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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. ROS-LEHTINEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 2014.

I hereby appoint the Honorable ILEANA ROS-LEHTINEN to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

FREE AMERICA TO PROSPER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Madam Speaker, in 1945, at the end of World War II, America's Federal debt to gross domestic product ratio was 120 percent. Washington responded with leadership. In 1946, the Federal budget was slashed a massive 40 percent.

In 1947, the Federal budget was slashed by another 38 percent. The result? America rose to the challenge, and America prospered. By 1980, even though per-capita inflation adjusted Federal spending had tripled, Federal debt had shrunk to 30 percent of GDP.

Since 1980, America's per-capita Federal spending has exploded to five times more than 1948 levels. The result? America faces a skyrocketing $17 trillion debt burden.

America's Comptroller General warns that America's financial path is unsustainable. Instead of confronting our debt dependence, Washington kicks the can down the road and immorally sells our children into the equivalent of indentured servitude and poverty, while driving America's Federal debt to dangerous levels.

To preserve the liberty and prosperity our ancestors sacrificed to give us, we must free Americans to again earn their prosperity and significantly cut Federal non-defense spending to restore financial responsibility and provide the stable monetary environment needed for economic growth.

If the Federal Government will be financially responsible and stop killing job creation, America's economy will soar because we have, within our grasp, a massive new technology and energy boom.

Mark Mills, adjunct fellow, Manhattan Institute states:

> By 2020 or so, the United States is expected to surpass Saudi Arabia in oil output and Russia in gas, according to the International Energy Association's best estimate.
>
> Dan Yergin, one of the world's leading energy experts, estimates that the United States turnaround in energy has generated 1.7 million new jobs . . . and that number should almost double by 2020.

The RAND Corporation adds:

> The pace of technological change—whether through advances in information technology, biotechnology, or such emerging fields as nanotechnology—will most certainly accelerate in the next 10 to 15 years, with synergies across technologies and disciplines generating advances in research and development, production processes, and the nature of products and services.

Amazing economic possibilities abound if the Federal Government will simply allow Americans to seize them.

Unfortunately, too many paternalistic Washington politicians distrust the American people to earn a better life for themselves or to take care of each other without government coercion or intervention.

Financially irresponsible Washington politicians insist on spending money we do not have, risking a debilitating American insolvency and bankruptcy, debasing our currency, punishing success, rewarding destructive behavior, and strangling job creation in bureaucratic red tape.

The Federal Government, by attempting to supply and command all things, saps America's spirit of energy and devours the financial capital needed for innovation, productivity growth, and jobs.

America must stop kicking the can down the road to a day when the debt challenge is even more daunting. The time to act is now, while America has sufficient economic strength to succeed. We cannot wait until America is bankrupt and defenseless, our currency is valueless, and we are overwhelmed by closed businesses, lost jobs, and poverty.

Congress must use the debt limit, the budget, appropriation bills, and every other means available to free America from the growing burden of crushing debt and a dictatorial Federal bureaucracy.

America ended Democrat President Jimmy Carter's economic malaise with one election in 1980, giving us the wildly successful economic policies of Republican President Ronald Regan in 25 years of unparalleled prosperity.

America's choice is between economic depression brought about by socialist, heavy-handed, bureaucratic Big

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Brother economic policies and prosperity brought about by policies centered on free enterprise, individual liberty, and faith in the American people—the same economic policies and freedoms that made America the greatest Nation in world history.

America, please choose wisely. Your future and America's depends on it.

UNEMPLOYMENT INSURANCE IN NEVADA

The SPEAKER pro tempore (Mr. LAMALFA). The Chair recognizes the gentleman from Nevada (Mr. HORSFORD) for 5 minutes.

Mr. HORSFORD. Mr. Speaker, right now, thousands of Nevadans have the full-time job of looking for work. It has gotten worse for many since December 28 of last year, when emergency unemployment insurance benefits for many expired.

There are now over 2 million Americans, Mr. Speaker, who have been cut off from unemployment insurance because of Congress' failure to act. That includes 26,023 Nevadans. These are not numbers; these are real people.

Every week that Congress fails to act, it is projected that an additional 842 Nevadans will lose their benefits each week during the first half of 2014.

Nevada's economy has lost over $54 million because Congress has stalled; but I, along with many of my colleagues, have not forgotten about our constituents.

Today, Democrats will sign a discharge petition to force Speaker BOEHNER and the House Republicans to bring up a bill to extend unemployment benefits for all Americans who have lost their jobs through no fault of their own.

These benefits are used to put food on the table, to put gas in the car, so that they can go look for an interview and to pay for rent. Extending these unemployment benefits used to be bipartisan.

On December 14, 2002, in his weekly radio address, then-President George W. Bush scolded Congress, saying, ''No final bill was sent to me extending unemployment benefits for about 750,000 Americans whose benefits will expire on December 28.''

He went on to say, ''These Americans rely on their unemployment benefits to pay for the mortgage or rent, food, and other critical bills. They need our assistance in these difficult times, and we cannot let them down.''

The unemployment rate in December 2002 had just hit 6 percent. Congress then extended unemployment benefits by a vote of 416–4. If it was an emergency then, it is an emergency now. It is time to do the right thing and extend unemployment insurance benefits for Americans.

It is an emergency for my constituents, like Alfordeen, who I met at a local Workforce Connection center as she searched for work.

It is an emergency for Monty, who recently signed up for Medicaid because of the Affordable Care Act. He is homeless now; and because Congress failed to act, his unemployment insurance has been cut.

It is an emergency for Tamika, who I brought as my guest to the State of the Union. She is an electrician, and she knows what it means to work hard, but has fallen on hard times and can't find work.

The Nevadans on unemployment insurance that I meet are scrambling to make ends meet, and no one wants to live on unemployment insurance; and no, Mr. Speaker, they are not lazy.

Despite repeated Democratic efforts, Republicans in Congress refuse to listen and have callously rejected restoring this vital economic lifeline that serves as a financial bridge for those who are looking for work, so this discharge petition is an extraordinary step.

But for my constituents, there is no time for politics, and there is no time for waiting. Action to create jobs and build an economy that works for everyone must start with renewing unemployment insurance benefits for those Americans who were laid off at no fault of their own. It is time to extend unemployment insurance now.

I encourage the Speaker, after this discharge petition is signed by Members, to bring up a vote so that we can provide this important lifeline to 2 million Americans, 26,000 Nevadans, families, and veterans who desperately need this benefit.

REPAY SUPPLIES ACT OF 2013

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, every day, teachers across our Nation reach into their own pockets to pay for classroom supplies like books, software, and pencils, without ever being reimbursed by their schools; and since 2002, teachers could at least count on a $250 above-the-line tax deduction to help defray the cost of these purchases.

But at the end of last year, this tax deduction was allowed to expire, meaning that teachers are not able to claim it on their individual returns this tax season or count on it next year, as they continue to purchase supplies for their classrooms and their students.

The REPAY Supplies Act, introduced by CAROL SHEA-PORTER and cosponsored by more than 50 of our colleagues from both parties, aims to fix this problem and make the educator expense deduction permanent.

Ms. SHEA-PORTER and I were disappointed to learn that this modest deduction was not included in the recent tax reform proposals, and we will send a letter in the coming days to ask that a hearing on the REPAY Supplies Act be held as soon as possible.

I hope that my colleagues will join us in signing this letter to the Ways and Means Committee and give teachers the opportunity to testify before Congress about the impact the deduction has had on their checkbooks and on their classrooms.

Mr. Speaker, I am a former Florida-certified teacher, and I know how important it is that students come to school prepared and ready to learn; but without the basic supplies needed to take part in lessons, students are put at a disadvantage in the classroom, forced to rely on outdated materials and without essential learning tools, and too often, teachers go into their own pockets to make up the difference.

For many educators, teaching is more than a full-time job. They arrive at the school while many of us are still getting ready for work. They stay late into the evening. They prepare lesson plans, grade papers, and deal with parents and grandparents, like us, who can admittedly be a handful when guaranteeing that their child is receiving the best education possible.

Teachers care deeply about their students and are often willing to sacrifice personal needs in order to provide them with the best learning experience possible. According to the latest status of the American public school teacher report by the National Education Association, educators are spending approximately $477 per year on basic school supplies for their students and their classrooms.

Mr. Speaker, we all want the best for our children. We work hard every day in this Congress to make sure that our children have a bright future; and education, we know, is a key to this success, an essential component of that brighter future that we are trying to create for the next generation.

□ 1015

But it doesn't seem to make a whole lot of sense that we are hamstringing the very people we have entrusted with their education. Teachers are giving up their own time and money to help students learn and be engaged in school. The least we can do is to provide them with this modest $250 deduction to help mitigate the financial and personal sacrifices that they are already making.

Every 2 years since 2002, Congress has come together in a bipartisan manner to extend this deduction on behalf of our country's educators. By making this tax deduction permanent, Congress can give teachers certainty that at least some of their purchases will be paid back, that it will improve access to essential learning materials, and that it will give our educators the recognition they deserve.

I urge Members to join Ms. SHEA-PORTER and me in this fight, and I look forward to working with all of us to ensure that our Nation's teachers and our children have the education and the tools necessary to succeed.

PERSONALIZE YOUR CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Recently, the Reverend Billy Graham, in his latest book, talked about the situation that families face in the difficult circumstances surrounding end of life.

Reverend Graham said:

> Refusing to act on the practical issues that confront us as we grow older or simply ignoring them often becomes a sure recipe for turmoil and conflict within a family.

Former Senate Majority Leader Bill Frist, who was a physician long before he entered politics, said in an op-ed that appeared in one of the Capitol Hill publications:

> In the absence of advanced care planning, patients are much more likely to receive medical interventions that can actually prolong or worsen their suffering and will certainly increase expense for their loved ones.

Yesterday, I had an opportunity to work with the American Society of Oncology, who gave us further evidence. They have a report and recommendations that are coming forward that I think ought to be commended to each and every one of us. They pointed out that palliative care is not an either/or choice in terms of therapies. They found in one study that people who receive both palliative care and chemotherapy lived 3 months longer and more comfortably than people who just got the medical intervention.

Additionally, further in their study, they pointed out that it isn't just the patient; it is the people who help serve ill patients who receive palliative care therapy. They suffer less emotional stress. ICU and hospital deaths are associated with more psychiatric illness among bereaved caregivers compared with home hospice.

Yet, as they pointed out, the sad truth is, for many insurance companies and our Federal Government, that although patients are entitled to make informed choices about their palliative care and treatment options, our Nation's health care system currently places no value on conversations that can guide these decisions.

It is true; Medicare will pay $100,000 on a complex surgical procedure on a 90-year-old woman with terminal cancer, but it won't pay $200 for her and her family to understand the circumstances that they face, understand what their choices are and make sure that their choices, whatever they are, are respected.

It, frankly, is embarrassing to me that Congress and the administration have not been able to respond to an issue that is supported by 90 percent of the American public, that will cost us no money, and that will assure that patients receive better treatment and we reduce the stress on their families.

That is why my friend, Congressman PHIL ROE, himself a physician from Tennessee, and I have introduced the Personalize Your Care Act, H.R. 1173. This would provide for voluntary advance care planning consultation in Medicare and Medicaid every 5 years or in case there is a change in health status. It would provide grants to establish or expand physician orders for life-sustaining treatment programs, require that certified electronic health records display current advance directives and physician orders for life-sustaining treatment—what people want—and help make sure that their wishes follow them when they cross State lines.

Currently, we have over 50 bipartisan cosponsors of this simple, commonsense approach to give American families what they need and what they say they want. I would strongly urge my colleagues to look at this legislation, to join us in cosponsoring it, and move in Congress and with the administration to remedy this serious oversight.

THE ENFORCE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. WAGNER) for 5 minutes.

Mrs. WAGNER. Mr. Speaker, I rise today in support of the ENFORCE Act.

When crafting the timeless document that is our Constitution, the Founding Fathers emphasized the need to prevent the emergence of an imperial monarch. In their wisdom, they gave Congress the power to make laws and tasked the President with the responsibility to enforce those laws—not just the laws he agrees with or the laws that are politically convenient, but every law.

Mr. Speaker, President Obama has not lived up to this responsibility. By picking and choosing which laws are worthy of enforcement, this administration is undermining the very foundation of our representative democracy.

The ENFORCE Act seeks to restore the balance of powers that the Framers of our Constitution envisioned. The Constitution grants Congress—not the President—the power to make the laws. Mr. Speaker, this is why I support the ENFORCE Act, to provide Congress with the ability to push back against the Obama administration's executive overreach.

EXTEND FEDERAL UNEMPLOYMENT INSURANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. CLEAVER) for 5 minutes.

Mr. CLEAVER. Mr. Speaker, sometimes you just have to say enough is enough. I stand before you today in the hopes that we can come together and understand that today is that day. Enough is enough.

Federal unemployment insurance must be extended—and extended quickly. It is time. In fact, it is past time. There are now more than 2 million Americans struggling to get some kind of existence in place each day after having this critical lifeline cut off this past December. The number climbs each day.

I could talk to you about the human toll of this disgraceful play of putrid and petty partisan politics, like the 57-year-old woman preparing to live in her car, the 34-year-old mother wondering how she will pay rent and feed the kids at the same time, and the 47-year-old man who made himself a career in manufacturing but lost his job due to layoffs a year ago and now describes himself as ''in a panic.''

These and millions of other Americans, including almost 35,000 in my home State of Missouri alone, are hard-working people who have played by the rules and found themselves out of work through no fault of their own. And now new data shows that some 200,000 of those who have been brushed aside are veterans. They have gone to Iraq. They have gone to Afghanistan. These are men and women we should not throw aside.

Let's stop the harmful and fact-free rhetoric that paints these fellow Americans—our neighbors, our friends, and our veterans—as people trying to game the system, people trying to get something for nothing, people who just ''don't want to work.'' Phooey. Rats. Sheesh. Yecch. It is time for us to act.

The contrary is true. Recipients of unemployment insurance are a very diverse group, with almost half having completed at least some college and almost 5 million of them holding bachelor's degrees or higher. The stereotypes don't work here; and when we stereotype, we move our constituents to corroborate.

These are people for whom the stakes could not be higher. These are people who have worked all or most of their lives and gotten hit—and hit hard—in the recession that ominously hit in 2008. These are people who want to work, spend their days trying to find work, and now are slowly sinking into a financial abyss while we here in Washington play games.

Sometimes you just have to say enough is enough. There are times when we must just put politics aside and act on what is in the best interests of the country.

It is my hope, Mr. Speaker, that this Congress will act—and act quickly.

REMEMBERING COLONEL GERALD F. RUSSELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the world recently lost a great American hero and one among the last remaining of the Greatest Generation, Colonel Gerald F. Russell of Centre County, Pennsylvania. Today, I rise to honor the life and the legacy of this brave combat veteran. One of only two surviving Iwo Jima battalion commanders, Colonel Russell passed away on Monday, February 24, 2014, at the age of 97. It is an honor to have called Gerry my friend.

As one of the most decorated marines in World War II and with over 28 years of military service, Colonel Russell spent a life serving his country. And while his military career was second to none, Russell's humanitarian and philanthropic work was equally remarkable. Indeed, it was his commitment to service and serving others that made him a pillar for both the Nation's military and his local community, which encompasses much of central Pennsylvania and well beyond.

A graduate of Boston College, Russell was one of the first alternates for the 1940 U.S. Olympic track team in the 800 meters, a sport he loved with a passion.

Immediately following his completion of undergraduate studies, Russell began his career in uniform when he enlisted in the United States Marine Corps. During his service, Colonel Russell took part and played a role in seminal moments in the country's history.

As one of the youngest battalion commanders in World War II, at the age of 27, Russell was responsible for leading 1,000 troops during the first major offensive by Allied forces against the Empire of Japan—the Battle of Guadalcanal. Russell suffered shrapnel wounds during the campaign after being hit by Japanese aircraft during landing.

At the ripe age of 29, Russell landed in the third assault wave on Iwo Jima, Red Beach One, and fought for all 36 days. Again wounded during battle, Russell went on to witness the historical raising of the American flag on Mount Suribachi.

These are just a few of the many remarkable experiences of this amazing individual, Mr. Speaker.

Following his retirement from the Marine Corps, Russell went on to serve others through roles in academia and philanthropy, including as associate dean of the College of Health and Physical Education at Pennsylvania State University.

During this time and after, Russell was always a tireless community and volunteer advocate.

He was the founder and chairman of the local United Way Day of Caring, served as a member of the United Way board of directors, and played an active role in the Pennsylvania Special Olympics, the Centre Country Toys for Tots, and many other programs that benefit our local community.

Mr. Speaker, in all of these endeavors, Russell inspired so many to give back and pushed his community to do the same. He led a life built on service, sacrifice, and a commitment to others.

Colonel Russell once stated that he hoped that he would be remembered for the impact that his life had on others and that he made a difference. Well, Mr. Speaker, I rise today as one more voice among the countless others across Pennsylvania, the country, and the world to praise Colonel Russell for doing just that. We thank you for your unparalleled service to this Nation and our community. May you rest with God, my friend.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Jason Parks, Refuge Church, Huntsville, Alabama, offered the following prayer:

Father God, thank You for the rich blessings You've lavished on the United States of America.

We are so unworthy of Your grace and Your mercy. Today, we pray for the men and women of the United States House of Representatives.

Give them great wisdom, protection, and steadfast resolve. In their personal lives we ask that You replace turmoil with peace, bitterness with joy, and doubt with encouragement.

For our country, Father, we ask that You give us a renewed sense of gratitude, an unquenchable zeal for serving those who are in need, and unity toward the common purpose of liberty.

Above all else, Father, we honor You today. We humbly intercede on behalf of our country and her leaders.

In Jesus' name, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND JASON PARKS

The SPEAKER. Without objection, the gentleman from Alabama (Mr. BROOKS) is recognized for 1 minute.

There was no objection.

Mr. BROOKS of Alabama. Mr. Speaker, it is with great privilege that I welcome Pastor Jason Parks to the House of Representatives and thank him for serving as today's guest chaplain.

Jason is the lead pastor of Refuge Church in Huntsville, Alabama.

He received an undergraduate degree in communications arts from the University of North Alabama, an MBA from Liberty University, and a master of divinity from Rockbridge Seminary.

Pastor Jason currently serves on the ALS Association Patient Care Committee, Calhoun Community College EMS Advisory Board, and as faculty at Huntsville Bible College. He is also a former Crestwood Medical Center associate chaplain and is credentialed as a board-certified pastoral counselor.

Pastor Jason resides in Hazel Green, Alabama, with his wife and three children.

I appreciate the work he has done for our community and his passion for serving the people of north Alabama.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEWART). The Chair will entertain up to 15 further requests for 1-minute speeches from each side of the aisle.

K9S FOR WARRIORS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to recognize K9s for Warriors, a remarkable Florida organization that is providing therapeutic service dogs for veterans suffering from issues like posttraumatic stress disorder, PTSD.

One in five of our heroes returning home from Iraq and Afghanistan have PTSD, a tragic epidemic that can disrupt the transition to civilian life and often causes the loss of hope, damage to family relationships, or harm to themselves and others.

Since its inception, K9s for Warriors has provided over 100 therapy dogs to veterans, at no cost to the veterans, teaching, certifying, housing, and feeding each warrior as they learn to train the dog to address their specific disabilities and assist in mitigating posttraumatic stress.

K9s for Warriors is not only healing invisible disorders and putting suffering veterans on the path to recovery, but it is also giving new hope to the heroes and their families who put their lives on the line to defend ours.

NIAGARA FALLS AIR RESERVE STATION

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

Mr. HIGGINS. Mr. Speaker, the Niagara Falls Air Reserve Station is one of western New York's most critical resources. It is not only an asset to our region's economy, but also to our Nation's security. Niagara Falls Air Reserve Station employs over 3,500 western New Yorkers and has an economic

impact of more than $200 million annually.

I am proud to be a part of a large group of community stakeholders who are deeply invested in the successful future of the Niagara Falls Air Reserve Station. Last year, Customs and Border Protection selected the base as their top choice for construction of a new border patrol station.

Mr. Speaker, I am committed to help see this proposal through, in addition to others that will ensure that the Niagara Falls Air Reserve Station remains a fixture in our community for many years to come.

RELIEF FROM THE HEALTH CARE LAW

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, today I rise to commend this Chamber for passing three pieces of legislation this week that will offer Americans relief from the President's health care law.

These bills, which passed with bipartisan support, reaffirm America's commitment to the ideals of religious freedom, volunteerism, and military service. Unfortunately, the President's health care law has put all three of these in jeopardy.

As written, the law would force Americans with a conscientious religious objection to buy health insurance and count volunteer firefighters, other emergency responders, Active military members, and our Nation's veterans toward the employer mandate tax thresholds.

I am a proud cosponsor of three of these bills because they all will ensure the Affordable Care Act does not discriminate against Americans on the basis of religion or sacrifice.

EXTEND LONG-TERM UNEMPLOYMENT COMPENSATION

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

Mr. CARTWRIGHT. Mr. Speaker, last week, the number of those cut off from emergency unemployment insurance surpassed 2 million Americans—men and women who worked hard but lost their jobs through no fault of their own.

I represent northeastern Pennsylvania, and my district has been particularly hard hit. In Schuylkill County, Pennsylvania, the unemployment rate is 7.5 percent; in the Scranton/Wilkes Barre area it is 7.7 percent.

Congress could and simply should reinstate the expired Federal program. These Americans lost their jobs due to no fault of their own. They don't deserve to lose their homes as well. I will shortly be introducing legislation to implement a 6-month moratorium on foreclosures for people who have lost their unemployment insurance but are otherwise paid up on their mortgages due to this congressional inaction.

I urge my colleagues to support this legislation and to vote to extend long-term unemployment compensation.

SEPARATION OF POLITICAL POWER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, as the House takes up the topic of executive overreach this week, we should take a minute to note that this issue is institutional, not partisan.

In a recent LA Times column, Jonathan Turley, after acknowledging that he agreed with many of the policies of the current administration, went on to say:

> In our system, it is often more important how we do something than what we do. Priorities and policies and Presidents change. Democrats will rue the day of their acquiescence to this shift of power when a future President negates an environmental law, or an antidiscrimination law, or tax laws.

The separation of political power among three equal branches was designed to guard against too much power accumulating in the hands of any one person or branch. This system is one of the main reasons our government has endured for nearly a quarter of a millennium.

We should not cast it aside lightly.

PAYING TRIBUTE TO MASTER SERGEANT DAVID POIRIER

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

Mr. CICILLINE. Mr. Speaker, I rise today to pay tribute to Master Sergeant David Poirier, a Rhode Islander who served in the New Hampshire National Guard.

On February 28, Master Sergeant Poirier died in a noncombat-related incident while serving in the United States Air Force in Qatar in support of Operation Enduring Freedom. He was laid to rest on March 10 with military honors.

Master Sergeant Poirier was from North Smithfield, Rhode Island. After serving in the United States Air Force, he joined the Rhode Island National Guard, where he was trained as a life support journeyman. In 1995, he transferred to the New Hampshire Air National Guard and continued his service as a member of the 157th Operations Support Squadron for over 19 years.

Our Nation calls upon our brave men and women in uniform to protect our great democracy. There are no greater heroes than the men and women who answer this call and make the ultimate sacrifice to keep us safe. It is because of their service that we are able to enjoy the great freedoms, privileges, and rights we have here at home.

Master Sergeant Poirier will be remembered for his friendly personality, warmth, and enduring selflessness, and I extend my thoughts and prayers to Master Sergeant Poirier's family—his wife, Kim, four children, and two grandchildren.

KEYSTONE XL PIPELINE

(Mr. STEWART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEWART. Madam Speaker, every day when I am talking to constituents, their top concern is always the economy and jobs. They are frustrated—as I am—that we have something like 3.8 million Americans who have been unemployed for more than 27 weeks now. And I am consistently asked by people: What can be done? How can we make this better?

In addition to urging the Senate to pass numerous pieces of jobs legislation that have moved through the House, the President needs to approve the Keystone XL pipeline. It has been more than 2,000 days since the pipeline application was submitted for approval, 2,000 days that the administration has delayed something like 20,000 direct jobs and 120,000 indirect jobs. It took less time to fight and win World War II. It took much less time to build the Empire State Building, and it has taken us much longer to do this than to build the first computer.

If we can win world wars and create an entire industry for computers, we can surely make a decision about the Keystone pipeline. Mr. President, do the right thing. Approve the pipeline.

HAPPY BIRTHDAY, NEVADA

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

Mr. HORSFORD. Madam Speaker, I come to the floor today to commemorate my home State of Nevada's upcoming birthday on March 21, which will mark 150 years since Nevada was admitted to the Union in 1864. On that historic day, President Abraham Lincoln signed legislation allowing the Nevada Territory to draft its own constitution and form a State government, making us a true ''Battle Born State.''

Throughout its history, Nevada has embodied the rugged and adventurous spirit of the West. People from all walks of life have journeyed to our State to seek new opportunities, eventually settling down and contributing to Nevada's rich diversity.

On March 21, Nevada will come together to celebrate our State's history and achievements, but we will also be looking toward the future. Nevada's best days are yet ahead, and I look forward to seeing what comes next.

Happy birthday, Nevada.

SUPPORTING MEDICARE ADVANTAGE: LET SENIORS KEEP THE PLANS THEY DEPEND ON

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

Mr. MARCHANT. Mr. Speaker, I hear from seniors in my district every day that they are very pleased with their Medicare Advantage plans but are greatly concerned about the recently announced program cuts caused by ObamaCare. These cuts will result in higher out-of-pocket costs and benefit reductions. These cuts will be especially hard hitting on the 40 percent of Medicare Advantage enrollees who earn $20,000 a year or less. Some plans are already cutting doctors that were previously available to Medicare Advantage beneficiaries.

This is only the tip of the iceberg. Many seniors are only now hearing about these cuts. The larger problem is that most of the cuts to Medicare Advantage are all back loaded in ObamaCare—the worst is yet to come. I call on the administration to give immediate relief to our seniors and allow them to keep the Medicare Advantage plans that they depend on every day.

□ 1215

PASS IMMIGRATION REFORM

(Ms. HAHN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAHN. Mr. Speaker, I rise today to encourage my colleagues to bring real comprehensive immigration reform to this House floor.

This week, the House will consider the ENFORCE Act, which would effectively force the deportation of our Nation's Dreamers. The Dreamers are the young people of this country, children of immigrants who were brought to this country when they were very young and have grown up loving this country just like you or I.

Forcing the President's hand in this way is yet another way of placing politics ahead of people. The President has granted deferred action status for so many of these Dreamers because of the inaction of this House.

Now my Republican colleagues are trying to take away the President's ability to help these young Americans; young Americans such as Laura Nunez, a Dreamer whom I met last month when my office helped her to obtain her deferred action status. Her family came to the United States from Mexico when she was just 7 years old. Today, Laura lives in Wilmington, California, and continues her education at LAUSD. America is Laura's home, and she is just one of 1.4 million Dreamers who need action from this House, not more politics.

Mr. Speaker, I call on my colleagues, please, let's do real comprehensive immigration reform now.

GET WASHINGTON OUT OF THE WAY

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

Mr. BROOKS of Alabama. Mr. Speaker, I rise today to ask a simple question: Are we willing to accept America's economy as a new normal? Is America to accept a growth rate of only 2.4 percent every year? Are we to accept 3.8 million of our fellow Americans being stuck without jobs for 27 weeks or more?

I say that is simply unacceptable. Americans deserve better.

House Republicans have a plan to grow our economy and get more Americans back to work. We want to increase opportunity and help Americans keep more of the money they earn. Step number one is getting Washington out of the way. If Washington will end its job-killing policies, everyday Americans will do what they have always done—strive and work to success and prosperity.

SEPARATION OF POWERS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I, too, would like to address the issue of separation of powers. I do think that the administration is entirely in the right when it implements, through the Environmental Protection Agency, the authority given to it by the Clean Water Act and the Clean Air Act.

I do have some concern, though, that the legislative branch continually seems to cede the power of the purse granted to it by the Constitution; in other words, the appropriations process to the executive branch, which obviously would like to fund its spending priorities, many of which I don't disagree with.

What I am most concerned with in regard to this separation of powers was cited in a New York Times editorial today, and that is the fact that two successive Presidents have now absolved the Central Intelligence Agency for its conduct with regard to illegal detention, rendition, torture, and fruitless harsh interrogation of terrorism suspects. I don't care about Khalid Sheikh Mohammad's pain, frankly, but that is not the point. The point is that we have a responsibility in the legislative branch to oversee the conduct of our Intelligence Committees.

