such coverage, on a pro rata basis, in an amount that is equal to the amount by which premium revenue expended by the issuer on activities described in subsection (a)(3) exceeds,'' and then it has an (A) and a (B) and a (2). That is specific language that is used in bills that we pass here every day.

What the President has proposed is not legislative language. What they want to do is use something called the ''Slaughter sleight of hand,'' and the American people don't want it.

HONORING REVEREND DAVID CRUMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to commend to this House the memory of one of my constituents, the Reverend David Joshua Crump, who, at the age of 42, died suddenly on February 20 of this year.

Rev. Crump was a young man of strong personal faith, coming from a long line of leaders in America's faith community, including Bishop Alexander Waymon. His parents, the Reverends Izell and Elaine Crump, are also well-regarded ministers in my hometown of Baltimore.

At a time when so many of America's young people are struggling to come of age without strong and loving fathers in their lives, Rev. David Crump's commitment to their upbringing was a beacon of personal and social responsibility for us all.

I had the occasion to attend the funeral of the late David Crump, and his foster children, a number of them, came forward and talked about how he had touched their lives and how he had opened so many doors for them and what a wonderful parent he was.

Not only that, David Crump excelled in his mastery of that most valuable kind of wisdom: the insights that help us to remain focused squarely upon what is truly important in our lives.

In 1998, I invited the Congressional Black Caucus to Baltimore for a field investigation hearing of our local responses to illicit drug use and HIV/AIDS. We chose Micah's Cafeteria as the primary site for our hearing. David Crump's family owned Micah's, and David was the master chef and maitre d' at the restaurant. During our field hearing there, he made a very favorable impression on all of my CBC colleagues. Our positive response went beyond the positive quality of the restaurant's food. We were heartened by how well David worked with Micah's staff, and especially with the young people who worked with him. These young men and women were competent and polite, building better lives for themselves, and a lot of that had to do with David's leadership and compassion for them. It soon became apparent that David Crump was at the heart of a transformation that was worth our understanding.

In the years that followed, I would often find David reaching out to the young and giving them an opportunity to find themselves in life-affirming settings. His calling was at the center of his faith.

So often, people go to church and prayer meeting, and when they come out the door, they forget their faith. But he never forgot. Not only was he a great foster parent, but he was a very loving husband.

With his wife, Theresa Mina, he built a home full of love and laughter for the children who came into their lives. He was a man of good humor and a gentle spirit. He was a good father and husband who was devoted to his God and to his family.

One of the things that I said at his funeral was, if I ever met someone who tried to walk in the path that God had laid out, it was David Crump.

Mr. Speaker, recently I was thinking about Rev. Crump's example as I read comments that Attorney General Eric Holder made during a recent speech. Encouraging men to take more responsibility for our children and homes, Attorney General Holder observed that, ''I have held many titles in my life, but the title I am most proud of is father. A father's role in the life of a child is irreplaceable.''

Stressing that we must do more to create a culture of mutual respect, our Attorney General went on to emphasize that we hold the future in our hands. He said, ''We as men need to spend more time with our sons and daughters. We need to teach our sons to have respect for women and daughters to demand respect for themselves.''

This same wisdom was at the heart of David Crump's ministry and personal life. His vision and commitment are examples that we all would be well advised to follow.

I strongly believe that government has important roles to play in rebuilding America's communities, yet I also understand that we, as individual citizens, are the critical element in the social transformation that this Nation needs to undertake. Rev. David Crump understood this, both in his ministry and in his personal commitment to the young people in his life. He was, indeed, a wonderful role model.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, I very much appreciate this opportunity to speak here on the floor. The topic again will be health care because, even though most of Americans are more concerned about the economy, as am I, and jobs, because the President keeps trying to shove this thing into the lap of Americans—actually, it will control the lap of Americans—we have to deal with this until we can start over, start fresh, get the special interest groups, the unions, AARP, those people who have been meeting in the last few weeks behind closed doors, away from C–SPAN cameras, getting special deals for themselves, we start over and start fresh. And the number one most important aspect is not the unions. It is not AARP. It is retired people. It is seniors. It is Americans across the country. It is the poor. It is the wealthy. It is everybody.

□ 1245

Those people who are United States citizens, those are the number one concern, should be, under a newly negotiated bill.

I just got sent a copy of an e-mail that has gone all over the country apparently from a group called Organizing Against America—I'm sorry, Organizing for America, it just sounds like they're organizing against America—and it has an individual's name, first name. It says: ''President Obama has called for the House to vote to move health reform forward as early as next week. Your representative''—in this case, LOUIS GOHMERT—''voted last fall to allow insurance companies to continue to jack up rates, drop coverage when folks need it the most, and discriminate against people with preexisting conditions.'' You know, the rules of the House do not prevent me from calling this what it is: that's a lie; that's simply not true.

But it goes on to say: ''We're in the final margin, one last chance to do the right thing.'' It says: ''Call Representative GOHMERT today,'' and it says: ''Let them know''—that's not correct grammar, but that's not the only thing that's not correct—''know that there is a political price to favoring big insurance companies over the American people.

''Organizing Against America''—I'm sorry, ''Organizing for America supporters in Texas have pledged 506,830 volunteer hours to fight for candidates who support reform.''

