

young man 23 years old paying \$6,000 a year for a typical policy in New Jersey, laden with mandates, could instead go buy that typical policy in Kentucky for not \$6,000 but \$1,000. Doesn't that help our costs? Doesn't that get more people insured? Doesn't that do the right thing and protect people?

That is just one. I could take you down through a list of seven or eight or nine good solid Republican ideas, most, if not all, of which can come to this floor as standalone pieces of legislation and be sent over to the Senate, where HARRY REID would push them off his desk into the trash can. They wouldn't have the respect of going in his desk drawer.

□ 1600

Why? Because they are liberty oriented; they are free market oriented; they are constitutional; they are principled, and it gives people back their liberty.

But this country, the United States of America, this vigorous people that we are, we have a vitality that is unique. We have all of the vitality that comes from the rights that I have talked about. We have the vitality of the free enterprise system, which is the foundation of our economic system.

I would point out that there are flashcards that newly arriving immigrants, or those, I should say, that are studying for their citizenship test, mostly that is 5 years in, studying for their citizenship test, flashcards. On one side it will say, Who is the father of our country? You snap it over, it says, George Washington. Next card, Who emancipated the slaves? Snap that card over, Abraham Lincoln. Next card, What is the economic system of the United States of America? Free enterprise capitalism. That is an axiom of faith of the American people, that we are free to spend our money as we choose.

ObamaCare commandeers our paycheck, Mr. Speaker. It takes it over. And they say you must buy this health insurance policy that is approved or produced by the Federal Government, and if you don't do that, we are going to send the IRS in to punish you, to fine you. It is a punishment if you don't buy it.

If they can pass a law that requires you to buy a product that is produced or approved by the Federal Government, if they can commandeer 5 percent or 10 percent, or in many cases 25 or 40 or even 50 percent of your payroll to pay for a health insurance premium, if they can commandeer any part of your earnings and force you to buy something, the next step is they can commandeer your money to buy a General Motors car because their investment may not be doing so well, or a Chrysler. Or maybe you could buy some shares of Fannie Mae and Freddie Mac. They took that over, too, didn't they? Maybe they can force you to invest in the student loan program. They took that over, too, didn't they? They

could force you to buy a certain kind of washing machine, a certain kind of shoes. And they can also force you, at that point, you have to buy so much diet pop instead of non-diet pop, so many ratios of carrots versus candy bars.

If they can commandeer 1 percent of your paycheck and force you to buy a product, they can commandeer 100 percent of your paycheck and force you to buy all products, to the point where you are enslaved by the Federal Government. How can that be constitutional for a free people?

Mr. Speaker, I will submit it is not and it cannot be, and that is why this House voted resoundingly to repeal ObamaCare. That is why every Republican here and in the Senate voted to repeal ObamaCare. That is why we must cut off all funding to implement or enforce ObamaCare in every appropriations bill, and that is why they deceptively plugged into ObamaCare the automatic appropriations of \$105.5 billion, and that is why they front-loaded it with \$18.6 billion in the FY 2010 budget to intensively implement ObamaCare, and that is why there is another \$4.59 billion in this fiscal year. There is \$23.6 billion sitting there in the pot.

And think of this, Mr. Speaker. If they are successful in forcing a shutdown of this government, and while they are busily trying to point their fingers at those of us who provide the resources to keep it open, we would still see \$23.6 billion hard at work implementing ObamaCare. The lights could go off in Federal offices all over America because of a shutdown, but you could drive down and look at where the lights are on. Guess what? That is the \$23.6 billion still there, still implementing ObamaCare, like Santa's little elves, making sure we have socialized medicine before the lights come back on.

