

I wish you a happy new beginning.

# RECOGNIZING THE SERVICE OF POPE COUNTY JUDGE JIM ED GIBSON

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Mr. Speaker, I would like to congratulate Pope County Judge Jim Ed Gibson for his commitment to the citizens of Arkansas. Judge Gibson's efforts and participation within the community continues to make an impact. For his service and leadership, Judge Gibson has been named the Russellville Area Chamber of Commerce's 2009 Citizen of the Year.

This is a fitting honor for a man who not only has served the public, first as a member of the Pope County Quorum Court for 15 years, but since 1999, as the County Judge. His service continues beyond the office, serving as a member of a long list of organizations and boards across Arkansas.

Judge Gibson has spent his life putting his community first. It was just a few short years ago the city of Atkins was hit by a tornado. Judge Gibson was one of the first people at the scene making sure people were taken care of. I appreciate his dedication, and I'm confident that that will continue.

The people of Pope County are fortunate to have such an exceptional neighbor. I ask my colleagues today to join with me in honoring Judge Jim Ed Gibson, a wonderful public servant who is always and always will be dedicated to the people of Pope County.

## CLOTURE AND RECONCILIATION

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 as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the House. And in the aftermath of the summit yesterday, the February 25th health care summit that took place, and over the 7-plus hours from gavel in to gavel out, the 6½ or so hours of actual dialogue that took place, I think a lot of the American people were watching. And I'd like to think also that a lot of the American people were busy at work and didn't have the opportunity to sit and watch it all in a transfixed, focused fashion, like a lot of us tried to do, and some of us actually succeeded, although I was not among them. I watched as much as I could and I had the closed caption crawler going underneath the screen while I was conducting meetings. So I tried to pay attention to the flow and look back on what happened.

I listened to the dialog in here a little bit earlier with the majority leader on the Democrat side and the Whip on the Republican side going through their end-of-the-week colloquy that

gives us a sense of where we're going next week and a little bit of a feel for how we work together with each other. In fact, some of those negotiations are taking place here in front of the American people in an open fashion, as we would like to think that most of our negotiations and deliberations are.

I would go back through some of that discussion to put a bit of a different perspective on the situation of reconciliation, which is the nuclear option. And even though the gentleman from Maryland continually made the point that Republicans had used the reconciliation option, Democrats called it the nuclear option back then. The means of putting an end to the filibuster—you have two choices in the United States Senate: One of them is you come up with 60 votes to break the filibuster. That's called a cloture vote. And if you can't come up with the 60 votes, the other thing is, in tax or spending issues, so the government doesn't come to a grinding halt due to lack of revenue to keep the machinery of government working, they have devised a method called reconciliation. And that reconciliation will require only 51 votes, not 60 votes in the Senate to move a bill.

But the point that is missed here today is that the reconciliation-nuclear option—and it depends, on the Democrats' part, on whether they're talking about Republicans implementing reconciliation or Democrats implementing reconciliation. To a Democrat, when Republicans discussed implementing reconciliation in the United States Senate, they called it the nuclear operation. But when it's HARRY REID and the Democrats seeking to implement reconciliation, they say it is reconciliation. Don't you know that's getting together to get things resolved, rather than blowing the place up. Isn't that something? That you can have two different terminologies for the same action, and they can be so far apart, 180 degrees apart from each other. Democrats committing reconciliation is reconciliation, warm, fuzzy, group hug, 51 votes. What would you have against a simple majority passing something here in the United States Congress? That's their argument. We heard it here a little bit earlier. Who would be against a simple majority?

And the second part of it is the nuclear option. The last time Republicans discussed the reconciliation tactic in the Senate that Democrats continually pounded upon and called it the nuclear option was when we were seeking to confirm judges to the Federal court. And to get a vote in the Federal court, there was a filibuster in the Senate.

Now, you can look through the history of this and study who said what when and all the protocol that's part of that. That's for Senate historians to know most of that.

But for me, Mr. Speaker, I'll take it down to this: When I read the Constitution, it requires for confirmation of

these Federal judges the advice and consent of the Senate. It doesn't say the consent of 60 votes in the Senate. It says, the advice and consent. Consent implies the majority of the Senate. And many of those Senators that were opposed to reconciliation because they were Democrats in the minority at the time also argued that the President of the United States, President Bush, didn't accept enough of their advice.

Well, you can work about this term, but any time that the Constitution contemplates the consent, it never requires a super majority for the concept. It always requires a simple majority in the United States Senate for consent of the Senate, advice and consent. And so, when a confirmation, or the ratification of a treaty, or something that is in our Constitution required by the Constitution, comes up for confirmation in the Senate and it requires advice or consent in the Constitution, I believe that it is a constitutional violation for the Senate to use a filibuster, because they're denying the consent of the Senate, or they're setting an arbitrary majority after the Constitution, the fact of the Constitution, to take it up to 60 votes.

So the argument that this Republican made in 2005 against a whole series of active Democrats that were for the nuclear option was, you have a constitutional obligation to provide a vote to confirm or not confirm these appointments by the President of the United States. You cannot hold them out to a cloture vote and a filibuster simply by one Senator putting a hold on an appointment to the Supreme Court, for example.

So it's a constitutional restraint. I've had this debate with many of the Senators on the other side, including my junior Senator from Iowa, TOM HARKIN, who disagreed with me.

□ 1245

But in any case, that's the Republican position. We default to the Constitution.

The Democrat position is Republicans use reconciliation. Well, not when it came to confirming judges, for example. That's a simple majority because that is the definition of consent in the Senate.