So, anyway, what they're not apparently aware of is that the vast majority of Americans, the vast majority in my district, they know what this bill—I've got four volumes to get it all, that's the bill that was passed in the House—they know what this represents. It's a government takeover not just of health care, but a whole lot more than that. Anyway, that's the stuff that's going out in this hour of desperation to try to cram this bill through, cram it down on America.

I heard our valiant Speaker PELOSI, I saw and heard the video of the Speaker saying we've got to pass this bill so that we can find out what's in it. I understand that she was talking about apparently there's a big fog around the bill and we really won't see what's in the bill until we pass it and then the fog is lifted; but some of us have been concerned that we need to look at this

bill, and everybody needs to know what's in it now and not wait until later.

We also know that secretly negotiated—I saw an AARP rep and union rep saying that before this summit the President was going to have his health care bill that would be discussed at the summit between Republicans and Democrats. I know my friend, ERIC CANTOR, brought a copy of the bill, and it seemed like that made people mad. I suggested that they have a copy of the Senate bill and the House bill there so that when somebody made a representation that wasn't accurate as to what was represented in the bill, you could immediately turn to the bill during the summit and correct whatever inaccuracy was painted.

Well, one of the problems with the President's health care bill, like my friend, Ms. FOXX, pointed out earlier, is that there is still no President's bill. He came in here and spoke from the second level up there and kept referring to ''my bill,'' ''this bill,'' ''my plan,'' ''this plan''; but as I asked Secretary Sebelius later, I said, I've been trying to find a copy of the President's bill; he keeps referring to it, said he was going to call us out if we misrepresented it, and I just want to know where I get a copy of it. And that's when she told us, Well, actually, I think he was talking about a set of proposals or principles.

Well, I was told by CBO that they could not score my plan until I had it in a hard and fast bill. So we did, we got it in bill form. And that took a lot of work because legislative counsel, who prepares the bills in legislative form, were so tied up with all the Democratic bills that were being filed and being shoved to the front so quickly. But we finally got it done. It took, I think, around 6 weeks or so. And then we got it filed. And then we couldn't get a CBO scoring. We were finally told in August, well, you know, you don't have the request from the highest-ranking Republican on the committee of jurisdiction, Energy and Commerce. So I talked to Republican JOE BARTON, and JOE said, yeah, it sounds great; let's get it done. He said to send a request that my bill be scored.

Then, about 1 month later, we were told, well, we haven't scored it. You still don't have the approval of the highest-ranking Republican on the Joint Tax Committee. So I got DAVE CAMP, told him about the bill, showed him what I had. He said, sure. He sends over a letter saying, Please score GOHMERT's bill. That was in September, I think September 19, something like that, 20th, somewhere around there.

In the meantime, anytime a Democratic leader doesn't have a bill, just has an idea, a plan, wow, they can rush that in to CBO. Every now and then CBO will say, you know, you just don't give us enough to work from, we're making presumptions, but here's a score usually is what they get to anyway. That is something that is so grossly unfair.

There is a summary of 70 health care bills in this document here that have been filed by Republicans to help reform health care. So if someone bothered to read that before they sent out a false e-mail saying we don't want to do anything to reform insurance, they would find out they're wrong. We've got all kinds of good proposals because the truth is, and I'll say it again, all the people I know want health care reformed. They don't want insurance companies between us and our doctors or between any American and their doctors. And they don't want government in between them and their doctors. That's what we're trying to get to.

And even though CBO hasn't been kind enough to, after all these months—and we have the data here that shows what CBO has done. There have been 50 total health care bills formally scored in the 111th Congress, and six of them—six—have been Republican plans. We've got 70 others we'd like to get scored, but they're not going to get to those, they're not even going to get to mine. In the 111th Congress there have been a total all together of 530 bills that have been scored by CBO: 442 were for Democrats, 88 were from Republicans. But we didn't even get that good of odds as far as the health care scoring. So we are obviously working at a severe disadvantage here.

I know that there are so many things the President said that even though they're inaccurate, he has no intent to deceive. It's just that when you're President of the United States, obviously you can't have all the facts at your fingertip. You have to rely on people who work for you to give you accurate information. Unfortunately, our good President has not been given all the accurate information he needs in order to address things properly.

I've been joined by my good friend from Georgia, and I would like to yield such time as Mr. LYNN WESTMORELAND might need.

Mr. WESTMORELAND. Well, I want to thank the gentleman from Texas for taking this Special Order to come talk about the health care bill that, regardless of what anybody says, is actually being rammed through the process. And the reason it's being rammed through, as I think my friend from Texas mentioned, the American people are not in favor of this health care bill. It also, I believe, is unconstitutional that we're going to require our citizens to buy health care. That should be a choice that every individual makes on whether they buy health care or don't buy health care. They may be in an economic situation to where they don't need it, or they may be young and they may be doing health savings accounts. We need to be promoting the health savings accounts and other ways that young people can do things to provide health care for themselves without their government forcing them to buy a health insurance program.

The other thing that I think is interesting is the unions get a special break out of this. You know, I thought that everything that we did in this body was supposed to be fair to everybody, but what they're doing is they're making a difference in this health care proposal that if you have neighbors living beside one another and one is a union employee and the other is a nonunion employee and they're making the same amount of money, their health benefits are going to be taxed differently. Now, why should that be? I mean, I think that's one of the disservices that has come about through this bill is there is so much inequity between individuals. It all depends on how much money you make, where you live.

