

I have been told that this is a simple land grab. Some groups out there who simply don't understand what's going on tried to label this as a giant land grab. I don't know how you can call it a land grab when the Federal Government is simply trying to allow the Border Patrol to do its job on Federal land. We're not expending any more power or opportunity to the Border Patrol. We're simply saying Federal land should not stop them from doing their job. There are some that will simply say, well, if we ignore this, it will simply go away. This problem is not going to go away. It is too deep; it is too severe to simply go away.

There is one last reason why this approach is extremely important, and I'm saying this in conclusion. As I said in the beginning, almost every town hall meeting that I have they talk about immigration. Immigration issues are complex. Sometimes they are going to be complicated and will require compromise and consideration. Right now out there there's a great deal of anger and anxiety in a lot of people simply because we are not controlling our borders and American lands are not safe, and there is too much violence taking place. And it's simply wrong to prohibit our Border Patrol in favor of allowing the drug cartels and those doing human trafficking to have free access into this country.

If indeed we are serious about long-term immigration, the first thing you have to do is reduce the anger and reduce the anxiety level. The first way to do that is to be able to look at the American people with a clear conscience and in truth, look them in the eye and say our borders are secure. We control who comes into this country and who does not come into this country because that is what a sovereign Nation does.

Our hope is that we can pass this bill and take the first step to controlling the border, which is simply to allow the Border Patrol access to where the Border Patrol needs to be, to give them the same opportunity on public lands that they have on private lands. Because it is very clear, Border Patrol knows what they are doing. They are doing a good job.

Where they are allowed the freedom and flexibility to do their jobs, the issue of illegal immigration and illegal entry into this country of all kinds, but especially illegal entry into this country by the bad guys who are trying to put illegal drugs and other kinds of crimes and bring them into this country, where they are allowed to do their job, they are successful.

What we have to do is now look on Federal property where the Federal rules prohibit the Border Patrol from doing their job and change that, simply allow them to do their job. House bill 1505 does that. Until we do that, we will never move forward into a larger solution to our immigration problem. And we will continue to have illegal drugs and other kinds of crimes against hu-

manity taking place on American soil, and it will not stop. That's why this bill is so important.

With that, Mr. Speaker, with gratitude for allowing me this moment to go through this particular issue, I yield back the balance of my time.

□ 1840

#### FREEDOMS THAT MADE THIS COUNTRY GREAT

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

Mr. GOHMERT. Mr. Speaker, I always learn something when I hear from my friend, Professor BISHOP.

It has been staggering to hear the testimony over the last several years as to what has gone on at our border. We used to be a law-and-order country where the law meant something, but we've seen that eroded.

I heard our Democratic friends, before Mr. BISHOP spoke, speaking of selling our birthright, and I enjoyed hearing them talk about how we ought to use our energy in this country. Well, welcome to the Republican position. That was great to hear. That's just fabulous to hear from our Democratic friends because, as we know, and one of the things that Mr. BISHOP pointed out, there have been regulations and government bureaucracies used to not only prevent us from enforcing our immigration laws, but also to prevent us from utilizing our own resources over and over and over. For heaven's sake, if somebody has got 800 safety violations like BP had, prohibit them from drilling, but don't prevent everybody from drilling.

The things that the government should be allowing entities to do, like providing the energy that we have—we've got more energy than any country in the world. Relative to the size of other countries, we're not the biggest, but we have more natural resources than any other country in the world has been blessed with. It's amazing. In this administration, and even before this administration, we had our Democratic friends prohibiting, through bureaucracies, through laws passed, using our own energy, which has been just an outrage.

It's the poor single moms, those struggling to make it through the month with what's left on the limits of their credit card so they can still buy gas to get to their job so they can get a paycheck and pay down their credit cards enough to buy gas for the next month, that are hurting the most. Ironically, the people that donate to Democrats 4 to 1 over Republicans, as they did to Obama over McCain 4 to 1, are the Wall Street executives, the big bank executives. All they have to do is endure some name-calling from the President and they get richer than they could have ever hoped.

