

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRANSPORTATION WORKER IDENTIFICATION PROCESS REFORM ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3173) to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE AFFORDABLE CARE ACT IS THE LAW OF THE LAND

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I rise today because this is a great country. In fact, I would call it the greatest country in the world.

Throughout my life's history, although we have traveled mountains and low valleys, I have been equal and unequal in this Nation. Yet today I feel as tall as the pine trees because our Supreme Court shed itself of diverse and sometimes divisive bickering and upheld the Constitution of the United States.

It granted to the American people affordable health care. It granted to the sickest of the sick the opportunity to be covered by insurance. It granted to seniors who fall into doughnut holes and who have to choose prescription drugs over food a relief line. It granted to hospitals that take in indigent patients who may otherwise die on sidewalks in America an opportunity to take care of those patients. It gave children with preexisting diseases an opportunity to live fully in this country.

So now the Affordable Care Act is the law of the land. We have been vindicated. Every single, single vote of those Members who have lost and of those who have won, we've been vindicated. Thank God for the United States Supreme Court.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the resumption of legislative business.

THE PROGRESSIVE MESSAGE

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

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON, and I claim this Special Order time on behalf of the Progressive Caucus. I am very pleased to be joined by my dear friend from the great State of Ohio, Mr. DENNIS KUCINICH.

The Progressive Caucus has a Web site we refer people to, which is cpc.grijalva.house.gov. I urge everybody to check it out because it has a lot of excellent information.

This we call The Progressive Message. Today, we are going to focus on three topics, Mr. Speaker. They will be in the areas of: (1) historic health care; (2) the travesty of justice perpetuated on Eric Holder; (3) the voter ID issue that is proliferating across the country, that of trying to restrict and suppress the votes of Americans. So that's our Progressive Message for today.

I want to introduce the first subject by saying that today was a historic day. The historic health care bill was passed many, many months ago; but until the Supreme Court of the United States said that this bill was constitutional, that this act was constitutional, it was always in jeopardy of being overturned. In the Progressive Caucus, many of us were signatories and cosponsors of H.R. 676, which is the single-payer bill—or health care for all and Medicare for all.

Personally, I think today is a dramatic step forward in the quest to make sure that all Americans are covered and can go to a doctor. This is a very important step—it's an advance—so I'm happy to see it.

With that, I would like to just turn some time over to the gentleman from Ohio for any comments he may care to make about the health care bill or about the Supreme Court decision.

I yield to the gentleman from Ohio.

Mr. KUCINICH. I want to thank the gentleman from Minnesota, Congressman ELLISON, for his leadership in the Progressive Caucus and to thank him for yielding me some time to talk about this momentous decision by the Supreme Court. First of all, a little bit of context.

I represent Cleveland, Ohio. There are many people in Cleveland who are uninsured. There are many people in Cleveland who could not afford health care. There are many people who are working who can't get their families covered.

This issue of health care reform is one of the defining issues in our country, and it's one that we finally grappled with in 2010 to come up with a bill that not everyone agreed with. As a matter of fact, as Mr. ELLISON will remember, I didn't agree with this. I was not satisfied with health care reform within the context of a for-profit system because I wanted a not-for-profit system. Yet, while we had a for-profit system, one of the things we needed to do was to make sure children with pre-existing conditions would be covered; to make sure all of these lifetime caps on the amount of money that people could claim for expenses were removed; and to make sure that people were given a fighting chance with the insurance companies.

□ 1750

What's happened is the Affordable Care Act finally took a step in the direction of reform. It's an important step, and the Supreme Court has said you can do that under Congress' taxing authority, but it's just a step.

All of us understand that there are still millions of Americans who are finding health care out of reach, even with the help that the Affordable Care Act offers. That's why at the State level there are still States, such as Vermont, that are looking at how they can go forward with a single-payer plan within their State.

Mr. ELLISON. Let me just ask the gentleman a question.

You had an amendment that we were trying to move onto the Affordable Care Act which would allow States, if they chose to, to pursue alternatives like a single-payer system.

Do you recall your amendment?

Mr. KUCINICH. Keep in mind that the Employee Retirement Income Security Act essentially would stop States from going forward, so we asked basically for a waiver of that. The amendment would have provided for a waiver so States would have no legal bar to pursue a single-payer system. That was essentially passed in committee and then stripped out.