When the chairman of the Select Committee on Intelligence in the Senate says that the CIA improperly searched computers that were her committee staff members' computers, that is wrong. The entire legislative branch should stand behind her in upholding our responsibilities as the legislative branch, an equal branch under the Constitution.

CREATING JOBS AMERICANS NEED

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, far too many of our fellow Americans, my fellow Texans, continue struggling in this economy; 3.8 million Americans have been out of work for 27 weeks or more.

Americans and Texans have had enough of this sluggish economy, and massive government overreach is only making things worse. We need to rein in Washington so our economy can grow, so we can create more jobs, and so more people can take home more of their hard-earned money.

House Republicans have never lost our laser focus on creating the jobs America needs. We are committed to real solutions to get our country back to work.

PASS COMPREHENSIVE IMMIGRATION REFORM

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to speak against the misguided, anti-immigration bills being considered in the House today.

The ENFORCE Act would challenge the executive order that halts the deportation of young people who are studying and working to become contributing members of our society. This is another attack on immigrant communities by my colleagues on the other side of the aisle. It is proof that their actions don't match their rhetoric. They want the Latino community's support, but they refuse to allow a vote on comprehensive immigration reform. Instead of working to keep hard-working families together, they are punishing communities by pushing misguided legislation.

To my Republican colleagues: you can't have it both ways. The facts are simple. Passing comprehensive immigration reform would grow our economy by $1.4 trillion and reduce our deficit by $850 billion. You can't just say you support Latinos, Asians, and other immigration communities. You have to do something about it. You have to walk the walk.

Here is some free advice: if you don't want an empty conference room when you are attempting minority outreach, then pass comprehensive immigration reform.

ENERGY SECURITY AND JOBS

(Mr. WOODALL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. WOODALL. Mr. Speaker, you know, back home, folks don't think we find areas of agreement. I have only

been on the floor for about 20 minutes this morning, and I have already found areas of agreement with my colleague from California. You can't just walk the walk and talk the talk. You have got to get in here and make things happen.

We have an opportunity today as we talk about jobs, as we talk about energy security in Ukraine, we have an opportunity today to move forward on the Keystone pipeline, which has languished for more than 2,000 days. The President cannot say he is interested in energy security and then thwart those very proposals that would provide it. The President cannot commit to energy security for our friends overseas, and then thwart those efforts that would provide it.

Mr. Speaker, we are blessed in this country, blessed by the Lord God Almighty with more energy resources than any other nation on the planet, and yet the President is standing between the American people and those resources.

It is about national security, Mr. Speaker, and yes, it is about jobs.

PROVIDING FOR CONSIDERATION OF H.R. 4138, EXECUTIVE NEEDS TO FAITHFULLY OBSERVE AND RESPECT CONGRESSIONAL ENACTMENTS OF THE LAW ACT OF 2014, AND PROVIDING FOR CONSIDERATION OF H.R. 3973, FAITHFUL EXECUTION OF THE LAW ACT OF 2014

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4138) to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-43. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3973) to amend section 530D of title 28, United States Code. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-42 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Ellison of Minnesota or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. STEWART). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of the rule, H. Res. 511, which provides for a structured rule as relates to H.R. 4138, ENFORCE the Law Act, and H.R. 3973, the Faithful Execution of the Law Act. The rule gives the House an opportunity to debate a variety of amendments, all offered by Members from the other side of the aisle.

Both of the underlying bills, the ENFORCE the Law Act and the Faithful Execution of the Law Act, aim to halt an increasingly Imperial Presidency.

The Faithful Execution of the Law Act is straightforward legislation that expands reporting requirements, forcing increased disclosure and transparency when the executive branch employs a policy of nonenforcement of Federal laws.

Current law dictates that a report must be submitted to Congress when the nonenforcement policy is adopted on the grounds that a Federal law is unconstitutional. This bill would simply expand that report to include any instance in which a policy of not enforcing Federal law is established, regardless of the reason. For the self-proclaimed ''most transparent administration in history,'' this really shouldn't be a problem.

The other piece of underlying legislation, the ENFORCE the Law Act, puts procedures in place to allow authorizations of lawsuits against the President for failure to faithfully execute the laws. It would also expedite judicial review, which is badly needed given the length of time it takes for these types of cases to be heard; mostly, they are never heard.

The fact of the matter is that we desperately need a way to ensure the executive branch is upholding its responsibility to enforce the law faithfully. Every day it seems the President is using more and more unilateral actions to achieve his agenda. I understand that Congress and the administration are going to have differences over time. Our Constitution basically guarantees there are going to be differences between the administration and the House and the Senate, but I would like to think that a President wouldn't just abandon our constitutional principles of governing because it is difficult to get what he wants.

I am sure some will argue that a legislative fix to the President's unilateral actions aren't needed. They will say the President has prosecutorial discretion and so that entitles him to make these changes in enforcement or delay certain provisions of the law.

□ 1230

But we are really not talking about individual cases, Mr. Speaker. We are not here today because we are concerned with the administration using discretion on a case-by-case basis. What we are concerned with is the President employing blanket policies of nonenforcement. In some instances, the President isn't just ignoring enforcement of the laws; he is effectively rewriting them.

Now, I understand the President isn't the first to expand executive power under his watch. He is not the first President to do that. In fact, Congress has failed to protect article I powers for decades. This House and the Senate have been in dereliction because they haven't actually protected article I powers.

The pace of expansion of power, though, should alarm every Member of this body. Take the President's recess appointments, for example. They have already been deemed unconstitutional by the D.C. circuit court in a unanimous—unanimous—decision.

The court rejected the administration's argument that the President has the discretion to determine when the Senate is in recess.

The court explained:

> Allowing the President to define the scope of his own appointments power would eviscerate the Constitution's separation of powers.

Mr. Speaker, the President's actions aren't in danger of disrupting the legislative process; they already are disrupting it.

What assurances do we have that the President won't just change the law once we have passed it? What guarantees do we have that the President won't suspend parts of the law that we believe are important?

The truth is, Mr. Speaker, we don't have that assurance. The truth is, Mr. Speaker, we can't trust the President to enforce any would-be law equally and faithfully, and that is a shame.

If anyone thinks the President's unilateral actions aren't a big deal because they happen to agree with him on the policy, well then, Mr. Speaker, they have badly missed the point.

All Presidents—all Presidents—have probably pushed the limit of their power, and it is our responsibility, this House, to check that power. We are a nation of laws. We ought to fight to keep it that way. We can no longer sit by and watch Congress' constitutional role in our government eroded.

This rule is to allow us to consider legislative addressing this growing problem. This rule ensures that ideas from Members on either side of the aisle are included in consideration of the underlying legislation.

I support this rule, and I hope all my colleagues will also.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. NUGENT), my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, somehow, against all odds, the Republican leadership of this House keeps coming up with new and creative ways to waste everybody's time. This is getting to be embarrassing, quite frankly.

Last night in the Rules Committee, I joked that I picked the short straw, so I am handling the rule today. The reason why I said that is because what we are doing today really is a joke.

This is not serious legislating. Even if there was some substance to the concerns the gentleman raised, the bills that have been written are written in such a way that they are purely political.

This is not about serious legislating, this is about political statements, this is about political press releases, and I think the American people, quite frankly, have had enough.

The Congressional Research Service says that it costs $24 million a week to run this place. I am going to tell you that what we are doing right now is wasting taxpayers' dollars.

With all that needs to be done—with all that needs to be done, this is another politically motivated week of let's go after the President. That is the way it has been since this President has been elected, and I think people are getting tired of it.

Week after week, month after month, and year after year now, this Republican majority continues to bring bills to the floor that have no chance of passing the Senate and have no chance of being signed into law that are just, again, political press releases.

What is worse, the bills that are being brought forward do nothing—absolutely nothing—to help rebuild our economy or put people back to work. My friend, the gentleman from Florida, talks about our responsibility as Members of Congress.

Well, our responsibility as Members of Congress is to help people, is to legislate, is to deliberate, is to debate serious issues passionately. That is what we are here to do, not this. This belongs in the Republican National Committee. This is a press conference that my friend should have outside of this great building, quite frankly.

Mr. Speaker, this economy is slowly recovering, but Republicans insist on doing nothing to actually strengthen that recovery. They refuse to consider any meaningful jobs legislation. We should have a highway bill to put millions of people back to work.

Putting millions of people back to work with the increased revenue and taxes, you could actually pay down the deficit and the debt, but they don't bring anything like that to the floor. They block every attempt to increase wages for workers.

We need to raise the minimum wage in this country. It is unacceptably low. People who work full-time ought not to live in poverty; yet we can't even get a minimum wage bill scheduled on the floor of the people's House. They won't even talk about it. We can't get them to even allow us to have an amendment on the minimum wage.

They continue to ignore the plight of the long-term unemployed in this country. Over 1.7 million Americans are unemployed. These are people who are looking for jobs and still can't find them. The answer to them from this Republican Congress is you are on your own.

I wonder sometimes whether any of my colleagues on the other side of the aisle have ever met somebody who is unemployed or have talked to anybody who have lost their long-term unemployment benefits.

Their answer is go ask daddy for a loan or go sell some stocks, that will take care of it. They have no idea what people in this country are going through; they have no idea how hard it is to struggle in poverty.

Somehow, they find the time to take 51 votes to repeal the Affordable Care Act, 51 votes. Now, I get it, you don't like it, so you vote to repeal it once; you can vote to repeal it twice, maybe five times, okay. But 51 times that we have wasted the taxpayers' money debating a repeal of the Affordable Care Act, it is ludicrous. It is unreal. People don't understand this behavior outside of the beltway.

Mr. Speaker, they also, quite frankly, find time to waste millions of tax dollars defending an antigay marriage law that is plainly discriminatory. That is okay for them to use taxpayer dollars to do that to stop any kind of reversal of this discriminatory law.

Today's entry in the sweepstakes of useless legislation is the so-called Imperial Presidency of Barack Obama. Never mind the fact that President Obama is using the same kinds of executive authority that President Bush and others before him used.

Let me repeat that. President Obama is using the same kind of executive authority that President Bush and other presidents before him have used.

Never mind the fact that the people supporting this legislation were more than happy to let George W. Bush and Dick Cheney ignore and contravene Congress at every single opportunity.

In fact, they defended what I think is some really questionable behavior of the Bush/Cheney team, and never mind the fact that the last people on Earth who should be complaining about imperialism continue to vote for closed rules, continue to ignore regular order, and continue to shut Democrats out from the legislative process.

By the way, one of the bills that we are debating today was introduced the day before it was marked had no hearings—so much for the promise that Speaker BOEHNER made that we are going to go back to regular order—no hearings, introduced the day before, then going right to America.

Let's be honest, even if President Obama did everything in the world that the Republicans say they are asking him to do, they would still find a reason to complain. My friends on the other side of the aisle, you guys just don't like the President; I get it.

But do you know what? Get over it because, at this point in time, our job is to work with the Senate and with the President to move this country forward; instead, my Republican friends have spent every single second since this President was elected trying to obstruct every single initiative that he has put forward. Even when he puts forward initiatives that they originally proposed, they complain.

The bills that the Republicans bring before us today are likely unconstitutional, violate the separation of powers, would result in scores and scores of

frivolous lawsuits, and would be costly and impractical to apply.

They don't deserve to be on this floor, and they certainly do not deserve to pass. When you read the way they were drafted, as I said before, they are written in a very political partisan way.

Mr. Speaker, I consider myself an institutionalist. I love the House of Representatives. I am proud to serve here. It is a privilege to serve here. Our Founders created the Congress as a coequal branch of government, and this institution should never be overlooked or sidestepped.

There is a strong argument to be made that, over the past 30 years, Congress has allowed itself to become so bogged down in gridlock that it has allowed executive power to grow far too large. That is a worthy debate for us to have.

Now, that being said, the executive branch has the authority to make certain regulations and take certain executive actions, and this President—any President—has a responsibility to lead when Congress can't get its act together and do its job.

We are elected to legislate, but time after time, instead of tackling issues like immigration reform, climate change, jobs, the minimum wage, bringing our troops home safely from Afghanistan, feeding our hungry—we have 50 million people in the richest country in the history of the world that are hungry; we all should be ashamed of that—but instead of dealing with that or issues like ending poverty or rebuilding our infrastructure or helping the long-term unemployed, this Republican majority chooses instead to bring up partisan messaging bills that will justifiably die.

Mr. Speaker, the American people deserve so much better than this. We are wasting time; we are wasting taxpayer dollars doing this kind of stuff. They deserve a Congress that tries to improve the lives of every American, instead of placating an extreme right wing.

They deserve a Congress that actually does its job. I will say to my friends: this is not doing our job. The bills before us today go exactly in the opposite direction of what we should be doing.

I urge my colleagues to defeat this rule and defeat the underlying legislation, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

I need to go back to when I first took the oath of office as a police officer outside of Chicago and then as a deputy sheriff in Florida and then a sheriff in Florida and then here in this body and also when I joined the military.

It was to support and defend the Constitution, not to ignore the Constitution, not to utilize it when we think it is okay or when it is necessary, not to just skip over article I and say: Do you know what? Forget about it because our Congresses have done that.

My good friend from Massachusetts pointed that out. They have done it for 30 years, but that doesn't make it right. At some point in time, we have got to set the record straight.

Somebody has got to step up and say: Do you know what? The Constitution matters, what we do here matters, and that all of us—the three branches of government—need to work, and they are coequal, not one above the other.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise in support of the rule, as well as the underlying bills.

Mr. Speaker, the instances of executive branch overreach are numerous.

Whether it is the multiple episodes of the President of the United States unilaterally delaying and waiving aspects of his signature law, the Affordable Care Act, or the failure to enforce this Nation's immigration laws by unilaterally implementing aspects of the DREAM Act, this President has shown an appalling lack of concern for the laws which his oath demands that he enforce.

Someone who holds the office of the Presidency cannot pick and choose which laws he wants to enforce and which laws he wants to ignore.

I was astonished when, during the State of the Union speech, many in this Chamber stood and applauded when the President said that if Congress didn't act on issues which he felt were important, he would just go around Congress and act on his own.

This followed his now infamous ''I've got a pen and I've got a phone'' statement earlier.

□ 1245

Is that really how the legislative branch should feel about its constitutional position in the Republic?

The ''pen and phone'' approach to his executive duties is disastrous to the Founding Fathers' vision of liberty protected by limited government which is spread across multiple, equal branches.

Where is the President's respect for the rule of law? He expects Vladimir Putin to respect international law with respect to Ukraine while the President, himself, at the same time, continues to disregard the laws passed by the United States Congress.

The legislative branch was designed as an equal branch of government. In fact, the establishment of the executive branch was easy for the Founding Fathers, who didn't wish to see imperialism in a Presidency, and they intentionally chose to limit that branch's powers. It was the legislative branch where they spent most of their time—deliberating, designing, and enumerating the powers which we hold—and it is past time for this body to say ''no'' to Presidential overreach.

No, Mr. President. You cannot write laws via executive orders. No. You must enforce the laws passed by Congress or actually lead in an effort to change the laws with which you may disagree.

In 1787, when asked what form of government the Framers had given us, Ben Franklin reportedly replied, ''A Republic if you can keep it.''

Mr. Speaker, I am afraid we are slowly losing grip on our Republic—the government designed by this Nation's Founding Fathers that has provided over 200 years of freedom and prosperity.

It is time for the people's House to regain its constitutional authority as the sole legislative body.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would urge my colleagues to remember the words ''physician heal thyself.'' While my friends are complaining about the President of the United States, they should kind of look inward and look at the imperial Republican majority that has kind of taken over here in this House of Representatives.

We had the chairman of the Oversight Committee literally stop a member of the Democratic Party from engaging in legitimate and appropriate debate. In fact, he shut off the microphone and ended the hearing. I mean, is that what our Founding Fathers had envisioned for this Congress? Is that what upholding the Constitution is all about?

As someone who serves on the Rules Committee and who welcomed the statement by Speaker BOEHNER that we would return to regular order, I am still looking for it. We just saw the most closed session in the history of this Congress last year. We had the most closed rules in a single year, the most closed rules in a single week, the most closed rules in a single day. I mean, the Rules Committee I love to serve on because of the great history. My former boss Joe Moakley was the chairman of the Rules Committee. I have great admiration for my colleagues on the Rules Committee, but the Rules Committee is becoming the place where democracy goes to die. Serious issues are routinely cut out.

We had a Republican Member yesterday, Mr. GIBSON of New York, who had a great idea about trying to hold the Executive accountable when it comes to the War Powers Act. It is an important issue. That is actually a legitimate issue for us to discuss. It was perfectly germane. On a party line vote, the Rules Committee voted that down. They said we won't have that debate here on the House floor.

The way this place is supposed to operate is that all of us—all 435 of us—whether we are Republicans or Democrats, ought to be considered important, and we all represent the same number of constituents. I understand that the party in control gets to kind of control the agenda, but that doesn't

mean the party not in control gets shut out on a regular basis on very important issues. Yet that has become the pattern here. Not only that, but we have seen more and more instances where committees of jurisdiction are not even relevant anymore—where bills are introduced the day before there is a markup, where there are no hearings. Sometimes we have bills that just mysteriously appear in the Rules Committee.

My colleagues know that I have great difficulty with their approach to dealing with the SNAP program, formerly known as ''food stamps.'' They proposed a $40 billion cut on the poorest of the poor to pay for subsidies for rich agribusinesses. I thought it was a bad thing to do. I am also on the Agriculture Committee. That bill never even went to the Agriculture Committee. We never had a hearing on it. We never had a markup on it. It mysteriously appeared in the Rules Committee, and then it came to the floor.

This is the way this place is being run. So, when you talk about ''imperial'' anything, look in the mirror. We need to change the way we do business here. This place would operate a lot better if you would let the people's House work its will. If you brought the Senate-passed immigration reform bill to this floor, it would pass, but it is being blocked because a small group within the Republican caucus doesn't want to deal with the issue of immigration reform. Important issues are routinely being denied consideration on this floor. This is a place where trivial issues get debated passionately and where important ones not at all, and people are getting fed up with it.

This politically motivated piece of legislation is politically motivated because of Minority Leader CANTOR's memo to, I guess, Republicans after their retreat. They talked about having an Imperial Presidency week to kind of embarrass the President. I guess that is what they call serious legislating, but this really is a joke. I urge my colleagues to vote all of this stuff down.

With that, I reserve the balance of my time.

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair.

Mr. NUGENT. Mr. Speaker, all I can tell you is that I don't take it as a joke in our defending and protecting the Constitution, which gives us the ability to serve here today. The people gave us the ability to be here based upon what the Constitution laid out for us. That is the plan.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentleman for yielding.

Mr. Speaker, I rise today on behalf of the people of Alabama's Second Congressional District to lend my support to H.R. 4138, the ENFORCE the Law Act and, of course, to the rule that is being debated here today.

I appreciate my friend and colleague from South Carolina, TREY GOWDY, for bringing forth this very important legislation.

We are here today to answer one question, Mr. Speaker: Will we stand idly by while an imperial President ignores the rule of law and unravels the separation of powers so carefully woven into our Constitution?

The answer is ''no.''

Probably, more than anything else, my constituents ask me: What are we doing to address the pattern of executive overreaches and disregard for the law by President Obama and his administration?

Good, God-fearing Americans who work hard, who pay their taxes, and who obey the law are understandably frustrated by a President who acts as though he is above the law. The abuses are well documented: selective enforcement of immigration laws, waiving compliance for ''welfare to work'' laws and what has become almost weekly attempts to delay, waive, or to just not enforce parts of ObamaCare because of the political implications. These are just to name a few.

Mr. Speaker, our constitutional constraints on government may not be convenient for the President or for his political or policy goals, but they are necessary for preserving the checks and balances that ensure this government still derives its authority from the people and not the other way around.

We now seek the intervention of the judicial branch to rein in the executive branch and reconstitute our proper separation of powers. I believe in our Constitution, and I believe it is worth fighting for. That is why I urge my colleagues to support the ENFORCE the Law Act and the rule and to join the fight to restore the checks and balances.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

It is funny. Again, I love that this all of a sudden has become an issue for my colleagues.

There is a Washington Post article from July 24, 2006. Let me read the first couple of paragraphs:

> A panel of legal scholars and lawyers assembled by the American Bar Association is sharply criticizing the use of ''signing statements'' by President Bush that assert his right to ignore or not enforce laws passed by Congress.
>
> In a report to be issued today, the ABA task force said that Bush has lodged more challenges to provisions of laws than all previous Presidents combined.
>
> The panel members described the development as a serious threat to the Constitution's system of checks and balances, and they urged Congress to pass legislation permitting court review of such statements.

I can go on and on and on. The point is ''silence'' on the other side during all of that time. Then they said: Well, now we have got religion on this issue, and we want to hold everybody accountable. Yet, when Mr. GIBSON had his amendment yesterday to actually bring up a legitimate focus where, I think, the Executive over the years has kind of abused its powers—and that is on the War Powers Act—he brought a germane amendment to the floor, and that was ruled out of order—we will deal with it another time—the translation of which means in this imperial Congress that it will never see the light of day.

This House is being run in the most imperial way, where anybody who has a different view is routinely shut out from debate, with more closed rules than any Congress in history. I think it is probably more avoiding regular order—never mind the closed rules—than any Congress in history. That is one of the reasons some of the stuff we bring to the floor here is so contentious. It is because it is written in such a flawed way.

I think it is a legitimate topic of discussion to talk about the appropriate powers of the Executive and the appropriate powers of the legislature, but to do that, I think, in a serious way means doing it in a bipartisan way, and there are ways for both Republicans and Democrats to come together. Again, this has never been about a serious attempt to deal with that issue. I mean this was one of their political talking points at their convention, at their retreat, that my friends had. This is not a serious attempt at anything. This is a political press release. We taxpayers spend $24 million a week to keep this place in session here, and this is how my friends use the taxpayers' money—to deal with these kinds of things?

The gentlelady from Alabama talked about her constituents all talking about this issue. Boy, I have got to tell you that, where I am from, what people talk about is: When are you going to pass a highway bill? They want to know when we are going to deal with the issue of jobs. My constituents and the people I meet all over the country want to know what we are going to do about raising the minimum wage. How are we going to deal with a pay equity bill so that women don't get discriminated against and get paid less than men do for doing the same job? They talk about global warming, which is like the worst thing you could talk about here because my friends don't even admit that it exists. They want to know what we are going to do to protect our planet and what we are going to do to help the long-term unemployed.

Those are real issues. Those are about helping people. This is politics, and I think people have had enough of it. So I would urge my colleagues on both sides of the aisle to say ''no'' to this stuff.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

I just want to make a couple of things clear.

In the Judiciary Committee, they did have two hearings on this. Now, they

took some action to bring forward one of these bills based upon the hearings and the testimony that they did have.

I truly believe in the open process. We want to see that, and I think we agree on that. My good friend from Massachusetts even read an article about George W. Bush and about that Presidency and that someone said that this Congress—or that Congress back then—should actually do something to allow it to go to court. I believe that was the statement. I am paraphrasing it. That is exactly what this does. I can't help it. I wasn't here when George W. Bush was President—I wasn't here 4 years ago—but I am here today, and I am here to defend and support this Constitution.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY), a good friend of mine.

Mr. KELLY of Pennsylvania. I thank the gentleman.

Mr. Speaker, this is very clear, the purpose of today's debate. The Take Care Clause is to faithfully execute laws that are passed. This is about standing statute. In fact, this is the centerpiece of the President's whole Presidency. He is choosing what will be enforced and what will not be enforced. The Take Care Clause, known as the ''Faithful Execution Clause,'' was actually derived from Pennsylvania's 1776 constitution, crafted by Pennsylvania's State executives during the Revolutionary War.

I want you to just let your mind drift back to when people left Europe to come to America. They got in rickety, old, wooden boats with not very good nav systems, but they came here for a reason. They set their course true north. They were coming to get away from a monarchy. They were coming to get away from an imperialist. They were coming to get away from tyrants. Why did they come here, and what did they craft? It is so carefully laid out in our Constitution. So why are we having this debate about this being silliness? This is who we are, not as Republicans and Democrats, but who we are as Americans. Why would we turn our backs on our Constitution?

□ 1300

I understand the Executive Office has great power. I also understand that the Constitution harnesses that. It does not allow it to run roughshod over the people.

Mr. DUNCAN very clearly talked about the State of the Union, when the President says to this body:

> America cannot stand still, and neither will I. So whenever and whatever steps I can take with that legislation, that is what I am going to do.

That is chilling. People gave him a standing ovation—and not just a standing ovation, but from the House of Representatives, where that very power is being taken from. That is our responsibility. That is our duty.

You cannot take that pledge and then turn around and say, Well, this is just about some kind of political maneuvering. This is not about a political maneuvering. That is about the protection of our Constitution. These things have been enshrined for us.

It is critical that we look at this. The Executive cannot make exceptions and just enforce the law as he or she wants. That is not who we are as a people. We left monarchs and tyrants to come here.

This is a government by the people, for the people, and of the people. If we ever forget that is what our job is as Members of the House of Representatives, then what are we doing here?

I would just ask my colleagues on the other side to please take a look at this. This is very chilling. You may like where the President is taking us, I may not like where the President is taking us, but there is a process that we all must follow. This is statute that is being trampled upon by an Executive that has an overreach that we have never seen before.

Can we not please return to those days and why those folks came here. What were they seeking? Freedom and liberty. What have we allowed those people to do? Turn their back and turn away from it and turn away from a Constitution that over a million people have given their lives to make sure that we could have this today.

So, Mr. Speaker, I would hope that some sense of responsibility, and not politics, comes into this House.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, just to make sure the record is correct, what I am understanding from staff is that while there were some hearings on the subject, one of the bills had no hearings. So, again, under regular order I think it would be important that the actual bill have a hearing.

The other thing, my colleague from Florida said that he would like a more open process. Let me make a suggestion: then vote for one. Because consistently in the Rules Committee, my colleagues on the other side of the aisle routinely vote for closed rules. They routinely vote against allowing amendments, including germane amendments, to be made in order, including what I think would be an amendment that has bipartisan support, the one by Mr. GIBSON on the War Powers Act that could have brought us together. That is a legitimate subject.

The reason why this legislation before us is such a waste of time is because it does not reflect deliberative process. It does not reflect any kind of bipartisan cooperation. It is a political press release. It is a waste of taxpayers' money.

I will say to the gentleman from Pennsylvania, I, too, took a pledge to uphold and defend the Constitution, and part of that pledge is to make sure that I represent all of the people, not just some of the people, not just those who give big contributions to political parties, but all of the people.

The fact that we have nearly 2 million people in this country who are cut off from unemployment benefits, what does anybody say to them when you meet people who come up and say that they are looking for a job and they can't find one? Maybe my friends don't talk to those people.

I will tell you it is heartbreaking that this Congress, the people's Congress that is supposed to represent them too, has turned their backs on them. What do you say to people who get cut off of their food benefits, who see their food benefit getting slashed, who end up at food banks trying to make ends meet to put food on the table for their families.

We sit here and debate this, a partisan bill, and we don't do anything about that?

Or, increasing the minimum wage—if you want to help people get off of food stamps, increase the minimum wage. Millions of people would automatically get off of public assistance. We can't even get a vote on that. We are not even allowed to bring that to floor.

People are asking me, When are you going to pass comprehensive immigration reform? The Senate passed it in a bipartisan way. Why can't you bring it on the floor of the House? The answer is because the imperial Republican majority in this House has declared that no, we are not going to even talk about it, and the Rules Committee, again, has been used as a place to shut off democracy and to not have these kinds of important issues brought to the floor.

So here we are debating a partisan bill that is purely partisan. You couldn't write it more partisan if my friends tried. Here we are debating this kind of bill while so many other things need to be addressed. This is a waste of time. It is a waste of taxpayer dollars. It diminishes this institution.

We are better than this. We should be talking about putting people back to work. We should be talking about helping to improve this economy at a more rapid pace. We should be talking about making sure that no one falls through the cracks; that we extend unemployment insurance benefits to people who need it.

We should be talking about those issues. We should be talking about global warming. Instead, we are doing this. Again, written in a very partisan way, which I regret very much.

Again, I urge my colleagues to reject this and reject the rule.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

All I can say, again, is that as it relates to these bills, there was discussion in the hearings and testimony taken to the concept and the ideas behind these bills.

Mr. Speaker, we hear about, this is partisan. It doesn't say ''President Barack Obama.'' This says ''the President.'' It doesn't matter if it is Republican or Democrat, Mr. Speaker. It says ''the President.'' It has nothing to do

specifically with President Obama, but it has everything to do with protecting the Constitution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman says that this has nothing to do with President Obama. The committee report only cites President Obama, in terms of this issue, and their political document, the memorandum that came from ERIC CANTOR to the House Republicans, talks about the Imperial Presidency, and says President Obama has provided new clarity of what constitutes an Imperial Presidency. President Obama, President Obama, and on and on.