So here we are with this large initiative called—well, I think the President used it yesterday—the term ObamaCare.

Now, Thomas Jefferson once said large initiatives should not be used on slender majorities. And a slender majority could only be how this large initiative of ObamaCare—to use his term for it—has been advanced through the House by only a three-vote margin and only one Republican—and I think he would reconsider if he could do it today—voted for that bill.

Many Democrats voted against the bill. The margin was so utterly slender and narrow in its majority that it can't be defined as anything else except as exactly one of those things that Thomas Jefferson warned against doing. And

when you go to the United States Senate, they wheeled and dealt in back rooms—happened here on the House side, too—until they got right down until the night before the announcement of the cloture vote, and they made their last deal with BEN NELSON to exempt Nebraska from the increases in Medicaid costs. This is a word, Mr. Speaker, that everyone should be alarmed at that when they see it show up in any legal document: in perpetuity. Exempt Nebraska from the increase in Medicaid costs in perpetuity.

And that deal, along with lowering the language of the Stupak language in the House, the House language—which did a fairly effective job in preventing Federal dollars from being used for abortions should the ObamaCare pass—the Senate version of it and the language that was negotiated by BEN NELSON certainly rolled this thing back to where there would be more Federal dollars used for abortion because of the language change, even though they made the argument that there would be an accounting of those dollars.

I would say that the Nelson language still set the Federal Government up to be the broker of insurance premium dollars that would be directed to insurance companies that were paying for abortions out of those premiums and to compel the American people to fund something that is, to them, fundamentally immoral is an unjust thing for this Congress to do.

We did it inadvertently in the aftermath of *Roe v. Wade* in 1973. By 1976, we had implemented language that prevented Federal dollars from funding abortions under either the Hyde amendment or the Mexico City Policy.

But this language—and the House actually allows some—the language from the Senate allows a lot more to go to abortions.

And to reflect back on my position, Mr. Speaker, this would have been I believe in the 1980s or perhaps in the very early 1990s when my Congressman came to my district and we had a meeting. Just a town hall meeting in the basement of the Lutheran church, and I remember the count of the chairs that were there, and they were mostly full. In fact all, I believe, were likely full. There were 80 people in the basement of the church in a town hall meeting. Pretty good-sized meeting for a little town. Not by last August standards, Mr. Speaker, but by normal standards.

And as my Congressman presented his pitch on his proposal for a national health care act that was essentially dovetailed into *HillaryCare* later on, he asked, How many of you in the room are employers? And that's why I remember the room. Eighty people in the room, 12 of us raised our hands that are employers. He said, Now I want to ask you how many of you provide health insurance for your employers. And 11 hands went down, and mine was the only hand that was up. So I was the only employer in that room of 80 with

12 employers, I was the only one that provided health insurance for my employees.

And so my Congressman walked over to me where I was sitting in the front row—and I remember him—and he looked at me and he leaned down, folded his hands behind his back and he leaned down and said, How much would it change the way you do business if my health care bill, the way I propose it, becomes law? And I looked at him and I answered the way I usually answer, which is what's on top of my mind and tip of my tongue. And my answer to his question, How much would it change the way you do business? And I said, Probably not very much unless you're going to compel me to fund abortion. In that case, I quite likely will no longer be an employer. And those were the exact words that I used.

And so it was essentially said that I don't think I can go forward and make a living and take money out of people's paychecks and contribute out of our own asset base of the company and fund a Federal machine that is funding abortions that I am compelled to pay for if I have employees. I could have laid all of my employees off. I could have gone off to operate my business alone, cut down our revenue stream substantially—and my stress load, I might add. But still under that bill, it probably would have compelled me to carry my own insurance that I would have had to fund abortion with.

In any case, when I made that statement that I quite likely would no longer be an employer if they compelled me to fund abortions through the premiums that I would be compelled to pay, that brought the house down. I had no idea that the people in that church felt as strongly about that issue as I believe on that issue and believe today. But that emotion in that church was a solidly held fundamental, moral, and religious principle that remains today stronger than it was then.

And this Nation operating within the House of Representatives and within the United States Senate could contemplate the idea that they could produce or approve a product called health insurance, confer everyone a new policy that they own, and among those policies set up a health insurance exchange that is going to bring dollars in and flow dollars out that would go to fund abortion clinics? With the majority of people in America opposed to abortion and a smaller percentage yet that are in favor of abortion, elective abortion, abortion on demand? That is a fundamental moral principle that would be violated.

And when the Speaker of the House at the end of the meeting yesterday chastised the Republican leader and said there is no abortion coverage in this bill, it was an incorrect statement. One might make the argument that the Stupak amendment in this House reduced—and they might argue—and I think it's an uninformed argument—that the Stupak amendment in this

House eliminated Federal funding for abortion. It eliminated a lot of it, and it was a significant step forward; but it didn't eliminate it all. So the Speaker's statement at the President's meeting yesterday at the Blair House was incorrect.

And it was further incorrect because it seems as though as we listened to all of the dialogue that unfolded yesterday, that the President was negotiating off of the Senate version of the bill more so than he was of the House version of the bill, in which case there is no question that Federal funding would flow in and pay for abortions. And at a very minimum, no matter how you argue it, at a very minimum there would be Federal funds that would be paying for the administration of abortions and the administration of an exchange that would be brokering policies that funded abortion. That is how the language works. I have read the language carefully, and I know that some of that has been amended but not to the satisfaction of the pro-life groups in America. Not to my satisfaction either, Mr. Speaker.