The point is we can enable it. Congress can facilitate that. The passage of affordable care, plus the Supreme Court saying Congress can move on health care, Congress can take a step, finally puts us in a position where we can elevate health care to the highest level of public concern.

Every American who is out there tonight who's worried about whether they would be able to get access to affordable health care suddenly realizes that it is possible. For those poor people across America who are wondering whether they are going to be shut out by one aspect of the Supreme Court decision, now it's up to the States to reaffirm the position of the State in the life of their citizens by saying, if you're a poor person, we're not going to use the Supreme Court decision to block you from having access to the resources of the government with respect to health care.

I think that we need to recognize that we've taken a big step here. As someone who wasn't sure at first, as someone who, in a sense, reluctantly voted for the Affordable Care Act on the hope that by proving we could have reform within the context of a for-profit system, that it would open the door for further reforms, I'd say this is a great day. It shows that it's possible to reform that for-profit system.

I'm hopeful, as we're celebrating today, that we look down the road to what we're going to do in the future, which is to restart our efforts here, restart the effort for a single-payer system, knowing at least that we have the assurance that more people are covered, that you don't have to worry about your child 26 and under, whether they are going to be covered under the policy, that you don't have to worry about a child with a preexisting condition, that you don't have to worry about long-term caps, that you don't have to worry about if you're a senior where that doughnut hole is going to cause your budget to get crushed. What you have now is the government finally taking the side of the people and putting us in a position where we now are able, with integrity and with drive, to move towards the future where someday we're going to keep working for that single-payer system.

Mr. ELLISON. I don't know if this happened to you today, but it did happen to me. I started thinking about all the door knocking that I did and thinking about the health care horror stories that I heard.

I just want to ask you today, when you reflect on 57 percent of the people filing for bankruptcy being motivated by medical debt, when you hear about people getting a lifetime cap and not being able to get any additional health care, even when they've got cancer or if they've got cancer, then they get dropped.

Mr. KUCINICH. The gentleman is right. The gentleman is correct. When you think of how many people—most bankruptcies, they're connected to people not being able to pay hospital bills. Any single family has known the dread of having one individual get ill in the family, and everything people worked a lifetime for, they lose.

Mr. ELLISON. The gentleman might reflect on the fact that many of these people you're referring to have insurance, and I yield to the gentleman.

Mr. KUCINICH. Oh, that's right.

Think about this now. You can have insurance, and if you run up against lifetime caps on coverage, you're out of luck. So many Americans have gotten in trouble financially because, even though they have insurance, they can't pay the bills. The bills have sent Americans into poverty.

We need to realize that we've taken a step in the direction of a substantial support for the American people and their health care with the Affordable Care Act, but it's not the final step.

Again, I am here to share with you, Mr. Speaker, my willingness to con-

tinue the effort towards a universal single-payer, not-for-profit health care.

You know what? Now that we've proven that reform of health care is possible, now that we have proven that health care is no longer the third rail of American politics, now that we have proven that the Court will uphold an effort by the Congress to move towards health care reform, well, now that we've proven that, we can say it is possible to go to a place where we can have health care for all under a not-for-profit system.

I thank the gentleman for his leadership, and I look forward to working with you as we chart a new course in America for health care for all. Thank you.

Mr. ELLISON. Thank you.

And to the gentleman from Ohio, who I know has some things to do, I just want to say that when the final chapter is written on the improvement and the advance in health care in America, there will certainly be chapters on how DENNIS KUCINICH, through your leadership as a Member of the House of Representatives bill that you introduced through your Presidential run, where you really made health care a front-burner issue, you will have a chapter that will designate your great contributions to the American people to get quality, affordable, universal health care.

So I do thank you today, sir, because I can tell you that today is somewhat of a reflection. You should think about how your campaign for President and other work you have done really did move the ball down the track. So I thank you, and I honor you for it.

Mr. KUCINICH. I thank the gentleman. Thank you very much.

Mr. ELLISON. We're joined by my good friend, JOHN GARAMENDI from California.

Congressman GARAMENDI, on a day like this, you must be full of thoughts about health care reform, the big lift, and all of the things that occurred.

What are some of the thoughts that occur to you today, Congressman?