It just defies logic for anybody to think for one second that this isn't about trying to attack this President of the United States, because what we have seen time and time again from the time this President was elected has been nothing but obstructionism and attack, obstructionism and attack, obstructionism and attack. I get it. There are differences in philosophies between the two parties.

What is troubling to me is that in this imperial Republican Congress President Obama's ideas don't even get a chance to have their day on the floor, where we are routinely shut out.

In this imperial Republican Congress we cannot bring to the floor a bill to increase the minimum wage. We cannot bring to the floor a bill to extend unemployment benefits for those over 2 million long-term employed. We cannot bring to the floor a jobs bill. We cannot bring to the floor the bipartisan Senate-passed comprehensive immigration reform bill, which would do the right thing on behalf of a number of immigrants in this country, but would also, by the way, we are told, reduce our deficit.

We can't even bring those things to the floor for debate. Under this imperial Republican leadership, our hands are tried. So we try procedural motions. We are trying discharge petitions. We are trying whatever we can to try to be heard.

I think it is important for the American people to know where people stand. So if my friends on the other side of the aisle don't believe the American people deserve a raise, if they don't believe we should increase the minimum wage, vote against it. Go on record. Let the American people see where you stand. On immigration reform, if you don't want to reform the immigration system, fine. Vote against it when it comes to the floor.

When my friends on the other side of the aisle routinely and regularly deny us the opportunity to even consider these things, that hurts our democracy. It diminishes this institution.

If you want to talk about imperialism, what is that?

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

Mr. NUGENT. Mr. Speaker, I am ready to close.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am urging my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 4209, Mr. JOHN TIERNEY's bill that contains the historic bipartisan, bicameral agreement on a permanent fix to the sustainable growth rate of Medicare, which will ensure fairness to doctors and strengthen Medicare.

My colleagues on both sides of the aisle have heard from the medical community on this issue. My Republican friends, unfortunately, have proposed a ''poison pill'' amendment that would kill this bipartisan agreement with an offset attacking the Affordable Care Act.

Mr. TIERNEY's bill instead includes a commonsense pay-for that finances the bipartisan doc fix by putting limits on our spending on wars overseas. We already have these sorts of caps on spending for almost everything else in the budget, and it is time we capped our war spending as well.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. This amendment simply caps the OCO. We give the administration 1 more year of the Overseas Contingency Operations spending without any contingencies, but beginning in 2016, OCO is subject to budget caps just like everything else.

Funding the war in Afghanistan is not emergency spending. We have been there for over a decade. We all know what the costs entail. The OCO is a so-called emergency account to keep the war in Afghanistan funded.

I don't know about you, Mr. Speaker, but the fact that we have troops in Afghanistan is no longer a surprise and is no longer an unexpected development.

In addition, the OCO has become a slush fund for Congress and the Pentagon to stick in goodies for procurement and operations and maintenance that it couldn't find room for in the Pentagon's half-trillion dollar base budget.

Now that Afghanistan President Karzai has made it perfectly clear that he doesn't want the United States or its military in Afghanistan, we should, at a minimum, cap the OCO and bring our troops home now.

So if we can find billions and billions of dollars to fund a war that nobody wants in a country where the government insults our troops every single day, then we can use those moneys to fund real needs right at home, like permanently fixing the SGR once and for all.

We talk about trying to find common ground. I think there is a lot of common ground on this issue amongst Democrats and Republicans. I think there are a lot of Republicans who are just as sick of this endless war and this over-the-top, unaccounted for spending in these wars as Democrats are.

So I think this is a sensible offset, and I would urge my colleagues to support our initiative.

I urge my colleagues to vote ''no'' and to defeat the previous question, and vote ''no'' on the underlying bills for all the reasons I said before. We should be using the taxpayer dollars to do things to help people on this House floor, not to advance political agendas.

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

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume. I agree with much of what my colleague from Massachusetts said, particularly as it relates to our involvement in Afghanistan and the Karzai regime.

Let me read you some quotes, Mr. Speaker, and let's see who we thought said these quotes:

> The power of what has begun to be termed the Imperial Presidency grows, and the ability of our Democratic institutions, especially the Federal legislative branch to constrain it, seems more uncertain.

The next quote:

> We are a coequal branch of government, and if our system of checks and balances is going to operate, it is imperative that we understand how the executive branch is enforcing or ignoring the bills that are signed into law.

And:

> We are talking about a systematic extraconstitutional mode of conduct by the White House. The conduct threatens to deprive the American people of one of the basic rights of any democracy, the right to elect Representatives who determine what the law is, subject only to the President's veto. That does not mean having a President sign those laws but then say he is free to carry them out or not as only he sees fit.

Another quote:

> I believe it is in all of our interests to work together to rein in any excesses of the executive branch, whether it is in Democratic, Republican, or even Libertarian hands.

Lastly, I will suggest to you that all those quotes I just read were from a highly respected Democrat, Mr. CONYERS, talking about the George W. Bush Presidency.

□ 1315

What has changed? That is what we are talking about today.

This isn't about Republicans or Democrats. Even Mr. CONYERS said that that is a problem, that we are giving up what we are supposed to be doing here in the legislative branch, legislating.

The President has a right to veto, but when he signs it into law, he has an obligation to faithfully execute the laws that he signs, he signs into law.

Mr. Speaker, in an interview with The New York Times last July, the President was asked whether or not he had the legal constitutional authority to delay the employer mandates, and

the President's response was this, Mr. Speaker, speaking about Members of Congress: ''I am not concerned about their opinions. Very few of them, by the way, are lawyers, much less constitutional lawyers.''

Well, Mr. Speaker, he is right in one regard. Most of us aren't constitutional lawyers, and I am certainly glad the President is proud of his academic achievements.

It doesn't take a constitutional lawyer to understand that we have separation of powers in this country, and that is what makes us unique. It doesn't take a constitutional lawyer to understand that the President can't just pick and choose which laws to enforce and which ones, don't worry about; we don't have to enforce it. Any eighth-grade civics student can tell you that.

Our Constitution explicitly states, the President shall take care that the laws be faithfully executed. It is even in the oath of office. It doesn't say if I disagree with them that means I don't have to worry about that. It is in the oath of office that he is supposed to do that.

Mr. Speaker, I take that oath to support and defend the Constitution very seriously. I did it when I raised my hand at 18 years old when I went into the Air Force. I did it when I was 21 years old when I became a police officer outside of Chicago. I did it again when I was a deputy sheriff. I did it again when I was sheriff, and I did it when I got elected to Congress, now, a second time. I take that oath personal.

I have three sons that serve this country today. They have all raised their hand to support and defend this Constitution, not when it is convenient, not when it meets what I need out of it. It says you do it.

That is the law. That is the Constitution, and we kind of forget that. We say it is just a document. It is a dusty document.

That is not the case, Mr. Speaker. It talks about how we conduct ourselves as a government of the people and by the people, not because of who we are.

I am concerned, on quite a few instances now, this President clearly hasn't faithfully executed those laws. Just recently, the President yet again announced a delay in the implementation of ObamaCare. The administration says they will continue to allow insurance companies to offer plans that don't meet ObamaCare's coverage requirements.

How many delays does that make, Mr. Speaker?

I have no idea. I have lost count. I haven't kept track. There have been a lot of them because they all hit the front page, most of them hit the front page of the papers.

Just because the President's health care law isn't working doesn't mean the President can just change it on the fly. I understand it is what he wants. It is the implementation of a law, but don't say you can just change it willy-nilly. The President is literally making it up as he goes along.

Delaying the consequences of ObamaCare, however, does not fix them. Perhaps our colleagues are facing frustrated constituents that just aren't quite ready to defend the law yet. Maybe that is the case.

Perhaps it is themselves that these delays are really meant for. I don't know.

Nevertheless, I don't object to delaying ObamaCare, just the President's desire not to have come to Congress to do it. Congress enacted it. Congress has a right, then, to modify it, not the President.

The fact is, a lot of these plans are good fits for consumers. Cancellations they face, the higher premiums and deductibles, are a real hardship. That doesn't change the fact that the means through which the President changed the policy is wrong, and we all know it.

It is time for this body to come together to prevent our constitutional role from disintegrating further. It matters not what has occurred in the last 40 years, it matters what occurs today. It matters to the people I represent that I faithfully support and defend the Constitution.

It is time this body pushed back against any Presidency that would assert itself, whether it was Mr. CONYERS speaking of the prior Presidents or it is us speaking about this current President.

I am confident that the underlying legislation, the rule that it provides for, will start the process, and I urge my colleagues, if you care about protecting our three-branch system of government, support this rule and support the underlying legislation.

Ms. JACKSON LEE. Mr. Speaker, I rise in opposition to the rule for H.R 4138, The ENFORCE The Law Act of 2014 and the underlying bill.

H.R. 4138 purports to provide a mechanism for one House of Congress to enforce the "take care" clause in article II, section 3 of the United States Constitution, which requires the President to "take Care that the Laws be faithfully executed."

The bill authorizes either chamber of Congress to bring a civil action against the executive branch for failure to faithfully execute existing laws.

My colleagues on the other side argue that lawsuits by Congress to force the administration to enforce federal laws will prevent the president from exceeding his constitutional authority,

But the Supreme Court has constantly held that the exercise of executive discretion being taken by President Obama is within the president's powers under the Constitution.

That is why I offered an amendment to the bill that simply protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

It is hard to believe that I would even need an amendment which instructs the Executive Branch that it is okay to—ENFORCE THE LAW.

If separation-of-powers principles require anything, it is that each branch must respect its constitutional role.

When a court issues a decision interpreting the Constitution or a federal law, the other branches must abide by the decision.

The Executive Branch's ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill.

Basic respect for separation of powers requires adoption of this amendment.

In our constitutional democracy, taking care that the laws are executed faithfully is a multifaceted notion.

And it is a well-settled principle that our Constitution imposes restrictions on Congress' legislative authority, so that the faithful execution of the Laws may present occasions where the President declines to enforce a congressionally enacted law because he must enforce the Constitution—which is the law of the land.

Additionally, H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law. Any such decision would be reviewable only by the Supreme Court.

These are critical problems. First, Congress is unlikely to be able to satisfy the requirements of Article III standing, which the Supreme Court has held that the party bringing suit have been personally injured by the challenged conduct.

In the wide array of circumstances in which the bill would authorize a House of Congress to sue the president, that House would not has suffered any personal injury sufficient to satisfy Article III's standing requirement in the absence of a complete nullification of ay legislator's votes.

I ask my colleagues to reject this legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 511 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4209) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the

House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

Sec. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4209.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 190, not voting 13, as follows:

[Roll No. 118]

YEAS—227

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—190

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Doggett
Doyle
Duckworth
Edwards
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren
Lowenthal
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Amodei
Barton
Cárdenas
Dingell
Ellison
Engel
Gabbard
Gosar
Jackson Lee
Lewis
Lowey
Miller, Gary
Rush

□ 1346

Mr. RANGEL, Ms. MENG, and Mr. CLEAVER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 192, not voting 9, as follows:

[Roll No. 119]

AYES—229

Aderholt
Amash
Bachmann
Bachus
Barber
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—192

Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Doggett
Doyle
Duckworth
Edwards
Ellison
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Amodei
Barton
Dingell
Engel
Gosar
Kuster
Lewis
Miller, Gary
Rush

□ 1353

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. KUSTER. Mr. Speaker, on rollcall No. 119, had I been present, I would have voted "no."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2014.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 12, 2014 at 10:52 a.m.:

That the Senate agreed to S.J. Res. 32.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.J. RES. 43

Ms. SPEIER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.J. Res. 43, removing the deadline for the ratification of the equal rights amendment, a bill originally introduced by Representative Robert Andrews of New Jersey, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

EXECUTIVE NEEDS TO FAITHFULLY OBSERVE AND RESPECT CONGRESSIONAL ENACTMENTS OF THE LAW ACT OF 2014

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4138.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 511 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4138.

The Chair appoints the gentleman from Pennsylvania (Mr. THOMPSON) to preside over the Committee of the Whole.

□ 1457

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4138) to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes, with Mr. THOMPSON of Pennsylvania in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our system of government is a tripartite one, with each branch having certain defined functions delegated to it by the Constitution. The President is charged with executing the laws, the Congress with writing the laws, and the judiciary with interpreting them.

The Obama administration, however, has ignored the Constitution's carefully balanced separation of powers and unilaterally granted itself the extraconstitutional authority to amend the laws and to waive or suspend their enforcement. This raw assertion of authority goes well beyond the executive power granted to the President and specifically violates the Constitution's command that the President is to take care that the laws be faithfully executed.

Mr. Chairman, from ObamaCare to welfare and education reform to our Nation's drug enforcement laws and other areas of the law, President Obama has been picking and choosing which laws to enforce. In place of the checks and balances established by the Constitution, President Obama has proclaimed that ''I refuse to take 'no' for an answer'' and that ''where Congress won't act, I will.''

Throughout the Obama Presidency, we have seen a pattern: President Obama circumvents Congress when he doesn't get his way, but the Constitution does not confer upon the President the executive authority to disregard the separation of powers and rewrite acts of Congress based on his policy preferences. It is a bedrock principle of constitutional law that the President must faithfully execute the laws passed by Congress.

We cannot continue to allow the President to ignore the constitutional limits on executive power. The President's far-reaching claims of executive power, if left unchecked, will vest this and future Presidents with broad domestic policy authority that the Constitution does not grant.

As prominent law professor, Jonathan Turley, who testified that he voted for President Obama, warned in testimony before the Judiciary Committee:

> The problem with what the President is doing is that he is not simply posing a danger to the constitutional system. He is becoming the very danger the Constitution was designed to avoid, that is, the concentration of power in a single branch.

That is why I join with Representative GOWDY and Chairman ISSA to introduce H.R. 4138, the ENFORCE the Law Act. This legislation puts a procedure in place to permit the House or the Senate to authorize lawsuits against the executive branch for failure to faithfully execute the laws.

The courts have held that lawsuits alleging institutional injuries must be brought by the injured institution itself, and H.R. 4138 is solidly in line with those judicial precedents. In addition, because it is an act of Congress, the ENFORCE the Law Act can apply special court procedural rules to significantly increase the speed at which cases challenging the President's failure to faithfully execute are considered by the courts. These provisions are critical to ensure the President cannot simply stall a lawsuit until his term is up.

In addition, these provisions are similar to those that were in the Line Item Veto Act. Litigation challenging the constitutionality of the line item veto proceeded through the district court and was decided by the Supreme Court within 7 months of being filed.

The ENFORCE the Law Act will help overcome the hostility the courts have shown toward deciding disputes between the political branches in the past.

The Constitution's Framers did not expect the judiciary to sit on the sidelines and watch as one branch aggrandized its own powers and exceeded the authority granted to it by the Constitution; rather, the Constitution gives the Federal courts very broad jurisdiction to hear ''all cases . . . arising under this Constitution and the laws of the United States.'' However, over time, the courts have read their own powers much more narrowly, refusing to exercise a vital check over unconstitutional action by the executive branch.

□ 1400

When the courts refuse to step in and umpire these disputes, they cede the field to this and future Presidents. The separation of powers is not strengthened by the refusal of the judicial branch to referee the division of power between the branches.

As then-Senator Obama observed in 2008:

> One of the most important jobs of the Supreme Court is to guard against the encroachment of the executive branch on the power of other branches. And I think the Chief Justice has been a little bit too willing and eager to give an administration, whether its mine or George Bush's, more power than I think the Constitution originally intended.

The ENFORCE the Law Act will help ensure that, when Congress brings a lawsuit against the administration for its refusal to enforce the laws, the courts take up the cases and decide it expeditiously.

This legislation is a good first step toward ending this crisis and restoring balance to our system of government.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the ENFORCE Act, like so many other bills that we have considered this Congress, is truly a solution in search of a problem.

It was made clear during the two full committee oversight hearings that we held on the Constitution's Take Care Clause, the President, in fact, fully met his obligation to faithfully execute the laws.

So let us acknowledge what this legislation is really about. It is simply yet another attempt by the majority to prevent the President of the United States from implementing duly enacted legislative initiatives that they oppose.

Allowing the flexibility and the implementation of a new program, even where the statute mandates a specific deadline, is neither unusual nor a constitutional violation. It is the reality of administering sometimes complex programs and is part and parcel of the President's duty to ''take care'' that he ''faithfully'' execute laws.

This has been especially true with respect to the Affordable Care Act. The President's decision to extend certain compliance dates to help phase-in the act is not a novel tactic. And even though not a single court has ever concluded that reasonable delay in implementing a complex law constitutes a violation of the Take Care Clause, the majority insists that there is a constitutional crisis.

Additionally, the exercise of enforcement discussion is a traditional power of the Executive. For example, the decision to defer deportation of young adults who were brought to the United States as children, the DREAMers, is a classic exercise of such discretion.

H.R. 4138 could also have the perverse effect of preventing the President from taking steps to protect people's rights.

If H.R. 4138 had been law in 1861, the Congress could have sued President Lincoln for issuing the Emancipation Proclamation because Congress could have concluded that President Lincoln had failed to enforce then-existing laws protecting the institution of slavery, like the Fugitive Slave Law.

Likewise, if H.R. 4138 had been law in 1948, Congress could have sued President Truman for issuing Executive Order 9981, which desegregated the armed services in contravention of then-existing military policy.

And, it is no surprise that the Supreme Court has consistently held that the exercise of such discretion is a function of the President's power under the Take Care Clause.

As the Court held in Heckler v. Chaney:

> An agency's decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency's absolute discretion.

Even assuming there is a problem to address, H.R. 4138 is itself flawed because it violates fundamental separation of powers principles and may be unconstitutional as applied.

The ENFORCE Act would essentially allow Federal courts to second-guess decisions by the executive branch in a potentially vast range of areas that are committed under the Constitution to the discretion of the political branches like the conduct of foreign affairs.

Additionally, it is highly unlikely that Congress could satisfy the standing requirements of Article III of the

Constitution, which are meant to reinforce the Constitution's separation of powers principles.

To meet those standing requirements, a plaintiff must show that it suffered a concrete and particularized injury. The kind of injury that would be the subject of a civil action under H.R. 4138, however, would amount only to an alleged violation of a right to have the administration enforce the law in a particular way.

I reserve the balance of my time.

In closing, I want to ask my colleagues when is enough enough? At what point can we say its time to put away the partisan rhetoric, the demagoguery, and the synthetic scandals and start really working on the issues the American people want solutions to.

The American people are waiting for us to take action on a host of issues that this House refuses to address—from securing fair pay for a fair day's work, extending unemployment insurance, and fixing our broken immigration laws.

So lets stop the games and finally get to work. I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, at this time it is my distinct pleasure to yield 5 minutes to the gentleman from South Carolina (Mr. GOWDY), a member of the Judiciary Committee and the chief sponsor of the legislation.

Mr. GOWDY. Mr. Chairman, I would like to thank Chairman GOODLATTE for his leadership on this bill and a host of others in the Judiciary Committee.

Mr. Chairman, I want to have a pop quiz. That may seem unfair to my colleagues on the other side of the aisle, but I am going to give them a hint: the answer to every one of the questions is the same. I am going to read a quote and then you tell me who said it:

> These last few years, we have seen an unacceptable abuse of power, having a President whose priority is expanding his own power.

Any guess on who said that? Mr. Chairman, it was Senator Barack Obama.

Here is another one:

> No law can give Congress a backbone if it refuses to stand up as the coequal branch the Constitution made it.

That was Senator Barack Obama.

> What do we do with a President who can basically change what Congress passed by attaching a letter saying I don't agree with this part or that part?

Senator Barack Obama.

> I taught the Constitution for 10 years. I believe in the Constitution.

Senator Barack Obama.

And my favorite, Mr. Chairman:

> One of the most important jobs of the Supreme Court is to guard against the encroachment of the executive branch on the power of the other branches. And I think the Chief Justice has been a little too willing and eager to give the President more power than I think the Constitution originally intended.

So my question, Mr. Chairman, is how in the world can you get before the Supreme Court if you don't have standing? What did the President mean by that when he looked to the Supreme Court to rein in executive overreach? If you don't have standing, how can you possibly get before the Supreme Court?

So my question is, Mr. Chairman, what has changed? How does going from being a Senator to a President rewrite the Constitution? What is different from when he was a Senator?

Mr. Chairman, I don't think there is an amendment to the Constitution that I missed. I try to keep up with those with regularity, but what I do know is this: process matters. If you doubt it, Mr. Chairman, ask a prosecutor or a police officer, both of whom, as my friends on the other side of the aisle know, both of them are members of the executive branch. What happens when a police officer fails to check the right box on a search warrant application? The evidence is thrown out even though he was well-intended, even though he had good motivations, even though he got the evidence, because process matters.

What happens when the police go and get a confession from the defendant? He did it. This is not a who-done-it; he admitted he did it. You got the right person for the right crime, but what happens if he doesn't follow the process? The defendant walks free. The criminal defense attorneys who are now Congressmen on the other side of the aisle know that is exactly what they argued when they were before the judge; not that the end justifies the means. Don't look at the motivations, look at the process.

Mr. Chairman, we are not a country where the end justifies the means, no matter how good your motivations may be. We all swore an allegiance to the same document that the President swears allegiance to: to faithfully execute the law. So I will be listening intently during this debate for one of my colleagues to explain to me what does that phrase mean. What does it mean, not to execute the law, but when the Framers thought enough of that phrase to add the modifier ''faithfully''? What does that mean?

If a President does not faithfully execute the law, Mr. Chairman, what are our remedies? Do we just sit and wait on another election? Do we use the power of the purse, the power of impeachment? Those are punishments; those are not remedies. The remedy is to do exactly what Barack Obama said to do: to go to court, to go to the Supreme Court and have the Supreme Court say once and for all.

We don't pass suggestions in this body, Mr. Chairman, we don't pass ideas; we pass laws, and we expect them to be faithfully executed.

□ 1415

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. COHEN), who is the ranking member of the Constitution Subcommittee of House Judiciary.

Mr. COHEN. Thank you, Mr. Chairman. I appreciate you yielding.

Mr. Chairman, as some of my colleagues said so eloquently during last week's Judiciary markup on this bill, that the majority's attempts to turn routine exercises of Presidential discretion into constitutional violations is nothing but a show and a pretext to attack the President of the United States.

The hearing we had reminded me of a Woody Allen saying in a movie called Bananas. Acting as Fielding Mellish, he said this is ''a travesty of a mockery of a sham of a mockery of a travesty of two mockeries of a sham.'' That is what this bill is, that is what that hearing was, and that is what this proceeding is.

H.R. 4138 would establish a process by which one House of Congress could sue the President when it determines the President failed to faithfully execute a law—one House, not two Houses. They talk about the separation of powers.

The separation of powers is executive and legislative, and legislative is Senate and House. The House originates spending bills, and the Senate confirms judges and things like that.

There was some discussion yesterday, and the chairman brought up a situation where the Senate went to the court on an issue concerning some appointments, which the Senate had exclusive jurisdiction on, but it is when they had exclusive jurisdiction.

In situations where there is a bill passed and the Senate and the House coshare equally, unless the Senate and the House both want to act, it is not separation of powers; it is one House trying to act as a star Chamber to take down the President of the United States.

This bill would, if enacted, represent a massive upending of the carefully calibrated separation of powers of our Constitution—one House, not the two Houses of Congress acting.

One of the gentleman who tried to defend this law in Rules Committee talked about something in Florida. Well, Florida, whatever they have got, they have got some kind of situation; but that was a quo warranto action where the Governor was acting beyond his authority, ultra vires.

It wasn't where the President is acting within his authority in his discretion and determining what is the best way to act, a difference between taking action and not taking action and taking action you are authorized not to take and taking action you are authorized to take. They didn't defend their position once correctly.

Congress lacks the standing to sue, and Mr. CONYERS has brought that up. Standing requirements are necessary. Also, by drafting Federal Courts into deciding what are essentially political questions, the bill further upsets that separation of powers.

Questions about when and how to implement and enforce laws are within the President's discretion as the Take Care Clause makes clear. It is the President's duty alone to take care that the laws be faithfully executed, not the courts' and not Congress'. The

courts rightly avoid involving themselves of disputes between the branches on questions of how law is executed. This bill flies in the face of such.

Ultimately, though, this bill and the larger debate surrounding it have nothing to do with the finer points of constitutional law. That is a red herring. It is a part of a broader attempt by Republicans to delegitimize anything that this President, Barack Obama, does.

Here, the majority complains, among other things, about the fact the President delayed implementation of certain provisions of the Affordable Care Act, like the employer mandates for medium and large businesses. The Rolling Stones had a song, sometimes you get what you want, sometimes you get what you need.

With the Affordable Care Act, they got what they wanted and what the President thought the country needed. Now, they are against it, holding the President up to ridicule and claiming it is the process, even though they are in agreement with the substance.

In Yiddish, that is called chutzpah; in law, it is called estoppel. In a Congress, it is called not being able to take yes for an answer.

I find it odd that this is what they choose to emphasize, that this President is acting in an allegedly unconstitutional way to undermine his own signature legislation.

It shows the depths of what Dana Milbank referred to as Obama derangement syndrome, where the President's opponents are so determined to thwart him, they will say anything, including reversing their own long-held views, if they believe doing so will weaken his stature.

This is unfortunate because President Obama has led where this Republican House has failed on immigration reform, on financial reform, on environmental protection, on the minimum wage, and, yes, on health care.

The thanks President Obama gets from this majority for his efforts to implement and enforce the laws as thoughtfully as he could is to be accused of violating the Constitution.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. GERLACH), another chief cosponsor of this legislation.

Mr. GERLACH. I thank the chairman.

Mr. Chairman, I rise today in support of this legislation that strives to restore the coequal balance of power between the legislative and executive branches and would establish a procedure for making sure all Presidents are accountable for meeting their constitutional obligation to faithfully execute all duly-enacted laws.

Chairman GOODLATTE, Congressman GOWDY, and members of the Judiciary Committee have done an outstanding job highlighting the need for such legislation and explaining to the American people why it is important to ensure the legislative and executive branches are functioning as intended by the framers.

The bill before us today represents a collaborative effort to craft an effective legislative response to a series of unilateral actions by the President that he has taken in the last few years to selectively apply, enforce, and ignore duly-enacted laws.

The Affordable Care Act—or ObamaCare—a law written and enacted exclusively by the President and Members of his party, has been delayed, amended, and effectively rewritten about two dozen times in the past year.

The law hasn't changed by coming to Congress and working with us on reasonable changes or following the legislative process we were taught in high school civics. No, the law was modified because the President and his administration simply declared it to be changed, in most cases, on late Friday afternoons or right before a major holiday like Thanksgiving.

Today's vote is not about rehashing the debate over ObamaCare. The President has also unilaterally acted to suspend enforcement of immigration laws, stop the prosecution of nonviolent drug offenses, and nullify sections of Federal laws and education.

It is as if the President thinks our laws are written in pencil and it is his job to take a giant eraser to the parts he doesn't agree with and then scribble in some new words that fit his agenda; or as George Washington University Law Professor Jonathan Turley noted during his testimony recently:

> President Obama's become the very danger the Constitution was designed to avoid, the concentration of power in any one of the branches.
>
> If a President can unilaterally change the meaning of laws in substantial ways or refuse to enforce them, it takes offline that very thing that stabilizes our system.

After that hearing, I was able to introduce legislation to create a fast-track independent judicial review process that would settle disputes over whether a president has exceeded his constitutional authority and whether he has met his duty to faithfully execute the law.

The legislation today before us accomplishes those same goals. It represents a commonsense procedural reform that establishes a practical, effective solution to resolve serious questions of Executive overreach.

Our system of checks and balances was designed to prevent a President—or any other branch of the Federal Government—from being able to unilaterally declare a law by whatever that individual says it is at that point in time after the law was enacted.

No doubt Madison, Jefferson, and other Framers understood that allowing a concentration of power in one branch was a recipe for chaos and instability; so if Congress does not act and fails to hold a President accountable for executing the laws as written, how can we expect citizens to have any respect for the laws passed by this Chamber?

Therefore, I urge my colleagues to support this bill to restore and preserve the delicate constitutional balance among the three branches of our Federal system and to take an important step in restoring the confidence of the public in our system of governance.

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentlelady from California (Ms. LOFGREN), who is the ranking member of the Immigration Subcommittee on Judiciary.

Ms. LOFGREN. Mr. Chairman, in the committee report that accompanies these bills, on page 13 and 14, there are three items that the majority says that the President can't do.

