been three or four times in American history that this Congress turned around the way it turned around this time, and at no time to my knowledge has there been such an aggressive agenda driven in a lame duck session, including the idea of taking up a treaty in the United States Senate. I don't believe that has ever been done.

So, Madam Speaker, we have had the food safety bill today, the food safety bill that is a \$1.3 billion bill or \$1.4 billion bill that is another big reach in government that brings in about 17,000 new government employees and inspectors.

We have the safest food in the world, and we need an army of 17,000 additional inspectors so that we can satisfy the urge to expand the nanny-state? It is the only reason I can think of that we would have a policy like that. The safest food in the world and the largest army to inspect the food, and now out of the House goes the food safety bill, another irresponsible safety and growth in government and unnecessary solution in search of a problem, Madam Speaker.

Don't Ask, Don't Tell. Don't Ask, Don't Tell. The repeal of Don't Ask, Don't Tell, one of the few policies that Bill Clinton endorsed that I thought was a good policy that actually was working. Another solution in search of a problem. It is a political agenda. It is a social experiment in our military.

Our military needs to be able to fight. We need to listen to them. And when we hear the modified positions of our top military officers, one can only suspect that it is a possibility they are taking orders from the commander-in-chief. How about that. What would that mean, if a multiple-star general was taking orders from the commander-in-chief and decided that he would have a position on Don't Ask, Don't Tell that was less clear than it might have been 2 or 4 years ago?

The passage of ObamaCare, as I mentioned, is another piece that came along in this past year, although not in a lame duck session. I look forward, Madam Speaker, to the repeal of ObamaCare as it passed here in late March of this year, late into the night. I was the last one to leave the Capitol here at night, which isn't new, but it happened that night, I am confident.

As I walked home, I told myself, I am going to lay down and rest. I am ex-

hausted. I spent weeks fighting this with everything that I have. And the rest didn't last very long. After about 2½ hours I was up thinking about what can we do?

It is extraordinarily unusual to have a piece of legislation, especially a high-profile, hard-fought piece of legislation like ObamaCare, extraordinarily unusual to ever see anyone introduce legislation to repeal the legislation that has just passed. But I got up and I drafted a bill draft request to do just that, to repeal ObamaCare. And, curiously, without coordination, the same thing was going on in the office of MICHELE BACHMANN, and our bill drafts came down within 3 minutes of each other.

□ 2220

Identically, the same 40 words that conclude with words pretty close to this: Repeal ObamaCare—a little more language—as if it had never been enacted. That's the quote, "as if it had never been enacted." That's a pretty complete way of talking about repealing a piece of legislation.

There were those that thought that it was just an act of protest, an act of frustration. They maybe thought that neither one of us were enough of a statesman that we could accept losing on a vote like that and walk away and fight on another issue another day. But, truthfully, it was simultaneously coming to the same conclusion, the same conclusion that America cannot reach the next level of its destiny if ObamaCare is going to be a component of that destiny because it ties us down, because it anchors us, because it takes away and diminishes our options as individuals, because it mandates that we buy insurance. There are, I think, four constitutional violations in ObamaCare itself, and some of that is in the middle of being litigated right now.

The commerce clause is the clearest and easiest one, and I am happy to see the decision by Judge Hudson in upholding the suit that was brought by Ken Cuccinelli in Virginia, and others. And I look forward to the decisions that will unfold from the Florida suit. And it looks like about 25 States have joined in this litigation in one form or another. And I'm hopeful that when our new Governor in Iowa is sworn in, that one of the first acts in office he will have is that Governor Branstad will join in the litigation against ObamaCare in whatever capacity he is able to do that.

There are three ways to undo ObamaCare, Madam Speaker, and one of them is through the courts and every means of litigation at our disposal, and that path is following pretty well. But we learned—we knew this actually going in, but it was very clear—McCain-Feingold was one of those examples, a piece of legislation that perhaps was signed by the President in anticipation that the courts would overturn it. I don't know that. I just say

perhaps. But anybody that believed that the court was going to save us was disappointed in the short term and mildly pleased in the longer term. But one should never vote for and never sign a piece of legislation that they believe will be unconstitutional because that leaves it up to the courts to do the job that we need to be doing as a legislature.