There is also going to be a czar that we don't know who that's going to be and we don't really know what his or her full capability is going to be and what they're going to regulate. But I would say to my friend from Texas that they may tell you that the current health care plan that you have that you're happy with does not meet the Federal requirements.

This plan also establishes about 111 new commissions, boards, and agencies that we have no idea what their responsibility or what their rules or what their regulations are going to be and what other type of impact they're going to have on our freedom and our privacy.

The interesting thing is that the leadership continues to talk about how many jobs this is going to create. If it creates any jobs, they will be government jobs. We need to create private sector jobs. We need to be concentrating on the economy. All the political capital that has been spent on health care—and not only on health care, this most open, honest, ethical Congress that we were promised by then-Minority Leader NANCY PELOSI, now Speaker PELOSI, is the fact that they've been tied up with ethics investigations of Congressman RANGEL. We've had the tickle wrestling controversy that just came up lately about young people being allowed to be subject to sexual harassment.

Now, we need to be concentrating on jobs. Most of my constituents are calling me saying, look, where are the jobs? You passed a $787 billion stimulus package that was supposed to keep unemployment from going from 8 percent any higher, well, it's at 9.7. The only jobs that have been created have been government jobs. We created about 5,000 jobs with Cash for Clunkers. We have created over 120,000 government jobs since this President has been in office. We need to be concentrating on our economy and on creating jobs from the private sector. We need to be freeing up credit. We need to be making it so small business has an initiative to hire people.

The jobs bill that we passed through here was really a joke. And my friend from Texas, I'm sure you talk to many of your small business people who said,

Congressman, do they really think that I'm going to go out and hire somebody for $30,000 or $35,000 a year to get a $1,000 tax credit? Do they not understand that you can't survive in small business doing something that silly? I said, well, the problem is only about 7 percent of the people in the President's administration have ever even had a private sector job, and I don't know how many or what percentage of that ever created any jobs or actually was responsible for job creation.

What we have got to do is remove the uncertainty that's out there to the small business world, to that employer that is ready to create, to expand, to put infrastructure in our communities. We've got to make sure that he has some certainty. The small business people I talk to go, look, I'm not going to do anything until I have some certainty, and the one thing that the 111th Congress has brought to the American people and to the people that create jobs in this country is uncertainty. They don't know what their energy cost is going to be; they have no idea. Is cap-and-trade going to pass that would raise, just on individuals, energy costs of about $3,200 a year? Is that going to pass? I don't know.

□ 1300

Are we going to raise taxes on the small business people? Are we going to raise taxes on the people who make over $250,000 or over $200,000 or over $150,000? Most of these subchapter S corps that create the jobs are under those individual guidelines.

They ask, Am I going to end up paying more taxes? I don't know.

I can't answer that for you.

What are our health care costs going to be? Are you going to mandate these health care prescriptions on us?

I don't know. I can't answer that.

We don't know about any free trade agreements. This administration has refused to act on free trade agreements. We need to remove the uncertainty for business in this country. We need to crank up our economic engine without starving it for the fuel that it needs to stand and to create those jobs that we so desperately need.

So this health care plan is going to be rammed through regardless of what you say. The rules are going to be adjusted to fit what they need to do. But I've got something to tell the majority: The American people are not that stupid. They understand smoke and mirrors and hocus-pocus when they see it. I promise you they're not just going to hold the majority accountable; they're going to hold every Member of this body and every Member of the body across this Capitol accountable for taking this country in a direction that the majority of people does not want to see it go.

With that, I yield back my time to the gentleman, my friend from Texas.

Mr. GOHMERT. I appreciate so much the insights from the gentleman from Georgia. You make such good points.

Madam Speaker, I've heard people say before, Well, you know, I see you go down to the House floor and just pour your heart out, and you're really trying to convince people of what's right. I wonder. It has got to be pretty frustrating when there's not more than a handful of people around on the House floor.

I think what a lot of people don't realize is, since C–SPAN came about, every Member of Congress whom I know has a television in his or her office, and they watch C–SPAN. A lot of folks will have more than one so that you can monitor C–SPAN and watch the news. You can monitor what is being said, and you can monitor debate. We've been told there may be 200,000 or there may be many more people watching on C–SPAN. Yet this is a chance, under the Constitution, under the Speech or Debate Clause, to come in and to try to bring light. Light is the best disinfectant to any kind of infection. That's what we're trying to do, to shed some light on this.

We have been joined by my dear friend, Ms. VIRGINIA FOXX. When you're talking about someone who has been the president of a university before—and I know her work hours as they're not unlike my work hours—I know that she comes to the floor informed.

I yield such time as Ms. FOXX may need.

Ms. FOXX. Well, I want to thank both of my colleagues, my classmates, actually—my colleague from Georgia (Mr. WESTMORELAND) and my colleague from Texas (Mr. GOHMERT) for their insights and for their sharing of information in this Special Order today.

Instead of going home to be in our districts, we stayed in town today to vote on a bill on algae, which we could have voted on yesterday, but our colleagues across the aisle are twisting arms every minute of every day in order to get votes. They understand that the American people don't want this health care bill that they're trying to ram through and pass. They're trying to be responsive to their constituents, but they're being forced, in many cases, to vote for something by their leadership.

I want to talk for just a minute about two problems here. We have a problem with the bill, and we also have a problem with the process, or the rule, that is going to be governing this bill.

I serve on the Rules Committee. Up until this year, people have always said, Oh, we shouldn't try to talk about process because the public's eyes glaze over. They don't really want to know about that.