Yet we get back to freedoms that made this country the greatest country in history. I believe that. Prominent among our freedoms you can find in the First Amendment. It doesn't say States can't, because there were some States that required religious tests, but "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

There is no mention of separation of church and State. There is no mention of a wall of separation. That was in a letter Thomas Jefferson wrote to the Danbury Baptists. This is the same Thomas Jefferson that came to church every day he was in Washington, D.C., while President. He came to church right down the hall in the House of Representatives and at times had the Marine Band come play the hymns. He didn't see that as a problem for the Constitution's prohibition against establishment of religion, but he certainly never would have dreamed of prohibiting any Christian from practicing their religion, as this administration has now done and attempted to do, or the freedom of the press.

We know the press is free to slant the news however they wish. For example, when gas prices were going up in 2008, the Main Street press, Main Street media had 4 to 1 more stories about the price of gas going up then than they do now, and the prices now are higher than they were then. Gee, could it be that the Main Street media has a vested interest in keeping the President that they put in office in office, keeping him there? But they've got that freedom of the press. They can keep slanting their stories as they wish.

Or the right of people to peaceably assemble and to petition the government for a redress of grievances. The First Amendment, that's it.

There is a great big grievance that a majority of Americans have, and it's with the President's health care bill. This is front and back. It is very thin paper so you can get all of the President's ObamaCare in here. This says 2,407 pages. There you are, the President's health care bill. It's interesting.

Here is a story that Edward White filed February 16, maybe from our friends at ACLJ, but it points out last month DOJ again argued that the penalty is a tax—talking about the penalty in the health care bill—is a tax when it filed its opening brief with the Supreme Court in the ObamaCare case the Court will consider this March.

We know February 16, in response to a question from the great Representative SCOTT GARRETT of New Jersey, he asked Director Zients whether the individual mandate penalty for failing to buy health care is a tax. Zients answered that it is not a tax. Today we had Secretary Sebelius, the Secretary of Health and Human Services that is overseeing the implementation of ObamaCare. Secretary Sebelius also indicated it's not a tax. Yet the DOJ has argued basically that the minimum

coverage positions are well within Congress' commerce power.

The DOJ contends that Congress has broad power under the Commerce Clause and the necessary proper clause to enact economic regulation. The DOJ contends the minimum coverage provision is an integral part of a comprehensive scheme of economic regulation, and the provision itself regulates the economic conduct with a substantial effect on interstate commerce.

It certainly has had an effect on interstate commerce. It's doggone near killing it.

The minimum coverage provision is independently authorized by Congress' taxing power contingent of the DOJ. The DOJ argues that the provision operates as a tax law. Validity of an assessment under Congress' taxing power does not depend on whether it's denominated a tax.

Anyway, interesting time. That is from the National Law Review, that assessment. Today the question was to Secretary Sebelius, and she disagrees with DOJ as well.

There are just a number of issues here with this bill. And the recent demand by the administration that the Catholic Church, Catholic hospitals provide free contraceptives was not about contraceptives. If anybody needs contraceptives, they can get them. It's not an issue.

□ 1850

It shouldn't be. People that want them can get them. It's not an issue, although some are trying to make it out to be. It's about the prohibition of the free exercise of religion.

It's incredible that a White House would decide that they get to tell the Catholic Church which parts of their religious beliefs that this White House will allow them to practice. Even coming back after the White House had all of these people come in and meet and decide and discuss, they should have come back and said, Sorry, you were right. We never intended to indicate we had the power to tell you you could not practice your religious beliefs.

It's not what the White House came back and said. The White House came back and said, in effect, Well, we still obviously have the power to tell you what parts of your religion you cannot practice. But listen, Catholic Church, we're going to do you a favor. Even though we have the power to prohibit you from practicing your religious beliefs, we're going to require the insurance companies to provide this feature even though it goes against your religious beliefs. We'll require the insurance companies to provide that.

Now, how stupid do you have to be to not understand that when a requirement of an insurance company policy is dictated by the government, there is going to have to be a recouping of that expense from the people that buy those insurance policies? So that was no remedy.

The Church, the Catholic hospitals are still going to have to provide those

policies that provided that. They just weren't going to be required to tell the insurance companies to do that because the government did it for them. What a ridiculous end-run to do the same thing.

But the White House did not even address a real core issue.

I'm a Baptist. I don't have the same beliefs about contraceptives; but this is so dangerous, this is such a violation of our First Amendment. For this White House to think for a moment they have the authority to tell any religious group, and here's the kicker, any religious person that they cannot practice an important tenet of their religious beliefs is unconscionable.