So we've watched as this unfolded, and we asked what about this reconciliation package that the majority leader seems to speak in support of, although he didn't answer the question directly. He accused Republicans of using reconciliation. He didn't actually call it the "nuclear option" this time. Of course he wouldn't because they are loading the gun getting ready to cock the hammer and pull the trigger on the nuclear option. And they can't have us calling it the nuclear option because the American people then understand it blows up the system in the United States Senate.

But, truthfully, we don't have much to say about it from a formal perspective here in the House of Representatives because we do have a simple majority that controls. We have a Speaker of the House that controls the entire protocol from top to bottom right down to whether there will be amendments offered, what those amendments will be, and who will be able to offer them. And it's happened over and over and over again, and Mr. Speaker, the American people need to know this.

There is a Rules Committee that meets up here on the third floor of the House. Tiny little room. It is, I believe, the smallest committee room in the House of Representatives. It's the least frequented by the press. It doesn't have cameras in it like C-SPAN cameras cover every other committee on this Hill. This is a hole in the wall on the third floor at the end of the elevator where nobody goes. It's the hole in the wall. And it's the hole in the wall gang and they're directed by the Speaker of the House. And they shut down the amendments that are offered especially by Republicans unless they deem that amendment would embarrass or divide Republicans, in which case they'll allow that to be debated so Republicans can be embarrassed, divided and have a vote here on the floor.

So when I go up there, I offer amendments that I believe are constructive, that are designed to perfect legislation, designed with things in mind that the Founding Fathers had when they designed the Constitution itself. In other words, it was imagined that there would be people of open minds and differing levels of experience that would come together to have a dialogue and discussion about what's good and right for America.

And then we get to the formal process of our discussion. First, we do hearings and we listen to the American people come in and tell us what we they have to say about the policy, and presumably the members sitting on the panel don't know as much about the subject as the witnesses.

So we learn; then we ask questions. Then we go back and do research. Then we come back together and decide whether we want to start to move a piece of legislation, in which case in the subcommittee there is a markup process. And that is that any Member can offer an amendment; they can offer an unlimited amount of amendments. They can debate each of those amendments, 5 minutes for each member of the committee if they so choose. And they can ask for a recorded vote and vote that amendment up or down.

That process does take place in the committee, and a lot of it is outside the scope of what the American people are paying attention to. And then the subcommittee product is designed to go to the full committee. And I will speak about the Judiciary Committee because we've seen the example this week where for their time in this past year, out of the Judiciary Committee, even though there is a relatively legitimate amendment process and debate process that takes place there—not on the floor; I wouldn't argue that takes place on the floor in that fashion with any regularity, but in the committee it seems to.

And three times out of the Judiciary Committee there has been a Republican that has offered an amendment to an important bill, that amendment has passed with bipartisan support, and the product of the committee's work, the product that after the bills are amended and receive a final passage out of the committee, then they come over to be put on the calendar to be debated on the floor of the House.

And the majority leader controls that agenda, and the Speaker's power influences it considerably. And the bill does go through the hole-in-the-wall Rules Committee to be reviewed and consider any other amendments other Members might want to offer. And in a perfect world, every bill would come to the floor under an open rule for any Member that had a good idea would have the opportunity to convince the other Members of the merits of their good idea in the form of an amendment or perhaps submit themselves to the rejection of the House if the House did not approve such an amendment.

But what has happened three times just out of the Judiciary Committee and just in the last year has been a bill that was amended by a Republican in the Judiciary Committee that changed by the time it got to the hole-in-the-wall Rules Committee and was written up differently by committee staff and presented to the Rules Committee with a different bill number in it, but the substance of it changed because they amended and struck the very legitimate amendments that were voted on by Republicans and Democrats. And I will be specific about this.

In the Bankruptcy Clawback Bill, I introduced an amendment in the Judiciary Committee that would have banned anyone from receiving relief under the bill for bankruptcy if they had defrauded their lender. Now, that vote on that amendment passed by a vote by 23-3 in the Judiciary Committee. And curiously when the Bankruptcy Clawback Bill came to the floor, it had been passed through the Rules Committee, given a new number and almost, but not exclusively, but I will say from my view the only substantive change was they took my language out of the bill that had been approved by Democrats and Republicans by a vote of 23-3 and inserted language that said only if you have been convicted of defrauding can you be denied the benefits under the bill. That is what took place after the fact which renders the very formerly legitimate work of the committee moot.

What is the point of meeting and having this discussion and this dialogue? What's the point in hearings for information? What's the point of the subcommittee and the committee markup and all of the staff work and all of the debate work that we do and introducing the amendments and voting them up and down and building the legitimacy of a proposal to go to the Rules Committee and have the product of the Judiciary Committee pulled down, put through the shredder, so to speak, and a whole new bill manufactured with a similar, maybe even identical, bill title on it?

□ 1300

That's what's going on in this Congress, and then the bill comes to the floor under a closed rule so that no Member can offer to put the language back in. And we call this America, the greatest deliberative body in the history of the world, and this is the draconian approach. The American public doesn't find out unless I come down here and say, Mr. Speaker, because the hole-in-the-wall gang is controlling this at the direction of the Speaker.

If anyone wonders whether I am embellishing this or not, they could actually look at the records of the Rules Committee on the eve of November 7 when the health care bill finally passed here in the House of Representatives. On that morning, near 1:30 in the morning, I offered 13 separate amendments to seek to perfect—well, I couldn't

have perfected that bill—improve the health care bill. Thirteen separate amendments I offered them. I argued them before the Rules Committee, and I was chastised by at least one member of the Rules Committee because I had wasted the paper and the staff time, and I should have known that the Speaker had ordered that my amendments would not be approved by the Rules Committee, so I was wasting all of their time by making my argument on how to improve the health care bill.