One is to defer action for the DREAMers, young people who are brought here innocently in violation of immigration laws; two, to allow the wives of American soldiers who are undocumented to stay and not be deported; and, finally, to allow parents who have been arrested for immigration to try and preserve their parental rights.

Is it legal for the President to take these actions? Certainly, it is. In Heckler v. Chaney, as well as in the Arizona v. United States court decision, the Supreme Court makes clear that, in immigration, the ability to enforce or decide not to enforce is part of the broad executive authority; and further, the United States Congress has actually delegated to the executive branch, at 6 U.S. Code 202, the national immigration enforcement priorities and policies to the President.

Now, is this anything new? No. We have paroled-in-place Cubans since John F. Kennedy was President. In 2010, a bipartisan group of members, including Congressman MICHAEL TURNER and MAC THORNBERRY from the Armed Services Committee and myself wrote and said: Please, Mr. President, don't deport the wives of American soldiers.

The President used his authority to do that as prior Presidents had done. The use of parole in place is delegated to the President and nothing new.

Now, why is this important? These bills are drafted to keep the President from doing the things that he did to allow the children to stay and to allow the wives of American soldiers not to be deported.

I think that what the majority wants to do is to not only have a do-nothing Congress, but to have a do-nothing President. When it comes to immigration, this is very serious. We have had one vote on immigration here in the Congress that was on Congressman KING's bill to deport the DREAM Act kids.

We have heard a lot of discussion about a bill supposedly that is going to be brought forward by the majority about the innocent children who have been brought here, but we haven't seen a bill; instead, we see these bills, which would allow the Congress to overrule

the President's action, so that the DREAM Act kids will be deported, so that the wives of soldiers who are in battle in Afghanistan would be deported, so that individuals who are caught up in an immigration problem would lose their children to social services, would lose their parental rights.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader.

Mr. CANTOR. Mr. Chairman, I thank Chairman GOODLATTE from Virginia for his leadership on this effort.

Mr. Chairman, I rise today in support of the ENFORCE the Law Act. Our Founders created a series of checks and balances for our democracy, to prevent any one of the three branches of government from becoming too powerful. This separation of powers has always been one of the most important pillars of our political system and an example of good governance for the world to follow.

For over 200 years, America has prospered because we adhere to a Constitution that makes each branch's role explicitly clear: the elected representatives in Congress pass laws, the President faithfully enforces them, and an independent judiciary adjudicates disputes.

This lesson is so important that we teach it to our school children and articulate it to our citizens, so they understand the rules of the road.

When we fail to uphold this system and one branch of government begins to tip the scales of power in its favor, we descend towards chaos. Today, we are seeing the system break down.

This administration's blatant disregard for the rule of law has not been limited to just a few instances. From gutting welfare reform and No Child Left Behind requirements to refusing to enforce immigration and drug laws, the President's dangerous search for expanded powers appears to be endless. Whether one believes in the merit of the end goal or not, this is not how the executive branch was intended by our Founders to act.

These actions not only weaken the credibility of our political institutions, they also threaten our chances of returning to a time of robust job growth by creating uncertainty in the economy.

□ 1430

This has become most evident with the implementation of the President's disastrous health care law, which is wreaking havoc on small businesses, which is wreaking havoc on wage earners and families. Even The Washington Post ran a story this weekend detailing how arbitrary changes to ObamaCare are creating mass confusion for consumers. Our constituents deserve better.

Steps taken by this administration show that it doesn't care for the rule of law or for the balance of powers designed by our Founders. The only way to reestablish the intent of our Constitution is to create a process by which either Chamber of Congress can take the matter to court, which is what this legislation does. It goes hand in hand with the Faithful Execution of the Law Act, which we will consider later today. That bill requires the administration to tell Congress when they have decided that they don't like a law and are refusing to do the constitutional duty and enforce it.

These bills are not just about President Obama. What if future Republican Presidents decide that they don't like the tax increases enacted by Democrats in Congress or by a past Democratic President? Can that President just refuse to collect those taxes or resist enforcing laws he doesn't like? No. Any future President must work with Congress to seek changes in laws that need to be reformed. As James Madison said, ''To see the laws fruitfully executed constitutes the essence of the executive authority.''

We have an opportunity today to stand together in a bipartisan manner and put mechanisms in place to prevent the executive branch from continually abusing its power, and they will remain in place no matter which party controls the White House. So let us pass this legislation and show the American people that we are committed to a government that functions the way it was intended to—within the framework of our Constitution.

I want to thank Chairman GOODLATTE, Representative GOWDY, Representative DESANTIS, and the rest of the Judiciary Committee, who have worked so hard on this very important issue. I strongly urge my colleagues in the House to support the bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. GUTIÉRREZ).

Mr. GUTIERREZ. Mr. Chairman, the goal of the ENFORCE Act is to ensure that this do-nothing Congress forces President Obama to be a do-nothing President as well. It is not enough for the Republican majority to be setting records for how little they are doing. They expect the same do-nothingness from the President, especially on immigration.

What the Republicans have failed to do is to work with their Democratic colleagues to bring serious, realistic, and achievable immigration reform legislation to the floor, reform that is overwhelmingly popular with the American people. They worked with us for months. Then they decided they would rather deploy their sound bite strategy that the President can't be trusted to enforce the law—and walked away from negotiations. The Republicans put forward broad, vague but sensible principles they said would guide their reform efforts. Then, just as quickly, they decided they would deploy their sound bite strategy that the President can't be trusted to enforce the law—and walked away from the legislation.

I want to take a moment to show you this, and I want to point it over to my Republican colleagues in case they forgot. It is signed by LAMAR SMITH and Henry Hyde.

Here is what it says:

> There has been widespread agreement that some deportations were unfair and resulted in unjustifiable hardships. If the facts substantiate the presentations that have been made to us, we must ask why the INS pursued removal in such cases when so many other, more serious cases existed.

You wrote the President of the United States, and asked then-President Clinton to use his discretionary power.

You said further in your letter:

> It is well-grounded the prosecutorial discretion of the initiation and termination of removal proceedings. See attached referendum. Optimally, removal proceedings should be initiated—that is deportations—or terminated only upon specific instructions from authorized INS officials and issued in accordance with agency guidelines. However, the INS, apparently, has not yet promulgated such guidelines.

That is what the President of the United States did. He promulgated guidelines which you said that then-President Clinton would not promulgate. What were they? It was DACA. That is what he promulgated. He promulgated guidelines, and please don't tell me it was a group of people and that they had to do it individually. Tell the thousands of DREAMers who have been denied DACA that they didn't apply individually. Each and every case was applied individually. Each of them came before the authorities and said: I want to apply for this program under these guidelines promulgated by President Obama.

When he does it, I guess you don't care. I guess then we can't trust them. No, you can't trust them, because you do not want to act, and you want to use it as an excuse.

Moreover, I want to read to you from the Republican principles on immigration. This is what your caucus put forward:

> One of the greatest founding principles of our country was that children would not be punished for the mistakes of their parents. It is time to provide an opportunity for legal residence and citizenship for those who were brought to this country as children through no fault of their own and have no other place.

Yet, today, you want to take that very ability from the President of the United States.

The CHAIR. Members are reminded that they must direct their remarks to the Chair and not to others in the second person.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds to point out that this legislation does two things: one, it expedites any court consideration of lawsuits brought under this legislation; two, it recognizes the distinction between constitutional standing and other standing that has been court created.

It says that that standing can be waived. That does not in any way determine what a court's ruling might be

or even what its ruling would be on the standing of a particular lawsuit brought, but it strengthens the hand of the Congress—any Congress—and under the control of any leadership to determine whether or not to bring lawsuits.

At this time, it is my pleasure to yield 2½ minutes to the gentleman from Texas (Mr. SMITH), a leader of the House and a former chairman of the Judiciary Committee.

Mr. SMITH of Texas. First of all, I want to thank the gentleman from Virginia, the chairman of the Judiciary Committee, for yielding me time, and I want to thank the gentleman from South Carolina (Mr. GOWDY) for introducing this bill.

Mr. Chairman, very quickly in order to respond to what the gentleman from Illinois just said, quite frankly, he is smarter than that. He knows that the letter had to do with individual prosecutorial discretion, and he knows the President basically exempted broad categories of individuals and went far beyond individual discretionary prosecution.

H.R. 4138 authorizes either Chamber of Congress to challenge, as an institution, the administration's failure to faithfully execute the laws, and in accordance with the constitutional ''separation of powers'' doctrine, it protects the legislative branch of government from an overreaching Executive.

The Obama administration has ignored laws, failed to enforce laws, undermined laws, and changed laws by executive orders and administrative actions. These include laws covering health care, immigration, marriage, drugs, and welfare requirements. Other Presidents have issued more executive orders, but no President has issued so many broad and expansive executive orders that have stretched the Constitution to its breaking point.

As for not enforcing laws, in 2011, the President instructed the Attorney General of the United States not to defend the Defense of Marriage Act in court. Recently, the Attorney General declared that State attorneys general are not obligated to defend laws they believe are discriminatory. At other times, the President has decided not to enforce immigration laws as they apply to entire categories of individuals, as I just mentioned, and the President has decreed a dozen changes to the Affordable Care Act, also known as ObamaCare.

But neither the President nor the Attorney General, himself, has the constitutional right to make or change laws.

The President and the Attorney General have a constitutional obligation to enforce existing laws. If they think a law is unconstitutional, they should wait for the courts to rule. Their opinions are no substitutes for due process and judicial review. It is their job to enforce existing laws, whether they personally like them or not.

Ours is a nation of laws, not a nation of random enforcement. All true reform starts with the voice of the people. If American voters rise up and speak loudly enough, they will be heard. Today, the United States House of Representatives is listening to them by bringing the ENFORCE the Law Act to the floor. I urge its adoption.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 2 minutes to the distinguished gentleman from Georgia (Mr. JOHNSON), a ranking member of a subcommittee on the House Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to H.R. 4138, the ENFORCE Act.

The ENFORCE Act seeks to diminish the power of the executive branch by giving Congress the ability to act as an enforcement agency.

As the most do-nothingness House of Representatives in American history, this body doesn't need any extra responsibilities, especially that which would be unconstitutional. The seminal case of Marbury v. Madison not only establishes judicial power to review the constitutionality of laws and actions, but it affirms the fact that we have three separate, coequal branches of government. If there is an issue with the President's failing to execute the laws, the Supreme Court has the authority by way of writ of mandamus to compel the President to act.

Have my righteously indignant friends on the other side of the aisle sought to use that process to check the alleged abuse of authority by the President?

No, they have not.

Why haven't they sued to force this President to enforce laws that they contend he has refused to implement?

They haven't sued because they know that they would not present a truthful case. They know that they would lose the case. They know that this President has not exceeded his constitutional authority.

This legislation is simply a showcase for the false narrative that the Republicans continue to perpetuate upon the American people. That false narrative is that this President is not an American, that he is not one of us, and that the President is a Communist-Socialist, who is doing everything he can to turn this Nation into a Third World country. That is a false narrative. Our Forefathers, by way of the United States Constitution, have already put safeguards in place to ensure that the Executive faithfully executes the laws passed by the legislative branch.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 1 minute.

Mr. JOHNSON of Georgia. Mr. Chairman, I offered an amendment to this patently absurd piece of legislation when it was considered by the Judiciary Committee. My amendment stressed the importance of protecting the delicate balance of power that the Constitution affords the legislative and executive branches.

The President has the right to choose how to set enforcement priorities with respect to immigration policy as well as the power to exercise discretion in the implementation of the Affordable Care Act.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. I thank the chairman for yielding time.

Mr. Chairman, the Constitution and the laws of the land are not mere suggestions for any President, whether it is this President, future Presidents, or Presidents before us; but this administration, for some reason, continues to enforce laws that Congress passes and that have been signed by other Presidents.

Despite the constitutional phrase that the executive will ''faithfully execute the law,'' the administration ignores the ''faithful'' part. He has been unfaithful in many cases of executing the laws of the land. The former constitutional law professor in the White House said he will rule by pen and phone.

Whatever happened to ruling by the Constitution? I guess we don't use that anymore.

If the administration doesn't like a law, the administration ignores the law. If the administration wants to change a law rather than to go to Congress and let us work with the President to amend the law, the President just issues an edict and changes the law.

This has created a constitutional nightmare, a constitutional crisis—constitutional chaos—because we never know what is going to happen with the law of the land. Is it a mere suggestion or is it in concrete?

□ 1445

This is a democracy, not a kingdom. The United States President is not supposed to be an emperor, and not supposed to rule down from Mount Sinai about what he thinks the law should be.

We disagree on whether the President has abused that power or not. We will disagree on future Presidents. So what do we do about that?

Well, let's go to court. Let's resolve those issues in a court of law, where the Constitution and the law of the land is followed, Mr. Chairman.

That is all this bill does. It gets us in the courtroom. It allows us to make our case, they make their case on any particular issue, and then we will let an impartial judge make the decision.

I support the legislation.

And that's just the way it is.

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 1 minute to the distinguished gentlelady from California (Ms. CHU).

Ms. CHU. Mr. Chairman, once again, Republicans are attempting to restrict the President's constitutional authority of prosecutorial discretion.

Deferring deportations of DREAMers is squarely within the President's authority. It is right there under the Constitution's Take Care Clause.

The Deferred Action for Childhood Arrivals program is legally sound, makes sense, and is the right thing to do. These kids study in our schools. They play in our neighborhoods. They pledge allegiance to our flag. All they want to do is to continue calling their home ''home.''

Every day that Republicans stonewall immigration reform, another 1,100 people are deported and families are split up. Instead, the ICE Parental Interest Directive protects the parental rights of detained parents. It does not limit immigration enforcement at all.

The directive is about family values. It is about American values. Bills like this waste time while thousands of families are separated. This must end now.

I urge a ''no'' vote on this bill.

Mr. GOODLATTE. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIR. The gentleman from Virginia has 11 minutes remaining, and the gentleman from Michigan has 11½ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, at this time it is my pleasure to yield 1½ minutes to the gentlewoman from Michigan (Mrs. MILLER), the chairman of the House Administration Committee.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Chair, in our Republic, Congress debates and passes the laws, the President signs and enforces the law, and the judicial branch interprets the law. These checks and balances protect freedom and prevent the kind of tyranny which our revolution defeated by keeping any single branch or individual from gaining too much power.

Article II, section 3 of the Constitution says the President ''shall take care that the laws be faithfully executed,'' and not maybe or not if it isn't really working the way that he would like. It says the President ''shall faithfully execute the law.''

The ENFORCE Act that we are debating today will simply give a House of Congress standing in Federal court to bring suit to make certain that the President upholds his constitutional responsibility to faithfully execute the law.

I have been listening to this debate. If my friends on the other side of the aisle and the President believe that all of the actions this administration has taken on ObamaCare are constitutional, then they should have no fear, Mr. Speaker, of giving Congress this standing.

I would urge all of my colleagues to join me in standing up for our Constitution and ensuring that the rule of law is followed in our great Nation.

Mr. CONYERS. Mr. Chairman, it is with great pleasure I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chair, let me thank the ranking member for his kindness, the managers of this legislation, and all of my colleagues that have come to the floor to try to seek truth.

We have often said, Truth to power. The Constitution is the powerful document that all of us abide by. We take an oath of office to do so.

Going through the markup, as we do in regular order, we as the loyal opposition over and over again try to query what was the truth of this legislation, what was the purpose of it, and how was it going to be valid in light of the Constitution and the powers that are inured to the Presidency.

The Presidency has executive powers, and those powers were on the basis of his or her ability to work with the three branches of government. Now we have legislation that wants to do a number of things, like abolish the powers of the Presidency—abolish them because you disagree with policy.

Believe me, all of us would like standing to challenge anything. We understand that when we made that attempt on several occasions, the courts have said, You don't have standing; it is to the people.

So now we want to orchestrate that so that rather than the legislative process, which is given to the Congress, we desire to go and put ourselves in place on immigration reform; on protecting the environment; on questions of justice, whether it has to be ensuring that the election is unimpeded, whether it has to do with correcting policies that need to be corrected. We now want to get in front of that rather than doing it through the legislative process.

I am glad my colleagues have spoken about immigration, because one of the bills that did not come forward was to abolish a position that the administration has every right to utilize dealing with advocacy for undocumenteds who are in a detention center who are not charged particularly with criminal acts.

We already know that there is a veto threat, and it is a veto threat not for the present President of the United States but to uphold the Constitution.

So the charge is that there is no trust in this President and there is a violation of the Constitution—I can assure you that people beyond this body would raise the issue of constitutionality if it was real. It is not.

There are some professors who want to write a variety of law review papers and want to talk about how far we are exceeding our powers. These are purely addressing the question of the law and making sure that the law is applied fairly.

The CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE. I thank the gentleman very much.

I will conclude by saying that what this bill is doing is seeking to usurp the powers of the President, particularly President Obama, and my friends on the other side, although I never attribute any malfeasance or bad intentions to Members that come on this floor, we never did this with President Bush.

There was some question about signing statements, and some of us wanted to address the question of signing statements, but we never decided to be able to put on the floor of the House the complete abolishment of the powers of the Presidency.

I ask my colleagues to vote down this legislation because it is unconstitutional.

The purpose of the bill is to provide a mechanism for one House of Congress to enforce the "take care" clause in article II, section 3 of the United States Constitution, which requires the President to "take Care that the Laws be faithfully executed."

The bill authorizes either chamber of Congress to bring a civil action against the executive branch for failure to faithfully execute existing laws.

My colleagues on the other side argue that lawsuits by Congress to force the administration to enforce federal laws will prevent the president from exceeding his constitutional authority.

But the Supreme Court has constantly held that the exercise of executive discretion being taken by President Obama is within the president's powers under the Constitution.

But we must uphold the Constitution and that is why my amendment which I will hopefully bring before the House shortly, addresses situations.

It is hard to believe that I would even need an amendment which instructs the Executive Branch that it is okay to—ENFORCE THE LAW.

If separation-of-powers principles require anything, it is that each branch must respect its constitutional role.

When a court issues a decision interpreting the Constitution or a federal law, the other branches must abide by the decision.

The Executive Branch's ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill.

Basic respect for separation of powers requires adoption of this amendment.

But that is exactly what this bill is doing—in seeking to usurp the powers of the president—particularly President Obama—my colleague whom I realize was a former prosecutor—has put forth a piece of legislation which baffles me.

In our Constitutional Democracy, taking care that the laws are executed faithfully is a multifaceted notion.

And it is a well-settled principle that our Constitution imposes restrictions on Congress' legislative authority, so that the faithful execution of the Laws may present occasions where the President declines to enforce a congressionally enacted law because he must enforce the Constitution—which is the law of the land.

In fact Mr. Chair, if the legislation raises no question of constitutionality, the laws that we pass in this pose complicated questions, and executing them can raise a number of issues of interpretation, application or enforcement that need to be resolved before a law can be executed.

This bill, H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law. Any such decision would be reviewable only by the Supreme Court.

These are critical problems. First, Congress is unlikely to be able to satisfy the requirements of Article III standing, which the Supreme Court has held that the party bringing suit have been personally injured by the challenged conduct.

In the wide array of circumstances in which the bill would authorize a House of Congress to sue the president, that House would not have suffered any personal injury sufficient to satisfy Article III's standing requirement in the absence of a complete nullification of any legislator's votes.

Second, the bill violates separation of powers principles by inappropriately having courts address political questions that are left to the other branches to be decided.

And Mr. Chair I thought the Supreme Court had put this notion to rest as far back as Baker v. Carr, a case that hails from 1962. Baker stands for the proposition that courts are not equipped to adjudicate political questions—and that it is impossible to decide such questions without intruding on the ability of agencies to do their job.

Third, the bill makes one House of Congress a general enforcement body able to direct the entire field of administrative action by bringing cases whenever such House deems a President's action to constitute a policy of non-enforcement.

This bill attempts to use the notion of separation of powers to justify an unprecedented effort to ensure that the laws are enforced by the president—and I say one of the least creative ideas I have seen in some time.

I ask my colleagues to reject this legislation.

Mr. GOODLATTE. Mr. Chairman, I yield myself 15 seconds to remind those here that during the time that the other party was in the majority, they sued the Bush administration to enforce a subpoena related to Harriet Miers. All we are trying to do is that, when you do that, we make it very clear that there will be an expedited process.

We have sued to get documents for the Fast and Furious matter. That is more than 4 years old.

So we are only trying to make this process of holding up the powers of the House work better.

At this time I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. MARINO), a member of the Judiciary Committee.

Mr. MARINO. Mr. Chairman, the President has shown a complete disregard for the rule of law. Rather than upholding and enforcing the laws as written by Congress, President Obama has decided to rewrite them however it pleases him.

The United States Constitution, to which every President swears an oath, commands that the President:

> shall take care that the laws be faithfully executed.

As a former U.S. Attorney, I took an oath to execute fully my duties. I took this oath very seriously, and that meant following the rule of law, even though I disagreed with it.

It is time to hold the President accountable for violating his oath of office and restore balance between the three branches of government.

I would like to remind my colleagues that there is an old saying:

> Power corrupts, and absolute power corrupts absolutely.

Just recently, the President was caught on an open mike saying:

> I'm the President; I can do what I want.

My colleagues, I ask you to join me in supporting H.R. 4138, introduced by my esteemed colleague on the Judiciary Committee, Representative TREY GOWDY.

The CHAIR. Members are reminded to refrain from engaging in personalities toward the President.

Mr. CONYERS. Mr. Chairman, I would like to remind my friend, the chairman of the Judiciary Committee, that subpoenas are a regular exercise of power in the House of Representatives.

I yield 1 minute to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Chairman, I rise today in opposition to the ENFORCE Act.

For 20 years, our immigration system has been left to rot due to congressional inaction. As a result, today we have over 11 million undocumented immigrants living in the shadows.

After 20 years of neglect, we finally have a commonsense immigration reform package that has already passed the Senate with bipartisan support and has an unprecedented array of support from religious groups, law enforcement, and business leaders throughout the country. It is rare to find a subject that labor leaders and the Chamber of Commerce can agree on, but both have called on Congress to promptly pass comprehensive immigration reform. Speaker BOEHNER and the House Republican leadership have ignored the millions of voices calling for reform, refusing even to bring it up for a vote.

Now, today, we are preparing to vote on the ENFORCE Act, legislation that would have the practical effect of ripping millions of young men and women away from the only home they have ever known.

The Deferred Action for Childhood Arrivals program has allowed countless undocumented youth to remain in the U.S. to attend our schools and to contribute to our economy.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chair, I yield the gentleman an additional 30 seconds.

Mr. FOSTER. Instead of fixing our broken immigration system, Republicans are doubling down on costly deportation and detention practices that are costing taxpayers millions and tearing families apart.

Mr. Chairman, we can't fix the problem by ignoring the symptoms. We cannot fix our broken immigration system either with more deportations or specious constitutional arguments, which is exactly what Republicans are attempting to do today with the ENFORCE Act.

It is time for Republicans to stop inventing incoherent, self-serving, and self-contradictory lines of constitutional reasoning and to start listening to the millions of voices calling for action and pass comprehensive immigration reform.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, in our exceptional system of government the House and Senate pass laws which the President must ''take care to faithfully execute.'' This is a bedrock principle of our Constitution.

President Obama has repeatedly exceeded the boundaries of the executive powers allowed to him in the Constitution. We have worked to check this overreach in the House, but the President has unilaterally decided to ignore, waive, or change laws without authorization from Congress.

Notably, President Obama has repeatedly created exemptions and delayed provisions to cover for the many broken promises of his health care law.

The legislation under consideration today will grant the House and Senate the authority to file suit against the President to simply force him to carry out his constitutional duty and enforce the law.

This should not be a partisan issue. The ENFORCE Act will protect all Americans and our system of government from overreach by Presidents of any political party.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. I rise today in opposition to both H.R. 4138, the so-called ENFORCE Act, and H.R. 3973, Faithful Execution of the Law Act.

□ 1500

These bills reveal a Republican majority that is more interested in undermining the President that in serving the American people.

These bills could undo the critical actions that President Obama has taken to protect DREAMers. DACA gives DREAMers, including almost 10,000 who have applied in Nevada, the chance to pursue their American Dream. We should be encouraging these bright young people to explore their options and develop their talent, not to hide away in the shadows. These bills would take that opportunity away.

The bills would also undermine another executive action that gives the undocumented families of military members and veterans the chance to stay in the United States as long as they don't have a criminal record. Do

we really want to tear apart the families of those who serve our Nation?

Instead of taking real steps to address the many problems our country faces, we are wasting time with these cheap political gimmicks, these sham constitutional arguments. So I would urge my colleagues to reject those and to vote against these harmful, unconstitutional bills.

Mr. GOODLATTE. Mr. Chairman, may I inquire how much time is remaining on each side?

The Acting CHAIR (Mr. DUNCAN of Tennessee). The gentleman from Virginia has 6¾ minutes remaining. The gentleman from Michigan has 5 minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute.

I want to respond to my good friend and the ranking member of the committee, Mr. CONYERS, regarding his comment about lawsuits brought with regard to a subpoena when the Democrats were in the majority.

I also want to point out, and I will ask at the appropriate time that the first page, since it is voluminous, and only the first page of each of four lawsuits that were brought by the gentleman from Michigan against three separate Presidents, Ronald W. Reagan, George W. Bush, and interestingly, Barack Obama, be inserted into the RECORD.

I would only point out that this legislation simply—when there is consensus, as there was not in those cases because only a few other Members joined the gentleman, but when there is consensus in an entire body, the House or the Senate votes to bring a lawsuit, that this would do two things.

It would expedite that process, so we don't have it drag on for years and years like the Fast and Furious case has been dragging on, and it would also make sure that only the standing issues that are in the United States Constitution would be a bar to bringing the lawsuit, and not court-administered, court-created standing issues.

So I urge my colleagues again to support the legislation.

[From LexisNexis]

John Conyers, Member, United States House of Representatives, et al., Appellants v. RONALD WILSON REAGAN, individually, and as President of the United States, et al.

No. 84–5171

United States Court of Appeals for the District of Columbia Circuit

765 F.2d 1124; 246 U.S. App. D.C. 371; 1985 U.S. App. Lexis 30754

January 18, 1985, Argued

June 28, 1985

Prior History: [**1] Appeal from the United States District Court for the District of Columbia (D. C. Civil Action No. 83–3430)

Counsel: Margaret A. Burnham, a member of the bar of the Supreme Court of Massachusetts, pro hac vice, by special leave of court, with whom Michael D. Ratner, Frank E. Deale, John W. Garland, and William Genego, were on the brief, for Appellants.

John M. Rogers, Attorney, Department of Justice, with whom, Richard K. Willard, Acting Assistant Attorney General, Joseph E. DiGenova, United States Attorney, and Leonard Schaitman, Attorney, Department of Justice, were on the brief, for Appellees.

Theodore M. Lieverman, Ira J. Katz, and Alan Dranitzke, were on the brief for Amici Curiae National Lawyers Guild, et al., urging reversal.

Daniel J. Popco and Paul D. Kamenar, were on the brief for Amici Curiae U.S. Senators Strom Thurmond, et al., urging affirmance.

Judges: Tamm, Wald, and Bork, Circuit Judges. Opinion for the court filed by Circuit Judge Tamm.

Opinion by: Tamm.

Opinion: [*1125] Tamm, Circuit Judge:

This is an appeal from the dismissal, 578 F. Supp. 324, of a suit brought by eleven members of the United States House of Representatives challenging [**2] as unconstitutional the military invasion of Grenada in October of 1983. Because the actions complained of have long since ended, we dismiss the appeal as moot.

I. Background

A. The Invasion of Grenada

On October 25, 1983, United States military forces invaded the island nation of Grenada. At the time of the invasion, the political situation in Grenada was unstable: Prime Minister Maurice Bishop and other government officials had been assassinated on October 19, political power had been seized by a newly established Revolutionary Military Council under the leadership of Army Commander General Hudson Austin, and a 24-hour curfew had been declared. President Reagan stated that he [*1126] ordered the invasion to protect innocent lives, including approximately 1,000 Americans living in Grenada, to prevent further chaos and to assist in restoring law and order and government institutions to Grenada.

[From LexisNexis]

John Doe I, John Doe II, John Doe III, John Doe IV, Jane Doe I, Susan E. Schumann, Charles Richardson, Nancy Lessin, Jeffrey McKenzie, John Conyers, Dennis Kucinich, Jesse Jackson, Jr., Sheila Jackson Lee, Jim McDermott, Jose E. Serrano, Sally Wright, Deborah Regal, Alice Copeland Brown, Jerrye Barre, James Stephen Cleghorn, Laura Johnson Manis, Shirley H. Young, Julian Delgaudio, Rose Delgaudio, Danny K. Davis, Maurice D. Hinchey, Carolyn Kilpatrick, Pete Stark, Diane Watson, Lynn C. Woolsey, Plaintiffs, Appellants, v. George W. Bush, President, Donald H. Rumsfeld, Secretary of Defense, Defendents, Appellees.