Yet more and more Americans have awakened and are paying attention to what is going on in Congress, and I find that people are concerned about the process here because they understand the process is sometimes as important as the substance of what we're doing.

The Rules Committee is the committee here that establishes the rules for debate and the procedure on legislation that's being considered by the House. Unfortunately, our colleagues will not allow the Rules Committee to be covered by C–SPAN, so very few people have seen the Rules Committee in action. We meet in a tiny room up here. Really, there are no seats for the public, or almost no seats for the public. There are seats for Members; there are seats for the press, and there are seats for staff, but there are almost no seats for the public. So very few people have observed the Rules Committee, but it is doing extremely important work in the House.

The Rules Committee establishes the length of the debate and which amendments, if any, will be allowed to be debated. It has nine Members of the majority and four Members of the minority, so they have it stacked pretty good against the minority. We meet at all times of the day and night, lots of times in the middle of the night. Last year, on the cap-and-trade bill, we got the manager's amendment at 3 a.m., an almost 400-page amendment at 3 o'clock in the morning. Then we voted on that bill just a little later on that day.

Well, what is being talked about to get a health care bill passed some people are calling ''the Slaughter solution,'' but I call it the Slaughter sleight of hand. Ms. SLAUGHTER, from New York, is the Chair of the committee, and she has come up with a really, really clever way of having the Members of this body not vote on a bill but say that the bill has passed.

I said a few minutes ago that we are facing a major crisis in this country, a crisis with our debt and deficit, but the more immediate crisis is this very cynical attempt to pass a bill without having the Members vote for the bill. That has never happened in this House before. This is a complete cynical approach to this, and they have to do that because their Members don't want to vote for it because they know their constituents don't want them to vote for it.

They believe they're going to be able to send their Members home to say, Oh, I didn't vote for that horrible bill. I didn't vote for that bill you don't want. I only voted for the rule, or I only voted for this reconciliation bill, and I didn't vote for that bill.

Now, folks, they're trying to go from passing bills they haven't read to passing bills they haven't voted on. I think any high school youngster in this country who has taken civics knows how a bill becomes law. You pass a bill in one House, and you pass exactly the same thing in the other Chamber. It then goes to the President. The President can veto it or sign it. Yet that's not what the majority party is about here. They want a procedural vote that would simply declare the measure to have passed at the moment the Senate passes what they are calling a reconciliation bill.

As I also pointed out earlier, we have no reconciliation process here. We have

straight up-or-down votes. The majority rules. Because there are four vacancies in the House, and because nobody is in the House of Representatives unless he or she is elected, as you don't appoint people to the House of Representatives, the Speaker only needs 216 votes. So what we have again is a sleight of hand going on.

You know, I've seen a lot of cartoons representing the President as the Wizard of Oz, and I think that's a pretty apt description. The President and the people in charge here have been talking a lot about this reconciliation bill because they want people's attention on that. They don't want people to pay attention to the bill that has to be voted on in order for it to become law, which is the Senate bill.

Now, a few minutes ago, the majority leader said, Oh, everybody knows what's in these bills. They've been out there for months. We've discussed them for thousands of hours.

That is not true.

What's going to happen next week is the Budget Committee is going to meet on Monday. They're going to pass what amounts to an empty vessel, which is going to come to the Rules Committee. Sometime next week—and we don't know what time of day or night—we're going to execute an amendment in the Rules Committee that will be seen for the very first time by anybody in a position to vote on it. The staff will have seen it, and perhaps those in charge will have seen it, but my guess is they will not have seen it either. We'll be asked to vote on that immediately in the Rules Committee. That's going to be the first time anybody will have seen it.

As my colleague from Texas talked about, and as I mentioned earlier, we don't have a bill from the President. He presented an 11-page set of principles, which he called a proposal, and he has got a 19-page summary of the 11-page proposal on the Web site. There is still no legislative language, and we have to have legislative language.

The Democratic majority is engaging in such extraordinary legislative chicanery to get this bill passed that it is a clear indication they cannot pass the bill without doing that. They don't have the votes within their membership to pass that bill, so they've got to do all this sleight of hand to get it passed.

These people have exposed themselves as willing to abandon the most fundamental element of legislating, a transparent up-or-down vote, in order to achieve an unpopular, partisan objective.

This is very disturbing, and it should be an alarm to every American. This is what banana republics do. This is not what the greatest Nation in the world does. This is not what the greatest deliberative bodies in the world do. The American people do not want this health care bill, and they don't want their democratic process turned on its head to pass it over their objectives.

I said it before: I was ridiculed. I was ridiculed for saying that I feared this health care bill almost more than anything else. I want to tell you the American people need to fear it because it undermines our entire system of laws. It takes us from being a nation of laws to being a nation of people who will do anything to pass their ideological program, and they will go out to attempt to destroy what is great about this Nation, and that is our Constitution and our rule of law.

With that, I yield back.

Mr. GOHMERT. I appreciate the comments of the gentlelady, Ms. FOXX. They were really on target. Thank you so much.

When she mentions banana republics, I actually had the experience in 1973 of being an exchange student to the Soviet Union for a summer, and I got to see firsthand how the former Soviet Union operated before, of course, it went broke. It couldn't borrow enough money. It couldn't print enough money, so it went broke.