Now, I will suggest, and I will hold firmly to this, Mr. Speaker, the franchise that I am entrusted with by the voters of the Fifth District of the State of Iowa is every bit as legitimate as the franchise of the Speaker of the House, the House majority leader, the House majority whip, any committee Chair, subcommittee Chair, let alone the Republican leaders and the ranking members.

Every one of us has a franchise. We are  $\frac{1}{435}$  of the American people, and the people in my district deserve every bit as much representation in this Congress as the people do in any district. But the structure, this iron-fisted structure in this House of Representatives, that's what breaks down deliberative democracy and it undermines our constitutional Republic and it denies the very legitimate, knowledgeable input from all across this country.

Think about how this works. Each one of us, 435 of us, we go home to our respective districts. We build a network of advisers that are continually providing input for us, teams of people that are experts in their field, and it filters that information and it comes to us in a whole series of ways, town hall meetings, individual meetings, individual lobbyists, yes. Lobbyists do a very effective and useful job on this Hill, and if anyone gave me information that wasn't accurate or honest, if they found out about it, they would bring it back and correct it to me first.

If I thought they were doing so intentionally, they would not come back to talk to me, ever. There's a credibility there in that arena that I think somebody needs to stand up for the lobby, and it is a matter of providing a lot of valuable information. We find that directly from our individual constituents in our town hall meetings and our professionals and all of the outside organizations that work outside and on this Hill trying to effect the change.

All of that information that I have talked about, the input from 300 million people pours through to us in all of these avenues that I have described and many more—and through the media, I might add. And all of that, save what might be in the mind of the Speaker and the Speaker's staff, maybe the leader and the leader's staff, but I am not sure of that. All of that, all the rest of that is denied by the draconian approach here in the House of Representatives that shuts down the debate process, prohibits amendments,

and limits an important bill to just selected amendments that help some people look good or position themselves so they will vote for the broader bill. That's what it has come down to. It has not come down to the evaluation of what's the best policy or even taking the risk of allowing someone to have their say and forcing a vote on an important issue.

It was amazing to some degree that the Stupak amendment, which is the pro-life amendment in the health care bill, was even allowed to be debated here on the floor. Many people didn't think that would happen. I will suggest that it wasn't the wishes of the Speaker of the House, clearly. She seems to want to tell the Pope where the church stands on the life issue. I suggested it was the political dynamics that enough Democrats would vote against the bill if they didn't get to have their debate in the vote on the pro-life Stupak amendment, and that was the dynamic.

So often the American people don't get to see what goes on behind the scenes or what's going on in the calculus. When you read your history book, it comes down to, well, the Congress evaluated this policy and that policy and some thought this, some thought that. The decision came down to a policy decision, and we had a vote and moved forward. Way too often the American people need to know it's not a policy decision; it's a political decision.

When you see someone make a tough political decision, way too often they are making a decision that has more to do with their political survivability than it has to do with the policy. And statesmanship is hard to find, but thank God we still have some in this House. I am hoping we will get a lot more statesmanship coming in November when the energy of the American people will be manifested at the polls.

I am very grateful that I have seen 9, 12 Tea Party, patriot, constitutional conservatives all over this country filling up the town hall meetings, doing their own rallies, packing the west side of this Capitol out here to the tune of tens of thousands of people with only a 2- or 3-day actual notice. Another 2- or 3,000 came in for a press conference the following Saturday—it was on the 5th—and the 9th of November the American people came here to have their voice heard.

After this bill passed the House at 11 o'clock on a Saturday night, then the fight went over to the Senate. There in the Senate, in the Senate, there was a rally that took place with thousands of people there, in a press conference, I should probably call that, to be technically correct. As that battle went on in the Senate and they were counting votes one after another and special deals were being made—not just for the Cornhusker Kickback, but to exempt Florida from the cuts to Medicare Advantage.

A lot of people look at Florida and conclude that that's the most senior

State in the Union because a lot of retirees went to Florida. Well, you should look, really actually look at Iowa, and the Fifth District in Iowa is the most senior congressional district in America. Iowa has the highest percentage of its population over 85, and of the 99 counties in Iowa, I represent 10 of the 12 most senior counties in the most senior State in the Union. So I will say the Fifth District of the State of Iowa is the most senior congressional district in America.

We didn't get an exemption from the cuts in Medicare Advantage. Just Florida. Why? Because TOM HARKIN was already going to vote for the bill and because CHUCK GRASSLEY was going to vote "no" on the bill, so Iowa didn't get that particular exemption, and I am thankful we didn't. If we had, I would have liked to think that Iowans would have stood up like Nebraskans did and say, We don't want any special favors. We want to be considered in the same category as all the other Americans. In fact, it's unconstitutional to treat members—citizens of the United States and one State differently than we treat citizens or residents in another State. That is unconstitutional, and I believe the Cornhusker Kickback was unconstitutional. I believe the Florida exemption for Medicare Advantage was unconstitutional, and I believe the special clinics up in Vermont that went to BERNIE SANDERS to get him on board also—I don't know that I would actually say they are unconstitutional, but they are unsavory.