Mr. GARAMENDI. Thank you, Mr. ELLISON. Thank you so very much for your consistent and strong voice on what we really need to do here in America to take care of people.

At the beginning of the day and at the end of the day, our task is to fulfill that message of life, liberty, and the pursuit of happiness. This day really, in many ways, fulfills that.

Think about it. Can you have life without health care? Well, probably not for very long. Most everybody I know has had a sickness at one point or another. If you don't get health care, you may very well lose your life.

Happiness? We know that most of the bankruptcies—this is before the great crash—are a direct result of health care and not having sufficient insurance or not having insurance. With regard to happiness, wow.

Of course, liberty. You just think about the number of Americans that

are literally chained or tied to their job because they have health care there. If they want to leave, if they want to pursue a different course, they want to improve, they can't, because they are tied to their job because of health care. They can't get it.

Today, the Supreme Court said that what this House did with the Affordable Health Care Act is constitutional. It is constitutional. It is possible for us. As we just heard from Mr. KUCINICH, it is possible for us to reform the health care system.

My thoughts are so happy for America, so happy for that man that I saw 5 years ago that was on his deathbed, and he said, If I can just live another 5 months, I'll be on Medicare and I can get the treatments that I need without bankrupting my family. Today he probably will be able to get that. It's a good day.

□ 1800

I was the insurance commissioner for 8 years in California. And if only I had this law, if only this law were in place, I could have hammered those insurance companies that were discriminating against people who had preexisting conditions. But I didn't have this law. So they were able to get away with discriminating against women because they are women. Because they are of child-bearing age, they may have a child; and it might cost the insurance companies money.

My chief of staff had a child who was born with an ailment. That kid, from the day of conception to the day after he was born, had insurance. As soon as the insurance company found out that that child had a serious problem, they stopped the insurance. The family almost went into bankruptcy; but for the friends and support around them, they would have done so. That is over.

Every child born in America will continue to have health care coverage, whether they are healthy or not. It's a good day. It's a good day for the children. It's a good day for the people of America.

Mr. ELLISON. Well, Congressman, I share your joy today. And I want to let you know that the fact is that there are a lot of really important parts of this bill, and not enough Americans understand what's in the bill.

I can remember back a couple of years ago when I was trying to have community forums in my district, and people who didn't understand the need for health care reform would get loud and boisterous in these meetings. And I would let them talk. I wouldn't let them disrupt the meeting, but I would let them talk. And some of them expressed themselves in very passionate ways.

One of the things they said to me was, Did you read the bill? And they wouldn't ask the question. They would basically make an accusation that I didn't read the bill. Of course I had read the bill.

And I think it's now a good idea to really help people understand what

good things are in this bill. For example, I think it's important for people to understand that already in the bill, if you have a child under the age of 26, that child can be on your health care insurance. No more worries that your college graduate kid, who has not yet got that job, is just out there with no insurance. If you are a woman, they can't discriminate against you anymore. If you have a preexisting condition and you are a child, even at this moment, they can't discriminate against you. And when the bill is fully in effect, they won't be able to discriminate against anyone.

If you are a senior, we're helping to make the cost of prescription drugs more affordable by filling the doughnut hole. Also, for Medicare, we have a provision in there that's helping to make sure that preventative screenings are free in order to have healthy, strong seniors to prevent them from getting sick. There's a medical loss ratio which says that the insurance company has to devote 85 percent of their receipts into health care, not all this other administrative stuff, including exorbitant pay.

So as we sit back and reflect on what is actually in there, I think it's important to make those points.

Is there anything you would like to add?

Mr. GARAMENDI. Let me just take up some of those numbers because they're very, very exciting.

Thirteen million Americans will receive \$1.1 billion in rebates because the insurance companies have overcharged them. That didn't happen before this bill. I didn't have that power, as insurance commissioner, to do that; 54 million Americans that are in private health insurance plans will receive free preventative services as a result of this legislation.

Mr. ELLISON. Fifty-four million—wow.

Mr. GARAMENDI. And, of course, women—millions across this Nation—will receive free coverage for comprehensive women's preventative health services: Pap smears, breast x rays and the like. In 2011, 32.5 million seniors received one or more preventative services. In 2012, 14 million seniors have already received these services.

