

treading water, they are not moving forward, they are just doing the very best they can to hang on, to keep their nose above the water, to not go under.

We have to address this phenomenon. This doesn't happen because of the weather, it doesn't happen because of God or some other mysterious force. This happens because of policy, policy that this Congress, together with the Senate and even the Supreme Court and the President, put in place, a policy that is skewing the nature of the American economy in such a way as to add great wealth to those who already have great wealth and little to those who have very little.

We need to adopt policies to change this. On the floor of the House of Representatives, there should be a piece of legislation to raise the minimum wage. \$10 is a bare minimum. California—my home State—did that, raised the minimum wage to \$10 and then a couple of steps will go on in the future, a couple of higher steps. That is good, that is good for everyone, even those businesses small and large that are going to pay that higher wage. What it does is to share the wealth that is generated by this economy, providing those at the bottom, those hardworking men and women that are at the bottom, the opportunity to sustain their families, to sustain their livelihood. That is but one.

If we make those critical investments that create economic growth, particularly education and job training, and put in place the programs that enhance manufacturing, we will see this begin to change, and we will see the 99 percenters begin to take their fair share of the wealth that they are generating. It is the men and women that toil, wherever they may be—in the Federal Government, in the State governments, in the manufacturing, in the fields of America—wherever they may be, those are the men and women that are creating wealth. I understand capital. It has a role in this, but capital and labor together. What we are seeing here is the men and women that toil are not getting the wealth that they helped to create.

This is a challenge. Tax policy is part of it. Policy such as minimum wage, the role of the labor unions putting pressure on the system so that the men and women that are working in those businesses are able to share more of that wealth. They are all part of this system, and we need to pay attention to it here on the floor.

So let's keep in mind the 99 percenters, who in the years 2009 to 2012 received 5 percent of the total wealth generated by the largest economy in the world—the American economy. Public policy means a lot.

Over the next several days, this Congress is going to deal with some profoundly important questions. The question of the role of the Federal Government—will we have another sequestration debacle on January 15? We could. The current sequestration, which the

military is saying is a disaster for them, the education community, the research community, the transportation community, the health, the social welfare community, all say the sequestration is an unmitigated disaster.

They know, and the American public will soon know, that on January 15 the second shoe will fall and another \$105 billion will be taken out of the economy beginning on January 15 unless this House of Representatives and the Senate, together with the President, come up with a viable alternative, one in which the growth of the economy can be assured, in which the continued austerity programs which are holding back an incredibly powerful resource called the American economy are put aside, and we put in place those policies that create economic growth. We have an enormous challenge.

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

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3080, WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2013

Mr. WEBSTER of Florida (during the Special Order of Mr. GARAMENDI), from the Committee on Rules, submitted a privileged report (Rept. No. 113-251) on the resolution (H. Res. 385) providing for consideration of the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### HONORING GERARD L. LAROCHE

The SPEAKER pro tempore (Mr. RADEL). Under the Speaker's announced policy of January 3, 2013, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, the United States loses several hundred of our greatest, those heroes of the Greatest Generation, every day. I speak of the World War II veterans whose valor, courage, and sacrifice stopped the evil shadow of the swastika from falling across the whole of humanity.

One of those heroes we lost recently was Gerard L. LaRoche, a World War II veteran of D-Day and the Battle of the Bulge, Mr. Speaker. He was a Harvard-trained linguist who continued to serve his country after the war at the National Security Agency for many years.

Gerard went home to be with his survivor on October 6. He was 93 years old.

Gerard was a Renaissance man. He was a translator, a language teacher, and a professor at several universities and colleges, a choral director, and a calligrapher. He was also a talented draftsman, Mr. Speaker, a violinist, a photographer, a recording engineer, and a furniture maker.

Gerard was born of French-Canadian parents in Cambridge, Massachusetts, in 1920, the oldest of eight children and the son of a noted calligrapher and schoolteacher who encouraged his artistic talents.

Mr. Speaker, in 1933, at age 13, Gerard entered the seminary of the Marist Order but left at 21 to study at Boston College, where he received his bachelor's degree and his master's.

□ 2045

He specialized in the study of romance languages, and then the outbreak of World War II came and interrupted his studies. He enlisted in the Army and served with the 2nd Armored Division, where he was at Normandy on D-Day Plus Six, and at the Battle of the Bulge. His ability to speak many forms of French soon landed him as an aide to help U.S. military brass communicate with the Belgians and the French. Through all this, he found time to make sketches of the villages, cities, and countryside in England and in Europe. He eventually continued his studies until he received his masters from Harvard in romance philology.

While stationed in the southwest of England, he met his future wife, his beloved Joyce Latchem, at a village dance just weeks before D-Day. They were married on October 18, 1947.

And now, Mr. Speaker, for a time at least, Gerard has left behind his best friend and loyal wife, Joyce; his daughter, Marianne; two sons, Jerome and David; six grandchildren and 10 great-grandchildren. But they shall all meet again and gather together some day.

