

The standard conservative line on the economy right now is that the government has done too much. But, yet, as I have already proven, the American people do not agree. Two-thirds say the government needs to do more than it's doing. So now I think the government has a duty to step up.

And, no, I don't think the government is the solution to every problem. And I know my conservative friends like to mischaracterize what progressives say about that. We don't believe government is the solution to every problem, but we do believe government is part of the solution to many problems. And if you cut it back and you scale it down and you make it too small and too weak to do anything to help people, then, of course it won't be able to help people, and that's a shame. The American people have a different set of expectations.

I just want to say, as we wind up and I begin to yield back, it's time in America where we recognize that there is an important balance between the private sector and the public sector, and the market fundamentalists who occupy this House on the Republican side of the aisle must begin to recognize that government has an important role to play. And if we abandon our role, America will be poorer for it.

If we don't step up to the plate and make sure that tuition interest rates are decent and reasonable and that we're making sure that we have a decent highway system, Americans will suffer. And we cannot allow that to happen in the richest, most powerful Nation in the history of the world.

I yield back the balance of my time.

THE CONSERVATIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I thank you for the time, and I appreciate you giving me a moment to set up.

I have got to tell you, Mr. Speaker, I love coming to the floor after my good friend from Minnesota. I enjoy it every single time it works out in that way because he is an able representative of the Progressive Caucus which, I would argue, sits way over on the left-hand side of the political continuum.

And I would hope today, Mr. Speaker, I will be an able representative for the Conservative Caucus, which sits over on the right-hand side of the political continuum. And we absolutely disagree about what this Federal Government ought to look like.

I want to talk primarily about the President's health care bill in the Supreme Court, a decision that's coming down next week. But I want to start with where the gentleman from Minnesota ended, Mr. Speaker, and that is to say that conservatives believe that government is not the solution to

every problem. That's certainly true. It's absolutely true.

But more importantly, there are different levels of government in this country, and we seem to forget that. Something happens, and my colleagues know this. You know, Mr. Speaker, you and I were part of the largest freshman class in modern times, and 99 of us came to this institution together and said it's not about how it has been run, but it's about how it can be run, and we can do better.

But something happens to people when they drive across the Beltway. That's that little interstate that goes around Washington, D.C. When they come inside the Beltway, something happens to them and they suddenly think they're the smartest person in the room. They suddenly think that if only all Americans would live their life the way they want other Americans to live their life, then everyone would be happier; and that's just not true.

I don't care how well-meaning anyone in this institution is, Mr. Speaker. There is not a man or a woman here that knows more about how my family should pursue happiness than my family does. There is no Member here from outside the State of Georgia who knows better about how Georgians should pursue happiness than those of us in Georgia do.

And I would say, as my friend from Minnesota finished talking about the student loan program, you may not know, Mr. Speaker—I know you all have a proud tradition of education in your home State and some very fine institutions of higher learning there. In Georgia we have what's called the Hope Scholarship. And for years and years, it allowed every single college student, college-bound student from the great State of Georgia, college graduates, B averages and above, every single one to go to State schools in Georgia for free.

You know how much Federal money we used for that program, Mr. Speaker? Zero. Zero.

Time and time again my colleagues come to the floor of this House, and they talk about what we need to do in Washington to help college students across America. Let me tell you something. You all came from your own State back home that has the power today to do those things. It does not have to happen in Washington. It can happen back home. It can happen at the city level, it can happen at the county commission level, it can happen at the State legislature level. Dadgummit, Mr. Speaker, it can happen at the family level, all of these decisions that we talk about in Washington, D.C.

And that takes us right into the health care bill, Mr. Speaker, because here's the secret. And I don't know if everybody in the House, Mr. Speaker, knows the secret and, that is, that as patently unconstitutional as the President's health care bill is, had the State of Georgia passed it for Georgians, it would have been perfectly fine. Hear that.

There are different powers that the United States Constitution allows State governments to exercise than it allows the Federal Government to exercise. The States have the power to mandate behavior. We see it regularly. We see requirements for what must be included in insurance policies, for who has insurance policies, that regulation of the individual market. But not the Federal Government.

So I want my friends in the Progressive Caucus to hear me clearly. I'm not anti-government. I want each role the government plays, I want it to play it as well as it possibly can. I want every government dollar to be spent as efficiently as it possible can. I want every government mandate to be as limited and efficacious as it can possibly be.

□ 1550

With that, Mr. Speaker, I take you back to President Bill Clinton, August 21, 1996. Why is that important, Mr. Speaker? You and I weren't even thinking about being in Congress in 1996. Why in the world is that important?