That is what we are faced with, Mr. Speaker. That is where we must draw a line. We must stand and do this fight. The fight is inevitable. So choose the ground when the army is the strongest and on the ground that we can stand and fight on, and that is this: Provide the resources for the legitimate functions of this government, not for the illegitimate functions of this government. And if the President of the United States working through his mouthpiece, HARRY REID, or directly brings about a shutdown, it will be about a bright line between all of the legitimate functions of government versus perhaps a legislative tantrum, an act of audacity and narcissism that his signature piece of legislation called ObamaCare means more to the President of the United States than all of the functions of government put together, Mr. Speaker.

For all those reasons, I say, this is the week to draw the line. This is the week to do the fight. This is the week to do the battle. We have to have it. We can't avoid it. Let's get it over with so

we can get on with the legitimate functions of the United States Government.

TRIBUTE TO GERALDINE FERRARO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. ENGEL) is recognized for 30 minutes.

Mr. ENGEL. Mr. Speaker, I rise to pay tribute to a good friend and a former colleague who passed away this past week, a true trailblazer, former Congresswoman Geraldine Ferraro. She is one of the few people in history who can lay claim to being a first. She was the first woman to be nominated for Vice President on a major ticket and also the first Italian American to achieve that honor. She was a leader, an advocate, a devoted public servant and beloved family member. I am also honored, most of all, to have been able to call her a friend.

The history that has unfolded after she stood on the stage in San Francisco in 1984 to accept her party's nomination for Vice President has happened thanks to her taking those first steps. I remember being there at the convention in San Francisco in 1984 and how proud we were that one of our own, a New Yorker, Gerry Ferraro, was being nominated as Vice President. At the same time, our Governor at the time, another New Yorker, Mario Cuomo, gave the keynote address at that convention.

Since that time, of course, another woman has appeared on the ballot of a major party for Vice President and another came within a handful of delegates of becoming the first Presidential nominee. Strong women in politics and business are not the exception any longer; they are mainstream. As Gerry declared in San Francisco, "I stand before you to proclaim tonight: America is the land where dreams can come true for all of us."

Gerry grew up, as I did, in New York City and went into teaching before going to law school, as I did, and grew up in the South Bronx as a young person, as I did as well. She headed the new Special Victims Bureau of the Queens County District Attorney's Office and was a Queens criminal prosecutor before being elected to the House of Representatives in 1978.

While serving in the House, she created a flex-time program for public employees which has become the basis of such programs in the private sector. She also successfully sponsored the Women's Economic Equality Act, which ended pension discrimination against women, provided job options for displaced homemakers, and enabled homemakers to open IRAs.

When I think of Gerry Ferraro, I think of her as a typical representative of the middle class in New York's outer boroughs. She had a certain kind of combination of street smarts and book smarts and a certain kind of sense and moxie, knowing how to get ahead and what to say.

We are all better off, no question, America is a better place, because of the accomplishments of Gerry Ferraro. Women from coast to coast are better off because of her. But all Americans, women or not, are better off because of what she did. She took those first steps in 1984 when she was nominated. Sixty-four years after women won the right to vote, a woman had removed the "men only" sign from the White House door.

I thought it would be good at this point to read some of the things that The New York Times had mentioned about the highlights of Gerry Ferraro.

She was considered very ideal for television: a down-to-earth, streaked blond, peanut butter sandwich making mother whose personal story resonated powerfully. Brought up by a single mother who had crocheted beads on wedding dresses to send her daughter to good schools, Ms. Ferraro had waited until her own children were school-aged before going to work in the Queens District Attorney's Office.

In the 1984 race, many Americans found her breezy style refreshing. "What are you—crazy?" was one of her familiar expressions. She might break into a little dance behind the speaker's platform when she liked the introductory music.

Gerry Ferraro, Geraldine Anne Ferraro, was born on August 26, 1935, in the Hudson River city of Newburgh, New York, where she was the fourth child and only daughter of Dominick Ferraro, an Italian immigrant who owned a restaurant and a five-and-dime store, and the former Antonetta L. Corrieri. One brother died shortly after birth, and another, Gerard, died in an automobile accident when he was 3, 2 years before Geraldine was born.