105 million Americans will no longer have a lifetime limit on their coverage. Before this bill was in effect, if you go up to \$100,000 or \$200,000—if you had a serious illness, you could go through that, bam—that's it. You don't get any more coverage. No longer. No more limits. Lifetime limits are gone.

Seventeen million children with preexisting conditions can no longer be denied coverage by insurance companies; 6.6 million young adults—what you were just talking about—you are talking about my daughter. She graduated at the age of 21, 22; lost her insurance. The day after this bill passed, she said, Dad, can I get back on your policy? The answer was yes. Actually, it took 6 months, but it did happen. 5.3 million

seniors in the doughnut hole—this is the drug coverage portion—have saved \$3.7 billion on prescription drugs already.

Now, our good friends, the Republicans, want to repeal all of this. So you go through this list: 13 million Americans will not receive a rebate if the Republicans succeed in repealing the bill; 54 million Americans will not receive preventative services; 6.6 million young Americans will not be on their parents' coverage between the age of 21 and 26. There are a lot of takeaways from what the Republicans want to do with their repeal.

Mr. ELLISON. If the gentleman would yield, I think that is a very important point to make. Sadly, as soon as the Affordable Care Act was upheld, our friends in the Republican Caucus immediately said, Well, we're going to have a repeal vote. Well, they've already had a repeal vote. What are we doing this over and over and over again for? Well, we're doing it for a very important reason: to make a political point.

As they were announcing another repeal vote—another repeal vote—we haven't done anything about student loans this week, which are expiring. We haven't done anything about jobs. And we haven't done anything about the transit bill, which is due to expire. I mean, it's just really amazing how much time we have for stuff that doesn't matter, just political gamesmanship.

But, you know, I must share this with you, Congressman. I'm saddened by the fact that our Republican friends won't join with us in this awesome good thing that happened to the American people today. I wish they would finally come around. It's like, look, you know, you fought the health care—

Well, first of all, between 2000 and 2006, you had the White House, the Senate, and the House of Representatives. You didn't do anything except give a bunch of money to Big Pharma. And we're trying to fix that right now.

But all this stuff they talk about. Oh, we want to sell insurance across State lines. We want to do tort reform. They could have done all of that. They didn't do it because they didn't want to do it. Now they say that's what they would have done, but that's not what they did do when they could have done it. So there you go with that.

So now we, the Democrats, went and took up health care. After many, many years of trying, we get it through. They fight it tooth and nail. To their credit, none of them supported the final vote on the Affordable Care Act. They were solid and unanimously against conferring the benefits that are contained in the Affordable Care Act.

Well, now they got around to saying the bill was unconstitutional. It's unconstitutional. And you heard this hue and cry day and night. And they even called themselves “constitutional conservatives.”

Well, the constitutional Court has said, This bill is constitutional. So you

would think they would say, Okay, okay. We just wanted to make sure it's constitutional. Now we're ready to join hands with you and celebrate this great thing to make sure all Americans can go to the doctor. But what do they do? They schedule a repeal vote.

Here's what I want people to know, Congressman: according to the Congressional Budget Office—which is a nonpartisan entity—if they repeal this bill, it will add to the deficit \$230 billion. These are my friends who never tire of saying, Oh, we're conferring debt on our children and grandchildren. They always say that. I'm sure it's been tested by, you know, some high-paid individual who does that kind of stuff. They never tire of saying, Our children and grandchildren, we are piling debt on our children and grandchildren.

But if they strip the Affordable Care Act, as they plan on doing on July 11, they would drop a big debt and add to the deficit.

Mr. GARAMENDI. Thank you so very much, Mr. ELLISON. And thank you for your leadership on this and so many other issues.

I'm looking at that sign next to you: “Republicans' No-Jobs Agenda.” A repeal of the Affordable Health Care Act and the Patients' Bill of Rights is not going to create jobs. In fact, it is going to make it very, very difficult for small businesses because the Affordable Health Care Act actually helps small businesses.

Mr. ELLISON. Right.

□ 1810

Mr. GARAMENDI. They don't have the mandate. Small businesses don't have the mandate. But what they do have is an opportunity. They have an opportunity to get health insurance at an affordable cost, which they've never had before. Small business, one-person, or husband and wife, perhaps, and two or three employees, it literally was impossible for them to get affordable health insurance for themselves and for their three employees.

