

So what are they going to do?

Well, they said that the House will just simply have to pass H.R. 3590. After all, it was a House bill that was passed already by the House in July of 2009, amended by the Senate, to become a health care bill. All that is required for it to become law is for the House to take a vote; will the House now concur with the Senate amendment to H.R. 3590. So many as in favor, say aye.

If that is a simple majority, 218 votes here in the House of Representatives, if that is a simple majority, then that's the end of the discussion. The bill goes down the street to the White House for a signing ceremony, and that's exactly what happened.

Now, it took 3 months to accomplish that, because no one here in the House thought H.R. 3590 was a very good legislative product.

In fact, let's be honest, Mr. Speaker. It was a rough draft that had been produced by the Senate Finance Committee, the staff of the Senate Finance Committee, as a vehicle to get the Senate to conference with the House. They never expected for this thing to be signed into law. It was a vehicle to get to a conference to then sit down with the House, and let's work out these differences between the two of us, and then we'll get a conference committee product to come to the floor. But it didn't work out.

As a consequence, the bill that was signed into law was one that was never intended to become law. It was a product produced by the staff of the Senate Finance Committee as a vehicle to get them out of town before Christmas Eve so that they could then get to the conference committee where the real work, the real work of writing this health care law would occur.

The American people were cheated by this process, Mr. Speaker. And now, we're left to deal with the consequences.

And what are the consequences?

500,000 children, according to the Fort Worth Star-Telegram, being taken off their parents' employer-sponsored insurance. People in the pre-existing program who had been waiting patiently for their turn are now told, we're sorry, it's full up. No more space. You can't come in.

It didn't have to be this way. There were good ideas on both sides that could have been taken into account.

One of the fundamental questions I think we have to ask ourselves over and over again is where were the country's Governors when this bill was actually written. Well, of course it was written by the Senate Finance Committee staff, so the Governors were nowhere in the room. A lot of deals that were struck between some of the special interest groups and the White House were all done down at the White House in July of 2009. The Nation's governors weren't involved in that.

Why were the Nation's governors so reluctant to accept the exchanges, the Medicaid expansion?

Well, the answer, Mr. Speaker, is because they were dealt out of the process. And then, the rulemaking that started happening after the law was signed began to scare them, but a lot of the rules were held until after Election Day.

The rule governing essential health benefits—what Governor in their right mind is going to sign on to an exchange program where they don't even know what they're going to be required to cover? They don't know how much money it is going to cost them?

Well, it's no surprise that 26 States said no dice to the exchange. An additional six States said maybe we'll do a partnership, but you go ahead and set the program up through the Federal level first.

And as consequence, the Office of Personnel Management is now required to set up exchanges for 26 States, plus six that might want partnership, and that's a tall order, which is why Gary Cohen said, I'm not sure we're going to need a contingency plan, but we can't know what contingency we have until we actually get there.

I will submit there is going to be a need for a contingency plan. The sooner that the agencies admit that to the appropriate committees in the House and Senate, the sooner they can begin to work on a solution for a problem.

Because, Mr. Speaker, let's face it. January 1 of 2014, there's going to be an emergency room, there's going to be an operating room, there's going to be a delivery room where a patient and doctor are going to come in contact with each other, and they don't need the uncertainty of what this legislation has dealt them.

I thank the Speaker for the time this evening, and I yield back the balance of my time.

□ 2000

IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. ROTHFUS). Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. It's my privilege to be recognized by you to address you here on the floor of the United States House of Representatives.

On this tragic day, as we watch the events unfold in Boston, each of our hearts go out and our prayers go out to the victims, the victims' families, and all of those who are doing so much to put back together the great city of Boston while our hearts bleed for the whole country. I am, I think, optimistic since the President—at least his Office—has declared this to be an act of terror. It clearly is—the timing, the planning, the strategy. I believe we will bring those perpetrators to justice. Many of us fear that this is another episode in a long series of episodes of

terrorist attacks against Americans in the United States. And it troubles us more when it happens here rather than when Americans are attacked anywhere else in the world.