If one looks at the bill and the language that came out from the President on last Monday at 10 a.m. exactly and, not coincidentally, 72 hours before the Blair House meeting started yesterday, that proposal, which is not a bill but only bullet points and platitudes, does include at least 11 other special treatments that look a lot like the Cornhusker Kickback or the Louisiana Purchase or the Florida Medicare Advantage exemption or all of the expensive billions of dollars for community health clinics in the State of Vermont. The list goes on and on and on, the unsavory list.

A significant number of United States Senators have spoken against reconciliation. They called it the "nuclear option." The quotes are there from President Obama, Hillary Clinton, JOE BIDEN, name your Senator on the Democrat side. CHRIS DODD is another one.

There are others that have spoken, have spoken against the nuclear option because they wanted to block confirmations to the Federal court. Now they say, warm and fuzzy, we will all join hands. What do you have against a simple majority vote?

Well, I have a good number of things against the way things are being done here. To think that the President of the United States is negotiating with the Senate and the House, trying to put together enough votes to pass an amendment to the Senate version of

the bill—now, remember, the Senate version of the bill passed Christmas Eve, and presumably that's the will of the United States Senate.

Now they are talking about passing amendments to the Senate bill out of the Senate so that they can amend it and pass two pieces here in the House, send it to the President and the President would sign a bill, and then he would sign a reconciliation bill right behind that that would amend the first bill. All of that to avoid, what? A conference committee, a conference committee that was envisioned by the Founding Fathers that would have Democrats and Republicans sitting at the table.

This is the first time in history, as far as I know, that the President of the United States has convened a conference committee from the executive branch of government. This is a legislative function, Mr. President. He taught constitutional law at the University of Chicago. I have a lot of constitutional disagreements with the President of the United States. And I will say that my chief of staff studied at the University of Chicago Law School during that period of time but was adept enough to study her constitutional law in a different classroom. I am thankful for that. That has been useful to me to have that kind of input and advice.

I see my friend from Georgia, one of our outstanding Dr. Phils in the conference and one of the most knowledgeable about health care and many other things, here to join us. I would point out that the OB/GYN, Dr. PHIL GINGREY, has, by my recollection, delivered about 5,200 babies in his time. That's a great gift of life that I appreciate.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Obviously the gentleman has, during this hour, spoken of, already, some of the arcane machinations that are going on in regard to how the Democratic majority and President Obama plan to get this bill, this massive health care reform bill, through the Congress and to describe, of course, that process called reconciliation.

I know it's difficult for a lot of folks, Mr. Speaker, even Members of Congress sometimes, to understand all of these parliamentary tricks which can be used, but clearly, the American people, the American people can't be tricked. I absolutely have faith in them. We have heard from them during the town hall meetings all across this country; last August, the Million Med March on Washington; the Doctors for Patient Care march on Washington; the Tea Party Patriots; the Freedom First Foundation, led by a former majority leader, Dick Armey.

Mr. Speaker, these folks cannot be tricked, and I was really disappointed in yesterday's proceedings. I think it was a good thing that the Republican minority was willing to go over to Blair House, realizing that the deck

was stacked against them, but to have an opportunity, in a very respectful way. And I commend my colleagues in the House and the Senate and my Republican colleagues. I think they did a great job of that.

But it was clear, it really was clear on Monday of this week, Mr. Speaker, when the President put his 11-page edition online to add to the Senate bill, it was pretty clear that there was going to be no opportunity—and my colleague from Iowa has stated this so well—no opportunity, as the President, Mr. Speaker, gave, indeed, to Iran and their leader, Ahmadinejad, to say, We are going to unclench the fist. I guess, Mr. Speaker, the President was referring maybe to the fist of the previous administration, his predecessor in the oval office. I am not sure. But to say to Ahmadinejad, of all people, We are going to unclench this fist and we are going to reach out with the hand of friendship as we negotiate with you in regard to trying to appease you and beg you and triple-dog dare you to stop in your progress toward developing a nuclear weapon.

I didn't see that kind of outreach yesterday at the Blair House as I watched the deliberations on television, Mr. Speaker, and that really is what we needed. That really and truly is what we needed. We needed to have an agreement from the President and from the Democratic majority to start over, to reject this bill that the American people, what, 70 percent, Mr. Speaker, had rejected. They want us to start over, and they know now that we have great Republican ideas. They were articulated.

I can't go through a litany of all the Members. I think there were 18 or 20, including House and Senate Republicans. Dr. TOM COBURN talked about medical liability reform. Senator ALEXANDER spoke eloquently. Our own Dr. BOUSTANY from this body I thought did a great job representing our doctors.

□ 1315

We know now what's in store for us. I want to just say to my colleagues and to my friends back home, let's don't give up the fight. If this is what they want to do, if this is what the Democratic majority wants to do, if this is what the President insists on, they're going to pay the consequences politically. Unfortunately, that's not the greatest concern; the greatest concern is, of course, the health, both the physical health and the economic health of this country, and I think it's at great peril.

I know we have other Members, Mr. Speaker, that have joined Representative KING and want to weigh in on this, and so I will yield back. But I thank you for the opportunity to be with you this afternoon.

Mr. KING of Iowa. Reclaiming my time, I thank the doctor, the Congressman, the gentleman from Georgia for joining us. We have about 23 minutes or so to continue the dialogue.

I appreciate the intellect that has been brought to this debate. I think that there were some outspoken conservatives that would have contributed substantially to the discussion yesterday had that been the format. And perhaps this is our format to weigh in on that. So I am happy to see that also my friend from Minnesota, MICHELE BACHMANN, has arrived on the floor, and I would be happy to yield so much time as she may consume.