□ 1315

In looking at the President's comment in his speech on March 3 of this year, it was after the so-called health care summit, and I am quoting: ''My proposal would give uninsured individuals and small business owners the same kind of choice of private health insurance that Members of Congress get for themselves, because if it is good enough for Members of Congress, it is good enough for the people who pay their salaries.'' And there was applause on that.

But apparently he hasn't read the bill that was passed in the House that he is trying to join and mesh up in his so-called proposal. This is in the first volume. Let me get over here to that, the benefit package levels. It says, ''The commissioner,'' this is another czar-type person he will appoint, ''shall specify benefits to be made available under the exchange participating health benefit plans.''

Then subparagraph B, ''Limitation on health benefit plans offered by offering entities.'' I haven't seen anything in the President's proposal that changes this. It says, ''In every area of the United States,'' and it will be cut up into different service areas, it says, ''the entity only offers one basic plan.''

The commissioner will designate what has to be in the health care insurance policy. Then their idea of that is you will have a slew of insurance companies that will offer the same policy, one basic plan. And then you could, if you wanted to, as an insurance company, offer an enhanced plan. But the big deal is the same exact plan will be offered by different insurance companies.

I had an experience that this reminds me of so much when I was in a city stay in Moscow. We had read and heard that the largest department store in the world was in Moscow, and the Russian letters in the English equivalent are GUM, which stood for governmental universal store or department store.

I needed some 110 film for my little camera. There were probably a dozen camera stores on three or four different levels, and there were several different sections. It was enormous. I went to every one of them, and every single one had the exact same products, the exact same prices. And that is what we are talking about in this plan. There is no choice. And it won't be long, there will only be one insurance company, and that will be the Federal Government.

We have been joined by my good friend from California, former attorney general, former Member of Congress before coming back, who has always terrific insights. I yield to Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I actually came down because I was listening to the debate and I wondered whether there would be room for someone who spoke with the absence of an accent on this floor.

Mr. GOHMERT. There is nobody talking with an accent that I have heard.

Mr. DANIEL E. LUNGREN of California. I appreciate that. I thank the gentleman for yielding.

I would just say that there is a fundamental proposition that is before the House that is often forgotten in the discussion of the procedure, as strange as the procedure might be for consideration of this bill, and that is, if this bill were to be brought to the floor, the Senate version, or the House version that already passed, and it were ultimately to be signed by the President, it is my understanding that for the first time in the history of the United States we will condition your legal status in the United States, that is, your ability to remain a legal citizen in good standing in the United States, on the mandated purchase of a product provided by a private entity, but as determined by parameters established by the Federal Government.

Is that the gentleman's understanding as well?

Mr. GOHMERT. That is indeed my understanding.

Mr. DANIEL E. LUNGREN of California. It is sometimes easily called an individual mandate, but no one really talks too much about that, where we have the authority to mandate your continued legal presence in the United States. There has been a lot of debate, some even engendered by comments during the President's speech before a joint session, on whether or not people who are here illegally will be covered by all of the government health programs that will be established by law. In fact, that has been at least a matter of contention, whether or not the language contained in the versions would have any meaningful limitation on the provision of health care to people who are in this country illegally. The gentleman is aware of that debate.

But here we have a situation where those who are born in the United States would be rendered an illegal status if, in fact, they did not purchase a product mandated by the Federal Government. Of course, in the House provision, that mandate is enforced by way of criminal sanction, first by way of a fine, and then failure to pay the fine could bring one a criminal sanction.

In fact, in one way, they are attempting to get around this question of whether or not the Federal Government has the authority to mandate this. They have introduced it by way of a section of the Internal Revenue Code. We know that if one commits fraud in terms of not paying a tax, and they are trying to qualify the definition of the fine as a tax, that you can go to prison for committing fraud on the government in your failure to pay the tax. So it is not a reach, as some have suggested, that the penalty would be, in fact, a criminal penalty, which includes incarceration for failure to follow this mandate.

Is that the gentleman's understanding as well? I know the gentleman is a former judge of the State of Texas.

Mr. GOHMERT. A judge, and was briefly chief justice of an intermediary court filling an unexpired term. And that is my understanding. But I also know the gentleman from California was the highest ranking legal officer in the State of California and very articulately has set out his, as well as my, understanding.

But I am curious as to the gentleman's opinion of whether or not this really meets constitutional muster. Nobody knows what the Supreme Court would do. Some project maybe 5 or 6 years before it got there, since we were unsuccessful in getting any fast track in the House version or the Senate version.

Mr. DANIEL E. LUNGREN of California. In other words, an expedited consideration of the legal matters up to the Supreme Court, which we have done on other legislation in the past.

Mr. GOHMERT. I am curious about the gentleman's opinion.

Mr. DANIEL E. LUNGREN of California. Here is my concern. There are those who say these bills are justified under the expansive reading of the commerce clause, and it is true in the past the Supreme Court has found a rather expansive view of the commerce clause. But if one suggests that one's own health and the decision on how one provides for one's own health is, in fact, a part of interstate commerce, which then grants the authority to the Federal Government to act, then the question I would ask is: What is left that is not covered by Federal authority? What part of your life is not covered by the Federal authority?

In other words, if we can do this for the purpose, admittedly a good purpose, of ensuring that people have health care in this country, but if we can extend the reach of the Federal Government in this way, would it be out of the realm of possibility that one could argue it would be constitutional for the Federal Government to say, in light of the impact of obesity on certain health conditions, and in light of the fact that when one develops those health conditions one has a call on medical care in this country, and that impacts all of us, because that is the argument that is being made, would it not then be logical that we, on the Federal level, could mandate that you must belong to a federally approved fitness program? Is that so much of a reach?