It's important because it was August 21, 1996, when President Bill Clinton signed into law Federal health care reform that passed this United States House, led by Speaker Newt Gingrich, a Republican from the great State of Georgia, 1996. Folks talk like health care reform hasn't ever come down the pike in this country, Mr. Speaker, in 1996, the House and the Senate and the President—Republicans, Democrats—all came together to pass health care reform.

Let me tell you what they passed in 1996. Here we go. It's from President Clinton's signing statement:

This Act will ensure the portability of health benefits when workers change or lose their jobs, and it will protect workers against discrimination by health plans based on their health status.

Mr. Speaker, does that sound familiar? Does it sound like the very same words that would have come from one of President Obama's speeches when he was pushing his health care bill? Why is that? Why is President Clinton speaking these same words 15 years ago, and yet there are still health care solutions that Americans are searching for? I'll tell you why.

Because, in 1996, with Republican Speaker Newt Gingrich and with Democratic President Bill Clinton, folks came together, and they solved health care problems for every single health care plan that the Federal Government had the right to regulate. Hear that: every single plan that the Federal Government had the right to regulate.

In the State of Georgia, we have an office. It's a constitutional office. It's in the Georgia Constitution. It's called Commissioner of Insurance. We all vote on it. It's a statewide-elected office. We vote on it every 4 years. That individual has the right to control State-originated insurance policies, primarily the individual market and some

of the small business market. There are those policies that are regulated by the States, and every single State can solve that problem. Then there are those policies regulated by the Federal Government, and only the Federal Government can solve that problem.

That's what we did. Mr. Speaker, in 1996, Republicans and Democrats came together, and that's what we did. Hear the words of President Bill Clinton:

This legislation will set into motion several key reforms. First, it will eliminate the possibility that individuals can be denied coverage because they have a preexisting medical condition.

Did you know that? Do you hear that, Mr. Speaker? Because I read it in newspapers all the time as if this is the first time we've ever talked about preexisting conditions. No. On August 21, 1996, President Bill Clinton signed into law:

It will eliminate the possibility that individuals can be denied coverage because they have a preexisting medical condition.

That's true. It's the law of the land today. It was the law of the land yesterday. It was the law of the land 10 years ago for every single insurance policy legitimately regulated by the Federal Government.

Bill Clinton goes on:

Second, it will require insurance companies to sell coverage to small employer groups and to individuals who lose group coverage without regard to their health risk status.

Again, Mr. Speaker, we talk about that as if no one has ever considered this idea. Not only has it been considered, but it is the law of the land. It was the law of the land yesterday. It was the law of the land 10 years ago. It was the law of the land when President Clinton signed it into law on August 21, 1996.

Finally, Bill Clinton says:

Finally, it will require insurers to renew the policies they sell to groups and individuals.

This is from the President's signing statement in 1996.

In 1996, Mr. Speaker, we understood as a Nation there are two kinds of insurance policies in this country: those that the Federal Government regulates and those that the State regulates. Why is that important? It's important because we solved the problems that Americans asked Congress to solve in 1996 relating to those federally regulated plans. The problems that remain that Americans are crying out for solutions to are problems that can be solved any day of the week by any State legislature in the country for every single individual who lives in that State.

Mr. Speaker, that's what separates the Conservative Caucus from the Progressive Caucus. My friends in the Progressive Caucus ask sincerely, Can we come up with a solution here in Washington, D.C., that will apply to everyone in the country and put everyone under the same set of rules? And my friends in the Conservative Caucus say,

No. The Constitution recognizes there are 50 different States, and each of those States is allowed to construct its own set of rules.

Why is that important? It's important because, when it comes to the Federal law of the land as it pertains to university students today, we are arguing about whether they should have a 3.4 percent subsidized interest rate on their loans or a 6.8 percent subsidized interest rate on their loans. That's the Federal Government solution. Do you want to burden people with debt at 3.4 percent or do you want to burden them with debt at 6.8 percent? That's Washington's answer.

But, Mr. Speaker, Georgia's answer is: Let's let everybody go for free. Let's find the money elsewhere. Let's make sure everybody who wants to go to college has a pathway to college.

Mr. Speaker, when the Congress nationalizes any section of the law, they kill the innovative spirit of every single State out there. That's why in 1996 we didn't reregulate the entire market—the Constitution did not give us that authority—but we reregulated the Federal side of the market and allowed States to continue to innovate and find their own solutions in their areas.

Unless you think I'm making this up, Mr. Speaker, I've brought a little bit of the Constitution down here with me today. Here we go with article I, section 8, clause 3 of the United States Constitution:

The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

You know that phrase, Mr. Speaker. It's thrown around cavalierly all the time. It's the Commerce Clause:

The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Absolutely. Unquestionably.