Mrs. BACHMANN. Thank you. I appreciate my colleague, Mr. KING, and also Mr. GINGREY. I will only be just a few minutes. I really wanted to be just a part of this discussion. I saw that you all were down here speaking on a very important topic that has captured a lot of people's attention this week, in particular with this event that happened yesterday.

I think one thing that we have demonstrated very clearly is that those of us on the Republican side of the aisle from the beginning of this debate have always had positive solutions that we have wanted to address. I know Dr. GINGREY has even laminated on a little card that he carries in his breast pocket, "Rules of the Road Going Forward on Health Care." And of course, he's a physician; he understands better than anyone how patients are impacted by what we do here in Washington, D.C., and I appreciate the work that he has done.

We also have the Declaration of Health Care Independence that my colleague, Mr. KING, has put up. Mr. GINGREY has contributed mightily to this document as well. It states, "A Road Map Going Forward, The Rules of the Road on What We Need to Do Going Forward on Health Care." There are 10 items. Some of them include: Don't add to the crushing Federal debt that our Nation is currently experiencing; don't force people to violate their moral conscience and pay for other people's abortions; don't force taxpayers to pay for the health care of people who are residing illegally in the United States.

It goes through a series of 10 items that we should at least be able to agree on. As a matter of fact, if I recall, I think the President himself has agreed on almost all 10 of these items about health care. So let's go ahead and sign. And I think about 100 Members of Congress so far, or thereabouts, have signed this document. We hope the President will, we hope the Members of the Senate will. We think this is a good roadmap going forward. But we also think, as an olive branch, we truly can have bipartisan health care reform. That's what we want to have because it's not about us, and it's not about Washington, D.C.; it's about people back home and what the costs are going to be in health care.

Eighty-five percent of Americans really like their doctor, they like their health care—they just want it to be cheaper. We agree. Very simple plan that we can do. We can let any American buy any health care policy they

want anywhere in the United States, number one. Do it with your own tax-free money. And beyond that, fully deduct on your income tax return any other expenses. That alone is a 32-page bill. Anyone can understand that. We can at least start there and bring the cost down on health care for all Americans. Why can't we at least start there? Do something to help the American people, but not create a big bureaucracy, not have the government take over one-sixth of the economy, all the things that the American people don't want us to do. But this is a great roadmap going forward.

Mr. GINGREY of Georgia. If the gentleman from Iowa will yield just for a second on the gentlelady's point.

Mr. KING of Iowa. I yield.

Mr. GINGREY of Georgia. The gentlelady from Minnesota, Mr. Speaker, is absolutely right. And it was interesting, in that discussion yesterday that was a little tête-à-tête between the President and Senator ALEXANDER about whether or not the health insurance premiums for people within the exchange, as they were forced, according to provisions in the law, if it becomes law, the requirement that everybody has health insurance—it was pointed out by the President that many in the exchange would be paying less for their premiums. But as we deciphered through that—and I think maybe the President finally came to the realization that what Senator LAMAR ALEXANDER from Tennessee, a part of the Republican team, the point he made was absolutely right, the premiums were coming down, Mr. Speaker, only because some of those that were purchasing as individuals through the exchange mechanism were getting government subsidies. So if you subtract the subsidy from the cost of their health insurance policy—that by law they would be forced to purchase, even if they didn't want to—then, yeah, the price would come down. But it ain't free, Mr. Speaker. That subsidy is paid for by, guess who? John Q. Taxpayer, that's who. And that's where the big cost driver in this bill is. That's why the bill costs \$1 trillion over 10 years, all these subsidies.

So to suggest that these individuals, albeit forced to purchase health insurance, are going to get a reduction in their premium, absolutely not true when you add what they pay and what their taxpayer friends, men and women of this country that are busting their you-know-whats to try to support themselves and the people in the exchange, pay, the price goes up.

I yield back to my colleague.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia.

I take us to the Declaration of Health Care Independence, as has been spoken about by us, the "New Rules of the Road." I wanted to point out that of these 10 provisions, first, there are six items here on what went wrong.

And then I think it would be instructive to simply read, if I can, the conclusions that are drawn.

First it says, of all of these things that have happened—the cavalier attitude of ignoring the Constitution, denying the interests of the people, it irreparably cripples the American economy, it creates an inescapable new tax by imposing individual and employer mandates on it—now, we go through all of these laments on what went wrong, it sounds a lot like the Declaration of Independence, where you have those laments on what went wrong. Then it says, and I'll read from it, "We have appealed to the decency of the elected majority to respect the rights of all Americans, but their leaders have been deaf to the voice of the people. We are appalled by their cavalier disregard of the Constitution and the demands of the people. We are repulsed by their blatant political bribes and kickbacks. We, therefore, the people and Representatives of the United States of America, do solemnly publish and declare that health care reform, as a matter of principle, must"—and we hit these 10 principles, which I will read.

But I want to point out that Dr. GINGREY brought the tablets down from on high. We looked them over a little bit and said, we like these principles, we like a few other principles in addition to. And then we think that your eloquence is lacking, but your principles are very sound. And so the Gingrey tablets are into the middle of this document, and the language is something that is more to the credit of the Founding Fathers than it is the father who has delivered 5,200 babies. But the substance there is substantial, and the 10 points that remain are that we are committed to these 10 principles to go forward.

"We will preserve and protect as inviolate the doctor-patient relationship"—and I will summarize the balance rather than read them. We refuse to add to the national debt. We will enhance rather than diminish the quality of care. Our negotiations will be transparent, and there will be no favoritism. We will treat people the same. Whether they are Members of Congress, the Speaker of the House, or whether they are the poorest person in America, we are all going to have an equal opportunity here in this country—no special deals for Members of Congress.