Wouldn't that be less of an interference in one's life than to mandate precisely how one has to prepare for one's own health and pay for one's own health, and then dictate exactly what coverage one might have, even though you might not want to have that particular coverage?

So I think it goes beyond just the health care question. It goes to the question—and I have had this discussion in my town hall meetings as recently as this last Monday, where I had 250 people in Rancho Cordova. It goes to the question of what is the proper relationship between the individual and their Federal Government, and the greatness of our Founding Fathers was to say that would be a limited relationship; that is, the Federal Government's call on us, because we recognize that government did not extend rights to us. Those rights were God-given rights. And we the people—those are the words that are found in the Constitution. We the people formed a United States of America, but we decided what authority we would give that government, and they should not go beyond that.

Mr. KING of Iowa. Would the gentleman yield? I thank the gentleman from Texas.

This argument about the commerce clause and the Federal Government being able to regulate interstate commerce, I take this to the other side of the scenario that Mr. LUNGREN has laid out and take it down to the assumption that is in this bill that everybody in America is engaged in interstate commerce is relevant to health insurance.

I would submit that in Texas or California or Georgia or Iowa, there is likely to have been, I will say certain to have been, and likely to still be, individuals born in those particular States that never participated in a health care program of any kind, lived within the State, didn't cross the State line to get an aspirin, and died, and never engaged in health care that could be even described as interstate commerce in any way. Yet this commerce clause would be broadened to the point of being so inclusive that not only would that, by inference, give Congress the authority to require a person to join a health club, but also to show up and exercise, tell us what we can and can't eat, and the commerce clause then would have no limits whatsoever.

I am going to say that the individual that is born in one of those States, or any State in America that doesn't participate in a health care program that links the interstate commerce, is completely exempt under the commerce clause, and therefore that is one of the bases for which I believe this is an unconstitutional bill.

Mr. GOHMERT. We have a friend from Georgia, Mr. WESTMORELAND. Do you have anything to add on that point?

Mr. WESTMORELAND. Well, I don't have anything to add on the constitutionality of the legislation, because I have already expressed I think it is unconstitutional, but I did want to make one comment before I had to go to my friend from Texas.

I believe you said the President had put out an 11-page summary and then had put out a 19-page summary of the 11-page summary, so I wanted to quote from the 19-page summary of the 11-page summary. And anybody within the sound of my voice, Madam Speaker, if they believe this, then they need some help and some counseling.

This is the new affordable choices where the 19-page explanation of the 11-page explanation says, ''paper reduction and simplified forms will begin to reduce costs.''

Anybody that has ever dealt with the government knows they do nothing to reduce paperwork.

''A new Web site to help consumers compare different insurance coverage options, along with State-by-State consumer health care assistance and assistance for any of their health insurance questions.''

To my friend from Texas, you can't call a government agency now and even talk to a real human being, and now they are going to answer questions for 300 million people?

Here is the final one. ''Clear and easy-to-understand insurance documents to help Americans make decisions when shopping for health insurance.''

The government has never had any documents that were clear and simple to understand. The majority of Americans today cannot even fill out their own 1040 personal income tax.

This is a sham, and I hope that the American people will wake up and understand that what is fixing to happen to them is not only unconstitutional, but will be something that will not be easily undone.

□ 1330

Mr. GOHMERT. I want to yield more time to my friend from California.

Mr. DANIEL E. LUNGREN of California. I think the gentleman from Georgia made a point about a summary of a summary being larger than the original summary, and we're talking about a 2,000-page bill at least in both the House and the Senate, which will then spawn thousands, tens of thousands, of pages of regulations which will then be interpreted by thousands of people employed by the Federal Government, which will then finally get to

you and your doctor. And I think that is one of the problems that we have.

I would just cite the Speaker of the House who recently said in a press conference: We must pass the bill so we can find out what is in it. Now, I don't make that stuff up. It almost sounds like a comedy routine from ''Saturday Night Live.'' But that was essentially the statement: We must pass the bill to find out what was in it.

I used to think that good legislation was you knew what was in it before you voted on it, and if you had problems with it, you didn't vote on it until you fixed the problems, and you didn't say, well, we know we have problems in the bill, but we are going to reconcile those problems later on. And particularly when ''reconcile'' is a special term of art in the United States Senate, and it allows you to fix some things but not others, and those that you cannot fix in the arcane notion of the reconciliation process in the Senate, you will then have to take to the floor of the House, and that will be then subject to the possibility of filibuster, which means essentially you will have to get 60 votes to pass it.

So I would ask the gentleman on an issue that is of immense importance to the American people, as they have expressed at town hall meetings, in polling and everything else, there has been a 30-plus-year consensus in this Congress and in this country about the limits of Federal funding for the procedure called abortion. That law, that line of laws, has been encapsulated in what was known as the Stupak amendment in the House of Representatives.

We know that the Stupak amendment is not in the Senate bill. There is another provision which Mr. STUPAK and others have said is insufficient to maintain the current law, therefore meaning that it will establish a new law allowing Federal funding of abortions for procedures that have not been allowed that is paid for by the taxpayers for over 30 years.