Mr. Speaker, Gerard LaRoche was a godly man, a devoted patriot and willing soldier, a committed husband, father, and friend. This national treasure will be missed, and we, his fellow Americans, are forever grateful to this noble champion of human freedom.

God bless Gerard.

#### OBAMACARE ORIGINATION CLAUSE

Mr. FRANKS of Arizona. Now, Mr. Speaker, I am going to change subjects and talk about sometimes it is the water on the inside of a ship that sinks it rather than the water on the outside. Mr. Speaker, right now we have water on the inside of our ship because sometimes the Constitution itself is being ignored by this administration.

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

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, and it most certainly did exactly that.

Mr. Speaker, the origination clause is found in article I, section 7, of the Constitution and 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 in this empty-shell bill. 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.

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 of 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; and without it at the core of the Great Compromise of 1787, the 13 original States would never have 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 the Senate, whose Members sit unchallenged for 6-year terms and do not proportionally represent the American population, and already enjoy their own unique and separate Senate powers intentionally divided by the Framers between the two Chambers.

If we as Members of Congress, who took a solemn oath to defend and protect 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 fundamentally abrogate our sworn oath to uphold and defend the Constitution of the United States from all enemies, foreign and domestic.

Mr. Speaker, this fall, the U.S. Court of Appeals for the District of Columbia Circuit will hear an appeal in the case *Sissel v. HHS* as to whether ObamaCare violates the origination clause of the Constitution. I 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 31 other

Members of Congress currently, and 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 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. The failure to do so is an abrogation of their judicial oath to the Constitution and undermines their relevance as an institution.

It would also allow the Obama administration to blow yet another huge hole in the constitutional fabric of this noble Republic.

Mr. Speaker, Daniel Webster said it this way:

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

Mr. Speaker, I hope that the court will take those words seriously; and I hope when they hear ObamaCare, they will do the right thing; they will simply read the origination clause and understand that if they let the President blow through this, if we walk away from this, we simply undermine our credibility and our oath and we render a critical part of the Constitution that was vital to this Republic ever coming into existence, we render that part of the Constitution, as I said earlier, a dead letter.

Now, Mr. Speaker, I guess it all comes down to making sure we understand as a people that the Constitution was put here to protect three basic rights: the right to live; the right to be free; and the right to own property. And, hopefully, that will allow us to pursue our dreams in the best way we know how; but none of those things can occur if our national security is significantly undermined or threatened; and, Mr. Speaker, I believe that it is today so let me shift gears one more time.

#### SECURITY THREAT OF NUCLEAR ARMED IRAN

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

When innocent civilians in Syria were mercilessly attacked by chemical weapons, the Obama administration was caught on its heels in a foreign policy quandary. America was re-

minded 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.

I desperately hope 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.

Mr. Speaker, to use the slightly altered words of our Secretary of State: 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 cost of inaction. An action that will reinforce the prohibition against illegal nuclear weapons is an authorization of military force in Iran. 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 the United States of America means what we say.

Now, I can't say actually unquote, Mr. Speaker, because those words were changed just slightly. Actually, these are indeed the essential words of Secretary Kerry's recent justification for attacking Bashar al Assad's regime. However, when he said "Syria," I inserted "Iran." And whenever he said "chemical weapons," I inserted "nuclear weapons." Mr. Speaker, if this is a line of reasoning the administration chooses to stand behind, then we simply cannot refute the parallel argument related to a nuclear Iran, which poses an exponential greater national security threat to the United States than chemical weapons in Syria.

Secretary Kerry asserted 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 crisis in Syria that North Korea and Iran were closely watching our actions. Well, I don't disagree with him, Mr. Speaker, but the converse is actually far more true: 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. The entire world now sees the U.S. under this President as all talk.

Mr. Speaker, our critical diplomatic policies must be backed by our unmovable will to back them up by all means necessary.

The popular concession this week is to embrace Iranian openness and regard their willingness to negotiate. But, Mr. Speaker, we know IAEA declarations have gone unanswered by this regime and diplomatic efforts, including 10 rounds of negotiations since 2011,

and they have borne no fruit. Decades have passed without a single concession coming from the world's leading sponsor of terror. In 2005, we saw North Korea, another rogue nation, petition for talks without ending their nuclear weapons program, and demanding U.S. concessions. How did they hold up their end of the bargain, Mr. Speaker? They have conducted three flagrant nuclear weapons tests. This, in spite of the fact that North Korea has been sanctioned virtually into starvation for nearly half a century.

Iran is closer than ever 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, where we are frantically searching for solutions after the crisis has already begun.

To that end, I have introduced the U.S.-Iran Nuclear Negotiations Act. This act will strengthen the United States negotiating position in the upcoming talks with Iran. It will also outline congressional priorities in any nuclear negotiations with Iran. A bad deal with Iran which does not definitively prevent a nuclear weapons capable Iran is worse than no deal at all.

Finally, Mr. Speaker, I will just say this about a nuclear Iran. I understand that there are great challenges; but whatever the cost, whatever the cost to prevent a nuclear-armed Iran may be, it will pale in insignificance compared to the cost to our children and the entire human family of allowing the jihadist regime in Iran to gain nuclear weapons.