But, Mr. Speaker, I add to this point that we are a resilient people. We are proud, self-confident, tenacious people. And if anyone attacks Americans, thinking somehow that it weakens our resolve, it has the exact opposite effect. It strengthens our resolve, it brings us to action, it galvanizes us to action. Even though as years go by and we look back on some of these attacks on Americans and that our vigor might diminish because we may think we have resolved some of the issues with regard to the terrorists that are attacking us, Mr. Speaker, I announce here to you tonight that the American people are going to stand together. We stand with the people in Boston, we stand with the Massachusetts delegation, we stand with the Northeast, we stand with the 50 States. We stand together in defiance of the kind of terrorism that attacks Americans.

We stand for some things here, Mr. Speaker, and there are a series of components of what it takes to be an American or become an American. It starts with the list of the pillars of American exceptionalism, which along the line of that list, Mr. Speaker, are freedom of speech, religion, the press, freedom of assembly, keep and bear arms. They're the property rights. In our judicial branch there's no double jeopardy. You are tried by a jury of your peers. You can face your accuser. The powers that are not delineated in the Constitution, enumerated in the Constitution, are devolved to the States or the people, respectively. All of these are components of American exceptionalism.

Along with that, there's another component: free enterprise capitalism. And there's a piece to this also, which is the rule of law. It says in the Constitution "the supreme law of the land." And we must abide by the Constitution and the language in it. The language in the Constitution isn't something that can be redefined away from us, but instead, Mr. Speaker, it is a written contract. It's a contract from the generations that ratified the Constitution and the subsequent amendments to the succeeding generations.

Our charge is to preserve, protect, and defend this Constitution of the United States. And if we find that the wisdom of our predecessors didn't foresee circumstances in the current area where we are, we have an obligation not to redefine the Constitution, defend always the language of the Constitution and the understanding of the meaning of that language at the time of ratification, but instead have enough courage to use the tools to amend the Constitution if we need to. The supreme law of the land.

The rule of law is an essential pillar of American exceptionalism. Without it, we wouldn't have a reason to uphold

the Constitution. It could be defined away from us. And I often speak to groups of people and inform them that the Constitution guarantees us these rights but it can't be guaranteed and upheld generation after generation unless each generation defends the language that's in the Constitution, the original understanding of the language in the Constitution, and exercises those constitutional rights.

Can you imagine, Mr. Speaker, if our society decided at some point we're not going to any longer exercise our freedom of assembly? And so for some reason if the stigma of society would discourage assembly, for us to come together and talk about the issues that we want to have our dialogue and exchange on, if we didn't exercise that, the next generation could hardly get out the Constitution and look at it and say, Well, in here it says we have freedom of assembly, and reinstall it. Or, for example, if we gave up our Second Amendment right to keep and bear arms, can you imagine, Mr. Speaker, our children, our grandchildren, and our great grandchildren after a generation or two or three going without any right to keep or bear arms, opening up this Constitution, dusting off this document and pointing to it and saying, There is a right here to keep and bear arms?

You cannot reestablish these rights that are there in this Constitution if we once stop exercising them. That's why we exercise freedom of speech, we must exercise freedom of religion, and we must exercise freedom of the press. All of these rights are rights that we have to utilize. They are rights that define for us in this Constitution, within it, the supreme law of the land, the rule of law.

There's another component of American exceptionalism as well, aside from these rights that are in the Constitution and the free enterprise piece, which is something that gives our economy its utmost vigor. I would advise people that are preparing to take the naturalization test to become an American citizen by choice rather than birth, that's a choice by the educational foundation that they understand our history, our language. One of the questions that will be there is: what's the economic system of the United States?

Mr. Speaker, the answer to that is free enterprise capitalism. That's what gives our economy its vigor. And when we move away from free enterprise capitalism, when we move towards government management of our economy, government bailouts, government deciding who's too big to be allowed to fail, eventually so much of our private sector economy gets co-opted by government that we lose the vigor of free enterprise capitalism and we lose some of the promise of the ascendancy of the great American civilization.

There's another piece of this also that I speak to relatively often, Mr. Speaker, and that's American vigor.