What's more, the 10th Amendment of the United States Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Mr. Speaker, this is important. If you haven't gone back and if you haven't looked at your history books recently, I would encourage my colleagues to go back and do that because the only reason the Constitution was ratified in this country was because of the promise that the Bill of Rights would be ratified right behind it.

Know that.

If you dispute that, Mr. Speaker, you've got my email address. It's Woodall@mail.house.gov. My Web address is Woodall.house.gov. Let me know where you think I'm wrong, because I've gone through it over and over and over again.

The United States Constitution would not have been ratified by the States without the addition, the commitment, that the Bill of Rights would be ratified right behind it. That's

where the 10th Amendment comes from. No one was worried about State governments getting out of control in 1787. They were worried about a tyrannical Federal Government in 1787. I would say rightly so. That was their experience in Europe. Candidly, that's becoming our experience today, and I want to talk a little bit about that.

The 10th Amendment of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

That brings us, Mr. Speaker, right into this health care case. I want to take you, Mr. Speaker, back to the origins of this legal decision. It came out of Florida. It's called the "Vinson decision" because Judge Vinson was the lead judge, the chief judge, down in the Florida case that led to this case coming to the Supreme Court. Yet there was a dissenting opinion. It was a 2-1 decision there in Florida, and the dissenting opinion came from Judge Stanley Marcus.

This is what he said:

Because the 10th Amendment reserves only those powers not already delegated to the Federal Government, the 10th Amendment has been violated only if the Federal law at issue goes beyond the limits of Congress' power under the Commerce Clause.

Now, we just looked at the Commerce Clause:

The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The dissenting judge says that the key issue is: Does the President's health care bill go beyond the limits of Congress' power under the Commerce Clause?

□ 1600

He goes on. This is from Judge Vinson, the chief judge on that case, writing for the majority:

The existing problems in our national health care system are recognized by everyone in this case. There is widespread sentiment for positive improvements. This is obviously a very difficult task. Regardless of how laudable its attempts may have been to accomplish these goals in passing the act, Congress must operate within the bounds established by the Constitution. Again, this case is not about whether the act is wise or unwise. It is about the constitutional role of the Federal Government.

That's exactly what my colleague from Minnesota was talking about earlier.

There are a lot of levers of power that I found out as a freshman when I showed up here, Mr. Speaker. You know what I'm talking about. There are lots of levers of power that we can pull here. And the question is: Who do you want in a United States Representative? Do you want someone who's thrilled about pulling every single one of those levers of power, or do you want someone who is reluctant to pull those levers of power?

And that's the funny thing about a legislature, Mr. Speaker. It rarely attracts people who want to send power

away, the folks who want to send power back to the States. That's rare. The legislatures attract people who want to amass power and use all of those levers for what they would call the power of good. That's not what our Founding Fathers intended in the Constitution.

Going back to the majority opinion in the Florida case, the Vinson case. Judge Vinson says this:

In closing, I will simply observe, once again, that my conclusion in this case is based on an application of the Commerce Clause law as it exists pursuant to the Supreme Court's current interpretation and definition. Only the Supreme Court can expand that.

Well, that's actually where Judge Vinson and I begin to disagree. I would tell you the Supreme Court doesn't have any business expanding the Commerce Clause. The folks who put together our Constitution didn't do it lightly. They did it deliberately. The Commerce Clause was drafted narrowly deliberately, and the 10th Amendment was drafted broadly deliberately. The danger that we face as a Nation is that there are well-meaning men and women in this Chamber who absolutely believe they have the answer to every problem that plagues every single American, and the temptation is to use their power as a Member of Congress to solve it. That's the temptation.

I tell folks when I'm back home in town hall meetings, I say, Don't ask me to go to Washington and legislate with my heart. Ask me to go to Washington and legislate with my head.

When I'm back at home digging into my own personal wallet, ask me to give out of my wallet with my heart. Because when I give out of the Washington, D.C., wallet, Mr. Speaker, I'm not giving out of my wallet; I'm giving out of everybody else's wallet. I'm giving out of every single wallet of every single American in this country. That is not what our Framers intended the Federal Government to do. But we're at risk.

I take you back to the dissenting opinion written by Judge Stanley Marcus. What he's talking about here is how he disagrees with Judge Vinson's conclusion that the President's health care bill is unconstitutional. In disagreeing he says this:

In the process of striking down the mandate, the majority has ignored many years of Commerce Clause doctrine developed by the Supreme Court.