No. 03–1266

United States Court of Appeals for the First Circuit

323 F.3d 133; 2003 U.S. App. Lexis 4477

March 13, 2003, Decided

Subsequent History: As Amended March 18, 2003.

Rehearing denied by Doe v. Bush, 322 F.3d 109, 2003 U.S. App. Lexis 4830 (1st Cir., Mar. 18, 2003)

Prior History: [**1] Appeal from the United States District Court for the District of Massachusetts. Hon. Joseph L. Tauro, U.S. District Judge.

Doe v. Bush, 240 F. Supp. 2d 95, 2003 U.S. Dist. Lexis 3451 (D. Mass., 2003)

Doe v. Bush, 257 F. Supp. 2d 436, 2003 U.S. Dist. Lexis 2773 (D. Mass., 2003)

Disposition: Affirmed.

Counsel: John C. Bonifaz, with whom Cristobal Bonifaz, Law Offices of Cristobal Bonifaz, Margaret Burnham, Max D. Stern, and Stern Shapiro Weissberg & Garin were on the brief, for appellants.

Michael Avery on the brief for seventy-four concerned law professors, amici curiae.

D. Lindley Young on the brief amicus curiae in propria persona.

Gregory G. Katsas, Deputy Assistant Attorney General, with whom Robert D. McCallum, Jr., Assistant Attorney General, Michael J. Sullivan, United States Attorney, Douglas N. Letter, Attorney, Civil Division, Scott R. McIntosh, Attorney, Civil Division, and Teal Luthy, Attorney, Civil Division, were on the brief, for appellees.

Judges: Before Lynch, Circuit Judge, Cyr and Stahl, Senior Circuit Judges.

Opinion by: Lynch.

Opinion: [*134] Lynch, Circuit Judge. Plaintiffs are active-duty members of the military, parents of military personnel, and members of the U.S. House of Representatives. They filed a complaint in district court . . .

[From LexisNexis]

Honorable John Conyers, Jr., et al., Plaintiffs, v. George W. Bush, et al., Defendants.

Case No. 06-11972

United States District Court for the Eastern District of Michigan, Southern Division

2006 U.S. Dist. Lexis 80816

November 6, 2006, Decided

Counsel: [*1] For John Conyers, Jr., John D. Dingell, Honorable, Representing Michigan's 15th District, Charles B. Rangel, Representing New York's 15th district, George Miller, Honorable, Representing California's 7th District, James L. Oberstar, Honorable, Representing Minnesota's 8th District, Barney Frank, Honorable, Representing Massachusetts' 4th District, Collin C. Peterson, Honorable, Representing Minnesota's 7th District, Bennie Thompson, Honorable, Representing Mississippi's 2nd District, Fortney Pete Stark, Honorable, Representing California's 13th District, Sherrod Brown, Honorable, Representing New York's 29th District, Louise M. Slaughter, Honorable, Representing New York's 28th District, Plaintiffs: Mayer Morganroth, Lead Attorney, Morganroth and Morganroth, Southfield, MI.

For George W. Bush, President of the United States, Mike Johanns, Secretary of the Department of Agriculture, Carlos Guiterrez, Secretary of the Department of Commerce, Margaret Spellings, Secretary of the Department of Education, Michael O. Leavitt, Secretary of the Department of Health and Human Services, Michael Chertoff, Secretary of the Department of Homeland Security, Alphonso Jackson, Secretary of the [*2] Department of Housing and Urban Development, Norman Mineta, Secretary of the Department of Transportation, John Snow, Secretary of the Treasury, Bradley D. Belt, Executive Director, Pension Benefit Guaranty Corporation, Leonidas Ralph Mecham, Director, Administrative Office of the United States Courts; Defendants: Brian G. Kennedy, U.S. Department of Justice (Civil Division), Washington, DC.

For John F. Bovenzi, Chief Operating Officer, Federal Deposit Insurance Corporation, Thomas Holzman, Lead Attorney, Federal Deposit Insurance Corp (Arlington), Arlington, Va.

Judges: Honorable Nancy G. Edmunds, United States District Judge.

Opinion by: Nancy G. Edmunds.

Opinion: Order Granting Defendants' Motions to Dismiss [17, 18]

This matter comes before the Court on Defendants' motions to dismiss, brought pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Defendants' motions argue that Plaintiffs do not have standing to bring this lawsuit; and, even if

they did, the ''enrolled bill rule'' announced in *Marshall Field & Co.* v. *Clark, 143 U.S. 649, 12 S. Ct. 495, 36 L. Ed. 294 (1892),* forecloses Plaintiffs' from [*3] stating a claim for the relief they seek. For the reasons discussed below, Defendants' motions are Granted.

[From LexisNexis]

Dennis Kucinich, et al., Plaintiffs, v. Barack Obama, et al., Defendants.

Civil Action No. 11-1096 (RBW)

United States District Court for the District of Columbia

821 F. Supp. 2d 110; 2011 U.S. Dist. Lexis 121349

October 20, 2011, Decided

October 20, 2011, Filed

Counsel: [**1] For Dennis Kucinich, Member, U.S. House of Representatives, Ron Paul, Member, U.S. House of Representatives, Timothy V. Johnson, Member, U.S. House of Representatives, John J. Duncan, Jr., Member, U.S. House of Representatives, Howard Coble, Member, U.S. House of Representatives, Dan Burton, Member, U.S. House of Representatives, Michael E. Capuano, Member, U.S. House of Representatives, Roscoe Bartlett, Member, U.S. House of Representatives, John Conyers, Jr., Member, U.S. House of Representatives, Walter B. Jones, Member, U.S. House of Representatives, Plaintiffs: Jonathan Turley, Lead Attorney, George Washington Law School, Washington, DC.

For Barack Hussein Obama, II, President of the United States of America, Robert Gates, Secretary of Defense, Defendants: Eric R. Womack, Lead Attorney, U.S. Department of Justice, Washington, DC.

Judges: Reggie B. Walton, United States District Judge.

Opinion by: Reggie B. Walton.

Opinion: [*112] *Memorandum Opinion*

Is case in which the plaintiffs, ten members of the United States House of Representatives, filed a five-claim complaint against the defendants alleging, among other things, violations of the War Powers Clause of the United States Constitution, U.S. Const. art. I, §8, cl. 11, [**2] and the War Powers Resolution, 50 U.S.C. §§1541–1548 (2006), is before the Court on the defendants' motion to dismiss. For the reasons explained below, the defendants' motion will be granted.

1 In deciding the defendants' motion, the Court considered the following filings made by the parties: the Complaint for Injunctive and Declaratory Relief (''Compl.''); the Memorandum in Support of Defendants' Motion to Dismiss (''Defs.' Mem.''); the Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss (''Pls.' Opp'n''); and the Reply in Support of Defendants' Motion to Dismiss (''Defs.' Reply'').

I. Background

2 Because the defendants' motion to dismiss raises purely legal questions, the Court will only briefly describe the facts underlying this lawsuit.

Viewed in the light most favorable to the plaintiffs, the facts currently before the Court are as follows. On . . .

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. Mr. Chairman, I want to thank Chairman GOODLATTE.

I also want to thank my friend and colleague from the great State of South Carolina, Mr. TOM RICE, whose legal research and expertise and acumen and leadership is one of the reasons we are here today.

I also am curious about this notion of prosecutorial discretion. I am curious, even though I was a prosecutor for 16 years. I guess I am curious, Mr. Chairman, as to whether there are any limitations on this thing they call prosecutorial discretion.

Can the President refuse to enforce discrimination laws under that same theory of prosecutorial discretion?

Can the President refuse to enforce election laws under that same theory of prosecutorial discretion?

Mr. Chairman, how about term limits? Do we have to have an election in November?

I mean, if he is well-intentioned, as long as his heart is in the right place, if you can suspend other categories of laws, why not?

If prosecutorial discretion is as broad as our colleagues on the other side of the aisle want us to believe it is, are there any limits, Mr. Chairman, to this thing they call prosecutorial discretion?

There are laws that prohibit conduct, like laws against possession of child pornography. There are laws that require conduct, like filing a tax return in April. Is the Chief Executive equally capable of suspending both categories of law, Mr. Chairman? Is he?

Can he suspend those that require conduct as well as those that prevent conduct?

I am just trying to get an idea of what limits, if any, exist to this thing you call prosecutorial discretion.

Hearing none, Mr. Chairman, I know a little bit about it. It is case by case. It is on the facts. It is not the wholesale refusal to enforce the law.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, this legislation isn't just about bringing a lawsuit. I think it is important to note on page 13, 14 of the committee report, item 3, it says, unlawful extension of parole in place.

I think that shows what the majority thinks about that, and shockingly enough, that is the action that was taken by the President pursuant to express statutory authority, section 212(d)(5) of the Immigration and Nationality Act, to allow the wives of American soldiers to not be deported.

In July of 2010, a letter was sent to the Department signed by nine Democrats and nine Republicans. I will insert the letter into the RECORD. And we said this:

> Although many of the immigration issues experienced by our men and women in uniform require legislative action, Congress has already given you tools to provide some relief to these brave soldiers and their families.

We urged them to consider deferred action, to favorably exercise parole authority for close family members and to forbear from initiating removal in certain cases.

Now, this is nothing new. We have used parole authority pursuant to the Immigration Act in faithful enforcement of the law to prevent Cubans from being deported back to Cuba since John F. Kennedy was President of the United States.

For the majority to suggest that keeping the wives of American soldiers who were under fire in Afghanistan from being deported is, and I quote, ''an unlawful extension of parole in place,'' I think it is a truly shocking, and I would say, very distressing and disturbing phenomenon. We knew that the majority wanted to deport the DREAM Act kids because they voted for the King amendment last year. When Democrats took the DREAM Act up for a vote, all but eight voted against it.

But that you want to deport the wives of American soldiers in Afghanistan, I am sorry, is a new low.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 2010.

Hon. JANET NAPOLITANO,
Secretary of Homeland Security, Department of Homeland Security, Washington, DC.

DEAR SECRETARY NAPOLITANO: We write to commend your attention to a May 8, 2010 New York Times article entitled, ''Illegal Status of Army Spouses Often Leads to Snags.'' It describes the struggle of U.S. Army Lt. Kenneth Tenebro to serve his country while at the same time navigating a complex immigration system that has, thus far, failed to grant legal immigration status for his wife, Wilma.

The article explains that Lt. Tenebro,

> served one tour of duty in Iraq, dodging roadside bombs, and he would like to do another. But throughout that first mission, he harbored a fear he did not share with anyone in the military. Lieutenant Tenebro worried that his wife, Wilma, back home in New York with their infant daughter, would be deported.

Although Lt. Tenebro would like to continue deploying for combat, today he does not volunteer for deployment for fear of losing his wife to deportation and because he does not know what would happen to his three-year-old daughter while he is away on a military mission.

Lt. Tenebro is not alone. Many soldiers are unable to secure legal immigration status for their family members, even as they risk their lives for our country. Some have testified before Congress about their own stories and those of fellow soldiers they seek to assist.

This is not only an issue of keeping U.S. citizen families together. It is a military readiness issue. After 33 years of service, Retired Lieutenant General Ricardo Sanchez, a former commander of ground forces in Iraq, stated in a 2008 letter to the House Committee on the Judiciary, ''We should not continue to allow our citizenship laws and immigration bureaucracy to put our war-fighting readiness at risk.'' He explained:

> As a battlefield commander, the last thing I needed was a soldier to be distracted by significant family issues back home. Resolving citizenship status for family members while serving our country, especially during combat, must not be allowed to continue detracting from the readiness of our forces. When soldiers have to worry about their families, individual readiness falters—which can lead to degradation in unit effectiveness and the risk of mission failure. I have personally witnessed this on the battlefield.

Although many of the immigration issues experienced by our men and women in uniform require legislative action, Congress has already given you tools to provide some relief to these brave soldiers and their families. We hope that you will use all the power at your disposal to assist Lt. Tenebro and other soldiers, veterans, and their close family members to attain durable solutions. For example, DHS can join in motions to reopen cases where there may be legal relief available; consider deferred action where there is no permanent relief available but significant equities exist, such as deployment abroad; favorably exercise its parole authority for close family members that entered without inspection; forbear from initiating removal in certain cases where equities warrant exercise of prosecutorial discretion; and, other tools that would ease the burden for soldiers suffering from immigration-related problems to the extent that the current law allows. Of course, we expect that you will continue to conduct all necessary national security and criminal background checks before providing relief in any case.

As this country is engaged in two wars in Iraq and Afghanistan, we must do everything we can to address the immigration needs of our soldiers. As Lt. Gen. Sanchez stated,

It matters greatly that those who fight for this country know that America values their sacrifices. As leaders, it is our duty to sustain the readiness, morale and war-fighting spirit of our warriors. We must not fail them for America's future depends on their sacrifices and their willingness to serve.

Thank you for your attention to this matter. We look forward to your immediate response.

Sincerely,

Zoe Lofgren; John Conyers, Jr.; Mac Thomberry; Mike Pence; Howard Berman; Silvestre Reyes; Solomon Ortiz; David Price; Henry Cuellar; Xavier Becerra; Susan Davis; Ileana Ros-Lehtinen; Sam Johnson; Michael Turner; Adam Putnam; Lincoln Diaz-Balart; Mario Diaz-Balart; Anh ''Joseph'' Cao.

Mr. GOODLATTE. Mr. Chairman, at this time I yield 1 minute to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Mr. Chair, I thank the chairman for yielding, and I thank the gentleman from South Carolina for his leadership on this issue.

Mr. Chairman, I rise in support of the ENFORCE Act which reins in the growing problem of executive overreach in this administration, and helps reestablish the checks and balances inherent in our Constitution.

Our founders crafted a Constitution with limited and enumerated powers for the three branches of government. Unfortunately, executive branch overreach, especially into the prerogatives of the legislative branch, has significantly increased in recent years.

This overreach is so significant that this administration has not only ignored and undermined statutory requirements, it has effectively made law without congressional consent.

While the executive branch undoubtedly has great powers, the Constitution expressly prohibits it from picking and choosing which laws it will enforce. If the constitutional limits on executive power are simply being ignored, it is up to Congress to demand accountability on behalf of the American people.

This should not be a partisan issue but, instead, should focus on restoring the proper role of the executive to ensure that the laws of Congress that are passed are faithfully executed.

I urge my colleagues to join me in support of this legislation which restores the balance of power to our government and preserves the foundation of our Constitution.

Mr. CONYERS. Mr. Chairman, I am prepared to close if the other side is ready.

Mr. GOODLATTE. Mr. Chairman, we have only one closing speaker remaining, so if the gentleman is prepared to close, we will close right after.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Ladies and gentlemen, let's acknowledge that this legislation is really another attempt by some of the Members here in the majority to prevent the President of the United States from implementing duly-enacted legislative initiatives that they oppose. It is rather unusual.

But I want to ask my colleagues, friends, when is enough enough?

At what point can we say, it is time to put away rhetoric of a partisan nature, of demagoguery, and of synthetic scandals and start really working on the issues that many people in this country really want solutions to?

We have constituents, and so do you, that are waiting for us to take action on a host of problems that this House refuses to address, from securing fair pay for a fair day's work, to extending unemployment insurance, and also in the Judiciary Committee, fixing our broken immigration laws. So let's put aside some of the business that has gone on here today and finally get to work.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

This House has passed close to 200 bills that are piled up in the United States Senate that create jobs, that promote domestic energy production, that reform our out-of-control Federal regulatory process in this country, but it is also well worth taking our time to protect this institution's prerogatives and the people.

Here in the people's House, we represent the interests of the people of this country, and to uphold the powers, the article I powers of the House, is vitally important.

The Constitution provides that ''all legislative powers herein granted shall be vested in a Congress of the United States.''

Yet, the current administration has unilaterally sought to rewrite the law, not by working with the people's elected representatives, but through:

blog posts like this one, which removes penalties for employers who would otherwise be required to provide insurance coverage for their employees;

regulatory ''fact sheets'' like this one, which creates an entirely new category of businesses and exempts them from their responsibility under the law;

letters such as this one, which acknowledges that people are having their health insurance terminated under ObamaCare, in violation of the President's promise that ''if you like your health care plan, you can keep it,'' and then claims to suspend the law's insurance requirement to a date uncertain.

This one letter alone suspends the application of eight key provisions of ObamaCare, namely, those requiring fair health insurance premiums, guaranteeing the availability of coverage, guaranteeing renewable coverage, prohibiting exclusions for preexisting conditions, prohibiting discrimination based on health status and others.

Why is this being done?

To delay the terrible consequences of ObamaCare until after the next election. As this headline from The Hill newspaper announced just last week: ''New ObamaCare delay to help midterm Dems: Move will avoid cancelation wave before Election Day.''

These actions are not supported by the United States Constitution. It is time for Congress and the judiciary to act. This bill would empower the Congress and the judiciary to remind the President that ours is a system of government consisting of three separate, coequal branches, not one-branch control of our government.

Support the ENFORCE the Law Act, and restore the constitutional basis for the American system of government and the rule of law.

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

□ 1515

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–43. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Executive Needs to Faithfully Observe and Respect Congressional Enactments of the Law Act of 2014'' or the ''ENFORCE the Law Act of 2014''.

SEC. 2. AUTHORIZATION TO BRING CIVIL ACTION FOR VIOLATION OF THE TAKE CARE CLAUSE.

(a) IN GENERAL.—Upon the adoption of a resolution of a House of Congress declaring that the President, the head of any department or agency of the United States, or any other officer or employee of the United States has established or implemented a formal or informal policy,

practice, or procedure to refrain from enforcing, applying, following, or administering any provision of a Federal statute, rule, regulation, program, policy, or other law in violation of the requirement that the President take care that the laws be faithfully executed under Article II, section 3, clause 5, of the Constitution of the United States, that House is authorized to bring a civil action in accordance with subsection (c), and to seek relief pursuant to sections 2201 and 2202 of title 28, United States Code. A civil action brought pursuant to this subsection may be brought by a single House or both Houses of Congress jointly, if both Houses have adopted such a resolution.

(b) RESOLUTION DESCRIBED.—For the purposes of subsection (a), the term ''resolution'' means only a resolution—

(1) the title of which is as follows: ''Relating to the application of Article II, section 3, clause 5, of the Constitution of the United States.''

(2) which does not have a preamble; and

(3) the matter after the resolving clause which is as follows: ''That _____ has failed to meet the requirement of Article II, section 3, clause 5, of the Constitution of the United States to take care that a law be faithfully executed, with respect to _____.'' (the blank spaces being appropriately filled in with the President or the person on behalf of the President, and the administrative action in question described in subsection (a), respectively).

(c) SPECIAL RULES.—If the House of Representatives or the Senate brings a civil action pursuant to subsection (a), the following rules shall apply:

(1) The action shall be filed in a United States district court of competent jurisdiction and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(3) It shall be the duty of the United States district courts and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such action and appeal.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 113–378. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 113–378.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

(d) LIMITATION.—Nothing in this Act limits or otherwise affects any action taken by the President, the head of a department or agency of the United States, or any other officer or employee of the United States in order to—

(1) combat discrimination; or

(2) protect the civil rights of the people of the United States.

The Acting CHAIR. Pursuant to House Resolution 511, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, ladies and gentlemen of the House, my amendment would exclude actions to combat discrimination and protect civil rights enforcement from the scope of this bill before us.

The last thing we should want to do as a Congress is to pass legislation that makes it more difficult to protect our citizens' civil rights, by executive action or otherwise; yet if H.R. 4138 had been law, several of the most critical civil rights milestones of our Nation would have been subject to unnecessary congressional challenge in the courts.

In 1863, President Abraham Lincoln issued perhaps the most important executive order in our Nation's history, the Emancipation Proclamation; and by this order, Lincoln freed the slaves in those southern States that were engaged in military conflict with the Union.

By doing so, Lincoln not only encouraged slaves to take up arms in fighting the Civil War for the Union, he also struck a blow for freedom that resonated around the world.

By issuing the order, however, President Lincoln made a decision to not enforce then-existing laws, protecting the institution of slavery, including the Federal Fugitive Slave Act.

Clearly, history has shown Lincoln's decision to be not only a legal and a military turning point, but morally correct; and clearly, had the so-called ENFORCE Act been law, the Emancipation Proclamation could have been subject to an unnecessary and unhelpful legal challenge in the courts from the Congress.

Another example is President Truman's Executive Order 9981 issued in 1948 that desegregated the United States military. With more than 125,000 African Americans serving overseas in World War II, this was a worthwhile and appropriate action by the President.

Nevertheless, by issuing this order, Truman contravened the then-military policy of segregating certain African American military units from white units.

Again, had this bill before us been law, it would have permitted an unnecessary congressional legal challenge in the courts, and such a challenge would not have been politically unpopular in many quarters.

Remember that 1948 was the year that Strom Thurmond bolted from the Democratic Party to form the Dixiecrats and went on to carry four States and strongly compete in many others in the Presidential election.

I urge my colleagues on both sides of the aisle to please consider the unintended consequences of the legislation before us. It would not only represent a permanent stain on the principle of separation of powers written by our Founding Fathers into the Constitution, but it would make it far more difficult to protect our citizens' civil rights and other constitutional protections.

Accordingly, I urge a ''yes'' vote to protect civil rights, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I oppose this amendment, as it would allow the President to rewrite the civil rights laws on his own without any accountability in court.

The amendment, if adopted, would literally provide that nothing in the bill shall affect any action taken by the President or by the head of an agency or, indeed, any action taken by ''any other officer or employee of the United States,'' with regards to the protections provided under the civil rights laws.

If adopted, this amendment would immunize from accountability in court this President and any President and other Federal employees when they fail to enforce the civil rights laws, as written.

What if a President decides that certain groups should not be protected under the civil rights laws and fails to enforce those laws to protect certain groups?

Indeed, what if any entry-level employee of the Federal Government decides the civil rights laws should not be enforced to protect certain groups that are protected under the clear terms of the civil rights laws?

This amendment, if adopted, would immunize the President or any entry-level employee of the executive branch from accountability.

In fact, this amendment stands for the very policy this bill opposes. This bill provides for holding accountable the President or any other Federal employee whenever they fail to faithfully execute the law.

This amendment, in stark contrast, would prevent the Federal courts from ordering the President and other Federal officials to enforce the civil rights laws when they are failing to faithfully execute them.

It was a sad day when Members of this House stood up and applauded this President when he said, during his State of the Union Address, that he would seek to circumvent Congress when the people's duly elected Representatives oppose his proposals and when a senior member of the Senate called for the President to unilaterally stop enforcing the law against certain individuals if legislation is not passed by September, as Senator SCHUMER did last Thursday.

It is another sad day when an amendment is offered to explicitly shield the President or any other Federal employee from accountability when their actions are not authorized by the laws enacted by the people's elected Representatives.

The President should not be above the law; and by that, I mean any law, not the least of which are the civil rights laws of the United States.

Because this amendment would codify the terrible policy of allowing a President carte blanche to enforce or not enforce the civil rights laws as he deems fit, it should be opposed by every Member of this body, especially those who would like to see the civil rights laws protect everyone, as they are written.

Mr. NADLER. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield to the gentleman from New York.

Mr. NADLER. I thank the gentleman.

Isn't it true, sir, that the language that you read from the amendment says ''nothing in this bill''? It means that if the amendment were passed, the ability of the Congress or the courts to enforce the law against the President would be exactly the same as if the bill didn't pass, so it wouldn't immunize the President from the current law.

It would immunize him from whatever new thing the bill would do, but not from the current law and whatever ability the courts have to restrain the President from not enforcing civil rights laws right now.

Mr. GOODLATTE. Reclaiming my time, the amendment is clear that it would prohibit the language of the bill from bringing a lawsuit when the President fails to enforce the civil rights laws.

Mr. Chairman, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. Members are reminded to address their remarks to the Chair.

Mr. SESSIONS. Mr. Chair, as chair of the Committee on Rules, I want to take a moment to address the procedural status of the resolutions discussed in this measure. It is my understanding that the resolutions contemplated by H.R. 4138 would not be privileged or otherwise subject to expedited procedures in the House. Because there would be no procedural ramifications for a measure failing to adhere to the statutory prescription, there should be no occasion for the Chair to rule on whether or not that measure meets the definition of a ''resolution'' as that term is used in H.R. 4138.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 113–378.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

(d) LIMITATION.—Nothing in this Act limits or otherwise affects the constitutional authority of the executive branch to exercise prosecutorial discretion.

The Acting CHAIR. Pursuant to House Resolution 511, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment adds a new section to the bill to ensure that the President retains the well-established constitutional authority to exercise prosecutorial discretion when enforcing our laws.

H.R. 4138 would empower either the House or the Senate to file a lawsuit whenever one House disagrees with how the executive branch is implementing a law. The bill applies to enforcement decisions made by any officer or employee of the United States, thus reaching into every decision across hundreds of thousands of ''Federal statutes, rules, regulations, programs, policies, or other laws.''

H.R. 4138 is a practical nightmare. It invites endless costly litigation over policy disagreements that do not raise any legitimate constitutional concerns. We need look no further than the examples cited by the sponsors of this bill to see that this is true.

Far from representing a violation of the Take Care Clause, President Obama's decision to delay—not to refuse—enforcement of various deadlines under the Affordable Care Act are reasonable implementation decisions that are designed to ensure the ultimate success of the President's signature law. Delaying implementation of a complex law is not unusual.

Similarly, the administration's setting of immigration enforcement priorities falls well within its exercise of prosecutorial discretion and raises no legitimate constitutional concern.

The administration's decision to provide temporary relief from removal for certain DREAMers—young adults brought to the United States as children—complies both with Congress' statutory directive to establish national immigration enforcement priorities and within the President's responsibility to exercise prosecutorial discretion under the Take Care Clause of the Constitution.

While my colleagues now seek to drag courts into nonjusticiable political disputes, the fact of the matter is that no court has ever found delay in implementation of a law or the routine exercise of criminal or civil enforcement powers to constitute a violation of the Take Care Clause.

The fact is that courts likely will refuse jurisdiction over lawsuits brought by Congress against a President because H.R. 4138 violates bedrock principles of constitutional law.

The Supreme Court has long recognized that the Take Care Clause vests the President with ''broad'' discretion to determine when, against whom, how, and even whether to prosecute apparent violations of the law.

In Heckler v. Chaney, for example, the Court confirmed this core principle when it recognized that:

An agency's refusal to institute proceedings shares to some extent the characteristics of the decision of a prosecutor in the executive branch not to indict—a decision which has long been regarded as the special province of the executive branch, inasmuch as it is the Executive who is charged by the Constitution to ''take care that the laws be faithfully executed.''

The injection of Congress and the courts into decisions that the Constitution squarely commits to the President's discretion raises significant separation of powers concerns. It also lies beyond the purview of the courts to accept any such case under the Supreme Court's political question jurisprudence.

In Baker v. Carr, the Supreme Court made clear that the courts cannot and will not interfere in matters that the Constitution commits to a coordinate branch of government.

My amendment seeks to mitigate H.R. 4138's unconstitutional encroachment into the President's authority to faithfully execute the law by adding a new subsection (d) to ensure that nothing in H.R. 4138 ''limits or otherwise affects the clearly established constitutional authority of the executive branch to exercise prosecutorial discretion.''

My amendment cures one of H.R. 4138's many constitutional infirmities. I urge all of my colleagues to support it.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, Mr. NADLER's amendment purports to clarify that nothing in this legislation limits or otherwise affects prosecutorial discretion. If this amendment is adopted, it will only serve to cause confusion regarding the scope of the President's duty under the Take Care Clause and the ability of Congress to bring a lawsuit pursuant to this legislation.

The underlying bill provides that the House or Senate may authorize a lawsuit based upon adoption of a resolution declaring that the executive branch ''established or implemented a formal or informal policy, practice, or procedure to refrain from enforcing'' Federal law in violation of the Take Care Clause.

Adoption of a ''policy, practice, or procedure'' is not an exercise in prosecutorial discretion; rather, the exercise of prosecutorial discretion involves a determination as to whether a particular individual or entity should be the subject of an enforcement action for past conduct.

□ 1530

In other words, nothing in this bill limits prosecutorial discretion. Thus, inserting into the bill an exception for the undefined term ''prosecutorial discretion'' would only serve to cause confusion.

Worse, including an exception for prosecutorial discretion would also allow the executive branch to move to dismiss every case brought pursuant to this bill on the grounds that it was merely exercising prosecutorial discretion. This would result in costly and wasteful delays in the court's ability to decide the merits of these important separation of powers disputes in a timely manner.

Additionally, if adopted, the amendment would cause confusion as to the meaning of the Take Care Clause itself. The clause imposes an affirmative duty on the President to ''take care that the laws be faithfully executed.'' This amendment proposes to interpret that duty by codifying into statutory law that there is a ''constitutional authority of the executive branch to exercise prosecutorial discretion.''

However, unlike the duty imposed by the Take Care Clause, the words ''prosecutorial discretion'' appear nowhere in the text of the Constitution. We should not place an undefined limit on the Take Care Clause into the United States Code.

Finally, the amendment would, in practice, act to prohibit the Federal courts from further refining the contours of appropriate prosecutorial discretion. The base bill seeks to encourage courts to engage in active constitutional issues, not to put entire categories of subjects off-limits from review by the Federal courts.

I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from New York has 1½ minutes remaining.

Mr. NADLER. I will yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, this is about deporting the DREAM Act students. On page 13 of the committee report, the majority calls out for condemnation the exercise of prosecutorial discretion relative to the DREAMers. It is quite a departure from when Republicans joined with Democrats to say that it is well established that prosecutorial discretion can be used in immigration cases and asking that guidelines be developed and be implemented and used for categories of individuals.

In fact, the ''discretion'' in ''prosecutorial discretion'' comes from the Take Care Clause. That is what the Supreme Court has told us. That is the guidance we have from the highest law in the land.

What this is really about, Mr. Chairman, is about the majority's apparently voracious appetite to deport these young people. That is why the deportation of DREAMers is called out in the committee report. It is why they oppose prosecutorial discretion. I think it is quite a shame.

Mr. GOODLATTE. May I inquire how much time each side has remaining?

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining, and the gentleman from New York has 30 seconds remaining.

Mr. GOODLATTE. At this time, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. Thank you, Mr. Chairman.

Mr. Chairman, prosecutorial discretion encompasses the executive power to decide whether to bring charges, seek punishment, penalties, or sanctions. This next line is really important. It does not include the power to disregard other statutory obligations.

Mr. Chairman, that is from a United States Supreme Court case. So, I guess my question is: I have heard about immigration. I haven't mentioned immigration. I want to talk about mandatory minimums in drug cases. That has been the law for 20-something years. You have X amount of methamphetamine, you get X amount of time in prison. It is called a mandatory minimum. Are you telling me that the phrase ''prosecutorial discretion'' includes the Attorney General telling his prosecutors to disregard the law, not to not prosecute the case? That would be consistent. He is not telling them not to prosecute the case. He is telling them don't inform the judiciary of the drug amounts. That is not prosecutorial discretion; that is anarchy.

So, yes, Mr. NADLER, I agree—or my friend from New York, I agree, Mr. Chairman, with the concept of prosecutorial discretion. I used it for 16 years. But your amendment does not define it. And my fear is—while my friend from New York would never do this, my fear is some may overread it to include allowing a President to disregard obligations that we place on him or her, and under no theory of prosecutorial discretion is that legal.

Mr. NADLER. Mr. Chairman, I don't have the time to answer all of Mr. GOWDY's arguments except to say that if this bill were to pass, which it won't because the Senate won't look at it, but if the bill were to pass and if my amendment were adopted, it would simply make it easier for the courts to define what prosecutorial discretion is and is not, and I am confident that they would agree with Mr. GOWDY as to some of the horribles not being prosecutorial discretion. But since it would put prosecutorial discretion as an exception to the bill, then you could get a judicial determination as to what prosecutorial discretion is and what it isn't.

I urge my colleagues to vote for this amendment, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, for the reasons already cited, I urge my colleagues to oppose this amendment which would gut the bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. GOWDY) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EXECUTIVE NEEDS TO FAITHFULLY OBSERVE AND RESPECT CONGRESSIONAL ENACTMENTS OF THE LAW ACT OF 2014

The Committee resumed its sitting.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR (Mr. DUNCAN of South Carolina). It is now in order to consider amendment No. 3 printed in part A of House Report 113–378.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

(d) LIMITATION.—Nothing in this Act limits or otherwise affects the ability of the executive branch to comply with judicial decisions interpreting the Constitution or Federal laws.

The Acting CHAIR. Pursuant to House Resolution 511, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, frankly, maybe I should offer a good thanks to the distinguished members of the majority, the Republicans, my chairman and others, for giving us an opportunity to have a deliberative constitutional discussion that reinforces

the sanctity of this Nation and how well it is that we have lasted some 400 years operating under a Constitution that clearly defines what is constitutional and what is not.

The ENFORCEMENT Act is not constitutional, but it gives us an opportunity to raise these issues. That is what freedom is. That is what the opportunity of democracy is all about. So the Jackson Lee amendment engages in this discussion to reinforce that there are constitutional problems with the ENFORCE Act.

My amendment excludes from the scope of the bill any executive action taken to comply with judicial decisions interpreting the constitutional Federal laws. The amendment would ensure that one House of Congress cannot initiate dilatory legal challenges when executive actions were taken to comply with the judicial decisions.

A couple of weeks ago, I believe in the month of February, the Speaker of the House came forward regarding a serious issue when they announced that they were prepared to move forward with discussions on immigration reform. Then, less than 5 days later, the Speaker took to the airwaves and indicated that that offer of bipartisanship has been pulled down because of the trust question of the President of the United States.

Mr. Chairman, I cannot tell you what happened in those 5 days. The President led the country; the President provided for the country; the President listened to the American people; the President has been the Commander in Chief; and the President has provided that kind of fiscal responsibility working on the omnibus, the budget, and I don't know what happened.

But what I will say to you is I can see no reason for this kind of legislation to come to the floor of the House and to be able to clearly poke a spear, if you will, in the eye of article 2 that says, ''The executive power shall be vested in a President of the United States of America.'' This President has that power.

My amendment will ensure that whatever passes here allows the President to be able to handle the business of the American people through judicial and Federal statutes without interference. I would ask my colleagues to support my amendment.

I reserve the balance of my time.

Mr. Chair, I thank you for allowing a chance to explain my amendment.

The purpose of H.R. 4138 is to provide a mechanism for one House of Congress to enforce the ''take care'' clause in article II, section 3 of the United States Constitution, which requires the President to ''take Care that the Laws be faithfully executed—but in fact has the opposite effect.''

That is why my amendment protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

The Jackson Lee Amendment excludes from the scope of the bill any executive action taken to comply with judicial decisions interpreting the Constitution or Federal laws.

The amendment would ensure that one house of Congress could not initiate dilatory legal challenges when executive actions were taken to comply with judicial decisions.

The bill authorizes either chamber of Congress to bring a civil action against the executive branch for failure to faithfully execute existing laws.

My colleagues on the other side argue that lawsuits by Congress to force the administration to enforce federal laws will prevent the president from exceeding his constitutional authority, but the Supreme Court has Constantly held that the exercise of executive discretion being taken by President Obama is within the president's powers under the Constitution.

It is hard to believe that I would even need an amendment which instructs the Executive Branch that it is okay to—ENFORCE THE LAW.

If separation-of-powers principles require anything, it is that each branch must respect its constitutional role.

When a court issues a decision interpreting the Constitution or a federal law, the other branches must abide by the decision.

The Executive Branch's ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill.

Basic respect for separation of powers requires adoption of this amendment.

But that is exactly what this bill is doing—in seeking to usurp the powers of the president—particularly President Obama—my colleague whom I realize was a former prosecutor—has put forth a piece of legislation which baffles me.

In our Constitutional Democracy, taking care that the laws are executed faithfully is a multifaceted notion.

And it is a well-settled principle that our Constitution imposes restrictions on Congress' legislative authority, so that the faithful execution of the Laws may present occasions where the President declines to enforce a congressionally enacted law because he must enforce the Constitution—which is the law of the land.

In fact Mr. Chair, if the legislation raises no question of constitutionality, the laws that we pass in this pose complicated questions, and executing them can raise a number of issues of interpretation, application or enforcement that need to be resolved before a law can be executed.

This bill, H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law. Any such decision would be reviewable only by the Supreme Court.

These are critical problems. First, Congress is unlikely to be able to satisfy the requirements of Article III standing, which the Supreme Court has held that the party bringing suit have been personally injured by the challenged conduct.

In the wide array of circumstances in which the bill would authorize a House of Congress to sue the president, that House would not have suffered any personal injury sufficient to satisfy Article III's standing requirement in the absence of a complete nullification of any legislator's votes.

Second, the bill violates separation of powers principles by inappropriately having courts address political questions that are left to the other branches to decided.

And Mr. Chair, I thought the Supreme Court had put this notion to rest as far back as Baker v. Carr, a case that hails from 1962. Baker stands for the proposition that courts are not equipped to adjudicate political questions—and that it is impossible to decide such questions without intruding on the ability of agencies to do their job.

Third, the bill makes one House of Congress a general enforcement body able to direct the entire field of administrative action by bringing cases whenever such House deems a President's action to constitute a policy of non-enforcement.

This bill attempts to use the notion of separation of powers to justify an unprecedented effort to ensure that the laws are enforced by the president—and I say one of the least creative ideas I have seen in some time.

I ask my colleagues to support the Jackson Lee Amendment, which again, protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

Mr. Chair, the United States Constitution is sacrosanct—let's support it!

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I oppose this amendment, as it would gut the bill.

Read the text of the amendment. The amendment would explicitly prohibit the bill from affecting the executive branch's compliance with judicial decisions interpreting the Constitution or Federal laws. But that is exactly the point of the base bill.

The base bill encourages the courts to decide constitutional issues relating to the Constitution's separation of powers between the branches of government. We would of course expect the President to obey those decisions from the courts, yet this amendment would grant the President the authority to defy those very court decisions by making sure that the President did not have to be, quote, affected by them.

This amendment only adds insult to injury. It would take a bill designed to encourage the Federal courts to engage in the constitutional issues of the day and amend it to explicitly allow the President to defy the decisions of those courts.

There is no reason to exempt court decisions from the bill's coverage. The base bill allows Congress to bring lawsuits if the President fails to faithfully execute the laws. The President is obligated to follow Federal court decisions to the same extent he must follow Federal statutes, treaty obligations, and, of course, the Constitution itself.

Rather than furthering the bill's goal of enforcing the Take Care Clause, the amendment would create an enormous loophole in the bill's coverage, and so I must urge my colleagues to reject this gutting amendment.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE. Let me make this point, and I will yield 15 seconds to the distinguished gentlelady from California.

But I thank the gentleman from Virginia for his eloquence. Obviously, he is from the great State of Thomas Jefferson, and I certainly am from the great law school of Thomas Jefferson, the University of Virginia School of Law.

But let me just say that what this bill intends to do, the power the bill purports to assign to Congress to sue the President over whether he has properly discharged his constitutional obligations to take care that the laws be faithfully executed, exceeds—he knows it exceeds any constitutional boundaries. He is challenging the President on decisions that they don't agree with that are political. They don't agree with deferred adjudication. They don't agree with the DREAM Act youngsters. They don't agree that we should move forward on immigration reform. They are challenging him on his right to exert his power.

I yield 15 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I agree with the amendment.

I would note that the late Henry Hyde signed the letter urging for prosecutorial discretion. That is part of the law recognized by the Supreme Court in the Arizona case. I do not believe that the late Henry Hyde would have urged the administration to do something that did not comport with the Constitution or the law, and I include for the RECORD this letter.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 4, 1999.

Re Guidelines for Use of Prosecutorial Discretion in Removal Proceedings

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

Hon. DORIS M. MEISSNER,
Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR ATTORNEY GENERAL RENO AND COMMISSIONER MEISSNER: Congress and the Administration have devoted substantial attention and resources to the difficult yet essential task of removing criminal aliens from the United States. Legislative reforms enacted in 1996, accompanied by increased funding, enabled the Immigration and Naturalization Service to remove increasing numbers of criminal aliens, greatly benefitting public safety in the United States.

However, cases of apparent extreme hardship have caused concern. Some cases may involve removal proceedings against legal permanent residents who came to the United States when they were very young, and many years ago committed a single crime at the lower end of the ''aggravated felony'' spectrum, but have been law-abiding ever since, obtained and held jobs and remained self-sufficient, and started families in the United States. Although they did not become United States citizens, immediate family members are citizens.

There has been widespread agreement that some deportations were unfair and resulted in unjustifiable hardship. If the facts substantiate the presentations that have been made to us, we must ask why the INS pursued removal in such cases when so many other more serious cases existed.

We write to you because many people believe that you have the discretion to alleviate some of the hardships, and we wish to solicit your views as to why you have been unwilling to exercise such authority in some of the cases that have occurred. In addition, we ask whether your view is that the 1996 amendments somehow eliminated that discretion. The principle of prosecutorial discretion is well established. Indeed, INS General and Regional Counsel have taken the position, apparently well-grounded in case law, that INS has prosecutorial discretion in the initiation or termination of removal proceedings (see attached memorandum). Furthermore, a number of press reports indicate that the INS has already employed this discretion in some cases.

True hardship cases call for the exercise of such discretion, and over the past year many Members of Congress have urged the INS to develop guidelines for the use of its prosecutorial discretion. Optimally, removal proceedings should be initiated or terminated only upon specific instructions from authorized INS officials, issued in accordance with agency guidelines. However, the INS apparently has not yet promulgated such guidelines.

The undersigned Members of Congress believe that just as the Justice Department's United States Attorneys rely on detailed guidelines governing the exercise of their prosecutorial discretion, INS District Directors also require written guidelines, both to legitimate in their eyes the exercise of discretion and to ensure that their decisions to initiate or terminate removal proceedings are not made in an inconsistent manner. We look forward to working with you to resolve this matter and hope that you will develop and implenent guidelines for INS prosecutorial discretion in an expeditious and fair manner.

Sincerely,

Representatives Henry J. Hyde; Barney Frank; Lamar Smith; Sheila Jackson Lee; Bill McCollum; Martin Frost; Bill Barrett; Howard L. Berman; Brian P. Bilbray; Corrine Brown; Charles T. Canady; Barbara Cubin; Nathan Deal; Lincoln Diaz-Balart.

David Dreier; Bob Filner; Eddie Bernice Johnson; Sam Johnson; Patrick J. Kennedy; Matthew G. Martinez; James P. McGovern; Martin T. Meehan; F. James Sensenbrenner, Jr.; Christopher Shays; Henry A. Waxman; Kay Granger; Gene Green; Ciro D. Rodriguez.

Ms. JACKSON LEE. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentlewoman from Texas has 1¼ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time to close.

□ 1545

Ms. JACKSON LEE. Mr. Chairman, as I indicated, this is a political fight. I thought we had settled that fight with Baker v. Carr, a case that hails from 1962. Baker stands for the proposition that courts are not equipped to adjudicate political questions, and that it is impossible to decide such questions. Now our friends want to give Congress the right to expedite their lawsuit over the average citizen on a political question, first in a three-judge court, and then right to the Supreme Court of the United States, while the American people suffer because they want that particular position. It is a political question because it is the Republicans who want to be able to move beyond the authority given in the Constitution.

I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentlewoman very much because this is an important amendment. It doesn't gut the bill, and it isn't a loophole. This is a narrow amendment that only ensures that the President can comply with court decisions. The separation of powers principle is very important, and this amendment clarifies and adds to it.

Ms. JACKSON LEE. I thank the gentleman for that very astute analysis, and I want to conclude, if I might, by saying that I respect the separation of powers, and I understand what my colleague said, and Mr. CONYERS is very right. This amendment does not gut the legislation, but I understand what my colleagues are saying. What I would argue is that we all want the same thing—that the authority of the President remains that, the Congress, and the judiciary, and there is no exceeding. I believe we can do it in a better way. I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I will be brief and just say for the reasons already cited, this is a very harmful amendment. It would gut the bill. For that reason, I oppose it and urge my colleagues to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 113–378.

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 3. REPORT.

Not later than the last day of the first fiscal year quarter that begins after the date of the enactment of this Act, and quarterly thereafter, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report on the

costs of any civil action brought pursuant to this Act, including any attorney fees of any attorney that has been hired to provide legal services in connection with a civil action brought pursuant to this Act.

The Acting CHAIR. Pursuant to House Resolution 511, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, clearly as my colleagues have noted, the ENFORCE Act is a deeply flawed piece of legislation. It would give any legislative majority a blank check to challenge in court by filing a lawsuit any decision of the executive branch that it disagrees with.

Instead of considering legislation to create jobs, to fix our broken immigration system, repair our crumbling infrastructure or raise the minimum wage, today the majority has brought to this floor a partisan measure to increase only one thing: congressional litigation. The bill raises serious constitutional questions, and fails to put in place responsible safeguards to prevent abuse. This is a dangerous attack that threatens the careful balance of power developed by our Founding Fathers.

At a time when the American people have lost so much confidence in Congress, my Republican colleagues are offering yet another bill that will do nothing to improve the lives of Americans. Instead this bill will only add to the American people's scorn and ridicule of Congress. Just what we need, more contention, more division here in Congress by encouraging congressional lawsuits.

In addition to its questionable purpose and substantive defects, the ENFORCE Act also fails to adequately protect taxpayer money, as it would open the floodgates to litigation for nearly any executive branch decision that a majority in either chamber disagrees with, and it would do so without a transparent accounting of taxpayer money spent.

That is why I am offering this amendment today which simply requires quarterly reporting of the costs associated with the litigation under this act. Specifically, it would require the Comptroller General of the United States to issue quarterly reports to the House and Senate Judiciary Committees on the cost of civil actions brought pursuant to this act, including any attorney fees.

Since many of my colleagues have previously and routinely expressed significant concern about ensuring taxpayer dollars are used appropriately and carefully, one would expect the ENFORCE Act to have clear oversight and transparency provisions in place. However, it does not.

That is why I urge my colleagues to support my amendment, which would provide a transparent, quarterly accounting of the costs of pursuing legal action under this act.

As many of my colleagues know, litigation can be extremely expensive. So let's ensure Members of Congress and the public are aware of exactly how much taxpayer resources are being spent on pursuing legal action under this act. While disbursement reporting requirements already exist for Federal expenditures, recent experience underscores their inadequacy to provide timely, transparent disclosure of precisely how much has been spent on litigation.

For example, over the last few years, the House of Representatives, at the direction of the majority and over strong objections by Leader PELOSI and Whip HOYER, hired outside counsel to defend the Defense of Marriage Act in court. What began as a contract for up to $500,000 in legal services to defend DOMA has grown through a series of contract extensions to be up to $3 million, and it is hard to determine at what point and at what cost the majority's pursuits will end.

Today, nearly 9 months since the United States Supreme Court struck down section 3 of DOMA as unconstitutional, we still don't have an adequate accounting of how much the House majority has spent on defending this discriminatory law, or whether it continues to spend taxpayer funding on this matter.

As minority members of the House Administration Committee reported during this legal challenge in 2012:

> No one seems to know where the funds are coming from. There has been no appropriation for this expense. There has been no mention of the funding source in the contract extensions. There is no record of a payment being made in the statement of disbursements.

Clearly, the existing reporting requirements are insufficient to inform Members of Congress and the general public of its litigation disbursements. While Members may disagree on the merits of DOMA, as well as the legislation before us today, we should all recognize that neither side, nor the public interest, is served by obscuring the disclosure of litigation expenses.

Therefore, I urge my colleagues to support my amendment, a simple reporting requirement that will safeguard and provide transparency to ensure that spending under this very misguided legislation is made clear.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim the time in opposition to the amendment even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will support the adoption of this amendment. This amendment basically codifies, at least as far as the House of Representatives is concerned, requirements that already exist regarding reporting the costs of congressional litigation. When the House engages in litigation, the costs of that litigation are already reported to the House Appropriations Committee and the Committee on House Administration. This amendment merely expands these existing reporting requirements to include the Government Accountability Office.

Had the gentleman from Rhode Island prefiled this amendment during Judiciary Committee consideration of the bill, we may have been able to consider it during markup. However, without notice of the amendment, we were not able to determine at markup whether the amendment implicated any attorney-client privilege concerns. We are now satisfied, given existing reporting requirements, that this amendment does not present a privilege problem.

For these reasons, I support the adoption of this amendment, and urge my colleagues to do so.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, I thank the chairman for his support, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113–378 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. CONYERS of Michigan.

Amendment No. 2 by Mr. NADLER of New York.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 227, not voting 15, as follows:

[Roll No. 120]

AYES—188

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Deutch
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pocan
Polis
Price (NC)
Quigley
Rahall
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—227

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—15

Amodei
Bera (CA)
DeLauro
Dingell
Edwards
Frankel (FL)
Gosar
Matsui
Meng
Pelosi
Pingree (ME)
Rangel
Rooney
Schakowsky
Velázquez

□ 1621

Messrs. BENTIVOLIO, CAMPBELL, RENACCI, and YOHO changed their vote from ''aye'' to ''no.''

Messrs. MCNERNEY, MAFFEI, and HINOJOSA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

The Acting CHAIR (Mr. FLEISCHMANN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 225, not voting 15, as follows:

[Roll No. 121]

AYES—190

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Denham
Deutch
Diaz-Balart
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pocan
Polis
Price (NC)
Quigley
Rahall
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Valadao
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—225

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)

Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maloney, Sean
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—15

Amodei
DeLauro
Dingell
Edwards
Frankel (FL)
Gosar
Johnson, E. B.
Matsui
Meng
Pelosi
Pingree (ME)
Rangel
Rooney
Schakowsky
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1629

Mr. COFFMAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 231, not voting 14, as follows:

[Roll No. 122]

AYES—185

Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Deutch
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Pocan
Polis
Price (NC)
Quigley
Rahall
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—231

Aderholt
Amash
Bachmann
Bachus
Barber
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—14

Amodei
DeLauro
Dingell
Edwards
Frankel (FL)
Gosar
Matsui
Meng
Pelosi
Pingree (ME)
Rangel
Rooney
Schakowsky
Velázquez

□ 1635

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. FLEISCHMANN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4138) to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes, and, pursuant to House Resolution 511, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment reported from the Committee of the Whole?

If not, the question is on the adoption of the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RUIZ. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RUIZ. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ruiz moves to recommit the bill H.R. 4138 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add, at the end of the bill, the following:

SEC. 3. PROTECTING STATES' RIGHTS.

Nothing in this Act limits or otherwise affects any action taken by the President, the head of a department or agency of the United States, or any other officer or employee of the United States, in order to prevent an unconstitutional intrusion into States' rights.

SEC. 4. RESTORING UNEMPLOYMENT BENEFITS FOR AMERICA'S JOB SEEKERS.

This Act shall not take effect until the most recent percentage of the insured unemployed (those for whom unemployment taxes were paid during prior employment) who are receiving Federal or State unemployment insurance (UI) benefits when they are actively seeking work is at least equal to the percentage receiving such benefits for the last quarter of 2013, as determined by the Department of Labor's quarterly UI data summary measurement of the Unemployment Insurance recipiency rate for all UI programs.

Mr. GOWDY (during the reading). Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. RUIZ. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage as amended.

Right now, House leadership is forcing a vote on a bill that they know will go nowhere. Instead of working to find pragmatic solutions to our most pressing problems, they have chosen to put politics above the needs of the American people.

They have chosen to put politics above jobs, the economy, health care, comprehensive immigration reform and, again, they are playing politics with millions of hardworking families who have lost their job through no fault of their own and are currently looking for jobs.

Currently, over 2 million people have lost unemployment insurance because of these political games. Every week, 72,000 people, on average, are losing their unemployment benefits nationwide while they are looking for jobs. In my home State of California, almost 350,000 people are living on the brink of financial disaster because of these games. This is exactly the kind of political gamesmanship that the American people are sick and tired of.

House leadership continues to refuse to restore these vital economic lifelines that help people support their families and pay their bills while they look for a new job.

Long-term unemployment remains an enormous challenge for millions of Americans and our overall economy, which is exactly why we should put the American people first and renew this important program. We need a focus on creating new jobs and help American families temporarily weather the storm.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I withdraw my point of order and rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Mr. Speaker, I want to talk for just a moment as colleagues—not as Republicans or Democrats, not as members of the majority or the minority, but colleagues who are blessed to serve in the United States House of Representatives, the people's House, with all the tradition, with all the history, with all the laws that have been passed, with all the lives that have been impacted. I want us to talk as colleagues. Because our foundational document gave us, as the House, unique powers and responsibilities. We run every 2 years because they intended for us to be closest to the people.

□ 1645

The President was given different duties and powers. The President was given the duty to take care that the laws be faithfully executed.

So my question, Mr. Speaker, is what does that mean to you, that the laws be faithfully executed?

We know the President can veto a bill for any reason or no reason. We know the President can refuse to defend the constitutionality of a statute, even one that he signs into law.

We know the President can issue pardons for violations of the very laws that we pass, and we know the President has prosecutorial discretion, as evidenced and used through his U.S. attorneys.

Mr. Speaker, that is a lot of power. What are we to do when that amount of power is not enough?

What are we to do when this President, or any President, decides to selectively enforce a portion of a law and ignore other portions of that law?

What do we do, Mr. Speaker, regardless of motivation, when a President nullifies our vote by failing to faithfully execute the law?

How do we explain waivers and exemptions and delays in a bill passed by Congress and affirmed by the United States Supreme Court?

How do we explain away a refusal to enforce mandatory minimums that were passed by Congress and affirmed by the Supreme Court?

Why pursue, Mr. Speaker, immigration reform if Presidents can turn off the very provisions that we pass?

You know, in the oaths that brand new citizens take, it contains six different references to the law. If it is good enough for us to ask brand new citizens to affirm their devotion to the law, is it too much to ask that the President do the same?

If a President can change some laws, can he change all laws? Can he change election laws? Can he change discrimination laws? Are there any laws, under your theory, that he actually has to enforce?

What is our recourse, Mr. Speaker?

What is our remedy?

Some would argue the Framers gave us the power of the purse and the power of impeachment, but Mr. Speaker, those are punishments, those are not remedies.

What is the remedy if we want the Executive to enforce our work?

This bill simply gives us standing when our votes are nullified. This bill allows us to petition the judicial branch for an order requiring the executive branch to faithfully execute the law.

Mr. Speaker, we are not held in high public esteem right now. Maybe Members of Congress would be respected more if we respected ourselves enough to require that when we pass something, it be treated as law.

Maybe we would be more respected if we had a firmly rooted expectation that when we pass something as law, it be treated as law.

Maybe we would be more respected if we put down party labels and a desire to keep or retain or acquire the gavel and picked up the history, the tradition, and the honor of this, the people's House.

Mr. Speaker, the House of Representatives does not exist to pass suggestions. We do not exist to pass ideas. We make law.

While you are free to stand and clap when any President comes into this hallowed Chamber and promises to do it, with or without you, I will never stand and clap when any President, no matter whether he is your party or mine, promises to make us a constitutional anomaly and an afterthought. We make law.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RUIZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 15, as follows:

[Roll No. 123]

AYES—187

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Deutch
Doggett
Doyle
Duckworth
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pocan
Polis
Price (NC)
Quigley
Rahall
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—228

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—15

Amodei
DeLauro
Dingell
Edwards
Ellison
Frankel (FL)
Gosar
Matsui
Meng
Pelosi
Pingree (ME)
Rangel
Rooney
Schakowsky
Velázquez

□ 1656

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 181, not voting 16, as follows:

[Roll No. 124]

AYES—233

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—181

Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Deutch
Doggett
Doyle
Duckworth
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Fudge
Gabbard
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)

Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Pocan
Polis
Price (NC)
Quigley
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—16

Amodei
DeLauro
Dingell
Edwards
Frankel (FL)
Gosar
Loebsack
Matsui
Meng
Miller, George
Pelosi
Pingree (ME)
Rangel
Rooney
Schakowsky
Velázquez

□ 1703

Mr. CONYERS changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3633

Mr. COURTNEY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3633.

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1239

Mr. CASSIDY. Madam Speaker, I ask unanimous consent that the gentleman from Virginia, Representative RANDY FORBES, be taken off of H.R. 1239, the Accessing Medicare Therapies Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FAITHFUL EXECUTION OF THE LAW ACT OF 2014

Mr. FRANKS of Arizona. Madam Speaker, pursuant to House Resolution 511, I call up the bill (H.R. 3973) to amend section 530D of title 28, United States Code, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 511, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–42, is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Faithful Execution of the Law Act of 2014".

SEC. 2. AMENDMENT TO SECTION 530D OF TITLE 28, UNITED STATES CODE.

Section 530D(a)(1)(A) of title 28, United States Code, is amended—

(1) by inserting "or any other Federal officer" before "establishes or implements a formal or informal policy"; and

(2) in clause (i), by striking "on the grounds that such provision is unconstitutional" and inserting "and state the grounds for such policy".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of House Report 113–378, if offered by the gentleman from Minnesota (Mr. ELLISON) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Arizona (Mr. FRANKS) and the gentleman from Tennessee (Mr. COHEN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3973, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Madam Speaker, I now yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the full Judiciary Committee.

Mr. GOODLATTE. Madam Speaker, article II, section 3 of the United States Constitution declares that the President "shall take care that the laws be faithfully executed."

However, President Obama has failed on many occasions to enforce acts of Congress that he disagrees with for policy reasons and has stretched his regulatory authority to put in place policies that Congress has refused to enact.

Although President Obama is not the first President to stretch his powers beyond their constitutional limits, Executive overreach has accelerated at an alarming rate under his administration.

To help prevent Executive overreach and require greater disclosure when it occurs, the gentleman from Florida, Representative DESANTIS, introduced H.R. 3973, the Faithful Execution of the Law Act.

I want to thank Representative DESANTIS for introducing this commonsense legislation to ensure that there is greater transparency and disclosure regarding the executive branch's enforcement of Federal law.

The Justice Department is currently required by law to report to Congress whenever it decides to adopt a policy to refrain from enforcing a Federal law on the grounds that the law in question is unconstitutional.

The Faithful Execution of the Law Act strengthens this provision by requiring the Attorney General to report to Congress whenever a Federal official establishes or implements a formal or informal policy to refrain from enforcing a Federal law and the reason for the nonenforcement, regardless of whether it is being done on constitutional or policy grounds.

As Professor Jonathan Turley observed regarding this legislation in testimony before the Judiciary Committee:

> It is hard to see the argument against such disclosures. Too often, Congress has only been informed of major changes by leaks to the media.

Congress should not have to rely on media leaks and other unofficial sources to find out that the executive branch has decided not to enforce Federal laws.

Congress cannot possibly know the extent of executive branch nonenforcement of the laws without mandatory disclosure of all nonenforcement policies by the person who should be fully aware of such policies, namely, the Attorney General, the Nation's chief law enforcement officer.

Passage of H.R. 3973 is essential if Congress is going to play an active role in overseeing that the separation of powers between the branches is maintained and that the President is faithfully executing the laws.

I thank the gentleman from Arizona, the chairman of the subcommittee, for yielding me this time, and I urge my colleagues to support this legislation.

Mr. COHEN. I yield myself such time as I may consume.

Madam Speaker, more of the same. As with our consideration of the "ENFORCE Act," H.R. 4138, I must note the lack of deliberative process pertaining to consideration of this bill.

The gentleman from South Carolina spoke eloquently on the other bill and talked about the need for process—the importance of process. Process can be important, but process was not important on this bill.

It wasn't important in the other bill. Like that other bill, the Judiciary Committee failed to hold a single legislative hearing.

The process is you have a hearing. People come in and talk—experts—

then you have a markup. You first start at the subcommittee. The subcommittee has a hearing, and they have a markup, and then you have a hearing and a markup in the full committee.

This one, not a hearing in the subcommittee, not a markup in the subcommittee, not a hearing in the committee; simply, all of a sudden—presto—markup, process nixed. That is how we came up with the last bill and this bill.

When coupled with the fact that my colleagues on the other side of the aisle provided only the minimum notice regarding this bill, it is hard to believe that this is a serious attempt to legislate because it tramples on the legislative process, the rights of the minority to have notice, the rights of the public to have notice, and the right to have a hearing with experts testifying.

Unfortunately, the end product evidences what happens when you don't follow regular order, which is due process, notice, and a hearing. We do the same thing here.

Here are just a few of the problems with this bill: H.R. 3973 would impose burdensome and wasteful requirements on the Justice Department to the detriment of its law enforcement functions. They would probably have to hire new personnel and increase the debt, which, of course, the other side always talks about being passed on to the next generation.

Section 530D of title 28 of the United States Code already requires the Attorney General to report to Congress any instance in which the Attorney General or any Justice Department official establishes or implements a formal or informal policy against enforcing, applying, or administering a provision of Federal law on the grounds that such provision is unconstitutional, and there are 94 U.S. attorneys and a whole bunch of agency heads and a whole bunch of cabinet members and folks.

Current law, therefore, allows an administration to refuse to enforce a law in the extremely limited circumstance where law is deemed unconstitutional. No other reason is sufficient.

H.R. 3973 fails to define exactly which individuals in the Federal Government would qualify as a ''Federal officer.'' There is nowhere in the USCA that I have seen—and we have researched it—where this Congress has defined a Federal officer, and yet we are instructing Federal officers.

□ 1715

Now, the courts might have had some gibberish, but this Congress never did.

As a result of this oversight, the Attorney General would have to review enforcement decisions by hundreds—if not thousands—of individuals who work in the executive branch and may qualify as officers in order to determine whether their decisions trigger the requirements in this bill. This burden would drain already limited resources in the Justice Department for its law enforcement responsibilities, which is its charge.

The majority's real purpose of H.R. 3973 is to prevent the President's implementation of duly enacted legislative initiatives that they oppose and to stymie the President's discretion in enforcement of those laws.

Allowing flexibility in the implementation of a new program, even where the statute mandates a specific deadline, is neither unusual nor a constitutional violation. And it has happened with administration to administration to administration.

Such flexibility is inherent in the President's duty to ''take care'' that he ''faithfully'' execute the laws. And the exercise of enforcement discretion is a traditional power of the Executive.

Not surprisingly, the Supreme Court has consistently held that the exercise of such discretion is a function of the President's powers under the Take Care Clause, and this was reiterated by the Court as recently as 2012 in Arizona v. United States. This is particularly true if the bill's proponents intend to reach decisions like the deferred action on removing DREAMers from the country. That decision was a routine exercise of enforcement discretion, but H.R. 3973 would require the Attorney General to report on every such routine decision to Congress. You can't enforce every law to the fullest, and prosecutors and people make decisions on which are the most important and which are prioritized.

Professor Christopher Schroeder, the minority witness on the Judiciary Committee, noted that the number of such enforcement decisions is simply too numerous to count.

Given the foregoing, I must reiterate that this process is a waste of our time, especially when there are other far more pressing concerns to address.

How many times have we had people call us and tell us that they need unemployment compensation, that they don't have money to buy goods, to buy food for their child, to buy food for themselves, or to provide shelter? And yet unemployment insurance has lapsed.

How many times do we have people say they want to work and get a job, but we haven't passed an infrastructure bill. That is usually a bipartisan measure. For years, it has been bipartisan. Mr. Bill Young worked well on these bills getting things done. We don't have infrastructure bills to keep us going and deliver goods and services and put people to work.

How many times have people come up and talked to us about their concerns about health care, when we could be maybe coming together and finding ways to make health care even more affordable? The Affordable Care Act was a beginning, giving a lot of people health care they otherwise didn't have. In my district, the differential between African American women and White women in morbidity on breast cancer is the greatest it is in the country. And throughout the country, African American women are more likely to die of breast cancer than Caucasian.

Why is that?

It is not in their genes. No, Madam Speaker, it is not in their genes. It is because they have not had access to insurance and health facilities to get mammograms, to get checkups, and to get treated. They don't have the ability to get to those health centers which have been funded through the Affordable Care Act, more and more community health centers because of the Affordable Care Act, and to get insurance, which they are getting insurance. But in the past they haven't gotten it, their morbidity rate is greater, and they have died. Sometimes it is because they don't have transportation to get to the doctors, and that is because of our limited resources that we put in funding mass transit.

So in so many areas which we have neglected and should be dealing with now on health care issues, on the environment, on immigration, taking people out from the shadows and putting them to work legally where they pay taxes and where young people brought here with their parents made great grades in school, could go to college and stay here, participate and fulfill their dream and fulfill their potential, work hard and play by the rules, we are not doing that.

Instead of using this limited legislative time we have got, this is yet another opportunity to bash immigrants or to rail against giving health insurance to those who would otherwise be without it. We should be addressing these broken systems that we have on immigration, helping struggling homeowners and students buried in debt and fighting discrimination among many other challenges facing our great Nation, allowing people every opportunity to vote rather than taking voting opportunities away from them at every opportunity possible. That is the antithesis of America, trying to deny people the opportunity to vote under the veil of identity.

We are doing a disservice to the American people in choosing to spend our time on these issues which are issues that are not going to pass the Senate and see the light of day—and we know it—instead of trying to come together and work with each other. I have reached out to Members on the other side and said: Why don't we find common ground and pass something? They kind of look at me and say: I get my orders, too. Unfortunately, the orders aren't working for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. Madam Speaker, I now yield myself such time as I may consume.

I begin by just pointing out, contrary to the gentleman's assertion, the term ''Federal officer'' is mentioned 238

times in the Federal Code, and the Dictionary Act defines ''officer.'' It includes any person authorized by law to perform the duties of the office.

Contrary to some of the other discussions, this bill is focused on trying to make sure that we faithfully enforce the laws and that we understand when the laws are perhaps being not enforced for persons suggesting that they are unconstitutional or otherwise.

So, Madam Speaker, it is inherent, I suppose, in the nature of Washington, D.C., politics that, at a certain point, all of the back-and-forth discussion eventually turns into white noise, and the continual debating, reporting, and blaming is so commonplace that many Americans tune it out entirely.

And just as the partisanship in Washington causes so many to tune out the substance of the debate, so do we also become accustomed sometimes to hearing lofty rhetoric and allusions to our Founding Fathers. But tonight, I pray that we can all truly listen anew to the men whose ideas so revolutionized the world because the challenges we now face were not unforeseen, Madam Speaker.

James Madison, in Federalist Paper 48, expressed his concern that eventually the mere rule of law might not be enough to restrain those who really had a mind to abuse the power of their office. He said:

> Will it be sufficient to mark, with precision, the boundaries of these departments, in the Constitution of the government, and to trust to these parchment barriers against the encroaching spirit of power? But experience assures us, that the efficacy of the provision has been greatly overrated; and that some more adequate defense is indispensably necessary for the more feeble, against the more powerful, members of the government.

When Madison originally published this paper in 1788, he did so using the title, ''These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other.''

Mr. Madison expressed these concerns only 12 years after America had declared its independence. And I would submit that in the intervening 226 years, these abuses have spiraled out of control.

I would urge Americans to ask themselves: Has this administration moved our Nation back toward the noble dream imagined by men like James Madison when all laws were equally enforced and all people are equal under those laws, or has this administration worsened the trend Madison detected so early on?

President Obama infamously said on this very floor, Madam Speaker:

> We are not just going to be waiting for legislation in order to make sure that we are providing Americans the kind of help they need. I have got a pen, and I have got a phone. And I can use that pen to sign executive orders and take executive actions and administrative actions that move the ball forward.

To this I would humbly respond, Madam Speaker, no, he can't, not if what he is doing is abrogating the Constitution of the United States. That is exactly the sort of overreach Madison warned us about, and it is exactly what we are referencing when we talk about an Imperial Presidency.

Unfortunately, Madam Speaker, we are dealing with a President who has admitted he would prefer to be unconfined by constitutional limitations. He specifically said:

> Wherever and whenever I can take steps without legislation, that is what I am going to do.

Madam Speaker, they say that to be forewarned is to be forearmed. This President has not been shy about his intentions to go beyond the Constitution when he is inclined. Under this administration, the IRS has become a political tool used against those who oppose the President's policies. The Justice Department has adopted a policy of selective law enforcement, essentially rewriting the law by only enforcing the ones they prefer. The Senate's role in the appointment process has been ignored outright, with the administration making so-called recess appointments, even though the Senate was not in recess.

The legislative branch has been deemed little more than an inconvenient hurdle, with legislation like the DREAM Act and ObamaCare being either imposed via fiat or grossly and repeatedly modified without the input, consent, or action on the part of Congress.

We have seen the unconstitutional seizure of reporters' phone records, reported spying even on Members of Congress, and attempting to force small businesses to disclose their political affiliations before being considered for Federal contracts. At what point, Madam Speaker, do we say enough is enough?

I would remind all of us of the pleading words of DANIEL WEBSTER to all Americans when he said:

> Hold on, my friends, to the Constitution, and to 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.

Madam Speaker, the Faithful Execution of the Law Act is one very important step in the right direction. This bill will help prevent executive overreach and require greater disclosure when it does occur.

I want to thank Congressman DESANTIS for bringing this legislation forward. I want to thank Chairman GOODLATTE for his steadfast leadership on bringing this administration's executive overreach to light, and I would urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. COHEN. Before I yield to Ms. LOFGREN, I would just like to comment a couple of things.

Without disrespect to our Founding Fathers—I revere them all alike—but Mr. FRANKS was talking about President Madison and the noble experiment and asked the rhetorical question, all people were equal under the law—except for African Americans who were slaves, people who couldn't pay a poll tax, and women. So let's get away from this homogenized perspective of the way the world was and try to get to the way the world should be.

DANIEL WEBSTER has a quote up there, by bringing forth all of our resources, develop our resources and our land and its institutions, so that while we are here, we, in our day and our generation, may not perform something worthy to be remembered.

Well, we are not doing that today. And the references to the IRS have been debunked. They were equally applied to people who used organizations, 501(c)(4)s, beyond their original purpose. It was not anything political. And that goes to show the basic nature of this, because it is another attack on the President of the United States.

The President said: whenever I can take action without legislation. When he can take it without legislation, when he is permitted.

With that, I yield as much time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, either this bill does nothing because it is vague or it does something that is a serious problem. In the committee report for this bill, it specifically calls out as something that is wrong the DREAM Act, apparently suggesting that the DREAMers should be deported.

Now, I don't believe that what happened with the DREAMers, the deferred action, was beyond the President's authority. And I have this letter here that was sent in 1999 signed by the late Henry Hyde and two Republicans who went on to chair the Judiciary Committee, Mr. SMITH and Mr. SENSENBRENNER, urging then-President Clinton to do the same thing that President Obama has now done, which is to come up with actual standards that are then applied. So I don't think that this bill should change that.

But let's say it does. Let's say that we would have to report each time a DREAMer applies for deferred action. I think what we are talking about is that 500,000 or so DREAMers, their names and addresses, would have to be reported in to the Congress. Is that really what we want to do, to have all those kids be reported in to the Congress?

Let's talk about another thing mentioned in the earlier bill, specifically on page 14 in the committee report, the so-called point 3, unlawful extension of parole in place. What the President did—as prior Presidents have done—is to parole the immediate family, the husbands and wives, of American soldiers who are in immigration trouble.

□ 1730

The reason for that, and the military asked us to do that, the last thing you want, you have a soldier in Afghanistan dodging bullets, you don't want

that soldier worrying about what is going to happen to his wife, the visa got lost and she is facing deportation, and so parole in place was used.

Now, we believe, and I mentioned, there is a specific statutory authority for that, section 212(d)(5) of the Immigration and Nationality Act, but apparently the majority believes it is unlawful. So what would this bill mean? I guess that all of the wives and husbands who are not deported, and I guess their little children, their names and addresses should be reported in to the Congress. So we have a little list here of people who are Americans in every way but their papers, whose husbands are off fighting for our country, but we are going to create a list of them. I think they are going to feel exposed and at risk.

If the bill does anything, it does something very dangerous and wrong. We should not vote for this. I oppose it. I oppose the deportation of the DREAMers, as the majority has asked be done in these two bills, and I hope my colleagues vote against it.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DESANTIS).

Mr. DESANTIS. I thank the chairman for yielding me this time.

Madam Speaker, I have to tell you, listening to the other side, I don't know what world they are living in. We didn't have a hearing on the bill? I testified at the hearing; I don't think I made that up, I think that happened.

The idea that we are going to be reporting people's names and phone numbers for this bill—no. The Attorney General will go and say we have established a policy not to enforce ObamaCare mandates, for example. We have a situation now where these policies are illegal under the law. So if you actually looked up the law, they would be illegal, but the executive branch has taken the position that we are not going to enforce that for a couple of years, so there is a divergence between the law on the books and the law in action, and those are the types of instances, policy decisions not to enforce that will be done. That ultimately is what we are talking about here.

Some people want different policy outcomes one way or another, but the important part of this is we are talking about power and we are talking about authority. So in some of these instances, I don't agree with those ObamaCare mandates; I would like to get them off the books, and so policywise I agree with that, but as a matter of authority, the President cannot simply suspend that law that was enacted. That ultimately is what we are talking about, clarity and how the government is operating.

Ultimately, the power resides with the American people, not with Members of Congress or with the President. The people own power under the Constitution, and then we exercise that authority consistent with the power that they have delegated to us. We have the authority under article I of the Constitution to legislate, and we have the exclusive authority to legislate.

The President has the duty to take care that the laws are faithfully executed. He does not have authority delegated him to amend, suspend, or change duly enacted laws, and this is a fundamental principle of our constitutional system, that there are separated powers and checks and balances.

George Washington, in his farewell address, admonished the Nation that to preserve these checks must be as necessary as to institute them.

The problem that I keep running into is, if I don't know what the limiting principle in some of these things is, if you can suspend the ObamaCare insurance mandate and you can suspend the business mandate and you can suspend the individual mandate, can a Republican President come in and just suspend the whole shebang? If not, why not? What is the difference?

Make no mistake about it, when there is a Republican President, there is going to be pressure on that President to suspend provisions of law that those voters who elected that individual don't like. If we start going back and forth where one side enforces what they like and the other side enforces what they like, then you don't really have a legislative body passing laws. We are essentially passing suggestions, and then it is ultimately the Executive who determines what will be enforced and what will not be enforced. That is not a road, I think, we want to go down.

The good thing about this bill is it is just saying put your cards on the table. If you are going to not enforce certain provisions of law, then report it to Congress and let us know about that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman.

Mr. DESANTIS. Madam Speaker, I thank the gentleman.

So put your cards on the table. We should not in Congress have to rely on a leak to the press or find a blog post or look in some footnote in some unrelated Federal rule to know whether some of these things are being suspended, and the American people deserve to know whether or not their laws are being enforced.

So at the end of the day, this is really a transparency provision. It has worked with, in terms of the constitutional questions—Attorneys General Gonzalez, Mukasey, and Holder have reported to the Congress when the Federal Government has adopted policies of nonenforcement due to constitutional concerns.

So this says if you are going to take the position that as a matter of policy you are not going to enforce clear mandates in law, then provide that to us, offer your justification so we can evaluate it.

Ultimately, I think it is now just common parlance in the press here that a lot of these ObamaCare delays are done to help Democrats in the midterm elections, that maybe they won't lose as many seats if you can do that. Well, this is stuff that I think the American people need to know. That is a completely unacceptable reason to suspend laws.

So ultimately, I urge my colleagues to support this bill.

The only way it could potentially be burdensome is if their people throughout the bureaucracy are instituting nonenforcement policies left and right. The average Federal official does not have the authority to decide to institute a policy of nonenforcement. They may be able to institute discretion on a case-by-case basis. I was a prosecutor, I couldn't just decide not to enforce drug laws anymore, so some of this stuff is a red herring.

I thank the chairman for yielding me the time, and I thank the chairman of the full committee for offering this bill. I urge my colleagues to support it

Mr. COHEN. Madam Speaker, first, I would like to say that Federal officer may be mentioned many times in the code, but not defined; not defined.

Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, if you look at the actual statute that is being proposed here, it says the report shall be made by any Federal officer, undefined, establishes or implements these policies, to refrain.

I would note, and it was hardly a secret when the deferred action program was started, it was a memorandum on June 15, 2012. It was made available to the committee and to Congress, and it points out on page 2 that the exercise of prosecutorial discretion will be made on an individual basis for those who fit within the category. So I think if this means anything, and it may not because it is vague, it means that each time an individual receives the benefit of that prosecutorial discretion on a case-by-case basis, they would have to be reported to the Congress.

Now, what information would be reported? I don't know; presumably the name or the case file or the phone number. There are many John Smiths in that group of kids, so I presume that you would need more than just the name, perhaps an address or other identifier. The point is, we are creating a little list here. It is a little list that I think will feel very dangerous to those who are identified, and unwarranted by those whose hearts are very touched by DREAM Act kids who were brought here as children. As the principles released by the Republican leadership pointed out, these are young people who committed no offense, whose only country is the United States; and but for pay-for, they would be Americans. I don't think it is something that we should do, to have their names released, to deport them, to turn our backs on them, as this bill would do.

Mr. FRANKS of Arizona. Madam Speaker, I would just point out that this bill does not anticipate the appropriateness of one law or another, just the inappropriateness of ignoring the law in general.

I yield 3 minutes to the gentleman from Florida (Mr. YOHO).

Mr. YOHO. Madam Speaker, I thank my colleague for yielding.

We talk about this country as a country of law, and transparency gets thrown around, as does accountability, all the time, yet we fail. We come up short time and time again.

The current administration has made multiple attempts to bypass its article II duties and instead assumed the article I legislative powers reserved for Congress. The numerous changes to the Affordable Care Act and the implementation of a one-size-fits-all prosecutorial discretion policy are just a few examples of the Executive's failure to faithfully execute existing Federal laws.

Under current law, the Attorney General must report to Congress whenever a Department of Justice official implements a policy to enforce a Federal law. H.R. 3973, the Faithful Execution of the Law Act, simply extends that requirement to apply to all Federal officials. This is a commonsense bill that will bring transparency to the current and future administrations' execution of the law.

By requiring these reports to Congress, the American people will get clarity on which laws are not being executed and assurance that these decisions are correctly made. This will also bring healthy debate and an opportunity for the Executive to tell Congress why a law is changed, in what fashion it is changed, and why it is necessary. For that reason, I would think the administration would welcome this legislation. However, the administration has stated that this bill would overburden the Attorney General because he would have to know every law in every Federal agency. Madam Speaker, who else but the chief legal officer of the United States is better equipped to argue over whether or not to change existing law?

My colleagues on the other side of the aisle may disagree with the motivation for bringing this bill forward, but they cannot deny that it sets precedent to help both Democrat and Republican Congresses to keep future administrations in check. I ask my colleagues to imagine a Republican President not enforcing the law that they support, and remind them that it is easy to overlook a violation of process when one agrees with the substance.

There could come a day when you, like us today, will not be able to overlook a similar violation of the process. The beauty of our Constitution is that it has no subjective bias or political preference, but rather, it applies equally and without agenda.

I thank my good friend from Florida (Mr. DESANTIS) and the chairman for introducing this straightforward but necessary piece of legislation. I encourage all of my colleagues on both sides of the aisle to support this bill to keep the rule of law and to protect our constitutional Republic.

Mr. COHEN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. I thank the gentleman for yielding. Madam Speaker, I rise today in opposition to a bill that perhaps could more appropriately be called the ''Failure to Execute Our Legislative Responsibilities Act.''

This bill is a legislative solution in search of a problem. There is no evidence, there is no basis, there is no record to rationally conclude that the President of the United States has breached his obligations under the law in a manner that is inconsistent with the Constitution.

Now I recognize, Madam Speaker, that there are some individuals in this town who believe that the President of the United States broke the law in January of 2009 when he first took the oath of office, but there is no room for hyperbole or hypocrisy or hysteria in the legislative process.

This matter is another diversion from the business of the American people that we actually should be doing. We stand here again today wasting the time and the treasure of the American people. We should be dealing with comprehensive immigration reform, but House Republicans are blocking it. We should be increasing the minimum wage, but House Republicans are blocking it. We should be extending unemployment insurance, but House Republicans are blocking it. This bill is a distraction.

I urge my colleagues to vote ''no'' and let's get back to doing the business of the American people.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Madam Speaker, when I rise today, it is amazing that I have actually come to the floor and heard said it is a waste of time, it is problematic talking about the very structure of our government, the very structure that was formed, and how we interact with each other. I just don't get it. I never thought I would come to the floor of the House and actually hear those words actually uttered.

□ 1745

And I do remind my friends from across the aisle that there was that nirvana just a few years ago, and I do it every time because we talk about immigration reform in which there is basically control of everything, and you just chose not to act on it.

So let's move past the point when we can look at what we are doing here today, and that is looking at a law that actually goes back to the understanding of why we are here.

Every time I go home and every time I am up here, I get calls, I get notes, saying: Why is there the ability to change the law?

It is not prosecutorial discretion. It is saying: there is a black letter date, I am changing it, I don't like it.

That is wrong. When you are looking at discretion, it is not an issue of do I want to do it or not; it is an issue of what does the law say?

People back home could care less about Washingtonspeak. They could care less about what goes inside the beltway. They care about their lives, and they care about a government that they read about in textbooks that said here is how a bill becomes a law and here is how it works. We even had a little jingle about it on Schoolhouse Rock.

But we decided to move away from that. In fact, if the Republicans were not here talking about this, you would not have heard about some of these things because they are buried in many places—the very things that we talking about here, but the American people, especially in my district, want us to do more. They want us to say: reaffirm your article I responsibilities.

Now, the interesting thing here is we have had testimony, yes, in committee talking about this issue. The gentleman in which we disagree on policy, Mr. Turley, has said you may not like it, and I like some of what has been done, but this is not the way to do it.

It goes back to just really an understanding of what undermines Congress. We talk about our approval rating, we talk about our lack, but we don't do what we are supposed to do because we are not holding article I responsibility and accounting transparency from an executive who blatantly disobeys it.

So what do we need to do? We have got to reassert that article I authority. It is not only in bills like this and also the one we just passed, but it is also looking at our article I responsibility with budgeting. It is our article I responsibility to say we have got to come to an agreement and say this is the law and the executive has to enforce that law.

This is something that we can—and my good friend from Tennessee, we disagree on a lot of things—but we can agree on one thing today. We can work together on this because I remember, when you all was back watching on C–SPAN just a few years ago, the same outrage. Why would the President make signing statements?

In fact, we talk about Imperial Presidency. I remember the first time Imperial Presidency came up. It happened to be from the ranking member of our committee, Mr. CONYERS, when he wrote about the Imperial Presidency of Bush.

So let's take the hyperbole out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANKS of Arizona. Madam Speaker, I yield 2 minutes to the gentleman.

Mr. COLLINS of Georgia. So the question that comes to mind is: Why are we here?

It is because of the folks that I see every day that want to say: Congress doesn't do anything, the President does whatever he wants to do, why is Congress not doing anything?

We are doing something. These bills that we are passing today move forward and say we are asserting our responsibility and our role.

But this is what breaks my heart, really frankly, is that this should be bipartisan. This should be something we come down here and both agree on. It should be bipartisan that we should work together.

For me, this is not an issue of who resides at 1600 Pennsylvania. That is irrelevant to me. What is important to me is this institution that was set up to make laws, to execute laws, and to judge the constitutionality of laws. That is the way our system was set up.

It has changed through the years. If the Attorney General or the administration feels that there is a law that is wrong or unconstitutional, then the process is to come back to Congress and say here is our ideas, and you come to the elected representatives of the people.

You don't continue to just say I don't like it, I am not going to enforce it; and for many of these, to say this is just simply prosecutorial discretion is an affront to the American people.

The reason we are here today is Congress is asserting itself and asserting its role, and for the Ninth District of Georgia, that is why they sent me, is to do what Congress is supposed to do, but also hold the administration accountable for what they are supposed to do because back home they don't get it.

They remember I am just a bill, just an ordinary bill. That is the way it was supposed to work.

It is time we start rewriting the textbooks. It is time to get back to transparency and faithfully executing the law.

With that, I ask for support of this bill.

Mr. COHEN. I yield myself such time as I may consume.

I would just like to respond a little bit to what was said, and it was said in a previous discussion by my friend from South Carolina about why Congress is in such disrepute. He was thinking, if we pass this bill, people will think better of us.

I would submit the reason Congress is in such disrepute is because the GOP shut down the government. People don't know about how you make a bill, per se, but they know they want their government opened. When they come to Washington, they want to go to different places. The GOP shut down the government for 17 days, and that is wrong.

Madam Speaker, I yield 1 minute to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, I would just like to note that, in 2010, the House of Representatives did pass the DREAM Act. Eight Republicans voted against it. It was killed by Republicans in the Senate, but we did our best to pass the DREAM Act.

In fact, it did pass this House, and I still have the gavel that Speaker PELOSI used while presiding over that measure displayed proudly in my office.

I think, also, as we discuss matters, we can help undercut confidence in our system of government. Yes, we are fans of article I because we are in the Congress, but article II has its role as well.

I think it is important to note that the Supreme Court itself has, as recently as last year, noted—and that is in the Arizona case—that Federal immigration officials have broad discretion, including ''whether it makes sense to pursue removal at all'' as part of their authority under the Constitution.

Further, we have delegated to the President by statute, 6 U.S. Code 202, for the administration using its article II authority to establish the national immigration enforcement policies and priorities, which is what the President did.

So let's not instill anxiety and confusion among our constituents by somehow saying, when the President uses the authority that we have granted to him that the Supreme Court has noted he has, that somehow that is improper. It is not.