Under this bill, they can get it. It's subsidized, to be sure. But they can finally get insurance. And across the State of California and across this Nation we're finding thousands upon thousands of businesses for the first time going into the insurance market, able to buy insurance, getting coverage for themselves and their employees while providing what insurance must do, which is the knowledge and the stability that is necessary for the finances of that business to succeed.

The other thing—and I'm just going to pick up one more that's very, very close to me—in California, the Affordable Care Act provided funding for 1,154 clinics. Way back in 1978, when I was in the California legislature, and in 1976 as a member of the Assembly, I authored legislation to establish the Rural Health Act. And that built clinics in the rural part of California. And today, as a result of that, there are

clinics all across the State of California, and the Affordable Care Act keeps those clinics in business.

This is where many Californians and across this Nation Americans access the health care system. It's there in their community. These are the community clinics that are so critically important in providing the health care that Americans need. The call for repeal kills these clinics. These clinics will die if this bill is repealed.

So out across the State, even in the most conservative part of my new district, Colusa County, there are clinics that are dependent upon this legislation and will be able to continue as a result of the Affordable Care Act, found by the Supreme Court, including Chief Justice Roberts, to be constitutional. This is constitutional. The legislature, Congress, and the Senate and the President have the power to solve one of the great America dilemmas: The health care system.

Over time, we'll change this. We'll make modifications. Among those modifications ought to be an expansion of Medicare, which is efficient, effective, and universally available to every American over the age of 65. How good it is. How hard and how determined people are—if I can just live to 65, I'll have Medicare. It's a great program. We ought to expand it. We ought to make it universal.

Mr. ELLISON, I don't know how much time you have.

Mr. ELLISON. We've got about 30 minutes or so.

Mr. GARAMENDI. Well, there are things we can talk about.

Mr. ELLISON. I would actually like to take up what happened with Eric Holder today.

Mr. GARAMENDI. Let's talk about that.

Mr. ELLISON. The Holder case, Eric Holder, when he came in office, this program, the Fast and Furious, was ongoing. It was a gunwalking program. The original theory was that if you put some guns into the stream of commerce, then you can find out who's buying them, who's selling them, and try to get to the bottom of some of these cartels that trade in illegal guns, straw purchasers and so forth. Well, it was a poorly conceived plan, and tragedy occurred. A border enforcement officer, Officer Terry, was killed as a result with one of these guns. We all pause in his honor and offer our sincere condolences to his family.

When Attorney General Holder found out about this program, he shut the program down. But then, of course, as facts came to light, it is a legitimate source of investigation. And he submitted to nine hearings, 8,000 pages of documentation. But when it finally got down to it, when there was information that was of a deliberative nature—not on the facts of what happened to Officer Terry, but just exchange of information—and pending criminal information, which everyone in this room should know is not for public consump-

tion, when that information was sought, the administration, the White House said, No, we're going to exercise executive privilege. Obviously, if the President exercises executive privilege, the Attorney General has to abide by that decision.

And despite all those facts, today on the House floor the Republican majority, instead of dealing with jobs, instead of dealing with health care, instead of dealing with renewing the student loan interest rates, which are about to double; instead of dealing with the transportation bill, which is about to expire, we go do a witch hunt on Eric Holder. It's really too bad.

Any thoughts on this issue you care to share?

Mr. GARAMENDI. Well, I do. And like most of my Democratic colleagues, we just walked out of this Chamber and said this is not worthy of the dignity of the House of Representatives. And we weren't going to honor this process with our presence.

Let's go back here. The Fast and Furious programs actually began in the George W. Bush administration. I think, around 2005, 2006. And there were two iterations of it, two different projects that were underway out of the Phoenix office of the ATF. And they were trying to find out who the gunrunners were. We've all watched the Western movies and the gunrunners that were running guns to the narco folks in Mexico. We wanted to find out what is going on here, where are these guns coming from. And that was, once again, during the George W. Bush administration and had gone on for 2, 3 years.

The Obama administration comes in. Eric Holder is chosen as Attorney General. And the program continued. The tragedy occurred. An agent was killed. And from there, Fast and Furious—this is now what we call the walking of the guns—became known. Eric Holder shut it down. In that process, a letter was written to the Senate committee saying that it didn't exist. Clearly, an error, I am told. But this House doesn't know today. Never investigated by the committee. But I am told that there was information that the office in Phoenix, Arizona, misled the office in Washington, D.C., and a letter was sent forth that was incorrect. That should be the subject of the investigation: What happened here; what actually went on in Arizona.