Not by Congress. By the Supreme Court. It has ignored the undeniable fact that Congress's commerce power has grown exponentially over the past two centuries and is now generally accepted as having afforded Congress the authority to create rules regulating large areas of our national economy.

It has ignored the Supreme Court's expansive reading of the Commerce Clause that has provided the very foundation on which Congress already extensively regulates both health insurance and health care services.

What does that mean? It's a United States judge, an appellate court judge,

in Florida. He's a thoughtful guy. By all estimations his opinions are thoughtful opinions. And when he looks at the current state of the law in America today, he sees that over the past two centuries, Congress and the Supreme Court have so expanded what that one line in the Constitution says about regulating commerce amongst the States, they have expanded that definition to allow Congress to regulate virtually any aspect of the United States economy.

Mr. Speaker, that's frightening to me. Not because I don't enjoy the company of the good men and women who serve in this Chamber, but because, as I said when I began, these folks know nothing about happiness for my family. They know nothing about my pursuit as a Georgian of happiness, of success. And every time we pass a one-size-fits-all solution in this Congress, it kills everything else.

Here's the difference. Again, Georgia embarked on a massive project to fund free college education for all of its graduating students. It was a huge project. It cost millions upon millions upon millions of dollars, and it could have failed. Had it failed, the only people who would have been punished by its failure are the 9 million of us who live in Georgia. And then we could have looked to the other 49 States for a better solution. But, Mr. Speaker, when the United States of America's Congress fails, when it passes a one-size-fits-all solution for everybody, 315 million Americans pay the price for that, and there's no place to look then for the next innovation.

When I was growing up, Mr. Speaker, there was a saying. When something was really hard to do, folks would say, golly, that's going to take an act of Congress to get that done. I don't know if that was a saying in your part of the world, Mr. Speaker, but that's what it would be. If something was really hard to do, they would say, oh, golly, that's going to take an act of Congress to make that happen.

That was an expression, because getting an act of Congress passed is hard. So when it's really hard to get a very bad act of Congress passed, it's really hard to get that same bad act repealed, and again we've killed innovation across the country when we do it. This dissenting opinion from this very thoughtful judge suggests that Congress's power now is plenary, unlimited, to control every single aspect of economic life in this country.

I challenge you, Mr. Speaker: What aspect of your life isn't economic? What aspect of your life isn't economic? And I don't mean that doesn't have money involved, because as you know in the President's health care bill, Mr. Speaker, there is no money involved. It says, I don't care if you don't have a health care insurance policy today, you must go out and buy one. Now, I'd say there's no economic involvement there. I wasn't going to go out and buy one. It forces me to go and

do something I would not have done. That's the expanded version of the Commerce Clause as seen by supporters of the President's health care bill.

Going on again from this dissenting opinion:

Both the Supreme Court and this circuit have said in determining whether the Necessary and Proper Clause grants the legislative authority to Congress to enact a particular Federal statute, we look to see whether the statute constitutes a means that is rationally related to the implementation of a constitutionally enumerated power.

That's a lot of legalese there, Mr. Speaker, but what it means is this: They've just said the Commerce Clause allows Congress to regulate anything that has to do with money and economic activity in America. And now they're saying the Necessary and Proper Clause of the Constitution gives Congress the power to pass legislation to implement anything that's then related to any of those things.

I asked you a second ago, Mr. Speaker, what in your life doesn't have to do with money? I don't think you were able to come up with many things that didn't have some sort of economic relationship at all. But now my question, as posed by the dissenting opinion here, is what in your life has nothing to do with economic activity or money and is in no way related to anything that has something to do with economic activity or money? Because the Necessary and Proper Clause, as they say in the dissenting opinion, gives Congress the power to legislate that.

I don't want that authority here in this Congress, Mr. Speaker. I don't want that authority here. These are good men and women in this body who legislate in a thoughtful way, but they do not know what is best for 315 million Americans. The Constitution gives us limited responsibilities for which we must speak for a nation. War, for example. Trees, for example.

But I want you to read the Constitution thoroughly, Mr. Speaker, and I know you have, over and over and over again. You know as well as I do, there's not one word in there about mandating that every American citizen pay a fine if they refuse to purchase a health insurance policy.

□ 1610

I want to talk about those laws of unintended consequences a little further, Madam Speaker, because, as I said, I'm not antigovernment. Government has a role. In fact, that's where we are in America every single day, Madam Speaker. We're on that continuum between liberty and security. Liberty and security—yet you can't have both at the same time. We're always moving up and down that continuum.