□ 1610

Geraldine was born at home. Her mother, who had been holding Gerard at the time of the crash, and who had washed and pressed his clothes for months after his death, would not go to the hospital for the delivery and leave the third brother, Carl, at home. Geraldine was named for Gerard, but in her book, "Framing a Life: A Family Memoir," written with Catherine Whitney, Ms. Ferraro said her mother had emphasized that she was not taking his place. "Gerry is special," she quoted her mother as saying, "because she is a girl."

Her mother soon sold the store and the families' house and moved to the South Bronx. With the proceeds from the sale of the property in Italy that her husband had left her, she sent Geraldine to the Marymount School, a Catholic boarding school in Tarrytown, New York. She sent Carl to military school. Tarrytown, New York, is part of my district.

Ms. Ferraro's outstanding grades earned her a scholarship to Marymount College in Tarrytown, from which she transferred to the school's Manhattan branch. She commuted there from

Queens, where her mother had moved by then. An English major, Ms. Ferraro was editor of the school newspaper and an athlete and won numerous honors before graduating in 1956. "Delights in the unexpected," the yearbook said about her.

After graduating, Ms. Ferraro got a job teaching in a public grade school in Queens. She later applied to Fordham Law School, where an admissions officer warned her that she might be taking a man's place. Admitted to its night school, she was one of only two women in a class of 179, and received her law degree in 1960.

Ms. Ferraro and John Zaccaro, whose family was in the real estate business, were married on July 16, 1960, 2 days after she passed the bar exam. She was admitted to the New York State Bar in 1961, and decided to keep her maiden name professionally to honor her mother. She was admitted to the United States Supreme Court Bar in 1978.

For the first 13 years of her marriage, Ms. Ferraro devoted herself mainly to her growing family. Donna was born in 1962, John in 1964, and Laura in 1966. Ms. Ferraro did some legal work for her husband's business, worked pro bono for women in family court, and dabbled in local politics. In 1970, she was elected president of the Queens County Women's Bar Association. In 1973, after her cousin Nicholas Ferraro was elected Queens District Attorney, she applied for and got a job as an assistant district attorney in charge of a special victims bureau investigating rape, crimes against the elderly, and child and wife abuse. The cases were so harrowing, she later wrote, that they caused her to develop an ulcer, and the crime-breeding societal conditions she said, planted the seeds of her liberalism.

When she was elected to the House, she became very good friends with Tip O'Neill, who was the Speaker. Ms. Ferraro found her opportunity in 1978 to run for Congress when James Delaney, a Democratic Congressman from a predominantly working class district in Queens, announced his retirement. In the House, Ms. Ferraro was on the Public Works and Transportation Committee, and in doing that she successfully pushed for improved mass transit around LaGuardia Airport. Tip O'Neill, the Speaker, took an immediate liking to her, and in her three terms she voted mostly with the party's leadership.

She was elected secretary of the Democratic Caucus, thanks in part to Tip O'Neill, giving her influence on committee assignments, and in 1983 she was awarded a seat on the House Budget Committee. It was Ms. Ferraro's appointment as chairwoman of the 1984 Democratic Platform Committee that gave her the most prominence. In her book, "Ferraro: My Story," she said that in becoming the first woman to hold that post she owed much to a group of Democratic women, congress-

sional staffers, rights activists, labor leaders, and other who called themselves Team A and who lobbied for her appointment.

When she was running there were a lot of slights, being the first woman. People were either adjusting or not adjusting to a woman on a national ticket. Mississippi Agriculture Secretary called Ms. Ferraro, "young lady," and asked if she could bake blueberry muffins, to which she said, Yes, I can. Can you?

Gerry Ferraro always had a smile and always had a kind word and never said no to someone needing her help. Even though I came to the House 4 years after she left, I got to know her very well and truly feel a loss in having her pass away.