However, I believe the litigation needs to go forward on ObamaCare and that if the courts finally find all components of it unconstitutional, we can at that point perhaps wash our hands of it and we should pass, then, a repeal to get it out of the books so it's not sitting there waiting to be litigated again.

But I'm looking at the courts for relief—short-term relief, injunctive relief—and I'm hopeful that all of ObamaCare will be ripped out by the court. I believe that it has enough unconstitutional components and no severability clause, so that would tell me there's a possibility that it all could be removed by its violations of our Constitution. That's one of the ways to address the repeal of ObamaCare.

Another way is for our States, our Governors, to refuse to implement ObamaCare and to refuse to invest those State tax dollars in the high cost of increasing Medicaid that it imposes on the State and essentially throw a wrench in the works and resist the administration's determination to implement ObamaCare, and do that from all of our Governors' offices across the country where we have people that oppose it. That's another component of this opposition that can be effective.

The third one, and the one that's the most essential and the one that, if it's completed, is the most certain is a statutory legislative repeal of ObamaCare. Since the tax bracket bill came through last week that extended the 2001 and 2003 tax brackets for 2 years that provided for a \$5 million exemption for the estate tax and a 35 percent rate, fixed a few other things and caused a lot of other problems, but since that tax bill went through and there's an agreement that's made on it for 2 years, then I'll submit, Madam Speaker, that the most important piece of legislation that the new Congress can take up, and I'm hopeful that incoming Speaker BOEHNER will elect to make H.R. 1 the first piece of legislation here in the House of Representatives, H.R. 1, the standalone repeal of ObamaCare, a 100 percent repeal of ObamaCare; legislation that would stand on its own, that would be very clear, that would put up a vote in this House that would allow for a full repeal of ObamaCare in H.R. 1.

Just to put a marker down and declare the approach that I support, since I have taken this issue on in a personal way and filed a discharge petition where I have 173 signatures on that discharge petition, I thought it was important that I articulate the legislation that I would like to see come for-

ward in the 112th Congress. And in my consultation with Congressman HERGER of California, I looked into the language that he put together after I had introduced the repeal language, and he did so after the reconciliation package that came from the Senate.

There were two pieces of legislation that came together to make up ObamaCare. One was the bill itself, and the other one was a reconciliation package that passed several weeks later. That reconciliation package needed to be included. So I added the component of the Herger legislation repeal to the repeal language that I've introduced and the same repeal language that I added that MICHELLE BACHMANN introduced. And she and I filed that bill last Friday, just to add some clarity and unity to the language we support for the repeal of ObamaCare, with the complete agreement of Congressman HERGER from California, who agrees with the language and encouraged me to file the bill.

So that's there as a marker, so anyone that wants to take a look at it and see what it is that we want to repeal, it's ObamaCare; it's the reconciliation package that came from the Senate. They did that in order to circumvent the filibuster. I thought that it was legislative sleight-of-hand myself. And that's what we got.

I'm committed to the full, 100 percent repeal of ObamaCare. I believe that our leadership is committed to the full, 100 percent repeal of ObamaCare. And yes, there will be a lot of different ways to look at this strategically. But to march down through this beyond the repeal piece of legislation, which I anticipate will be very early in the new Congress, my proposal is that we shut off spending in every appropriations bill; that we put language in every appropriations bill that no funds and no funds heretofore appropriated shall be used to implement or enforce ObamaCare. If we do that with all the appropriations bills going through the 2011 calendar year, the 2012 calendar year, by the time we arrive at the Presidential election in November of 2012, it will be pretty clear that ObamaCare has not been implemented, it has not been enforced, none of the dollars would be allowed to be used for that.

And I'm hopeful that we will elect a President who runs on the ticket and calls for the mandate from the American people that the first order of business for the next President of the United States who would be inaugurated on January 20, 2013, would be to have Congress put on his desk the repeal of ObamaCare and sign that as a first order of business as the next President of the United States. That's the goal. It can be done. It isn't a futile effort.