Is the gentleman aware of whether the history of the voting pattern in the Senate would lead one to conclude that there are 60 votes for the Stupak amendment in the Senate?

Mr. GOHMERT. I thank the gentleman for the question. It's a great question because we know when SCOTT BROWN was elected, he said, I'm the 41st vote against this. There are not 60 votes to do what they are saying, which as you're pointing out, the Stupak amendment—if our pro-life friends across the aisle were to get talked into voting for the Senate bill as is, on the promise that, oh, gee, we will bring that amendment up, and we are sure it will pass—I just don't see how anybody can make that claim because it has already been made clear at the other end of the Hall that they are not getting 60 votes to do it.

Mr. DANIEL E. LUNGREN of California. If you have an animal control officer come to your house and say that your dog or cat hasn't been neutered or spayed, and you say, well, wait a second, I'm going to let my dog or cat out for the next month, but I will get him fixed, do you think the animal control officer would trust you?

Mr. GOHMERT. No, they don't. And there is no reason to believe that anything could happen other than what we've already seen. They're not going to have 60 votes to do it, which is why they are trying to do it on a reconciliation gimmick.

Mr. DANIEL E. LUNGREN of California. Is the gentleman aware of whether or not the language that articulates the Stupak amendment or the language that would articulate something close to the Stupak amendment would be allowed under the tight controls of reconciliation?

Mr. GOHMERT. Well, it is hard to know; but I believe if the Speaker tells BART STUPAK, we are going to get the amendment, your Stupak amendment passed in the House through reconciliation, we'll get it done, and we should get it done in the Senate, I'm sure if she tells him that she will get it done in the House, then she probably will. But there is no way on this Earth that she can guarantee what will happen in the Senate because it's not going to happen.

Mr. DANIEL E. LUNGREN of California. In other words, if one were to preserve the Stupak amendment, it would be to take the House bill over to the Senate, have the Senate accept the House bill, and then perhaps try and reconcile it later on if you were going to preserve the intent of the Stupak amendment and thereby preserve 30 years or 35 years of the consensus of this Congress and the consensus of the courts and the consensus of the American people.

Mr. GOHMERT. The gentleman is exactly right.

And I want to emphasize how important the Stupak language was. We did hear our friends across the aisle say, look, there is no money that will be allowed under the House bill for abortion. And I know they believe that when they said it or they really wouldn't have said it. The trouble is one of the problems in this body is we have ended up having such massive bills come so fast that people do not read the bills, because on page 110 of the very bill that was under debate that the Stupak amendment was to address, this is page 110, subsection 4b, the subsection titled, ''Abortions For Which Public Funding is Allowed,'' then it goes on to say the services described in this subparagraph are abortions for which expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted, and then it goes and sets out conditions.

The point is they hadn't read that bill or they would never have gotten up and said, there is no money in this bill for Federal tax dollars for abortion. It was there, and it is there if you don't have the Stupak amendment.

Mr. DANIEL E. LUNGREN of California. If I might ask the gentleman to yield again, the point we're making is this has nothing to do with Roe v. Wade. This has nothing to do with a woman's right to choose. It has to do with the question of whether Federal taxpayers are required to pay for the procedures, and there has been a consensus in this country with a limitation on federally funded abortions except for the life of the mother, rape and incest. There have been those kinds of limitations on that. And this changes that, changes the consensus that has existed for 30-some years.

Again, if you wanted to protect that consensus that was repeated on this floor in the nature of the Stupak amendment, you would take that up in the Senate and you would pass that. Now, why are they not doing it? We hear they are not doing it because they couldn't pass it in the Senate.

Mr. GOHMERT. That is exactly right.

Mr. DANIEL E. LUNGREN of California. So we are supposed to believe that if they can't pass the Stupak amendment in the Senate, we should pass the Senate bill here because then there is a promise that they will pass a virtual Stupak amendment with a requirement of 60 votes.

Mr. GOHMERT. That they can't get on any other bill itself. It makes no sense.

Mr. DANIEL E. LUNGREN of California. So people should understand the conundrum we are in, not of our own making, but precisely because of the bill that was brought to this floor and the bill that was brought to the Senate. And those are basically the two options that are out there. And the question is, How can you get a majority vote in either body while finessing that issue?

I would suggest you cannot do that if, in fact, that issue is as important to people as they stated it was during the consideration of the bill both in the House and the Senate.

And of course that goes far beyond the question we had before, which is, What about the constitutionality of the underlying principle that we will now mandate that you must purchase a product, in this case, a health care policy, or if you do not, you will find yourself in illegal status in the United States? We are not talking about you having entered the United States illegally. We are not talking about you having overstayed your visa. We are not talking about you committing some fraud on the United States to come here.

We are talking about you already being an American citizen, someone with legal status in the United States, and now you are going to be rendered illegal because you will not purchase a product imposed by the Federal Government for the first time in our Nation's history.

Mr. GOHMERT. That is such a great point. I was talking with some of my

constituents this past weekend who are scared to death this thing is going to pass. Some of them work for lower wages, and they are on their spouse's insurance with their employer.

There are companies that exist only because they are able to hire people who don't need health insurance, and so they are able to hire them without providing health insurance. Under the bill, they are going to get hit with an 8 percent tax. And I'm hearing employers say, we can't pay the 8 percent tax. They've either got to take an 8 percent cut or lay people off.