There will be no funding for abortion. There will be no new mandates for people, for employers, or for States. We will not fund illegals. We will provide equal protection under the law and the Constitution for everyone. No special treatment. And we will use the marketplace of choice as the ideas.

That is the "New Rules of the Road Going Forward" that have these 100 or so signatures of Members of Congress on it. This is the foundational piece of work that was collaborated by many, sparked by MICHELE BACHMANN, the tablets, many of them from Dr. GINGREY, whom I would yield to.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

This Declaration of Health Care Independence that Representative KING just so eloquently described—and I love the format—Mr. Speaker, when you look at those principles, those 10 principles that Representative KING just described, these were—and are—promises that this majority, this Democratic majority—Speaker PELOSI, Leader REID and, indeed, President Obama—have said on so many occasions over the last—well, really 2 years now, because he was saying these things as he was asking the American people to give him an opportunity to bring "change you can believe in" as the next President. Indeed, he was successful in doing that. But many of these principles, if not all of them, were promised by the President.

I don't know what the total number, Mr. Speaker, of signatures on the Declaration of Health Care Independence Representative KING has. I think it approaches 100. I'm not going to ask him specifically how many of those are Republican versus how many are Members of the Democratic Party in the House of Representatives. But golly, I would think that Speaker PELOSI would love to sign this Declaration of Health Care Independence. Indeed, yesterday at the Blair House, in her summary remarks, she said that absolutely not one dime of taxpayer money was going to fund abortions. I don't know if she really believes that, Mr. Speaker. I guess the proof of the pudding will be whether or not she can get that contingent of people that agreed with Representative BART STUPAK and insisted that the House version of health care reform be amended such that there was absolutely a provision that would make sure the Hyde amendment was not violated, that being that no public dollars would go toward the funding of abortion.

So I just bring that point up. And I would say to Representative KING, I'm sure he's going to continue to try to get signatures, but this ought to be bipartisan. And maybe he has already done that; maybe, Mr. Speaker, he can explain that to us. But from my vantage point, I don't see Speaker PELOSI's name on the bottom of the declaration, but hope springs eternal.

I yield back to my colleague.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia for his contribution to this document and the thought process that this defines.

If there are those in this House of Representatives who have objections to the positions that are taken here on this road map, the "New Rules of the Road Going Forward," I would like to hear them step forward and tell me what it is that they object to. Do they object to protecting the doctor-patient relationship as inviolate? Do they want the government to make those decisions out of their computer base and their committee?

A lot of us have seen the flowchart, the Health Choices Administration czar. It's really interesting, when you see a piece of legislation—H.R. 3200 in this House—that says in there that there will be all of these decisions made and power invested in the Health Choices Administration Commissioner—I call him "the commissarissioner"—and this is a person to be named later and a committee to be named later by legislation to be passed whenever they can put the votes together and get the President to sign it. And you give the power of that discretion to an individual and a commission to be appointed by the President—and yes, some of them confirmed by the Senate; I don't think all of them are confirmed by the Senate—and they take a look at all 1,300 health insurance companies in America, they take a look at all 100,000 policy varieties in America, and then they decide, what are all these companies going to have to do to amend their policies so they can be approved by the Health Choices Administration commissarissioner's judgment? And that is competition? That is top down, ends up, crams it into single payer.

For the people who objected and said I wasted paper when I took 13 amendments up there to the "hole in the wall gang" to try to get an opportunity to have a debate here on the floor, they said I wasted paper and I wasted staff time. I would say, take that 3,200-page bill in the House and however many thousand pages you cooked up together in the Senate and all the pages that are back there in the secret staff meetings that nobody sees in those formerly smoke-filled rooms that by order of the Speaker now aren't smoke filled anymore, but they do have guards on the outside and regular people don't get in, Republicans don't get in, low-ranking Democrats don't get in. The guards are there to guard the high-ranking officials. It isn't necessarily that they're better defended than they normally are. But I want to paint the image right: Doors with lots of wood down the hallway and on the inside, and leather in the middle of that, formerly smoke-filled, big conference tables, key staff in there, key leaders of only the Democrats in there—meaning HARRY REID, NANCY PELOSI, and whoever they approve—doors closed, thousands of pages, decisions being made by staff because Members can't keep all this in their head either. Take all of that paper, Madam Speaker, and put that back in the tree.

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I think I can invent an extruder to turn that into a tree, and we could put a little bark on that and stand it up somewhere in one of those—what do we have? We've got some of those rainforests that exist in our zoos. If you put your fingernails into the bark of those trees in the rainforests, it's made out of rubber. So, on the inside, let's put that bill right back in the tree, Mr. Speaker.



I've had enough of this. The American people want to wipe this bill off the board. If they do anything, they want to start over. A lot of them don't even want to do anything because they don't trust this Congress.

The gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding back to me. I realize time is getting short, but thank you for a few more moments.

Of course, I think it's important that our colleagues understand that those 13 members of the whole-in-the-wall gang—I think our colleague from Iowa was referring to the esteemed Rules Committee. It's just one more opportunity that we don't have to get our amendments made in order so that we can bring them down on the floor, whether we are Republicans in the minority or Democrats in the majority who are very concerned about many provisions in this bill. Yet, you know, they don't get to have an up-or-down vote, which is totally wrong.

I just want to say, just within the past week, I got a call from a former physician Member from Georgia, from Middle Georgia, Dr. Roy Rowland, who served with distinction here for about 12 years. He was here during the HillaryCare debate.