I've had some people say, Well, why do you think you can repeal ObamaCare? The President would veto it as soon as you pass the legislation. In the first place, if the House passes

the repeal of ObamaCare, there's no agreement the Senate would take it up. But surely, they're not going to take it up unless we send it over there. So we need to pass the repeal, send it to the Senate, build the pressure so that they can perhaps find a way to take it up in the Senate. If they do so and the repeal of ObamaCare gets passed by both Chambers in the same form and it goes to the President, yes, I, like every other thinking American, would expect President Obama to veto such legislation, but we would have people on record. We would have an agenda that would be laid out. And that lays the foundation to unfund ObamaCare, and it lays the foundation then to take us to the point where we can elect a President who will sign the repeal. That's the strategy. It needs to be done.

If the American people are going to reach the next level of our destiny, we cannot have ObamaCare as an anchor that's tied around our leg that continuously sinks the entrepreneurs, sinks the small businesses, grows the taxes, creates lines, rations care, prohibits us from buying the insurance policies of our choice. The list goes on.

□ 2230

Mr. Speaker, I am well aware of the time of the season that we have here, and I am thinking about the families of all of those who are on their way home tonight and of those who will be on their way home tomorrow and perhaps the next day.

All the staff that works here in this Congress and the people who are here as this team is tonight, recording every word that comes from any Member of Congress and who are in the middle of this debate constantly, making sure that everything is precisely, accurately quoted and coordinated in this CONGRESSIONAL RECORD, are top-notch and the envy of the world. Of the team that is here, many of them I have worked with for years, and I don't know if they're Democrats or Republicans. I know that they respect the institution and the people who serve here. I appreciate them, and wish all of them a very Merry Christmas and a happy new year.

While I look around at my colleagues, both Democrats and Republicans, and know some of their families and our staff from our offices, who toil sometimes in oblivion, I think of all of that contribution that's there, and I am grateful for them all.

I also cast my mind's eye overseas to some of the places that I have gone to visit our troops and our personnel. It just so happens that, a little over a year ago, I missed a family event that was of high importance to us because of duty here, and even though there were quite a number of calls expressing sympathy for that, a month later, I found myself in Afghanistan. As I was seated in a late-night briefing, one of the generals—and I probably asked one too many questions, and got a little bit close to the personal side. He will know

who he is, but I won't utter his name into this RECORD, although I have great respect for him as a patriot, as a warrior and as a servant for America.

He said, though, in that night conversation in Afghanistan, I was deployed when they served divorce papers on me from my first wife, and I started a new family. I have a girl and a boy. My little boy is 5 years old, and I have been deployed for three of his first five Christmases.

I sat there and listened to that, and it had been about a month since I had missed a very, very important family event in my own family. I listened to that officer tell me of being deployed when he received divorce papers, of being deployed for three of his son's first five Christmases. I think he is deployed right now.

I think about the men and women who put on the uniform and who are deployed in harm's way around the world in Iraq, Afghanistan and in other places around the world.

I was watching as the USS Harry Truman docked here in the last day or so. The sailors who got off of that ship were seeing babies born, their children born—babies they had never seen since they were born. Little babies were put in their arms. They'd kiss their wives quickly and pick up and marvel at a little miracle that would be 2 or 3 or 6 months old who they had never seen. Their own child. They weren't home for the birth of the child. They missed weddings. They missed funerals. They got back when they could, but they were deployed; they were at sea. They were serving America.

That's true on the USS Harry Truman. That's true in places like Afghanistan and Iraq and other places around the world where we have our men and women in uniform—our soldiers, sailors, airmen, and marines—in harm's way every day, at risk of death, at risk of sacrifice, some losing their lives. While all of this is going on, sometimes we get wrapped up here, and we think ours is a sacrifice.