That's the last component of the American exceptionalism that I'll list here tonight.

American vigor. Now where does that come from? Well, we have natural-born American citizens that are part of this civilization and culture. These natural-born American citizens are the descendants of those who came here willingly with a dream. When they came here with a dream, they saw the promise of the Statue of Liberty. And in the image of the Statue of Liberty are the list of American exceptionalism components, the pillars of exceptionalism that I talked about, most of them within the Bill of Rights. But our forefathers were inspired to come here in order to realize their dream. They saw that they couldn't make it in their home country where they hoped to be able to do that and they couldn't realize their potential in their home country. They knew there were challenges here. They came here to rise to the level of their potential. Because of that, there's been a natural filter that has been built. And it's the willing legal immigrants that came to America who were inspired by these pillars of American exceptionalism which are embodied within the image of the Statue of Liberty, and they decided they would find a way to get on a trip or travel, whatever way they could to come to the United States, get in line to become a legal immigrant to the United States. And so many of them have dynamically and dramatically contributed to our economy, our society, our culture, and our civilization. We are that kind of an America.

But there's a unique American character, a unique American spirit, a unique American vigor that comes from those who came here in a legal way that have contributed to our society and our culture and the things that they have taught their children and the things that their children have taught their children and each succeeding generation on down. We're a unique character and quality here. We're not just the descendants of Western Europe or Latin America or wherever it might be. We are the cream of the crop of every donor civilization on the planet that has sent people here to become Americans. That's a special charge. It's a special responsibility. It's distinct from any other Nation in the world. We're the only Nation in the world where people can come here and become American. It doesn't work to go to Norway to become Norwegian or Holland to become Dutch. But it does work to come to the United States of America, embrace the civilization, embrace this culture, embrace this Constitution, take the test to qualify for naturalization, become an American citizen.

□ 2010

I remember going to a naturalization ceremony in the old Executive Office Building. I remember the speaker that day—as there were maybe 125 new

American citizens naturalized that day—and he said: Look out that window. When you look out the window of the Indian room at the Old Executive Office Building, you see into the South Lawn and the White House from the side. He said: From this day, the person who lives in this house next door—pointing to the White House—is no more American than you are.

Now, that's a profound statement. It's true in the United States, and I don't believe it's true anywhere else.

So we have a special mission, Mr. Speaker. We have a special responsibility, a responsibility to promote God-given liberty and freedom throughout the world, a responsibility to hold free enterprise capitalism together, a responsibility to exercise our freedom of speech, religion, the press and assembly, and our right to keep and bear arms—all of these things are in the Bill of Rights.

But I fear that too many in this Congress and too many across this country have lost touch, lost contact with what that means. And so, because of political purposes, it seems to me there are a number of them that are trying to devise a way to make accommodations out of political expediency that in the end undermine one of the most essential pillars of American exceptionalism, the rule of law.

Now I take you back to 1986. In 1986, there was a long debate—it was months long; in fact it may have been nearly 2 years long—a debate about what to do about 800,000 people who were in the United States unlawfully. Through that debate, they worked out an accommodation. The 800,000 was more or less generally understood to be 1 million people; and Ronald Reagan, in his honest way, was reluctantly persuaded to sign the 1986 Amnesty Act. When he did that, the promise was that we would get enforcement, that immigration law would be enforced with the utmost vigor of the executive branch of the United States Government. That was the promise that was made by this Congress. It was a promise that was made by the President of the United States, Ronald Reagan, who was as trustworthy as any President in my lifetime, as principled, and one whom I've long admired and, as I said, only let me down twice in 8 years of the Presidency of the United States. But he made a commitment to enforce the 1986 Amnesty Act.

He was honest with us; he called it amnesty. The definition of amnesty then is the definition that we have of amnesty today. To grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime.

Now, what happened back in 1986? The people that were unlawfully present in the United States were pardoned, with some exceptions—those that had felony records, for example, those that were violent criminals, and some others—but generally they were pardoned. They were given an instantaneous legalization. The exchange was

that those that were in the United States at the time of—there would be a cut off—and those who came after would be faced with the full enforcement of the law.

This, in 1986, was going to be the last amnesty ever. The rule of law was to be restored, and there would never be the promise of an amnesty again. Well, unfortunately, Mr. Speaker, that didn't hold up. History knows that. History notes that. There have actually been six or seven less significant amnesties along the way since that period of time, each one of them drip, drip, drip, making another promise and another promise to people that if they could just get into the United States, if they could just live in the shadows, eventually there would be another amnesty that would come along. By the way, the 1986 amnesty, that 800,000 to 1 million people became 3 million people. Three million people were granted amnesty back then because of document fraud and underestimations of the numbers of people.

So we're watching as the Gang of Eight will presumably introduce a bill tomorrow in the United States Senate. We don't know with confidence what is in that bill, but we do know all of the initiatives that have come from the open-borders side of this argument. We know what Democrats think—they're politically empowered. They're for any kind of amnesty. They'd do instantaneous citizenship. They would mail it in if they could because they see a significant political gain. But on the Republican side of the aisle, it seems to me that they've suspended a full understanding of what goes on in history or what would take place contemporarily.

So what are we trying to accomplish, is the question, Mr. Speaker. I'm convinced that the President, who came before the Republican Conference, he made a statement to us and he said: Republicans, you will never win another national election unless you first pass comprehensive immigration reform. I don't know that we should be looking to the President of the United States for political advice for Republicans in the first place.

The second part he said was: I'm trying to help you Republicans. Some of the people in that room believed that, Mr. Speaker. I did not, and neither do thinking Americans believe that the President of the United States, who has been charged with attempting to, let me say, significantly weaken the Republican Party, would be seriously trying to improve the Republican Party.

What are we trying to accomplish, Mr. Speaker? Well, I'd like to restore the rule of law. I hear Members of this House and Senate talk to me about, for example, they'll say: Well, the President of the United States has refused to enforce immigration law. That's true. He has unconstitutionally, lawlessly refused to enforce immigration law. He has defined classes of people that will be waived as subjects of en-

forcement. Now, I have people on my side of the aisle come over and they say we have de facto amnesty. No, we have literal amnesty. We have factual amnesty, not de facto amnesty.

The President has declared, in a lawless fashion, amnesty for those who do not threaten him politically. That's large classes of people, in an unconstitutional fashion, he has announced that they are issuing work permits, creating a work permit/visa for people that are in the country illegally when the law requires that they come out and enforce the law rather than grant them a work permit.

So, de facto amnesty? No. It's real and it's literal amnesty. And now it seems as though many people on my side of the aisle have leaped to this conclusion that this amnesty exists—call it real, literal, or de facto amnesty, it exists—and so the only way we can deal with that is to go ahead and officially act and legalize so that we can somehow resolve this issue. This is an issue that's been created by many, many years of failure to enforce immigration law. But the idea that Congress should ratify an unconstitutional lawless act on the part of the President is beyond my comprehension as to how that solves the problem.

I hear one of the voices in this immigration issue say, we will never get border security unless we first legalize the people that are here illegally. Well, how does that follow? How is that rational, that we'll never get border security? We have a President who's not going to enforce the law. We know that workplace enforcements are down 70 percent under this President. Janet Napolitano declares that we have fewer interdictions on the border; therefore, that proves that there are fewer border crossings. Well, Mr. Speaker, it doesn't prove that. If you want to have fewer interdictions, you just slow down the enforcement on the border.

Now, I actually do believe that there are fewer attempted border crossings. That's a component of the economics. But we should look and see what's the level of illegal drug interdictions. That will tell us something about how many illegal border crossings there are and how porous our border is. We should look and see how many people end up fatalities in the desert trying to come into the United States across Arizona, for example, or the other States. That will give you some real data on what kind of border crossings we have.

We have the question of granting people a path to citizenship, and the argument, Mr. Speaker, that somehow this is not a path to citizenship when it's a path to a green card; the argument that a green card is not a path to citizenship. If a green card is not a path to citizenship, then there is no path to citizenship here in the United States, but of course we know that it is. A green card is a path to citizenship, and a path to a green card is just a little bit longer path to a path to citizenship. The American people understand that; it's not a mystery.

So some of the proposals are also, well, in this exchange, instantaneously—this is a proposal that will come out of the Senate tomorrow—they will instantaneously legalize everybody that's here in the United States illegally, and then set about, if someone is discovered who happens to have a felony on their record, has committed a violent crime, perhaps, maybe three serious misdemeanors, they might package them up and send them back to where they can wake up legally in their home country. They might do that. But meanwhile, you can see that there's no will to enforce the law for law breakers. There's no will to do that.

□ 2020

So if they pass their legislation—instantaneously 11 million or maybe 20 million or more people are legalized—can we imagine that if all of these conditions that they write into this bill as far as border security are concerned and operational control of the border and an Entry/Exit System and an E-Verify system, if all of that goes into place, they say then there's going to be a path to citizenship? Can we imagine that once people are legalized that they would ever be delegatized because of the failure of the executive branch to follow through on all these promises that are going to be made of the executive branch by the legislative branch of government by presumably a President who hasn't followed through on his oath of office to take care that the laws be faithfully executed?

So here's one presumption. They'll want to put E-Verify into this and then make E-Verify mandatory. Therefore, that would mean that we would have full enforcement and the jobs in the workplace. Well, no, we won't have enforcement unless the executive branch enforces.

They've already told ICE to stand down. I can give you a whole list of circumstances by which ICE is prohibited from enforcing existing law by this executive branch of government. And who could imagine that E-Verify, if it passes and becomes mandatory law, is going to be enforced to the extent that it's effective?

I say, instead, just simply clarify that wages and benefits paid to people illegally living in the United States are not business expenses. When that happens, then you'll see employers make that decision because they will not want the tax, the penalty, and the interest liability that goes along with a tax violation.

That's a clear piece. It's not a piece of policy that's being discussed by these people because they are not serious about solving this problem in the way rule of law people would be.

E-Verify won't be enforced adequately to be effective. It could be passed. I think it could be passed as a condition.

The next one is, finish the border fence. We have that language in place

now. We passed 700-mile border fence language called the Secure Fence Act. Actually, 854 miles, and that's because the border is crooked in some places, and we've got about 40 miles of effective fence.

And so follow through on the existing law that we have is my recommendation. We don't have to have a new law to build a fence. Build the fence, secure the border and then come back and tell us that you've actually accomplished that. Let's watch this thing with drones and see if that's taking place, and other security. We know from the last drone report that the Border Patrol, even drone assisted, were not interdicting half of those that attempted to cross the border, and that number in that sector of the border was over 3,000.

Then the argument about operational control of the border. You would hand that over to who? A border commission to be named later. Or hand it over to the judgment of Janet Napolitano, who has already declared that they have significant operational control of the border. I don't know anybody that's buying that particular line.

And then they would also implement an Entry/Exit program. Well, we have that. It's called US-VISIT. It's been in law since about 1996, when it first began to be implemented as entry, and then we added the exit piece of it, but it's never been implemented. I've stood at the border and watched as people come in, swipe their card, they go register on a computer that they come into the United States, and an hour later the car goes back south again and doesn't have to stop because there's no exit system in place. Why not? This administration and the previous administration were not determined to complete it.

So piece after piece of this, Mr. Speaker, says that it's another empty promise, and they tell us we are going to fix the immigration situation so that we don't have to deal with it again in our lifetime. Well, we know better. The 1986 Amnesty Act wasn't the last one; it was the promise of the next one. We've had six or seven since then.

This is a huge promise of amnesty, and it wouldn't be the last one; it would be the biggest promise for the next one. And anyone who could get into the United States before this is enacted could stay here as long as they choose, in the shadows or out. And if those in the shadows get to be great enough numbers, then we will have established that there will be another amnesty down the line.

We cannot be a Nation unless we have borders. We cannot declare we have borders unless we decide and control who comes in and who goes out. That's an important obligation. If there's going to be an America, we must preserve the rule of law. And while we're doing it, Mr. Speaker, we must also preserve and protect and respect the dignity of every human person.

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

CBC HOUR: BOSTON MARATHON EXPLOSIONS

The SPEAKER pro tempore (Mr. ROTHFUS). Under the Speaker's announced policy of January 3, 2013, the gentleman from New York (Mr. JEFFRIES) is recognized for 60 minutes as the designee of the minority leader.

Mr. JEFFRIES. Mr. Speaker, thank you very much for your recognition. Under ordinary circumstances, I would stand before you today as a member of the Congressional Black Caucus, where for the next 60 minutes the CBC would speak directly to the American people about an issue of significance that the country is confronting.

However, today, as a result of the extraordinary events that occurred a few hours ago in Boston, Massachusetts, there is no issue that is more significant than standing with the people who participated in the marathon, those runners and those observers and those first responders, who were victimized earlier today.

As President Barack Obama mentioned, this is a moment where we're not Democrats or Independents or Republicans; we're Americans. We're not Blacks, Whites, Latinos, or Asians; we're one today. And as representatives from 43 different Congressional districts across the country, the CBC would like simply to extend our thoughts and our prayers to the family members of those who died earlier today. We want to extend our great sympathies and our best wishes to those who were victimized, and we are praying for full and complete recovery.

We also, of course, want to extend our thanks and our heartfelt gratitude to those first responders who, once again, demonstrated courage under fire and bravery in the face of dangers that were seen and unforeseen.

Now, America is a great country, and whatever is revealed about the attacks that took place earlier today, we're confident that we have the resolve to continue to move forward as strong as we always have been. In the aftermath of Pearl Harbor and throughout World War II, Americans demonstrated great resolve. During the Cuban Missile Crisis, in the face of the possibility of nuclear catastrophe, Americans demonstrated great resolve. In the face of the uncertainty that followed the horrific Oklahoma City bombings, Americans demonstrated great resolve. And of course in my home city, the great city of New York, and all across this country in the aftermath of the terrorist attacks on September 11, America demonstrated great resolve this time.

No matter what the circumstances reveal about who was behind what took place earlier today, we're confident that America will continue to show tremendous resolve. Our spirit will not be broken. We're confident that law en-

forcement will identify those responsible for what took place earlier today and bring them to justice.

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

□ 2030

IN HONOR OF ISRAEL'S 65TH INDEPENDENCE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentlewoman from Florida (Ms. FRANKEL) for 30 minutes.

GENERAL LEAVE

Ms. FRANKEL of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. FRANKEL of Florida. Mr. Speaker, tonight's Special Order is meant to honor Israel's 65th Independence Day. But first, today's horrible tragedy of Boston demands our attention.

Security officials continue to investigate the details of the incident. I know that all Americans join with us today, our thoughts and prayers for those affected, the victims, their families and the courageous first responders.

When acts like this occur, I find it even more important that we carry on and refuse to allow our lives to be dictated by those wishing ill. So, in many ways, it's fitting to discuss Israel tonight, a nation that knows all too well the pain of these tragedies. In fact, today Israelis commemorated Memorial Day to honor the memory of 24,000 Israeli men, women, and children who've been killed in terror attacks and wars over the past 65 years.

Immediately following Memorial Day, though, Israel transitions to Independence Day, when Israelis and Jews across the globe celebrate the modern-day revival of the State of Israel.

The abrupt transition from the sadness of Memorial Day to the joy and celebration of Independence Day embodies the Israeli narrative and serves as a poignant lesson in resilience.

Sixty-five years ago, Israel began as a modest nation of 800,000 people, fighting for its very survival. Today, Israel's population stands at over 8 million. It's a thriving liberal democracy, the homeland for Jewish people, a global economic and high-tech powerhouse and maintains the region's most powerful military force.

Sixty-five years ago, this success was not guaranteed and at times seemed almost unobtainable. Memorial Day, which just ended tonight, and Holocaust Remembrance Day, which was commemorated last week, are potent reminders of the struggles the Jewish people have faced and continue to face.