Now, the administration says, Oh, Catholic Church, Catholic hospital, we'll work with you. What about Catholic individuals who believe with all their heart the things that are taught by Catholic schools, by the Catholic Church, and expounded by the Pope himself?

How powerful a Pope does the White House or the President, any President, have to be to dictate that what the Pope says is not going to be observed in America by any individuals who are here in the United States?

We hadn't heard a lot of discussion about the freedom of the individuals, but this was not talking about the freedom of the Church or a hospital. It was talking about the freedom of individuals; and even if the White House tries to accommodate some hospital, some church, what about the beliefs of an individual? A Catholic in America who's told, Sorry, this President is going to trump your Pope, and you're going to have to pay for what you believe is against your religious beliefs, it's unconscionable.

Do you think the Founders would have put up with that? As Dennis Miller said, they were willing to go to war and die and risk everything over a tax on their breakfast drink. Do you think they wouldn't be willing to fight for their right to practice their religious beliefs?

Good grief. They came—so many of the early settlers came here to get away from the prejudice and discrimination against Christian beliefs: Protestants, Catholics. They came to America hoping to have freedom of worship.

It's been interesting to hear in Israel that the Muslims who are most free to practice their Islamic beliefs as they feel led them to actually be in Israel, because depending on which administration is in charge in Iran, Syria, Egypt, wherever, you better not get too far afield from what the administration of that country believes.

Here in America, people are free to practice Islam, Christianity, Buddhism, atheism, so long as it does not threaten this Nation as a whole.

You know, we were told by the President there was no chance any Federal money would ever go for abortion. And some of our friends actually bought

into that representation. Turns out, it wasn't true. Some of us tried to explain back then. You can't bind with an executive order what the law says specifically. It sets out requirements for health care providers, clinics, insurance policies. There are those that will provide abortions and ultimately there will be tax dollars, since dollars are fungible, that will be used for abortions under ObamaCare.

We keep coming back to this. If ObamaCare is constitutional and the mandates in ObamaCare are constitutional, there is nothing the Federal Government cannot dictate.

As I've said from here many times, this ObamaCare, 2,407 pages, was about the GRE. It's what it's all about. This bill is about the GRE, the government running everything. Because if the government has the right to control everyone's health care in America, they do have the right then to tell your children what they can or can't eat, to tell your children that their parents or parent is not fit because they don't know how to feed a child because it disagrees with what the government says.

They have the right to tell you what you can put in a vending machine. They have a right to tell you whether or not you're exercising enough. They have a right to tell you you use too much butter when you should have used something else in cooking.

They have a right to do that if they have a right to control your health care.

If this is constitutional, the government has a right to tell every Supreme Court Justice how they can live, and if any Supreme Court Justice thinks they'll be immune from this government telling them how they can live, what they can eat, what they can do, what they cannot do, then they are amusing themselves frivolously because that day will be coming.

Sure, this administration knows they stacked the deck with Justice Kagan. Of course, anybody that would send an email all excited about having the votes to pass ObamaCare, how wonderful that is, it's just amazing.

□ 1900

We keep wondering how many emails have not been provided. The noble thing would be to recuse oneself.

We should have known this when liberal groups that want the government to control everybody's lives were so adamant in throwing stones at Justice Thomas. It's clear we've seen this method before. What that means is they were nervous about somebody else who was a shoo-in to vote for the President's bill to have that issue raised about her. That's the way they always do.

So as soon as I saw these ridiculous allegations about Justice Thomas because his wife had an opinion, boy, I didn't see any liberals screaming about somebody with the ACLU whose husband had taken strong positions on different issues that she wasn't qualified

or should recuse herself because her husband had an opinion; but some of these same liberals, so-called, took the position that, gee, if Clarence Thomas' wife has a position, he must be disqualified.

The hypocrisy goes on and on.

Hopefully, Justice Kagan will tell us all of the emails, allow us to see all of the emails that were sent, all of the consultations in which she was a part. Then we'll see the truth.

This bill required the spending of \$105 billion at a time we didn't have \$105 billion. We're having to borrow over \$42 billion, \$43 billion, \$44 billion of that from other places, including from China. China doesn't mind seeing this happen. I think they realize it will bring down this Nation financially.