Near the end of 1998, she learned that she had multiple myeloma—bone marrow cancer—that suppresses the immune system. Before then, she was Ambassador to the United States Human Rights Commission during the Clinton administration. And we remember her as cohost of the CNN program "Crossfire" from 1996 to 1998. She wrote books and articles and did business consulting. She addressed her place in history in a long letter to the Times in 1988, noting that women wrote to her about how she had inspired them to take on challenges, always adding a version of "I decided if you could do it, I can too." Schoolgirls, she said, told her they hoped to be President some day, and needed advice.

Gerry Ferraro said, "I'm the first to admit that were I not a woman, I would not have been the vice presidential nominee. But she insisted that her presence on the ticket had translated into votes that the ticket might otherwise not have received. In any event, she said the political realities of 1984 had made it all but impossible for the Democrats to win that year, no matter what the candidates or their gender. "Throwing Ronald Reagan out of office at the height of his popularity, with inflation and interest rates down, the economic moving, and the country at peace, would have required God on the ticket," Ms. Ferraro wrote. "And she was not available."

Geraldine Ferraro is survived by her husband, three children, and eight grandchildren. I must say that I was disappointed that in the House we didn't have a plane to take all the Members to the funeral yesterday. I'm sorry about that because, frankly, I think it was a bit disrespectful. But we all remember Gerry Ferraro. We remember her as a true New Yorker. We remember her as a true American. We remember her as someone who each of us she inspired to push on with whatever goal we want to achieve, no matter how daunting or impossible it looked. That's how I'll remember Gerry Ferraro. I'll remember her at the 1984 convention standing on the stage with Walter Mondale, both putting their arms around each other, and even then there was a question about how they

would interact, as it was the first time a woman was on a national ticket.

I will miss my friend Gerry. We will all miss her. But we are all better people because of her. Rest in peace, Gerry. We will always remember you. And so will the history books.

OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a while ago, one of my colleagues was down here talking about ObamaCare and what a problem it was going to cause for this country from a financial standpoint as well as causing rationing of health care and a whole host of other things. But what I want to do right now is bring to the attention of my colleagues and anybody else that's paying attention a decision that was just made by U.S. District Judge Rosemary Collyer that affects everybody on Social Security who wants to have a health care plan besides Medicare.

I'm going to read you an op-ed that just was in the Washington Examiner and also in The Wall Street Journal that I think every single American ought to be aware of because this has wide-ranging impact on everybody in this country. Here's what it says. "A recent court ruling has helped President Obama push ahead with a mandate that all citizens be required to have government health care. This court ruling would mandate that every citizen in this country has government health care." Socialized medicine.

"In a March 16 decision, U.S. District Judge Rosemary Collyer, who previously served as General Counsel of the National Labor Relations Board, ruled that seniors who elect to opt out of Medicare coverage must forfeit their Social Security benefits as well and repay all past Social Security benefits prior to opting out."

I hope everybody is getting that in their offices. If you don't take Medicare coverage and you're a senior and you opt out of Medicare coverage because you want another form of health care, maybe a better form of health care, then you have got to lose your Social Security payments and pay back all the Social Security payments that you received in the past.

□ 1620

Now, anybody who is paying attention is going to say, "You know, that didn't really happen," but I'm telling you that decision was made on March 16 by Judge Rosemary Collyer, a U.S. district judge here in this area.

The ruling relates to a lawsuit that was filed in 2008 in—and this is the name of the case—Hall v. Sebelius. Several senior citizens challenged a 1993 Clinton administration program rule, and they sued the Federal Gov-

ernment for their right to opt out of Medicare without losing their Social Security benefits. The plaintiffs all paid their Medicare taxes throughout their employment histories and did not request reimbursement of the money.

So they'd paid into Medicare for the entire time that they'd been working. These individuals simply wished to engage other health insurance plans. They wanted to get some other health insurance plans besides Medicare. They'd paid into Medicare and they'd paid into Social Security, but they wanted to get other health insurance besides Medicare.

