

I wish you a happy new beginning.

RECOGNIZING THE SERVICE OF  
POPE COUNTY JUDGE JIM ED  
GIBSON

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Mr. Speaker, I would like to congratulate Pope County Judge Jim Ed Gibson for his commitment to the citizens of Arkansas. Judge Gibson's efforts and participation within the community continues to make an impact. For his service and leadership, Judge Gibson has been named the Russellville Area Chamber of Commerce's 2009 Citizen of the Year.

This is a fitting honor for a man who not only has served the public, first as a member of the Pope County Quorum Court for 15 years, but since 1999, as the County Judge. His service continues beyond the office, serving as a member of a long list of organizations and boards across Arkansas.

Judge Gibson has spent his life putting his community first. It was just a few short years ago the city of Atkins was hit by a tornado. Judge Gibson was one of the first people at the scene making sure people were taken care of. I appreciate his dedication, and I'm confident that that will continue.

The people of Pope County are fortunate to have such an exceptional neighbor. I ask my colleagues today to join with me in honoring Judge Jim Ed Gibson, a wonderful public servant who is always and always will be dedicated to the people of Pope County.

CLOTURE AND RECONCILIATION

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

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the House. And in the aftermath of the summit yesterday, the February 25th health care summit that took place, and over the 7-plus hours from gavel in to gavel out, the 6½ or so hours of actual dialogue that took place, I think a lot of the American people were watching. And I'd like to think also that a lot of the American people were busy at work and didn't have the opportunity to sit and watch it all in a transfixed, focused fashion, like a lot of us tried to do, and some of us actually succeeded, although I was not among them. I watched as much as I could and I had the closed caption crawler going underneath the screen while I was conducting meetings. So I tried to pay attention to the flow and look back on what happened.

I listened to the dialog in here a little bit earlier with the majority leader on the Democrat side and the Whip on the Republican side going through their end-of-the-week colloquy that

gives us a sense of where we're going next week and a little bit of a feel for how we work together with each other. In fact, some of those negotiations are taking place here in front of the American people in an open fashion, as we would like to think that most of our negotiations and deliberations are.

I would go back through some of that discussion to put a bit of a different perspective on the situation of reconciliation, which is the nuclear option. And even though the gentleman from Maryland continually made the point that Republicans had used the reconciliation option, Democrats called it the nuclear option back then. The means of putting an end to the filibuster—you have two choices in the United States Senate: One of them is you come up with 60 votes to break the filibuster. That's called a cloture vote. And if you can't come up with the 60 votes, the other thing is, in tax or spending issues, so the government doesn't come to a grinding halt due to lack of revenue to keep the machinery of government working, they have devised a method called reconciliation. And that reconciliation will require only 51 votes, not 60 votes in the Senate to move a bill.

But the point that is missed here today is that the reconciliation-nuclear option—and it depends, on the Democrats' part, on whether they're talking about Republicans implementing reconciliation or Democrats implementing reconciliation. To a Democrat, when Republicans discussed implementing reconciliation in the United States Senate, they called it the nuclear operation. But when it's HARRY REID and the Democrats seeking to implement reconciliation, they say it is reconciliation. Don't you know that's getting together to get things resolved, rather than blowing the place up. Isn't that something? That you can have two different terminologies for the same action, and they can be so far apart, 180 degrees apart from each other. Democrats committing reconciliation is reconciliation, warm, fuzzy, group hug, 51 votes. What would you have against a simple majority passing something here in the United States Congress? That's their argument. We heard it here a little bit earlier. Who would be against a simple majority?

And the second part of it is the nuclear option. The last time Republicans discussed the reconciliation tactic in the Senate that Democrats continually pounded upon and called it the nuclear option was when we were seeking to confirm judges to the Federal court. And to get a vote in the Federal court, there was a filibuster in the Senate.

Now, you can look through the history of this and study who said what when and all the protocol that's part of that. That's for Senate historians to know most of that.

But for me, Mr. Speaker, I'll take it down to this: When I read the Constitution, it requires for confirmation of

these Federal judges the advice and consent of the Senate. It doesn't say the consent of 60 votes in the Senate. It says, the advice and consent. Consent implies the majority of the Senate. And many of those Senators that were opposed to reconciliation because they were Democrats in the minority at the time also argued that the President of the United States, President Bush, didn't accept enough of their advice.

Well, you can work about this term, but any time that the Constitution contemplates the consent, it never requires a super majority for the concept. It always requires a simple majority in the United States Senate for consent of the Senate, advice and consent. And so, when a confirmation, or the ratification of a treaty, or something that is in our Constitution required by the Constitution, comes up for confirmation in the Senate and it requires advice or consent in the Constitution, I believe that it is a constitutional violation for the Senate to use a filibuster, because they're denying the consent of the Senate, or they're setting an arbitrary majority after the Constitution, the fact of the Constitution, to take it up to 60 votes.

So the argument that this Republican made in 2005 against a whole series of active Democrats that were for the nuclear option was, you have a constitutional obligation to provide a vote to confirm or not confirm these appointments by the President of the United States. You cannot hold them out to a cloture vote and a filibuster simply by one Senator putting a hold on an appointment to the Supreme Court, for example.

So it's a constitutional restraint. I've had this debate with many of the Senators on the other side, including my junior Senator from Iowa, TOM HARKIN, who disagreed with me.

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But in any case, that's the Republican position. We default to the Constitution.

The Democrat position is Republicans use reconciliation. Well, not when it came to confirming judges, for example. That's a simple majority because that is the definition of consent in the Senate.

So here we are with this large initiative called—well, I think the President used it yesterday—the term ObamaCare.

Now, Thomas Jefferson once said large initiatives should not be used on slender majorities. And a slender majority could only be how this large initiative of ObamaCare—to use his term for it—has been advanced through the House by only a three-vote margin and only one Republican—and I think he would reconsider if he could do it today—voted for that bill.

Many Democrats voted against the bill. The margin was so utterly slender and narrow in its majority that it can't be defined as anything else except as exactly one of those things that Thomas Jefferson warned against doing. And