Well, Mr. Speaker, I would submit that ours is a duty and a service and a privilege and an honor, and sometimes it is a sacrifice; but when we think about our sacrifice here, I ask all to think about the sacrifice over there, which is far greater—far more family time lost and missed, moments that will never be recaptured again, limbs lost, and lives lost . . . never to come back again.

So, with all of that in mind and with the Christmas season upon us, I would like to close with a poem that was written by the greatest respecter of our warriors in this Capitol building—Albert Caswell—who can be seen around this Capitol, giving tours to the wounded on a daily basis with eagerness and enthusiasm and a profound respect for those who have served us so well and especially for those who have been wounded and for those who have been lost. Sometimes he sits up in the middle of the night and will write a poem.

I think he gets started, and he can't stop until he finishes it and brings it to a conclusion. This is a poem that he wrote just a few days ago. It's called "This Christmas."

"This Christmas . . .

"As the snow falls to the ground . . .

"And all the children dance, with songs of joy so

all around . . .

"With stockings hung by the chimneys with care . . .

"With hopes and dreams, of Santa there . . .

"With Christmas dinners and fires all aglow, as

before this family a feast lies so . . .

"O Holy Night! A Child was born, for all to know!"

"Joy to the world, let Heaven and nature sing, but

remember . . . remember . . . remember all of them, and

all of those . . .

"Those families! Those patriots of peace!

"The ones, who'll this Christmas . . . will not so

together be!!

"Who upon battlefields of honor fight!

"So far away from our country tis of thee, this night . . .

"Men and women of such honor bright, who for all of us so carry that fight . . .

"Why there can be peace on Earth, because of their light!

"Who now so live with such heartache and death . . .

"Who upon each new day, their honor our lives so bless!

"As they so bless us one and all, with all of their

gifts of most selfless sacrifice . . .

"And all of those lost loved ones, who lie in soft, quiet, cold graves . . .

"Teaching us all the true cost, the price of freedom paid!

"Precious daughters and sons, husbands and wives . . .

"Fathers and mothers, sisters and brothers who gave

their lives . . .

"That last full measure . . . as for them we cry!

"Whose loved ones' pain, will never die . . .

"Who on this Christmas morning, sit with but tears

in eyes . . .

"As they listen to their children cry, 'Mommy,

Daddy . . . I wish you were by my side.'

"With one less place at the dinner table this

year . . . they all so begin to cry . . .

"And all of those who have come home, without arms

and legs, who did not die!

"Without eyes and faces, with burned in all places . . . in hospital beds they try!!

"Blessing us all with their fine gifts they gave!

"Making us all so see, just how magnificent and inspiring a heart can be!

"And remember all of those, whose loved ones lie far

across the shores . . .

"As with each new day, brings such great worry . . . so

for sure!

"But, waiting . . . but waiting for, that knock on the

door . . .

"That phone call, that they now so pray not for . . .

"Quiet heroes, one and all!

"Watching them from Heaven, the angel's teardrops

fall . . .

"Lord God, Lord God . . . bless them . . . bless them all!

"For these are the families, who have paid the cost!

"Bore the burden, carry that cross, that cross of

war!

"This Christmas, as you hold your families tight . . .

"And all seems so fine, and all seems so very

right . . .

"And you see all of those smiles upon your

children's faces, so bright . . .

"Give thanks! Give praise! As upon your knees as

you begin to pray . . .

"For all of those families, who have so

sacrificed . . .

"And remember their blessings, their gifts of

freedom . . . this night!

"This Christmas . . ."

Mr. Speaker, I wish all of us a Merry Christmas and a happy new year. May we reconvene in the 112th Congress with a new spirit—a spirit that keeps in mind the price and the sacrifice paid by our veterans and our families that support them, the legacy that they have left for us, the duty that we have to honor their sacrifice. May we come back and join together in that task in January of 2011.

May we go home and give great thanks for their sacrifice and the blessing of Our Lord and Savior, Jesus Christ.

With that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today and the balance of the week on account of knee surgery.

Mr. DOYLE (at the request of Mr. HOYER) for today.

Mrs. McMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of her daughter.

Mr. PASTOR of Arizona (at the request of Mr. HOYER) for today.