It goes on to say that they believed it would provide better coverage than that of the government's Medicare program.

In addition, these seniors contributed to Social Security while they were working, and accepted these benefits upon retirement. Now, here is what the seniors' lawsuit argued:

Both the Social Security and Medicare acts state that the application for Social Security benefits and Medicare are voluntary and that applications for each program are not dependent upon each other. Forced participation in Medicare violates an individual's constitutional right to privacy. The Clinton-era rules were promulgated without undergoing the required notice and comment rulemaking requirements, which is a violation of the Federal Administrative Procedure Act.

The judge stated that, in its arguments, the Obama administration "extols the benefits of Medicare and suggests that plaintiffs would agree that they are not truly injured if they were to learn more about Medicare, perhaps through discovery." Note the familiar condescending Obama administration tone: Take the Medicare, and then find out what's in it. You'll like it when you do.

We had that problem before on legislation. You'll remember the previous Speaker of the House. When asked about ObamaCare, she said, Well, we've got to pass the bill. Then we'll find out what's in it.

That really made a lot of sense—but once again, this is pretty much the attitude of the administration.

Here is what the judge went on to say:

"The parties use a lot of ink disputing whether plaintiffs' desire to avoid Medicare part A is sensible."

Translation: If Americans don't want government-run health care, well, they just don't have much sense. After all, the government knows what's best for them, and they don't.

What is most astounding about this case is that, as of late 2009, this same judge, Judge Collyer, supported the plaintiffs' claim and even refused the Obama administration's request to dismiss the suit. Her ruling then was that neither the statute nor the regulation specifies that plaintiffs must withdraw from Social Security and repay retirement benefits in order to withdraw

from Medicare, which means simply that, if they decide not to take Medicare, they can continue to get their Social Security that they paid into, as they should, and they wouldn't have to pay back the Social Security benefits they'd received in the past. That makes sense.

She changed her mind. This judge made this ruling in 2009. Now she changes her mind, and she argues in her stunning reversal, "Requiring a mechanism for plaintiffs and others in their situation to 'dis-enroll' would be contrary to congressional intent, which was to provide 'mandatory' benefits under Medicare part A and for those receiving Social Security retirement benefits. Plaintiffs are trapped in a government program intended for their benefit. They disagree and wish to escape," Collyer wrote. "The court can find no loophole or requirement that the Secretary provide such a pathway."

According to Collyer, an "entitlement" is mandatory. You have to take it. Now, here is the government saying you have to take Medicare, and her opinion will undoubtedly be relied upon by the Obama administration as support for claims of mandatory entitlements, such as that which is the crux of ObamaCare, which could be Medicare for everyone. Everyone would have to be covered, not by their own individual health care plans that they have or by their employers' health care plans or a group plan they're on, but everyone would have to be covered by Medicare, which is a government-run, socialized medicine approach, which ultimately would ration health care and cost a great deal more. ObamaCare, when you run it out for 10 years, you'll find it is going to cost literally trillions of dollars at a time when we have a \$14 trillion national debt. This year alone, we're exceeding our revenues by \$1.4 trillion.

The Wall Street Journal reported that Kent Masterson Brown, the lead attorney for the seniors, commented that, if Americans wonder how bureaucrats will write ObamaCare's rules, they need look only to this ruling. "When they do," he said, "they will realize nothing will be optional."

This is an alarming decision that came about in a disturbing manner. Collyer's ruling is a danger to freedom-loving Americans. Let's look to the plaintiffs' appeal—they're appealing—to the D.C. Circuit Court of Appeals for more favorable results.

That's where we are today. If she is not reversed, that means anybody who gets Social Security, who may have another health care plan and who may not want to be on Medicare, will either have to take Medicare or will have to pay all their Social Security benefits back; plus, they don't get Social Security in the future.

Now think about that. You don't want to take Medicare for whatever reason, and you've been paying into Social Security all of your life. You're