Not one witness from the actual operation was called to testify. Not one. So this is really a very strange and botched investigation. If you want to get to the bottom of it, you've got to talk to the people that actually did it. It didn't happen. The Democrats on the committee demanded several times: Bring forth the people who did the Fast and Furious from the Bush administration into the Obama administration. Bring them forward. Get their testimony. Find out what happened. Find out about the communications between

the Phoenix office and the Washington, D.C., office. It didn't happen.

So in terms of an investigation, you have a partial investigation focusing on the end of the story rather than on the full story. And today, the first time ever in the history of this Nation, this body voted to hold in contempt a Cabinet official on a half-baked, insufficient investigation that purposefully ignored calling witnesses that were actually engaged in the Fast and Furious operation and who were responsible in the Phoenix office for that operation.

□ 1820

It was a farce. It was a political event, and we walked out. Not a good day.

And as you said a moment ago, there are things we must do. Men and women and families across this country are hurting. They're unemployed. They want jobs. They want to go to work. Transportation, where's the transportation bill? We never did get one out of this House that was meaningful. We just passed a little thing so we can get to conference. It had nothing in it, but it allowed us to go to conference. Where's that bill? How about student interest rates, where's that bill? And what about the jobs program?

What if the September 2011 proposal that President Obama put forward, the American Jobs Act, what if we had taken that up? Three million, 4 million Americans would be working today. What if we had done that? But it didn't happen. Our colleagues on the Republican side refused to bring it up in this House and refused to allow it to be brought up in the Senate. That's sad. That's a very sad thing for America. It is one of the great "we should haves," but we were prevented from doing so.

Mr. ELLISON. Well, Congressman, I have some obligations that require me to curtail our hour a little early. You can carry on if you like.

Mr. GARAMENDI. Well, I, too, must go. But I thank you very much for allowing me to talk about three very important things. I appreciate that, Mr. ELLISON.

Mr. ELLISON. You are famous for nailing the need for a greater investment in manufacturing and supporting American jobs, and I thank you for all of the great work you're doing.

Mr. GARAMENDI. You must mean Make It in America. Spend our tax money on American-made equipment and jobs, not on Chinese or Japanese or anybody else, but on American jobs. We can do that.

Mr. ELLISON. We can do it.

Let me wrap up by saying it has been a great evening, a great day for the American people. The Affordable Care Act has been vindicated in the Supreme Court. Unfortunately, the day is somewhat marred by the unfortunate behavior of the majority in trying to go after Eric Holder. Nonetheless, it's another day in Washington.

The Progressive Caucus will be back next week. Thank you very much.

I yield back the balance of my time.

APPOINTMENT AS MEMBER TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following member on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014:

Mr. Peter Brookes, Springfield, Virginia

SUPREME COURT HEALTH CARE DECISION

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

Mr. GRAVES of Georgia. Mr. Speaker, I rise today with a group of colleagues of mine to speak in contrast to what we just heard. It is shocking to me, not only the news of today and the continuation of the overreach of the Federal Government, but to hear colleagues on the other side of the aisle who are advocating for the Progressive Caucus, the progressive movement in this Nation celebrating, truly celebrating the Supreme Court ruling of today which allows the Federal Government to continue reaching into the homes of American families all across this country in a way that has never been done before, and granted so much more taxing power that has never been granted before, and yet they celebrate.

And they used a lot of different terms, like "charting the new course." That was a phrase that was used by the Progressive Caucus here just a moment ago—charting the new course. One has to wonder: What is this new course? It has been a course that the progressive movement has been on now for nearly a century; and today they are celebrating that course continuing to be charted, and that is a course of more government and less liberty. And that is what this decision was all about today. It was about empowering government and not empowering the American people. It is about creating more government and less liberty. That's what the decision reflected today.

I am joined today by many good friends here in the House of Representatives who are on the side of liberty. They're on the side of the American taxpayers, and they're on the side of the private sector. They believe in free markets and capitalism and profits and success and dreaming, and they don't think that the Federal Government has to get in the way of any of that.