If you go out here on the interstate, Madam Speaker, you can't drive 150 miles an hour. Well, you can, but you'll be punished. Why can't you do that? It's a free country. I hear people that say that all the time. Dadgummit, RoB. It's a free country. Well, it is a free country. But we have decided to trade

away, through government, our liberty of driving 150 miles an hour for the security of knowing that our children and grandchildren aren't going to die every time they get on the road. That's where we are. Every single decision of government bridges that continuum between complete liberty and complete security.

Kentucky, in 1993, began to try to provide for its citizens' security in the health care field. Again, as I told you, in 1996, the President signed into law that bill that regulates all Federal policies, but it left to the States all of those policies that are State-regulated.

Well, Kentucky tried to take some steps. They passed a health care law in 1994 that aimed to lower health care costs for all folks in Kentucky and to encourage uninsured individuals to purchase health insurance. There were some mandatory issue provisions. There were some rate regulation provisions.

This is what happened: They did the very best they could in the great State of Kentucky. But they had 43 insurance carriers in 1993. And after passing this law, they ran 41 of those out of the State. They had 43 choices that their citizens could choose from. Then they all got together and said, We want to help make it better for our citizens. And 41 of those companies said, We're not going to put it up with it. This is no way to run a business. We're leaving. From 43 insurance companies to two, this Kentucky health care law destroyed.

Well, what do you think happened? All those voters who said they wanted changes to the health care law, they weren't all that excited about the one that cost them 41 different choices. So Kentucky repealed that law, started over from scratch, and they are now growing the number of insurance companies back in that system.

That's awful for the men and women in Kentucky who had to struggle through that. But it didn't burden the other 49 States at the same time. And the men and women of Kentucky could then look to those reforms in the other 49 States to see how to improve on their health care model.

It's the law of unintended consequences, Madam Speaker. That's why it's bad to consolidate all of this authority here in the United States Congress. It's not that these men and women who work here aren't conscientious. It's not that they don't love their country. It's not that they don't love their constituents, and they do try to serve them well. It's that you cannot possibly predict every single outcome.

I'll give you one, Madam Speaker. You know, some of the President's health care law has already gone into effect. One of those provisions that's already gone into effect is mandatory issue of policies for children. But why? Because we all love children. There's not a man or a woman in this Chamber who doesn't love children, Madam

Speaker. So the President, in his health care bill, said, Well, let's make sure then that every insurance company must issue an insurance policy to every child who decides they want a policy.

Well, we've kind of gotten confused about what insurance is in this country. Think about that, Madam Speaker. Think about all the insurance policies you have in your life. Which one are you really excited about utilizing? Is it your life insurance policy, Madam Speaker? You are really hoping that day comes when your maker takes you home, and you can bring that life insurance policy to fruition? No. Is it your car insurance policy? You are really excited about getting into an accident this afternoon so you can call your insurance company and have them pay for it? That's going to be great? No. Maybe it's your homeowners insurance policy, Madam Speaker. Maybe you are hoping a fire breaks out there tonight so you can go home and call that homeowners insurance company and collect on the full value of your policy. No. Insurance is for things you hope don't happen, but you want to be ready for them in case they do.

That's not so with health insurance. How many friends or neighbors do you have who have said, You know what? I'm going to put that procedure off until I get my health insurance? That's not insurance. That's discount health care. That's prepaid health care. That's any number of things. But it's not insurance. Insurance is for things that you don't know are going to happen.

Well, going back to the President's health care bill that mandated that all children get the policies that they apply for. Well, guess what? Some children are already sick. So when they go to apply for a policy, they're not applying for insurance. They're applying for free health care.

Insurance companies aren't charitable organizations. My church is a charitable organization. The United Way is a charitable organization. Insurance companies are not charitable organizations. They are in the business of providing a service for a fee.

So when the President's health care bill went into effect—a bill that I promise you, I am as certain as I stand here today, that the President intended to be a boon for children, that he intended to be helpful for children, that he intended to provide more services for children—it shut down every single insurance company in Georgia that offered child-only policies.

When you went to buy an insurance policy after the President's health care bill went into effect, the health care bill that guaranteed that insurance companies had to issue you a policy, you found that not a single policy remained because every single insurer in that marketplace had left. Madam Speaker, that's not surprising, those laws of unintended consequences. They're undeniable. And the President's health care bill is taking us

down that road not just in child policies, not just in terms of guaranteed issue, not just in terms of the Federal mandate, but on issue after issue after issue.