In a very bipartisan way, Dr. Rowland, along with Dr. Ganske from Iowa and other Members, had some great ideas in regard to not only bringing down the cost, Mr. Speaker, but also in regard to making sure that more people had not only an insurance card—you know, that doesn't guarantee you access to care—but that they had an opportunity, through expanded community health centers, which were not necessarily government subsidies, to pay on a sliding scale depending on what their incomes were. Obviously, Medicaid patients, many of them, were seen in community health centers.

Also, Dr. Rowland had the idea of having medical liability reform—Dr. Rowland, a family practitioner from Dublin, Georgia. I just mention him because I would say to the President and to my colleagues on both sides of the aisle: we can do this. Yes, let's unclench the fists. Let's get away from what we were trying to cram down the throats of the American people that they clearly don't want. Let's start over with good ideas like Dr. Rowland had 16 years ago and like, I think, many of my colleagues have today on both sides of the aisle.

I yield back for concluding remarks from my colleague from Iowa.

Mr. KING of Iowa. In reclaiming my time, I thank the doctor from Georgia.

I was just thinking what it would be like if you'd sit around your card club at night and you'd deal out a deck of cards, 52, and for every one of those cards, this man has delivered 100 babies. That's pretty impressive, and I can't get over that number and what that means.

Some people think that Republicans don't have compassion. How could you

have more compassion than Dr. GINGREY has?

So, when I look at this debate that's going on, it is past the point of the nuances of what's right and what's wrong here. It's pretty simple stuff. The White House, the Speaker PELOSI majority and the Harry Reid majority, right down those doorways, have started from this beginning. The beginning that they started with was single-payer national health care, HillaryCare as referred to by Dr. GINGREY. That goes back 15 years ago.

When they first put that together, I had the flowchart. In fact, I've got the replication of that flowchart in my office, the HillaryCare flowchart. That is a scary thing. It was only in black and white back in the early 1990s. The one we see today is in full color. With the next generation, when they try this again, it will be in 3-D, and you'll have automatic built-in 3-D, and you'll be able to see all of the components they put together. The more you can see, the more it scares you.

That's what they started with—the single-payer National Health Care Act. It is socialized medicine. I don't know what you'd produce if it weren't. I don't know how you would devise socialized medicine to look much differently than the way they've started.

Now, they did morph it along the way and move away from the more pure definition, but when you start with something—let's just say that the goal is to cook up a pot of stew. You start with a big old soup bone, a meat bone, and get as much meat as you have on that bone that hasn't been trimmed off. You toss that in a pot, and then you put a lot of water in there, and you start to simmer that. Then you look at it and you think, Well, what does this thing need?

Well, it looks a little sick and gray, so you start cutting some vegetables in there, and you throw in some carrots and some celery and some potatoes, and whatever else you can find to pitch into that stew. You know, after a while, it might look pretty good. They were making it look better and better, the Democrats on the other side. By the way, it was buying votes. Yeah, I might vote for that if you put some carrots in the stew. Give me a little celery. I like the flavor of that. I like a little corn in there myself. I'm from Iowa, you know. After a little while, here is this simmering pot of stew.

Then they tasted it. The American people let them know. They spit it out. They didn't want a potful. This is a toxic stew. They started with a tainted soup bone with HillaryCare in the beginning. If you start with a tainted soup bone and if you cook up a stew, no matter what you add to it, it's still going to be toxic. The American people concluded they don't want a potful of toxic socialized medicine stew. They don't want a bowlful. They don't want a cupful. They don't want a spoonful. They don't want any measure. They have spit out ObamaCare. It is a toxic stew that has been cooked up by the

liberals in this Congress. Less than a fourth of the people in this country think something like that ought to be done, and they haven't tasted it yet. A lot of us have looked ahead and have a sense of what it tastes like.

So I will suggest this, that we should clean the slate off, as the gentleman from Georgia has intimated and has maybe not specifically said when he said, Mr. President, you need to unclench your fist.

I'd suggest the President ought to treat Republicans as good as he did Ahmadinejad when he said to our enemies in Iran who have pledged to annihilate us—the Great Satan—in a nuclear win, if they can. He said to them—dialogue, in his mind, solves it all, you might notice. He said, If you'll just unclench your fist, speaking to Ahmadinejad, we will extend our hand. We will negotiate with the Iranians without preconditions. We will just talk. We will talk it through.

Did you notice, when the President met with Republicans and Democrats yesterday, President Obama insisted upon preconditions? He insisted that his bill, which was the Senate and House bill, plus the 11-page bullet point talking points with no legislative language added by the White House, would be the basis for the discussion. He refused to take the nuclear option off the table. Can you imagine negotiating with the Iranians that way? Because that's what he has initiated. They have the nuclear option on the table. They refuse to take everything off the table. The President insisted upon preconditions of starting with his bill, ObamaCare, by his own definition.

I'm saying, Couldn't you at least have treated the Republicans as good as you treated the Iranians? Give us a clean slate. Start without preconditions. I'd be willing to take Republicans' comprehensive plans off the table. Let's just go ahead and take them up one at a time—single, stand-alone pieces of legislation that we all know are good policy and that don't have to have a backroom deal.

Let's end lawsuit abuse, number one; full deductibility; sell insurance across State lines; and respect the time of the Speaker's gavel. Also, we have made that part very clear, I think, in this presentation.

Mr. Speaker, I appreciate your indulgence. I appreciate the participants in this Special Order hour here that closes out the week.

I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Mr. HOYER) for today.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to: