

Mr. POLIS. I thank the gentleman from Texas for his words.

This is 123 days. That is 123 days too long. Let's pass immigration reform now.

I yield back the balance of my time.

#### OBAMACARE ORIGINATION CLAUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 30 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, in 2012, the Supreme Court narrowly and specifically upheld the individual mandate at the heart of ObamaCare under Congress' general taxing power. The Court specifically noted:

Even if the taxing power enables Congress to impose a tax on not obtaining health insurance, any tax must still comply with the other requirements in the Constitution.

Let me read that again, Mr. Speaker:

Even if the taxing power enables Congress to impose a tax on not obtaining health insurance, any tax must still comply with the other requirements in the Constitution.

In short, ObamaCare was upheld as a tax. The Supreme Court did not and has not yet considered a challenge to the Affordable Care Act's taxing provisions on the grounds that it violated the Origination Clause in the United States Constitution, and it most certainly did exactly that. The Origination Clause is found in article I, section VII of the Constitution, and it states:

All bills for raising revenue shall originate in the House of Representatives.

In creating ObamaCare, Senator HARRY REID took an entirely unrelated bill, H.R. 3590, containing just 714 words that did not raise taxes, and then stripped it of everything but its bill number. He then put the 400,000-word ObamaCare that raised taxes in 17 different places into its empty shell. Through this bit of legislative trickery, Mr. REID claims that ObamaCare originated in the House, when, in fact, every last provision of ObamaCare, including the largest tax increase in American history, all came from the Senate.

This sort of procedure absolutely ignores and vacates the Founders' intent, and it renders the Origination Clause of our Constitution completely meaningless. If it is allowed to stand, the Origination Clause in the Constitution is a dead letter.

Mr. Speaker, this is not a small or marginal issue. The principle behind the Origination Clause was the moral justification for our entire War of Independence. Its importance was expressed through the Virginia House of Burgesses, the Stamp Act Congress, and the First Continental Congress, all of whom petitioned the Crown and the Parliament in England for redress of their tax grievances. It was with these realities in mind that the Origination Clause of our Constitution was written, and without it at the core of the Great Compromise of 1787, the 13 original

States would have never agreed to ratify the Constitution.

When our Founding Fathers wrote the Constitution, they knew it was vital for the power to raise and levy taxes to originate in the people's House, whose Members are closest to the electorate with 2-year terms, rather than in the Senate, whose members sit unchallenged for 6-year terms and who do not proportionally represent the American population and who already enjoy their own unique and separate Senate powers intentionally divided by the Framers between the two Chambers.

If we as Members of the House of Representatives, who took a solemn oath to support and defend the Constitution, including its Origination Clause, fail to assert this right and responsibility as the immediate Representatives of the people and those most accountable to them, we dishonor the Founders' memory, and we fundamentally abrogate our sworn oath to support and defend the Constitution of the United States from all enemies, foreign and domestic.

This fall, the U.S. Court of Appeals for the District of Columbia Circuit will hear an appeal in the case of *Sissel v. HHS* as to whether ObamaCare violates the Origination Clause of the Constitution. I would urge my colleagues to sign on to H. Res. 153 and to join me in an amicus brief, along with currently 31 other Members of Congress, that I will be filing with the court. This brief expresses our collective conviction that the passage of ObamaCare was and is unconstitutional.

Mr. Speaker, ObamaCare was the largest tax increase in American history. The United States Supreme Court specifically and officially ruled it a tax. Consequently, under NANCY PELOSI and HARRY REID, the House and the Senate, in passing it in the manner that they did, categorically violated the Origination Clause, without which the U.S. Constitution never would have been born in the first place.

It is now the duty of the judiciary to strike down ObamaCare as a clear violation of the Origination Clause.

□ 2100

By following this amicus brief, we hope the judiciary will seize on the opportunity to support and defend the origination clause of the United States Constitution. If the judiciary does not strike down ObamaCare as an unconditional Senate-originated tax, Mr. Speaker, it would allow the Obama administration to blow yet another huge hole into the constitutional fabric of this noble Republic.

Mr. Speaker, Daniel Webster once said:

Hold on, my friends, to the Constitution and to the Republic for which it stands. Miracles do not cluster and what has happened once in 6,000 years, may never happen again. Hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world.

#### U.S.-IRAN NUCLEAR NEGOTIATIONS ACT

Mr. FRANKS of Arizona. Now, Mr. Speaker, I would like to move to another subject.

Mr. Speaker, the greatest security threat in the world today is that of a nuclear-armed Iran. Now, Iran is once again the news of the moment. As talks between the United States and Iran have begun, American leaders given the charge to protect America's national security must not be charmed by wolves in sheep's clothing.

When innocent Syrian civilians were mercilessly attacked by chemical weapons, the Obama administration was caught on its heels in a foreign policy quandary. America was reminded again that the United States must always be vigilant and embrace an international relations framework which enables proactive engagement rather than merely reactionary, crisis response.

Mr. Speaker, I desperately hope that these discussions will proceed in the context of the grave reality the human family will face if nuclear weapons fall into the hands of jihadists in Iran.

To use the slightly altered words of our Secretary of State, Mr. Speaker: In a world of terrorists and extremists, we ignore these risks at our peril. We simply cannot afford to have nuclear weapons become the IED or car bomb of tomorrow. Neither our country, nor our conscience, can bear the costs of inaction.

Mr. Speaker, the U.S.-Iran Nuclear Negotiations Act is: an action that will reinforce the prohibition against illegal nuclear weapons development. We are talking about actions that will degrade Iran's capacity to use these weapons and ensure that they do not proliferate.

With this authorization, the President will simply have the power to make sure that the United States of America means what we say.

Now, Mr. Speaker, actually, the words I have just quoted are really just the essential words of Secretary Kerry's recent justification for wanting to attack Bashar al Assad's regime in Syria. However, I changed the quote a little bit, Mr. Speaker. Whenever he said "Syria," I inserted "Iran," and whenever he said "chemical weapons," I inserted "nuclear weapons," Mr. Speaker. If this line of reasoning of the administration chooses to stand behind this, then we simply cannot refute the parallel argument related to a nuclear Iran which poses an exponentially greater threat in terms of our security to the United States of America.

Secretary Kerry asserted that Mr. Obama "means what he says." But, Mr. Speaker, if the world truly believed that this President means what he says, the chemical weapons crisis in Syria would never have occurred in the first place.

Secretary Kerry said of the Syrian crisis that North Korea and Iran were closely watching our actions. However, Mr. Speaker, the converse is actually

far more accurate: Syria has been closely watching Mr. Obama's inaction toward North Korea and Iran since he became President; and, consequently, Assad felt he could use chemical weapons on innocent men, women, and children with impunity. Unfortunately, Mr. Speaker, the entire world now sees the U.S. under this President as all talk.

However, in this monumentally important issue of preventing Iran from gaining nuclear weapons, our critical diplomatic policies must be backed by our unmovable will to back them up by all means necessary.

The popular narrative of the Obama administration is to embrace Iran's openness and reward their willingness to negotiate, Mr. Speaker. But, Mr. Speaker, we know United Nations resolutions, IAEA declarations, and diplomatic efforts, including 10 rounds of negotiations toward this regime, have produced absolutely no fruit at all. Decades have passed without a single concession from this, the world's leading sponsor of terror.

In 2005, we saw North Korea, another rogue nation, petition for "talks" about ending their nuclear weapons program, and demanding U.S. concessions. How did they hold up that end of that bargain? They conducted three flagrant nuclear weapons tests. This, in spite of the fact that North Korea has been sanctioned, in terms of economic sanctions, into the virtual starvation of their people for now a half century.

Mr. Speaker, Iran is closer than ever before and racing toward a full nuclear weapons capability. The Iranian Government's intentions, actions, and capacity to develop nuclear weapons capability and sponsor international terrorism are terrifyingly clear. The time to regain our credibility with both our allies and foes alike in this region is now, before the situation devolves into a Syria-like situation, frantically searching for solutions after the crisis has already begun.

To that end, Mr. Speaker, I have introduced the U.S.-Iran Nuclear Negotiations Act, and I urge my colleagues to cosponsor this bill along with 25 other Members of Congress who are now signed on. The U.S.-Iran Nuclear Negotiations Act will strengthen the United States negotiating position in the upcoming talks with Iran, and it will outline vital congressional priorities on any nuclear negotiations with Iran.

Mr. Speaker, a bad deal with Iran which does not definitively prevent a weapons-capable Iran is worse than no deal at all. I am afraid that is exactly where this administration may take us.

Mr. Speaker, we must not let it happen.

Whatever the cost is to prevent a nuclear-armed Iran, it will pale in significance compared to the cost to our children and the entire human family of allowing the jihadist regime in Iran to gain nuclear weapons.

Now, Mr. Speaker, I have a thought I would like to repeat.

Mr. Speaker, in 2012, the Supreme Court of the United States narrowly, but specifically, upheld the individual mandate at the heart of ObamaCare under Congress' general taxing power. The court noted specifically that "even if the taxing power enables Congress to impose a tax on not obtaining health insurance, any tax must still comply with other requirements in the Constitution."

Mr. Speaker, I am going to read that one more time: "Even if the taxing power enables Congress to impose a tax on not obtaining health insurance, any tax must still comply with other requirements in the Constitution."

In short, Mr. Speaker, ObamaCare was upheld as a tax. The Supreme Court did not, and has not yet, considered a challenge to the Affordable Care Act's taxing provisions on the grounds that it violated the origination clause in the United States Constitution. Mr. Speaker, it most certainly did exactly that.

Mr. Speaker, the origination clause is found in article I, section 7 of the Constitution, and it states:

All bills for raising revenue shall originate in the House of Representatives.

In creating ObamaCare, Senator HARRY REID took an entirely unrelated bill, H.R. 3590, containing just 714 words that did not raise taxes, and then he stripped it of everything but its bill number. He then put the 400,000-word ObamaCare that raised taxes in 17 different places into this empty shell bill.

Through this bit of legislative trickery, Mr. Speaker, Mr. REID claims that ObamaCare originated in the House when, in fact, every last provision of ObamaCare, including the largest tax increase in American history, all came from the Senate.

Mr. Speaker, this sort of procedure absolutely ignores and vacates the Founders' intent, and it renders the origination clause of our Constitution completely meaningless. If it is allowed to stand, the origination clause in the Constitution is a dead letter, Mr. Speaker.

This is not a small or marginal issue. The principle behind the origination clause was the moral justification for our entire War of Independence. Its importance was expressed through the Virginia House of Burgesses, the Stamp Act Congress, and the First Continental Congress, all of which petitioned the Crown and Parliament in England for redress of their tax grievances.

It was with these realities in mind that the origination clause of our Constitution was written. Without it at the core of the great compromise of 1787, the 13 original States would never have agreed to ratify the Constitution of the United States.

It is not a small issue, Mr. Speaker. When our Founding Fathers wrote the Constitution, they knew it was vital

for the power to raise and levy taxes to originate in the people's House whose Members are closest to the electorate with 2-year terms, rather than the Senate whose Members sit unchallenged for 6-year terms and who do not proportionately represent the American population and who already enjoy their own unique and separate Senate powers intentionally divided by the Framers between the two Chambers.

If we, as Members of the House of Representatives, who took a solemn oath to support and defend the Constitution, including its origination clause, fail to assert this right and this responsibility as immediate representatives of the people and those most accountable to them, Mr. Speaker, we dishonor the Founders' memory and we fundamentally abrogate our sworn oath to support and defend the Constitution of the United States from all enemies foreign and domestic.

Mr. Speaker, this fall the U.S. Circuit Court of Appeals for the District of Columbia Circuit will hear an appeal in the case of *Sissel v. HHS* as to whether ObamaCare violates the origination clause of the Constitution.

I would urge my colleagues to sign on to H. Res. 153 and to join me in an amicus brief that I will be filing with the court along with currently 31 other Members of Congress. This brief expresses our collective conviction that the passage of ObamaCare was and is unconstitutional.

Mr. Speaker, ObamaCare was the largest tax increase in the history of the United States of America. The United States Supreme Court specifically and officially ruled it a tax. Consequently, under NANCY PELOSI and HARRY REID, the House and the Senate in passing it in the manner that they did categorically violated the origination clause without which the U.S. Constitution never would have been born in the first place.

Mr. Speaker, it is now the duty of the judiciary to strike down ObamaCare as a clear violation of the origination clause.

By filing this amicus brief, we hope the judiciary will seize on the opportunity to support and defend the origination clause of this our United States Constitution.

Mr. Speaker, if the judiciary does not strike down ObamaCare as an unconstitutional Senate-originated tax, it would, Mr. Speaker, allow the Obama administration to blow yet another huge hole in the constitutional fabric of this noble Republic.

Mr. Speaker, DANIEL WEBSTER said something that I think applies so profoundly here. He said:

Hold on, my friends, to the Constitution and to the Republic for which it stands. Miracles do not cluster and what has happened once in 6,000 years, may not happen again. Hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world.

Mr. Speaker, we must defend this Constitution. We must as the House of

Representatives do our part to uphold those privileges and responsibilities we have been given by the Constitution, and I hope we do it, sir.

I yield back the balance of my time.

□ 2115

#### MORE PROBLEMS WITH AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, to follow on my dear friend Mr. FRANKS from Arizona's discussion about the so-called Affordable Care Act, I continue to hear from people who have lost their insurance, had insurance go up significant amounts, it is not affordable.

Now, I did hear from one of my constituents tonight that about 30 out of 147 people at his place of business actually were helped by the Affordable Care Act, and that is great. Eighty percent of Americans seem to have gotten no help or been greatly harmed by the Affordable Care Act. Their insurance has gone up dramatically. They didn't get to keep their insurance. They didn't get to keep their doctor. They didn't save \$2,500. Most Americans have been harmed by the Affordable Care Act.

It is just very hard for me to call it the Affordable Care Act, but in this body so often there have been bills which had for a title, such as the Affordable Care Act, had a name that was exactly opposite of what the bill actually was going to accomplish. The cap-and-trade bill, as it was called, certainly didn't help trade, but it sure did cap a lot of commerce that could have taken place and would not have been able to if that bill had been passed.

There are just all kinds of bills. Some people are pretty creative in the way that they put a name on. There is no law that says the title to a bill has to be truthful, and that is how you can end up with a bill calling it "affordable care" when the majority lose their insurance and don't get the care that they need or, for example, find out that in 3 to 5 years, when they need a new pacemaker, the new law will not allow them to get it. Those are problems.

What I have also found more and more of are senior citizens who are now beginning to figure out that when the AARP-endorsed ObamaCare—and I don't think it is disrespectful to the President to call the bill ObamaCare, just as the President and others called the bill that Governor Romney signed in Massachusetts RomneyCare. I don't consider it disrespectful to former Governor Romney to call it RomneyCare, and I don't think it is disrespectful to call the un-Affordable Care Act ObamaCare. So no disrespect to the President intended by referring to his signature bill.

But people have been hurt. People have been moved from full-time em-

ployment to part-time employment. They liked their insurance policy, but then they found out they didn't get to keep it. They have lost it. They found out their deductible shot up dramatically, and now they don't think that they can afford the thousands of dollars that will be required before their insurance policy kicks in.

We have seen news reports repeatedly about companies that have had to drop spouses from coverage or families from coverage or drop coverage altogether. We found out that there may be as many as 80 percent of those who individually bought their insurance that will or have lost their insurance. And so when I see a number projected like 14 million Americans will lose their insurance, my understanding is that most of these projections about the millions that are losing their insurance are actually talking about millions of policies that are lost. So, for example, if it were my family when my children were growing up, then it would mean not just one policy was lost, but it would mean five people lost their insurance. So I think we will continue to see millions and millions losing their insurance rather than getting to keep it, which is a broken promise.

Now, there was an article written by Lisa Meyers, and it is referenced here in the blog of Ace of Spades, and I don't have the article itself here, but a great point is made that it is bad enough that we were told over and over: If you like your insurance, you can keep it. If you like your insurance, you can keep it. If you like your insurance, you can keep it. If you like your insurance, we will make sure you can keep it. You want to keep your insurance, you can keep it.

We were told those types of things over and over by the President himself and people speaking for the President as well. And the point is made that actually the law itself did not destroy as many insurance policies as have now been lost, but so many of the lost insurance policies have been forcibly lost by this administration by the law but also by the thousands of pages of regulations that have been written. And this article points out:

In other words the ACA, Affordable Care Act, did make it incredibly hard for insurers to continue plans for the millions of Americans who don't want comprehensive insurance. Financially, insurers almost certainly had to adjust them in such a way that they would lose the grandfathered status. This isn't "normal turnover in the insurance market," although there is plenty of that in the individual market. There is a reason why an exceptionally large number of Americans are getting cancellation notices this fall.

It points out that very often insurance companies will keep premiums down despite rising costs of insurance by raising deductibles or copayments, and that is precisely what Obama's regulations say makes a policy automatically ungrandfathered. So people were told, if you like your policy, you can keep it because we are going to grandfather them in. The President himself

used that term, "we are going to grandfather in these policies."

Then his Health and Human Services wrote the regulations in such a way that it forced insurance companies to have to change their policies, mandated some new coverage if it was going to comply with the law, but there were so many things that were written into the regulations that forced insurance companies to change their policies which meant they could not be grandfathered. So it was bad enough that people were promised, if you like your insurance, you can keep it, and then there were going to be some people who lost their insurance anyway, but then the regulations were written in such a way that it was going to force and has forced people to lose their insurance.

So the President's own Health and Human Services Department has created more lost policies by the way they have written the regulations. They could have been written in such a way so that the President would have been allowed to keep his promise. And all it would have taken from a strong leader who wanted to make sure that no Department made a liar out of him would have been to either pick up the phone or write a letter or have an email sent saying, Hey, don't make a liar out of me. Don't you write these regulations in such a way that it causes people to lose insurance policies when I promised them they won't lose their policies.

That could have happened, but it didn't happen. In fact, what the Health and Human Services Department did, by virtue of the Secretary who is in charge, they made sure that millions and millions and millions of Americans would lose their health insurance. So it makes that point, the Affordable Care Act as written and passed, would have protected the grandfathered plans for a longer period of time and with more freedom for adjustment, but the Obama administration filled out the Secretary's "shalls," and there are so many "shall this," "shall do that," "shall do this" in such a way as to make it that much harder, if not basically impossible to do.

The Obama administration's original June 2010 rules were actually even stricter and have, for example, made it impossible for an insurer company to change the firms it uses to manage and administer the plan, which needn't affect coverage and is a simple way to lower costs. But those ludicrous restrictions were eliminated, but enough rules remained that it is again near impossible to maintain a grandfathered health insurance policy.

Very tragic. Promises made were not kept.

And also, I had some folks tell me that, gee, it seems disrespectful for Republicans to say, to talk about President Obama without mentioning the word "President." It seems disrespectful. And so, Mr. Speaker, I certainly don't mean any ill will any time I have used the shorthand, and I try to use