The Supreme Court is going to make their decision next week. Well, they've made their decision. They're going to share it with the rest of us. But just to be clear, I hear what you might be saying: Well, Congressman WOODALL, you are one of those hardcore conservatives from the great State of Georgia. You just don't care about people. Because I hear that charge—not against me personally, but against conservatives in general. It drives me crazy. I will concede that there may be Members on the other side of the aisle who care about people as much as I do. But there is not one man or woman in this Chamber who cares about people more. Not one. All I'm saying is the Federal Government shouldn't screw it up for those people.

Because I have here, Madam Speaker, a chart of what every State in the Union was doing in 1996. This Chamber hadn't gone mad in 1996 when it decided, under a Republican Speaker and a Democratic President, to sign a health care law. It hadn't gone crazy. It chose to only regulate Federal plans because State plans were already being regulated at the State level.

Take a look: What kinds of things are you interested in? Are you interested in guaranteed issue, Madam Speaker? That guaranteed issue is when you say, I don't care if somebody's sick; you have to take them anyway. That's not a great insurance practice, but it's a heartfelt belief. It's called guaranteed issue. Well, let's see. Alaska's got it. Arizona's got it. Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, on and on and on. This isn't something that requires a Federal solution.

Are there people in this Chamber who want a Federal solution because it consolidates power in Washington, D.C.? Absolutely, there are. Are there men and women in this Chamber who want a Federal solution because they believe in their heart they care more about people than anybody else and so they want it to be their solution that people utilize? Absolutely, there are.

But hear this, Madam Speaker, and share this with your constituents back home. There is not one health care problem that the President aims to solve in his health care bill that your State legislature cannot solve itself at home today.

Madam Speaker, how many times have you heard somebody say, But I know this family, and they can't get insurance, and my heart aches for them. I hear that. I hear that regularly. And your State legislature can solve that for you today.

□ 1620

You don't need Washington, D.C.'s permission. Something happened in

this country, Madam Speaker, and it's not healthy. Folks call Washington, D.C., for solutions. I got a call the other day from a homeowners association. They said, I can't get a building permit put through the city council, and I want you to fix it for me. That's what folks believe. I get it. That is not what America is. The place to solve your city council issues is with your city council. And the place to solve your county commission issues is with your county commission. And the place to solve your State insurance regulation issues is with your State.

The President's health care bill was a solution in search of a problem that does not exist. Guaranteed issue is available today.

This chart goes on to talk about the portability issue: can you move from one insurance policy to the other without penalties. It talks about pre-existing conditions: how to deal with if you're already sick and you've gone to apply for a policy today, when will they cover that illness. Every single issue that the President's health care bill purports to solve, States have already been at work on and in many cases have those solutions already. The President's health care bill erases them all in favor of a one-size-fits-all solution.

I just want to go back for a moment, Madam Speaker, to Kentucky's experience. Thoughtful men and women, people who care about their neighbors and their communities, did the very best that they could to address their health care crisis. And in doing so, they ran from 43 insurance companies helping people in the State, down to two, because the rest of them went out of business and went home. Left the State altogether. That's not what they intended to happen, but that's what happened.

When we talk about the Supreme Court striking down the President's health care law next week—and I feel certain that it will because as I look at my Constitution, it is so patently unconstitutional to mandate that Americans engage in some activity they might not otherwise. And that's the principle on which the entire house of cards is stacked. The entire bill must be struck down.

The question is: What next? And what I want the American people to hear, Madam Speaker, is that what next is happening in your State legislature today. It was happening a year ago. It was happening 10 years ago. You do not have to have an act of Congress to have your problem solved. You can do it right there at home. And States are.

But if you call your Congressman and you ask your Congressman to solve your problem for you, I promise you your Congressman is going to go to work to do it. But when they do it, they are likely to craft something that destroys the system it was meant to save. And then where will we be as 315 million Americans?

I'll give you a little insight into just what I'm thinking, Madam Speaker. I'm not trying to associate my thoughts with the whole of the freshman class or the whole of the Congress. But there was a study out the other day where they went to the Fortune 100 companies, Madam Speaker, and they said: What are you going to do if the Supreme Court upholds the President's health care bill and all of these mandates go into effect?

Well, only 71 answered that survey. And every single one of those 71 Fortune 100 companies said: we'll do better to cancel every insurance policy we have in our company and pay the fine than we will to continue to provide insurance to our employees.

Now, you remember the promise, Madam Speaker, that the President made: if you like your insurance policy, you can keep it. Well, the insurance policy I had didn't comport with the President's bill so they canceled it altogether. I did not get to keep my insurance policy. And what 71 of the largest companies in America have said is the bill gives them every incentive to cancel every policy and dump all of their employees out into the exchange.