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

□ 2100

#### GOVERNMENT SHUTDOWN

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

Mr. GOHMERT. Mr. Speaker, I want to emphasize the point being made by my friend, Mr. FRANKS from Arizona, about the origination clause. I have been talking about this for 3½ years of when the Senate took a House bill that provided a tax credit for first-time home buyers who were in the military or veterans, took out every single word and took that short little bill and expanded that by thousands of pages—my copy was around 2,500 pages—it had nothing to do with military or veteran home buyers. It had nothing to do with that. They inserted health care. We have found out since it is costing more; and if you like your doctor, you're going to lose your doctor, and if you

like your insurance policy, there is a good chance you may lose it. Fortunately, not everybody is losing their doctor, but the promises have been badly broken. It turns out those people, including the head of this administration, were just flat wrong when they said, If you like your doctor, you can keep your doctor; if you like your insurance, you can keep your insurance.

For example, there is a story here from Kaiser Health News from Anna Gorman and Julie Appleby, dated October 21. I won't read all three pages, but this is what it points out:

Health plans are sending hundreds of thousands of cancellation letters to people who buy their own coverage, frustrating some consumers who want to keep what they have and forcing others to buy more costly policies.

The main reason insurers offer is that the policies fall short of what the Affordable Care Act requires starting January 1.

On further it says:

But the cancellation notices, which began arriving in August, have shocked many consumers in light of President Barack Obama's promise that people could keep their plans if they liked them.

"I don't feel like I need to change, but I have to," said Jeff Learned, a television editor in Los Angeles, who must find a new plan for his teenage daughter, who has a health condition that has required multiple surgeries.

He liked his policy. She had a pre-existing condition. Now, because of ObamaCare, he has lost the insurance for him and his daughter, and he is going to have to find another plan, which will likely cost much more.

The article goes on and says:

An estimated 14 million people purchase their own coverage because they don't get it through their jobs. Calls to insurers in several States showed that many have sent notices.

Florida Blue, for example, is terminating about 300,000 policies, about 80 percent of its individual policies in the State. Kaiser Permanente in California has sent notices to 160,000 people—about half of its individual business in the State. Insurer Highmark in Pittsburgh is dropping about 20 percent of its individual market customers, while Independence Blue Cross, the major insurer in Philadelphia, is dropping about 45 percent.

The article further down talks about other notices and says:

Blue Shield of California sent roughly 119,000 cancellation notices out in mid-September, about 60 percent of its individual business. About two-thirds of those policyholders will see rate increases in their new policies, said spokesman Steve Shivinsky.

The President, Jay Carney, this administration, Senators who quoted this, Democrats, leaders here in the House, owe millions of people an apology. They owe an apology to those who they told that if you like your doctor, you can keep your doctor, and people that were told that if you like your policy, you can keep it.

I know that our President has traveled the world apologizing for things he did not do that were done in prior generations, prior times in this country; but I think in order to keep credibility in this country, it is important that in-

stead of apologizing for things you had nothing to do with, it is important to apologize when people trust you and you make promises and those promises turn out to be totally false.

I understand that the President's spokesman may have indicated today that they may need to suspend the individual mandate. Mr. Speaker, let me tell you that after HARRY REID and the President refused to suspend the individual mandate—that was the third compromise we proposed before the shutdown. They said, Absolutely not, under no circumstances. Their actions made it very clear that they were saying, We are willing to shut this government down. We have already worked out the purchase and rental and the use of barricades to keep World War II veterans in wheelchairs from getting to see things they want to see. We have worked out barricades for the Martin Luther King, Jr., memorial, that so many come to Washington to see. We worked out barricades across the entire Lincoln Memorial plaza.

When I asked one park ranger the second day of the shutdown, how many they normally have out there, she said four. Actually, I've been there all hours of the day and night. I rarely see more than one or two in the area; yet I was shown a photograph that had mounted police, most of them on horseback in the picture, with a few of them standing around. It looked like there were at least 16 mounted police there to try to enforce the barricades at the World War II Memorial, which would violate the existing law that says in the event of a shutdown, you are not supposed to spend more money than you were before. Yet this administration, in order to make the hurt be felt across the country by veterans, by people who had their one-time vacation planned for a national park, this administration and HARRY REID were willing to shut down the government, rather than just suspend the mandate that individuals have to buy this insurance. Now they have got to buy it in the next few months. They have got to buy it. By their actions, they were saying, We are willing to shut the government down for over 2 weeks to keep from suspending that mandate to individuals. Yes, the President already issued what should be an illegal order saying that he was not going to enforce the mandate for Big Business under ObamaCare.

So this side of the aisle repeatedly said, Look, if you are going to suspend the mandate for Big Business—businesses with over 50 employees—then why not just agree to suspend for a year, the same amount of time you are giving to Big Business, do that for the individuals? Then, as the shutdown continued, we saw what a disaster, what a train wreck it was. The Democrats that called it a train wreck, a nightmare, they were exactly right. It was playing out in front of us, and still HARRY REID and this President said, We don't care. We are not suspending