Mr. Speaker, I would like to first yield to the gentleman from New Jersey (Mr. GARRETT) to get his insights on today's decisions.

Mr. GARRETT. Mr. Speaker, I thank Mr. GRAVES for leading the floor tonight on this very important matter. He joins me, I'm sure, in saying that we're all extremely disappointed that we have to come to the floor tonight and that the Supreme Court ruled today that the Commerce Clause does not support the individual mandate, but it may be upheld within Congress's power to lay and collect taxes.

So what we have found today is that Congress cannot use the Commerce Clause to compel you to do something. But, instead, Congress can tax you into submission. It should have been crystal clear that the Commerce Clause, which grants power to Congress to enforce free trade pacts amongst the States, could not use that clause to regulate it.

If Congress can force you to purchase a product, then there is nothing government cannot force you to do. This would have been a violation of your individual liberties as well as the constitutional doctrine of enumerated powers in which Congress is only given few and specific powers.

As the Supreme Court's syllabus of this case states:

The Framers knew the difference between doing something and doing nothing. They gave Congress the power to regulate commerce, not to compel it. Ignoring that distinction would undermine the principle that the Federal Government is a government of limited and enumerated powers.

But the Supreme Court instead told us that Congress has the power to tax and tax and tax until you submit to it.

Is this at all consistent with the founding principles of this country? Did those brave patriots who fought in the Revolutionary War and faced estrangement from their families, who endured British cannon fire and musket fire, weathered freezing winters and blazing summers, marched without shoes, slept without blankets, and suffered perpetual starvation all so that Congress could tax the people to form their behavior in Congress's image?

Did the Founders, who objected to the Stamp Act, the Sugar Act, and the Declaratory Act, which led our great Nation to revolt, risk the charge of treason and put their lives, fortunes, and sacred honor at risk, all so that they could replace one King who demanded more taxation, and now replace it with a President who demands more taxation? No.

We are Americans, citizens of a constitutional Republic where individual liberty is our birthright, won by our Founding generation's sacrifices. We are not and shall never be mere subjects of a government that can tax its way to tyranny. And disturbing as it is, there are many problems with this majority Court's rationale.

You see, the Obama administration has been confused as to whether or not

the monetary penalty for failure to pay is in fact a tax or not. But even if we accept the penalty as a tax, as the Court has rewritten the law to be, such a tax is still unconstitutional for many reasons.

First, the Constitution lays out three types of permissible taxes. This tax is not assessed on income, so it is unconstitutional in that regard. This tax is not assessed uniformly and is triggered by economic inactivity so it is unconstitutional in that regard. And the tax is not apportioned among the States by population, so it is unconstitutional in that regard.

Even more importantly, the Constitution does not grant Congress an independent power to tax for any purpose that it wants. Taxing to provide for the general welfare does not mean there is limitless power of Congress to tax. Rather, it means that a tax must be for a national purpose to achieve the ends that are outlined within the enumerated powers.

Now, this is not only my view; this was the view of James Madison, who ought to know a little bit about the Constitution since he is the man most responsible for it.

There is nothing about the individual mandate defined as a tax that is sanctioned by the Constitution.

But we have strayed far from the Constitution of the Founders. No longer is the ability to tax constrained by the limits imposed by that great document. The growth and power of this government would render it not only unrecognizable, but also repulsive to the Founders.

Madison and his fellow revolutionaries worried about the growth of government and the yielding of liberty. The writings they left for posterity are full of warnings about the fragility of limited government. Madison believed Republican governments would perpetually be on the defensive against the encroachments of aspiring tyrants. John Adams agreed when he said, "Democracy never lasts long."

And perhaps the most famous quote of all was Ben Franklin at the Constitutional Convention when he said we have produced "a republic, if you can keep it."

And now, 225 years later, we have arrived at this moment.

We should strive to restore the free society of our Founding Fathers that they fought for. If liberty is our goal, the Supreme Court has failed the American people. And so although we come here tonight extremely disappointed that the Supreme Court did not rise to the defense of the Constitution, I can take solace with the knowledge that the people of this country will.

□ 1830

See, the Americans of this country revere the Constitution, and they will not let it be trampled upon. They long cherish their liberties. They will not surrender them without a fight.