The President said it would cost less than \$1 trillion to implement. Well, the first CBO score came back over \$1 trillion. The Director of CBO called over to the White House. He comes back and says, You know, it's more like \$800 billion. Then once it gets in place, he says, You know what, we had a mathematical error or two. It's actually over \$1 trillion.

That's why CBO deserves to have a margin of error of 25 percent, plus or minus.

We keep coming back to this one thing, that this bill is not nearly as much about health care as it is about the government's running everything—running individual lives. Sam Adams, John Adams, Thomas Jefferson, those who gave their lives for our freedoms, would never have stood for this. The government's running everything? But it's true. If the Federal Government can do this, there is nothing that is closed to the government's direction and law. If the government has the right to direct everyone's health care, then this opens the bedroom to Federal Government jurisdiction like nothing ever has, not immediately but eventually.

Is that what people want? Do you want the Federal Government being able to say, This practice is okay. This one in the bedroom is not okay because, see, we're in charge of your health care, and we've seen that it ends up costing more if you do this, that or the other, so we're going to prohibit that?

If they can direct against someone's religious beliefs and that certain bedroom practices will be allowed, they can direct which ones can't be. If they can direct what the Catholic Church or Catholic individual has to provide or pay for, they can sure tell them what they can't engage in as well. This opens a door to the government's running everything like never before.

This month marks 2 years that it has been passed against the will of the American people, against the will of most State legislatures, against the Constitution. Is it a tax? Is it not a tax? It appears this administration will say whatever it has to say to try to get this held as constitutional. I can say

unequivocally, if the Supreme Court were to hold this bill and its mandates and its intrusions into every area of personal being as constitutional, it will give me no satisfaction to someday say to a Justice of the Supreme Court whose religious beliefs have been violated, I told you so. None.

It will break many of our hearts that there was such blindness, but I have that hope that spring is eternal in the human breast, that there is still enough reliance on the Constitution, itself, and on our Supreme Court that they will recognize the door that is open, that they will recognize the inconsistencies of this administration in trying to come up with some argument to justify these violations of our freedoms.

Some say that States require you to have auto insurance. That's only if you're going to drive on their roads. If you're going to participate in that privilege, then, yes; but nobody is required to have auto insurance if they're not going to drive a car on their highways. In fact, the only insurance that has been required by any State mandatorily is insurance to cover others who might be harmed by an individual's driving and harming them. I don't know of a State that requires insurance on individuals hurting themselves while they're driving, only liability.

Now, we do have the problem in Massachusetts where Massachusetts basically had a mandate. Other than that mandate in Massachusetts, no State has ever been able or even thought of or tried to require the purchase of a product.

Oh, this is going to be for the working poor.

Look, we already have Medicare and Medicaid. Until this administration, with the help of Speaker PELOSI and Leader REID in the Senate, gutted \$500 billion out of Medicare, until that happened, there was not going to be any damage to Medicare. We were going to take care of our seniors and take care of our poor. But if you look in this bill as I have—and I've been through the whole thing—you will find out, if you are just above the poverty line—if you're working, if you're doing everything you can to get by, to make it with your family, but can't afford as good an insurance policy as is mandated by the Federal Government—that this administration wants you to have an additional tax on your income as if that's going to help.

This hurts the working poor. It devastates Medicare by pitting people against our seniors, taking \$500 billion away from Medicare. It's time for America to rise up again and make clear: This is unconstitutional. And I think even the Supreme Court would hear that, when Americans rise up and say, You're not governing every aspect of my personal life like this opens the door to doing.

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

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of business in the district.

## BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 22, 2012 she presented to the President of the United States, for his approval, the following bill.

H.R. 3630. To provide incentives for the creation of jobs, and for other purposes.

## ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 29, 2012, at 10 a.m. for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5115. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 [MB Docket No.: 11-154] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5116. A letter from the Chairperson, National Committee on Vital and Health Statistics, transmitting the Tenth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA); to the Committee on Energy and Commerce.

5117. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to the Export Administration Regulations: Addition of a Reference to a Provision of the Iran Sanctions Act of 1996 (ISA) and Statement of the Licensing Policy for Transactions Involving Persons Sanctioned under the ISA [Docket No.: 110718395-1482-01] (RIN: 0694-AF30) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5118. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 22-11 informing of an intent to sign the Memorandum of Understanding with Australia; to the Committee on Foreign Affairs.

5119. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East