Now this was reported in the news as if it was some miraculous discovery. I will tell you this. This is the secret I was going to share, Madam Speaker. I don't think it's miraculous news. I don't think it's a surprise to anyone who crafted this bill. This bill was never about solving these problems that the States are already solving. This bill was never about solving problems that the States already have the ability to solve. This bill was about moving us one step closer to having the Federal Government pay for every single health care bill in this country. A single-payer system. That's what the President said during the campaign he wanted. That's what he said in his entire career he wanted. And this bill that does in fact destroy the free market health care system that we have takes us one step further in that direction. You need look no further than that Fortune 100 survey to see that.

Madam Speaker, when the Supreme Court strikes down the President's health care bill next week, I want to encourage a deliberative process in this body. There is no rush to judgment in this body. It was a rush to judgment that got us here. You have to read the bill to know what's in it. We've all been down that road; 2,000 pages that nobody had time to read. Taxes and mandates that folks are still finding out about.

Let's talk about that, because I hope, Madam Speaker, that I've laid out a fairly persuasive case that while the health care system in this country is in crisis, it is in crisis because of Federal Government intervention—not in spite of it, because of it—and that States have the ability to solve each and every one of these problems. And States are in fact providing those solutions.

So what are we getting in the President's health care bill? Is it worth it? Because I've got to be honest with you, Madam Speaker, I hope you were as surprised by this as I was when you got here.

There's a real reluctance in this town to do cost-benefit analysis. There's a real reluctance to weigh the costs and the benefits and see which side it's on. Why? Because if I'm the brilliant guy who came up with the brilliant bill, it's brilliant. And so if it costs a whole lot more than it's worth, that's going to hurt my feelings, so I don't want you to release that data. I don't want you to do that research. Let's just implement my brilliant idea and see where it takes us. Nobody wants to do the cost-benefit analysis.

Well, again, the President's health care bill, which solves absolutely nothing that States can't do on their own, and there's not going to be a single person in the President's administration that disagrees with me about that, they would prefer a Federal solution; but they know full well the States can do those things on their own.

This is what it's going to cost us: \$15 billion in taxes last year; \$30 billion this year; \$45 billion next year, all the way up to \$320 billion in new taxes in this health care bill. When the Supreme Court strikes it down next week, it's going to be a \$320 billion tax cut for American families because it's American families that are on the hook for these taxes in the President's health care bill.

I'll go on. The President said this bill is going to take premiums down for the American families. Now, Madam Speaker, I did not graduate with an economics degree, but I have ordered a lot of sandwiches at Subway. And what I have found is when I want to add guacamole to my Subway sandwich, they want to raise the price on me. And when I want extra cheese on my Subway sandwich at Subway, they want to raise the price on me. You cannot give the American people more benefits without there being a price somewhere.

So, yes, the President promised that this would bring down health care premiums. Here is his quote from June 9, 2008:

We'll bring down premiums by \$2,500 for the typical family.

That's this blue line, Madam Speaker, that I have. The President's rhetoric, We're going to bring down health care costs \$2,500 per family. The red line here is the reality, Madam Speaker. The reality is health care costs are going up. Premium costs are going up. Why? Because we've mandated that insurance companies do all these new things.

Are you following universities, Madam Speaker? There's all this heartbreak down here talking about how to deal with student loan issues. Student loans are important. But what about student health care, Madam Speaker? Across the country, universities are

looking at canceling policies that they can no longer afford. They could afford them before the President's health care bill, but they cannot afford them after. Why? Because the President's health care bill with mandate after mandate after mandate does not take insurance costs down. It takes insurance costs up. And the American people pay that price.

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It's all right here on this chart, Madam Speaker. At its core, when I talk to folks back home, folks care about access. I need access to insurance, and I don't have access. And they care about cost. I need access to health care services, but health care services are too expensive. That's what the whole health care debate was about. What can you do to help us with access? What can you do to help us with cost?

Madam Speaker, every State in the Union can provide you with access, and many of them have. And all of them will if their electorate demands it. Now, that's the funny thing about this health care bill, of course. The majority of the American people have always opposed it. There was never a time when the majority of the American people said, This is what we want. The majority of the people have always opposed it. It was Washington, D.C., that said, Well, you might not want it today, but once we implement it and force it upon you, you're going to be thrilled. You just don't know it yet. You're going to be happy.

Folks aren't happy still today.

Cost and access is what took us down this road. We see that access is within the legislative purview of every State in the Union, and we see that costs have been driven up and not down. It's not a partisan issue, Madam Speaker.