There's been one estimate confirmed by a number of people that if this bill passes, if this bill becomes law at the worst time conceivable, more Americans out of work than ever in history, it will put 5½ million people out of work. This is incredible. I have heard friends across the aisle talk about how important it is to help the working poor, the lower middle class, that is who we really want to help. Under the bill, if they can't afford the mandated type of insurance, then they are going to get hit with an additional tax, the very people that can't afford it. In addition to that, they are going to be hit with other taxes to help pay for this bill. It is not a friend of the working poor in America.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

I point out an additional 5½ million people resulting unemployed over this bill, but it provides access, according to calculations from the Congressional Budget Office, to health insurance policies for as many as 6.1 illegals. So there's your trade-off: 5½ million unemployed Americans, 6.1 million illegals having access to their own health insurance policy.

Additionally, picking up on the point of the gentleman from California, not only does it render an illegal status to someone who wouldn't, could not perhaps or would not, purchase health insurance policies that are mandated by the Federal Government. It levies a fine against them, as we have said, and it takes us into the realm of what I think is a definition of debtor's prison. You levy a fine against someone, and if you don't pay the fine, and when it gets to $250,000, then the original bill adds a prison penalty in there.

And it would be for the first time in the history of this country that the Federal Government had either produced a product or certified a product to be produced by the private sector, required every American citizen to purchase that product; and if they didn't do so, levy a fine against them and then have them facing a jail term. That's the kind of debtor's prison that our Founding Fathers rejected. I use stark terms, but that's where it takes us up in our logic.

I will say, Mr. Speaker, that we are at this point now where the nuances of these bills, we know what's in them, that anything that is likely to pass this House and go to the President's desk, he will be sitting there with pen in hand to sign. He is salivating to sign something that is called national health care that he can call ObamaCare and does call ObamaCare. He is for single-payer. He is for socialized medicine. He has said that he is for single-payer. So has the Speaker, and so has HARRY REID. So this is about whether we keep our freedom, whether we keep the Federal Government from nationalizing and taking over our bodies like they did at General Motors and Chrysler.

Mr. DANIEL E. LUNGREN of California. I think a very, very basic question is this. There is a notion of healthy skepticism within our government and our view of government. We grow up with that. That is part and parcel of the Constitution. But if you move from healthy skepticism to destructive, not skepticism, but cynicism, then you have really ruptured the relationship between the American people and their government.

And if we were to ignore the voices of the American people as they have been articulated in town hall after town hall after town hall throughout this country, not just in August—I had my last town hall meeting this Monday; 250 people in one of my communities, overwhelming opposition not to some changes in health care—they are not arguing for the status quo—they are arguing against these two visions of health care reform. And they ask me, they beg me to bring a message here from them directly: scrap what you're doing, start over, give us the right medicine, not the wrong medicine.

Mr. GOHMERT. I thank the gentlemen. My time has expired.

□ 1345

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Nevada (Ms. TITUS) is recognized for 60 minutes as the designee of the majority leader.

Ms. TITUS. Mr. Speaker, we've heard a lot about health care today and for the past month and, actually, for the past year as this issue has been debated as one of the most important things facing this country and the people in all our districts. We know that we need better access to health care. We need more affordable health care. We need to protect Medicare as we move forward with meaningful reforms. These reforms need to include issues involving the insurance companies, the insurance companies that are today advertising on television against reform, are sending their lobbyists to the Hill against reform, who are resisting any kind of meaningful reform in hopes of protecting their bottom line. I welcome additional comments from some of my colleagues.

I will reserve my time for a few minutes.

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

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. WATSON) is recognized for 54 minutes as the designee of the majority leader.

PARLIAMENTARY INQUIRY

Mr. KING of Iowa. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. KING of Iowa. Mr. Speaker, under the rules of the House on a Special Order, is it appropriate for a Member to yield to someone else when they've been recognized for 60 minutes?

The SPEAKER pro tempore. The Speaker's announced policy allows for the leadership hour to be subdivided among designees.

Mr. KING of Iowa. I thank the Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California.

Ms. WATSON. Mr. Speaker, I would like to extend our time to 1 hour. Do I have 54 minutes?

The SPEAKER pro tempore. The gentlewoman has 54 minutes.

Ms. WATSON. Fifty-four. Thank you.

Madam Speaker, I would like to yield time to Congressman GARAMENDI from California.

Mr. GARAMENDI. Thank you very much, Congresswoman. As you recall, you and I have had a long, long history of dealing with health care issues. In the late 1970s, I was chairman of the California State senate health committee, and when I left that post, you took it over. And over those many, many years that you and I worked on health care, we are now approaching the final moment in which this Nation will take up an extraordinarily important task, and that is moving towards providing health insurance and health care for all of the citizens in this country.

It's going to be a very, very busy week next week. Over the last hour or so, I've heard from our esteemed colleagues on the Republican side talk about a rush to judgment. It was not a rush to judgment if you consider the 30 years that you and I have been spending, trying to provide health care services for all the people in California, and now we have this opportunity to deal with this issue here for the entire Nation.

It certainly wasn't a work to rush to judgment in the early part of the 20th century when, in California and across the Nation, men and women were being injured on the job, and to deal with that, the Workers' Compensation programs were created. Even Teddy Roosevelt back in those periods said that we needed to have a health care system for all. It didn't happen then. During the World War II period and before it, the Blue Cross-Blue Shield programs were developed by the medical community to provide services. But again, it