I'm from Georgia, so maybe I'm a little biased, Madam Speaker, but I'll tell you, I think Newt Gingrich has a reputation in this country. I know the Democrats do a lot of fund-raising by sending his name out as if he's a strident partisan. Well, maybe he is in other parts of the country; not in Georgia, but maybe in other parts.

It was Newt Gingrich and Bill Clinton that came together to reregulate the entire Federal health care marketplace doing away with preexisting conditions in a responsible and economically feasible way, requiring portability in an effective and economically feasible way, ensuring availability, using tools that make insurance more affordable instead of less.

Cost and access we came together on in 1996, long before my time, and implemented for every federally regulated policy in the land. What's left are those areas of State control.

Madam Speaker, I'm going to go back to the 10th Amendment because we don't spend enough time on the 10th Amendment around here:

The powers not delegated to the United States by the Constitution, nor prohibited

by it to the States, are reserved to the States respectively, or to the people.

That is at the heart of our Republic. The Constitution lays out specific tasks that the Federal Government and the Federal Government alone must handle. And everything else, not some things else, not something else, everything else. It's not confusing.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

And as we see in that dissenting opinion in the *Vinson* case, the courts have gradually acceded year after year after year to Congress's demand for more power. And as Congress has continued to legislate, courts have continued to endorse it. And then Congress legislates more, and courts endorse it more, and Congress legislates more, and you turn around and the 10th Amendment now means nothing.

What is that?

Going back to that dissenting opinion, the dissenting judge said Congress has so expanded the Commerce Clause, courts have so ruled on the Commerce Clause, that there is no aspect of economic life that Congress cannot regulate. And then he went on to cite the necessary and proper clause and said, and if there's no aspect that Congress cannot regulate, Congress can do anything that is reasonably associated, necessary, and proper to implementing that bill.

Folks, I don't think that's the America that you and I know. But no one loses their freedom overnight. You lose your freedom one fiber at a time, and you wake up one day and you say, golly, where did it go? It doesn't happen all at once. This has been time after time after time over decades. It's not a Republican problem; it's not a Democratic problem; it is an American problem.

And next week, it's happening right across the street, Madam Speaker. Right across the street, next week, nine men and women are going to reset the clock to what our Founding Fathers intended, setting limits on what the Federal Government can do in your life.

Madam Speaker, that inspires me. I'm not afraid. I'm inspired by that opportunity, that opportunity to be master of my own destiny. But I say to folks who fear that, to any of my colleagues on the left who fear the diminution of Federal power, there's a seat for you in your State legislature.

If you have the urge deep in your heart to control every aspect of an individual's life, I suggest you go back home and run for your State legislature because State powers are plenary; Federal powers are limited. And every single power not delegated in the Constitution to the United States, nor prohibited by it to the States themselves, are reserved to the States and the people.

Madam Speaker, that has always been the key to the success of this Re-

public. It has always been true that the finest innovations, the most creativity, is happening at the local level and working its way up, not happening in Washington, D.C., and working its way down.

When the Supreme Court strikes down the President's health care bill next week, Madam Speaker, Americans are not going to be without health insurance. Americans are not going to be without choices. Americans are not going to be thrown into a lawless environment. They are going to have the benefit of lower prices in the absence of the President's health care bill, of more certainty in the absence of the President's health care bill, and the authority to solve every single problem that ails them, vested in that institution closest to home, closest to the people, State legislatures across this country.

And if there's one thing I'm certain of, Madam Speaker, I've had those occasions where I have doubted the wisdom of this Congress, but I have never had an occasion where I've doubted the wisdom of the American people—not one. The American people have the authority to make these choices today. They do not need a Federal mandate to solve these problems. They don't need a Federal mandate to address these issues. They have that authority today. Our Founding Fathers made certain of it in the 10th Amendment.

And after that court case comes down next week, Madam Speaker, folks will go to work across this country, as they always have, to address the issues and concerns of the American voter, and they'll do that in all 50 of the great and independent States of this Nation.

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

CONSTITUTIONAL LIMITATIONS

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Thank you, Madam Speaker.

As always, I'm privileged and honored to be able to address you here on the floor of the United States House of Representatives. And having heard some of the dialogue of the gentleman from Georgia just preceding me, it transitions in a way that I think it is fitting, and his focus on the 10th Amendment and the limitations of the Constitution that don't seem to be felt by many Members of the Congress that serve over on this side as a rule and the debacle that's been brought upon us, and now we've called upon the Supreme Court to unravel, and anticipate a decision as early as next week, no longer this week, I'm told, Madam Speaker.

As I watched this administration unfold, and we're into 3½ years or a little bit more into the Presidency of Barack Obama, I'm extremely troubled by the constitutional aspects of this administration.