I would say further, on the merits of the case, this is not just random authority, as the gentleman from Arizona suggested earlier. It is the majority who specifically mentions the DREAM Act on page 2 of their report—of the committee report, as being problematic and a reason for this legislation.

It was the majority report, not me, who suggested that. I think it is very mistaken and wrong on a policy matter, wrong on a legal matter, and wrong constitutionally.

Mr. FRANKS of Arizona. Madam Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman, the chair of the Constitution Subcommittee, for yielding to me.

I rise in support of this act. I am a little bit astonished by some of the debate and the dialogue that has taken place here throughout this day, especially on the topic matter that is Executive overreach.

We have had extensive hearings in the Judiciary Committee. It should be clear to all that, when the liberal constitutional professors are concerned about our country, a tipping point in our Constitution, it is time for maybe a little bit more of an open dialogue here and I think more of an objective dialogue.

I would bring to your attention, Madam Speaker, some language that was in The Wall Street Journal today. It was in support of the Faithful Execution of the Law Act and then the reporting act that we are talking about.

It is a perfect example of why this bill is necessary in a report in The Wall Street Journal. It says, in today's issue, describing yet another ObamaCare delay that flies in the face of the statutory text:

> This latest political reconstruction has received zero media notice, and the Health and Human Services Department didn't think the details were worth discussing in a conference call, press materials, or fact sheet. Instead, the mandate suspension was buried in an unrelated rule that was meant to preserve some health plans that don't comply with ObamaCare benefit and redistribution mandates. Our sources only noticed the change this week.

Madam Speaker, this is not the way Congress should be informed of the President's failure to faithfully execute the law or his utter defiance of the law or his executive endeavor to amend the law outside the bounds of his article II constraints.

Madam Speaker, when the President or any other Federal official adopts a policy of failing to enforce a law or refusing to enforce a law, it should immediately inform Congress in writing, so the duly elected representatives of the American people can respond appropriately.

To have to find out in a newspaper article or find out on a Web site or, worse yet, in one of the earlier unconstitutional overreach efforts of the President to amend the ObamaCare law, we found out on a third-tier U.S. Treasury Web site.

Now, what of 316 million Americans responsible to know what the law says and do our best to comply with it can be cruising around on a third-tier U.S. Department of Treasury Web site, to see if the President has gotten up that morning or gone to bed late the night before, maybe a little bleary-eyed, and issued some kind of an order that there is going to be another change in ObamaCare?

ObamaCare, it has his name on it, Madam Speaker, the President's name, ObamaCare on the top and his signature on the bottom.

We had a constitutional review meeting this morning with constitutional scholars, and I said: Is it 31 times that the President has, by the stroke of his pen or the word of his mouth, amended ObamaCare?

They corrected me. They said: no, it is 38 times.

I don't have that list. I hope I get that list because I would like to examine some of them that I am missing, but the President of the United States has no authority to amend ObamaCare.

Yes, there is executive discretion on the implementation of it, but the starkest violation of the Constitution and the starkest amendment to ObamaCare is the one that people agreed with, and it is this: that the President announced that he was going to delay ObamaCare, the employer mandate, for an extra year when the bill itself says the implementation of the employer mandate shall commence in each month after December of 2013.

Now, I don't know how the gentlelady from California's dialogue gets

around that very, very strict language that was written into ObamaCare. It doesn't say if the President changes his mind; it doesn't say if Democrats are vulnerable. It says shall commence in each month after December of 2013; yet the President decided he would just simply delay that for a year. Now, there are, what, 30 or 37—pick your number—different times the President has done this?

I remember criticism from last summer when I was asked by the press and the public and the demand from people on the other side of the aisle, ObamaCare is the law of the land, so we are obligated to fund it through the appropriations process.

That was a big debate here on the floor of this House. I said, then, we don't know what the law is because the President has so stirred the pot with his executive orders, his executive pen, his cell phone, his ink pen, or his press conferences, that no one today knows what ObamaCare is or says.

Even if we think we knew, we would have to be a contemporary scholar of the bill, and we couldn't go to bed tonight thinking we knew what it would be tomorrow morning because it is likely to change again. That is what is going on, simply, with just ObamaCare.

By the way, I would add conscience protection, when we were assured—and it was to be written into the bill—that the conscience protection would be there for those folks who had a concern.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANKS of Arizona. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 3 minutes remaining. The gentleman from Tennessee has 9½ minutes remaining.

Mr. FRANKS of Arizona. I yield an additional 30 seconds to the gentleman.

Mr. KING of Iowa. I thank the gentleman.

I want to make a point. The President even amended ObamaCare by press conference, which is completely outrageous.

Not to get to the immigration components of this, there is nothing in this that deports anyone. The things that we did with my amendment addressing the DACA language are also the President's overreach; and by the way, the prosecutorial discretion says on an individual basis only seven times in that order, but it creates entire classes of people—four classes of people—encompassing hundreds of thousands of people.

You can't describe hundreds of thousands of people of being individuals. They are groups created unconstitutionally by the President.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

First, I want to set the record straight before we get too much revisionist history here. Yesterday in the Rules Committee, the distinguished chairman of the Rules Committee, Mr. SESSIONS, said that President Obama liked the law so much—the Affordable Care Act—that he had it named for himself. Today, my friend from Iowa said they put his name on it.

□ 1800

Well, he didn't define ''they.'' It wasn't us. It's the Affordable Care Act, Patient Protection Act. It was the opponents of the bill, them, that started calling it ''ObamaCare,'' thinking that would be a pejorative, and they have gotten so used to it, they think we did it. Take credit for what you do, but forgive them, for maybe they don't know what they do.

I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I rise in opposition to this burdensome and unnecessary piece of legislation.

We all know this is a message bill, a one-House bill that is not going anywhere in the Senate and is intended only as political propaganda against the President. It is a sham, and we all know it. In fact, we have come to expect it.

Never mind that there are real problems facing the American people that we can and should be working on, like raising the minimum wage, reforming our broken immigration system, creating jobs, extending unemployment insurance.

I guess it's not enough for my colleagues on the other side of the aisle to ignore America's real problems. They have to waste time on invented problems that don't really exist.

That brings us to the bill before us today. This bill would require the Attorney General to report to Congress any instance when any Federal officer establishes a policy to refrain from enforcing, applying, or administering any Federal law, as well as to state the grounds underlying such a nonenforcement policy.

It expands the current law, which requires the Attorney General to report instances when he determines not to enforce the law because he believes that law to be unconstitutional. This new burdensome mandate would not only result in confusion and drain already-limited law enforcement resources, but would present separation-of-powers concerns as to its constitutionality.

The bill would require the Attorney General to oversee every single Federal officer, every U.S. attorney, every deputy U.S. attorney, every agent of any Federal agency, thousands of people, and would require him to determine in every instance when they prioritize enforcement of some classes of cases over others whether such exercises of discretion constitute a ''policy'' of nonenforcement. What a complete mess. Millions of decisions every year. Talk about your bureaucratic nightmare, not to mention your waste of taxpayers' dollars.

What is even worse is this bill is a thoroughly flawed solution in search of an imaginary problem. Over the course of two oversight hearings on the topic, the bill's supporters have failed to identify a single example of the President really failing to ''faithfully execute'' the law.

It is clear that they have confused constitutional violations with the President's legitimate exercise of enforcement discretion, which is not only well within his authority, but is in fact required by the Constitution's Take Care Clause.

Whether it be increasing the minimum wage with Federal contractors, which he is allowed to do; allowing the DREAMers to stay in the country by deferred deportation orders, for which there is much precedent; or even delaying implementation of certain provisions of the Affordable Care Act, all of these actions are well within the President's legal authority. Of course the President has the authority to set guidelines for Federal contractors or to prioritize immigration enforcement dollars away from deporting children. Even when it comes to delaying deadlines of provisions in the Affordable Care Act, his goal was not to undermine the law. It was the exact opposite—to ensure that the law continues to work well for the millions of Americans who are benefiting from it: the children under age 26 who can remain on their parents' policies, those with preexisting conditions who can get insurance, women and seniors benefiting from increased preventive care services, of course the millions of previously uninsured who now have health insurance.

So, Madam Speaker, I hope my colleagues will be content with their message bill based on half-truths, completely unworkable technically, and completely without any benefit to the millions of Americans who want more from Congress than silly messages.

Americans want results. They want higher wages, a better immigration system, and affordable health care. I guess the Republicans are content to have them wait and to try to entertain them with silly nonsense. It is really sad. I hope we can get down to dealing with serious issues in this Congress.

Mr. FRANKS of Arizona. Madam Speaker, I now yield 1½ minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I heard my friend from Tennessee talk about revisionist history, and yet he has also talked about the Republicans shutting down the government.

So that we get this accurate, the truth is this body here proposed and passed three different compromises. One was going to suspend ObamaCare for a year. The Senate would not even take that up; they wanted a shutdown. Then we sent down a bill we passed from here that would actually just suspend the individual mandate—that the President has done unconstitutionally

and unilaterally for Big Business. Then when that didn't work, we passed a bill that said: Look, here's our conferees; you appoint yours; we will have a deal worked out by morning. HARRY REID wanted the Congress and all of the Federal Government shut down, and so he did nothing.

So, we know who shut things down, but I want to read a quote:

These last few years we have seen an unacceptable abuse of power at home. We've paid a heavy price by having a President whose priority is expanding his own power. The Constitution is treated like a nuisance.

Barack Obama said that, and he could not be more right as to classification of his own conduct.

Mr. FRANKS of Arizona. Madam Speaker, I would ask if the gentleman is prepared to close.

Mr. COHEN. Yes, I am.

Mr. FRANKS of Arizona. Madam Speaker, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

I would just like to say that while this legislation and the previous legislation is going nowhere, we should be dealing with the issues that face the American people, the serious issue of jobs and the environment and global warming and immigration reform and drug reform and freedom and liberty and justice and the American way.

I admire the Speaker. She is a fine woman and does a great job and has done a good job presiding today. And many of the Republicans, even though I don't agree with them, I think they are nice people, and most people here try to do the right thing. Unfortunately, some of the policies that they have I think put the country in a wrong direction, but they are basically nice people.

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

Mr. FRANKS of Arizona. Madam Speaker, I yield myself the remainder of the time.

I would say, Madam Speaker, in spite of the many unrelated issues that my friends on the left have brought up to bear on this bill, this bill is about the rule of law. Madam Speaker, I would remind all of us that the rule of law is what we had that little unpleasant discussion with England about so many years ago. After that we wrote a Constitution, and every person in this body swore to defend that Constitution, and that is what we are trying to do here.

If we now, as legislators in the United States Congress, are willing to stand idly by and let the President of the United States arrogate legislative power unto himself and dismiss the Constitution, then we would be obligated, Madam Speaker, to apologize for our oaths and dismiss the dream of human freedom and step back and board this place up and go home.

I would suggest to you, Madam Speaker, that some of us are not prepared and willing to do that. And so to that end, to the end that we can uphold the rule of law, I would encourage my colleagues to pass this bill.

I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, I rise in opposition to H.R. 3973, The Faithful Execution of the Law Act of 2014.

One of the areas in which the Executive Branch should be least hamstrung is in its ability to respond to imminent threats to national security or public safety and the Jackson Lee Amendment prevents the President from being shackled by Congressional litigation from protecting America.

A fundamental role of government is to ensure citizens' physical security.

While government should not be given unfettered power in the name of security, neither should we allow a lawsuit by Congress to hamper the President in responding to imminent threats.

H.R 3973 expands upon preexisting reporting requirements.

Already, Madam Speaker, under 28 U.S.C. Section 53013(a)(1)(A), the Attorney General is required to report to Congress whenever any officer of the Department of Justice (including the Attorney General himself) ''establishes or implements a formal or informal policy to refrain'' from (i) enforcing any federal statute, rule, or regulation on the grounds that the provision is unconstitutional, or (ii) enforcing or complying with a final decision of any court that interprets or applies the Constitution or a statute, rule, or regulation.

H.R. 3973 would expand 530D(a)(1)(A) in three respects.

First, it would require the Attorney General to report on nonenforcement policies adopted by federal officers outside of the Department of Justice.

Second, it would extend reporting requirements to all nonenforcement policies, regardless of their rationale.

Third, it would require the Attorney General to specify the grounds for declining to enforce any federal statute, rule, or regulation in his report to Congress.

To summarize Madam Speaker, the U.S. Code would look like the following:

(a) REPORT.—

(1) IN GENERAL.—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice or any other Federal officer—

(A) establishes or implements a formal or informal policy to refrain—

(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer and state the grounds for such policy on the grounds that such provision is unconstitutional;. . .

Again, Madam Speaker, an area in which the Executive Branch should be least hamstrung is in its ability to respond to imminent threats to national security or public safety, which is the amendment I would have offered in the Rules Committee last night.

A fundamental role of government is to ensure citizens' physical security.

While government should not be given unfettered power in the name of security, neither should we allow a lawsuit by Congress to hamper the President in responding to important matters of state.

I urge my colleagues to reject this Bill.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. ELLISON

Mr. ELLISON. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 3. EFFECTIVE DATE.

Section 2, and the amendments made by section 2, shall take effect only beginning on the date that the Attorney General finds that sufficient amounts have been appropriated to cover the costs of additional reports that the Attorney General is required to submit by reason of such amendments, including costs to Federal agencies and to Congress.

The SPEAKER pro tempore. Pursuant to House Resolution 511, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Speaker, if my colleagues who are offering this bill believe that it is a good idea, they should agree with my amendment. We will see.

My amendment is very simple. It just says that if the voluminous number of reports that may be generated by this bill are so burdensome that they shut down and interfere and gnarl up the instrument of government, then it would be legitimate for the Executive to waive the reporting requirements provided in the bill if sufficient funds are not available to generate the increased volume. It makes simple sense to do so.

My colleagues say they want transparency. They also say all the time that they want to cut red tape, that they want to cut extra reports, that they want to get government out of the way. Their bill is getting government in the way, for sure. If they are sincere about their desire for less government, then I am certain that they would be willing to put in a provision by which we would waive reporting requirements provided in the bill if sufficient funds were not available to deal with all of these reports that they are generating.

But do you know what?

It may just be, Madam Speaker, that, given that we had a 16-day shutdown and given that we just saw the Oversight Committee chairman cut off the mike and given that we have just seen sequestration and the cutting off of government, maybe, right now, what we are seeing is an effort to just bog down government—snarl it, wrap it up, get it twisted up—so that it doesn't really function. Whether you are shutting down or are cutting off or are bogging down, it is all interfering with the American people's government and its ability to serve them.

I would ask for a ''yes'' vote on my amendment because my amendment makes sense given that the general theme around here has been less government, particularly not unfunded

mandates and things like that. We certainly are not sending an appropriation along that is compliant with this bill. We are certainly not sending money along and extra staff to be able to generate the reports that would come about as a result of this bill.

It just seems to me that it would be fair for the Executive to say that that is not a constitutionally implicated provision for which we are using our discretion to either formally or not formally enforce; therefore, we don't need to write a report but for this amendment. Yet, since we don't have the money and since, I am sure, that my friends on the Republican side wouldn't want to bog down government, they should just be able to waive the requirement if there are not sufficient funds to comply.

I want to point out, Madam Speaker, that this particular bill would have the effect of burdening government unless we do have some provision for the Executive to escape it given its overburdening nature. This particular bill would be an undue burden.

I also think it is important to point out—I think it is very important for everyone listening to this debate to know, Madam Speaker—that existing law already requires the Department of Justice to submit a report to Congress when it determines that nonenforcement is recommended because the law is unconstitutional. So, when we need a report, the law already requires that we would get one; but informal? Think about the way this bill is written. It would require a Federal agency to issue a report even in the case of informal nonenforcement.

Does that mean that if somebody decides not to charge out a case that one has to write a report on it? Does that mean that if EPA officials cannot get down to every single polluter because they are dealing with the big ones that they have got to write a report about it? Does that mean that the FBI cannot prioritize the dangerousness of crimes and go after the most dangerous people and work with local law enforcement to deal with the other ones?

This is a ridiculous piece of legislation being offered. It would generate all types of burdens, and in order to meet and comply with it, it would require all types of expenses and extra staff. Since my Republican friends and I agree that it would not be a good idea to just push unfunded mandates on the government, I am sure that I will be able to get a lot of votes from both sides of the aisle that would allow the executive branch to waive reporting requirements.

Mr. COHEN. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Tennessee.

Mr. COHEN. You said you would definitely get a whole bunch of folks on both sides of the aisle?

Mr. ELLISON. In reclaiming my time, I thank the gentleman from Tennessee. I am sure we will get plenty of people on both sides.

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

Mr. FRANKS of Arizona. Madam Speaker, I claim time in opposition to the gentleman's amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

□ 1815

Mr. FRANKS of Arizona. Madam Speaker, I would oppose the amendment, as it would explicitly grant the Attorney General the unilateral power to negate the entire bill based on his own subjective determination of what constitutes ''sufficient'' appropriations.

This amendment would shield from accountability the President, the Attorney General, and any other Federal employee from the duty to take care that the laws are faithfully executed.

Madam Speaker, we know that this bill will not cost the taxpayers any money, according to the nonpartisan Congressional Budget Office. As stated in their official view submitted, CBO estimates:

Enacting the bill would not affect direct spending or revenues.

CBO estimates that implementation of the bill would not have a significant effect on the budget because such reporting costs are small and subject already to the availability of appropriated funds.

So, Madam Speaker, why does this amendment grant the Attorney General the unilateral authority to conclude otherwise?

Well, Madam Speaker, the Attorney General works for the President, and when given the opportunity to immunize the President from accountability, what does one think the Attorney General would do? It is logical to assume he would shield the President from accountability.

The base bill is specifically designed to hold the President accountable. This amendment, on the other hand, would allow his own Attorney General to shield the President from accountability, thereby gutting the bill, and so this amendment should be roundly defeated.

Madam Speaker, we have had significant debate here, but it is important to remind ourselves what it really is all about. The rule of law is truly the only context in which human freedom on Earth can exist. It is incumbent upon those of us who have taken an oath to uphold the Constitution of the United States to protect that rule of law here tonight. This is the intention of this bill. This is the deep commitment that should be on the part of all of us.

With that, I hope my colleagues would defeat this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from Minnesota (Mr. ELLISON).

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3973 is postponed.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113–97)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared on March 15, 1995, is to continue in effect beyond March 15, 2014.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran has not been resolved. The Joint Plan of Action (JPOA) between the P5+1 and Iran went into effect on January 20, 2014, for a period of 6 months. This marks the first time in a decade that Iran has agreed to and taken specific actions to halt its nuclear program and to roll it back in key respects. In return for Iran's actions on its nuclear program, the P5+1, in coordination with the European Union, are taking actions to implement the limited, temporary, and reversible sanctions relief outlined in the JPOA.

Nevertheless, certain actions and policies of the Government of Iran are contrary to the interests of the United States in the region and continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and to maintain in force comprehensive sanctions against Iran to deal with this threat.

BARACK OBAMA.

THE WHITE HOUSE, *March 12, 2014.*

45TH ANNIVERSARY OF THE MINORITY BUSINESS DEVELOPMENT AGENCY

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

Mr. COHEN. Madam Speaker, I rise today to applaud the Minority Business Development Agency on its 45th anniversary.

The Minority Business Development Agency was established by executive order on March 5, 1969, and has worked to promote the growth and global competitiveness of a critical segment of

the U.S. economy, the minority business community. Through their nationwide network of MBDA Business Centers, the MBDA has helped minority firms access contracts, capital, and enter market opportunities, both domestic and global.

Over the last 5 years specifically, this assistance has provided minority firms access to nearly $20 billion in contracts and capital. I thank the MBDA for all it has accomplished over the last 45 years, especially the work at the Memphis MBDA Business Center in Tennessee Nine, my congressional district in Memphis, Tennessee.

In the coming years, the growth of America's workforce will come from minorities, and we need strong minority businesses to achieve maximum economic growth. I am certain the MBDA will lead the Nation to achieving our full potential.

HONORING DON MANN

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

Mr. SCHRADER. Mr. Speaker, I rise today to pay tribute to a man who has spent over 37 years in public service, including 20 years in my district in beautiful Newport, Oregon.

I am speaking, of course, about Don Mann, who recently retired as general manager of the Port of Newport after 18 years at the helm. Don's tenure at the Port was marked by significant changes that will reverberate in that region for years to come. His leadership and vision are beginning to make the central Oregon coast an economic hub.

Don led the charge, putting together the proposal that relocated NOAA's Pacific Marine Operations to Newport, Oregon, against all odds and some pretty big cities to the north. It is an incredible achievement that cannot be understated.

Not to rest on his laurels, Don has continued to work hard improving the international Port of Newport, which will also provide significant economic development for that region.

I just want to say, Don, it has been a pleasure working with you. I have enjoyed it immensely. Your tireless work on behalf of Oregonians is recognized. I wish you and Carolyn all the best in retirement.

Take care, my friend.

SETTING THE RECORD STRAIGHT

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

Mr. GOHMERT. Mr. Speaker, at this time I would like to yield to my dear friend, Mr. LAMALFA.

Mr. LAMALFA. I appreciate my good friend from Texas. Thank you for yielding time tonight.

I wanted to speak a little bit about some issues affecting California and the wise use of U.S. taxpayer dollars.

California's high-speed rail, on its surface, may have sounded promising to voters when they acted on it in the 2008 election—until you take a closer look at it.

Once the planning on the project began, the public found it would take billions of dollars to build and operate beyond what they were promised when it was on the ballot. What had been a $33 billion ballot pricetag was exposed at a November 2011 public hearing as a nearly $100 billion project.

After some scrambling to make plan changes, which likely render it illegal from the enabling legislation voters passed as Prop 1A, we now see the current $69 billion plan, which uses low-speed modes in the urban areas of San Francisco and LA, again, found illegal under Proposition 1A. The tripled, then discounted, doubled pricetag is far from what 52 percent of California voters said ''yes'' to.

High-speed rail's ballot measure was delayed by the State legislature two election cycles before finally placing the High Speed Rail Initiative on the 2008 ballot, where Californians approved what they thought would be a reasonably managed project to connect San Francisco to Los Angeles with a 220-mile per hour train.

Because of Proposition 1A, the State could fund a portion of the construction with $9.95 billion in bond funds, with the assumption that the rest of the money would come from private investors. At the time, the 2009 stimulus act was unknown.

The high-speed rail project that we have today has been plagued with poorly drafted funding plans, with little or no accountability to anyone for the absurd amounts of money spent so far. No accountability means millions of dollars spent on consultants, environmental impact reports, even lobbying here in Washington, D.C., and on numerous lawsuits from Californians who stand to lose their homes, farms, and businesses because they are in the path the high-speed rail would travel.

Recently, a Superior Court judge ruled that the High Speed Rail Authority needed to redraft a 2011 funding plan for the project. The judge halted all bond sales because the Authority hadn't attained the necessary environmental clearances for the areas of the State where construction is planned to begin, nor shown there was even a plan of financing to complete even the first phase of the project.

Meanwhile, the State schemes to inappropriately use truck weight fees or to use cap-and-trade funds in order to prop up the high-speed rail's bottom line.

If a Superior Court judge says that Californians can't spend any more money on the planning and construction of high-speed rail, why should America taxpayers via the Federal Government?

Nearly $3.3 billion in grant money has been awarded to the High Speed Rail Authority by the Federal Government via the aforementioned stimulus package that was approved in 2009 by a different Congress. This is to spend on construction. However, the Federal grant award is based on California's ability to match the Federal dollars with State funds from the bond. So it is my hope the Federal Government will put all the money earmarked for the high-speed rail on hold.

Mr. Speaker, given the judge's recent ruling, I don't believe it is in the best interest of California's taxpayers or America's taxpayers to continue throwing money down this high-speed rathole. These Federal dollars should be used for pretty much anything else, such as building more freeway lanes, expanding airports, or, especially in this time of severe drought in California and the West, redirecting these scarce dollars to alleviate drought now and in the future with new water storage and infrastructure, which all Californians will benefit from.

Instead, even after the judge's ruling, the High Speed Rail Authority said that they would continue to press forward the funding efforts to seize land from farms and businesses and hurriedly perform the necessary and very expensive environmental reviews. They now plan to front-load the project with funding from the U.S. taxpayer via the Federal funds we saw in the stimulus package because the State funding has been put on hold by the judge unless we in D.C. say ''no.''

California has $8.6 billion in bond dollars left to spend on building the high-speed rail, as nearly $1 billion has already been spent without yet turning a shovel. Assuming they still receive the $3.3 in stimulus funding and the total cost to build is the lowball number of $69 billion, this mean the High Speed Rail Authority has less than one-sixth of the funding necessary secured at this time. To me, the math doesn't add up. Perhaps in Fantasyland, where the monorail rail runs, it does.

Would you continue to invest in something that has a majority of the already-secured funding put on hold because your illegal business plan has holes big enough to drive a train through? I think not.

The Authority also hasn't shown any restraint in using taxpayer dollars. To date, they have spent upwards of $600 million on engineering and environmental consultants without ever breaking ground. The Madera-to-Fresno segment alone is going to cost $987 million—an unbelievable amount of taxpayer dollars for a segment that can't even operate trains as a stand-alone project.

So many affected residents of the Central Valley, and all over the State, are happy the funding has been put on hold. Their farms, residences, and businesses are threatened to be seized, shut down, and destroyed for a project that will not ever happen.

I hope California wakes up and realizes that this project is just a pipe dream that has hit none of its goals for cost or ridership. The legislature has had many opportunities to stop this high-speed rail boondoggle, and they will have another chance again next year. State Senator Andy Vidak has revived my ''Revote the Rail'' measure that I tried to get legislated back in 2010 and 2011, and will try to get the high-speed rail issue on the November 2014 ballot.

As the LA Times poll says, 55 percent of Californians would like to vote again on the high-speed rail issue, and 59 percent say they would vote down high-speed rail. I support Senator Vidak's proposal, as I did before. It needs to move forward to give people choice, now that they have seen the real numbers.

Here in D.C., we need to stop Federal dollars for the rail and instead direct those funds towards real needs such as tried and true water storage projects, infrastructure that will turn the water, and the jobs, back on in the Valley, and keep California, the Nation's fruit and vegetable capital that it is, producing, in some cases, over 90 percent of U.S. fresh fruit and nut crops that U.S. consumers need and desire.

Once again, let's not put U.S. taxpayers on the hook for a high-speed rail boondoggle that benefits only those that make money off of it. Californians don't want, don't need, and can't afford it.

(1830)

Mr. GOHMERT. Mr. Speaker, sometimes it is very helpful to set the record straight, as my friend from Tennessee talked about earlier, and I thought that would be highly appropriate, given some of the lighthearted and sometimes mean-spirited barbs that have been sent the way of former Governor, Vice Presidential candidate Sarah Palin.

So I just wanted to set the record straight, Mr. Speaker, so that people will understand, and the CONGRESSIONAL RECORD will properly reflect just how prescient that Sarah Palin has been in the past.

We are going back 5½ years, but this was an interview that Charles Gibson did that gave rise to a ''Saturday Night Live'' skit. This was Charles Gibson, quoting verbatim from him, and then Sarah Palin.

Gibson: Let me ask you about specific national security situations. Let's start, because we are near Russia. Let's start with Russia and Georgia. The administration has said, we have got to maintain the territorial integrity of Georgia. Do you believe the United States should try to restore Georgia and sovereignty over South Ossetia and Abkhazia?

Sarah Palin: First off, we're going to continue good relations with Saakashvili there. I was able to speak with him the other day and giving him my commitment, as JOHN MCCAIN's running mate, that we will be committed to Georgia. And we've got to keep an eye on Russia. For Russia to have exerted such pressure in terms of invading a smaller democratic country, unprovoked, is unacceptable, and we have to keep— Gibson interrupted and said: You believe unprovoked?

Palin: I do believe unprovoked. And we have got to keep our eyes on Russia. Under the leadership there.

Gibson: What insight into Russian actions particularly in the last couple of weeks, does the proximity of this state give you?

This is the operative line here. Sarah Palin said: ''They're our next door neighbors, and you can actually see Russia from land here in Alaska.''

Gibson: You are in favor of putting Georgia and the Ukraine into NATO?

The interview goes on, but that is what Sarah Palin said: ''They're our next door neighbors, and you can actually see Russia from land here in Alaska.''

That should be relevant to people. If you are living next door on 1 acre of land, and the people that own the acre next to you have been guilty in the past of breaking into other neighbors' sheds and buildings, then certainly that is something that you ought to be watching more closely than people on the other side of the town that don't live next door. I mean, proximity can be an important matter.

But here is the text of what ''Saturday Night Live'' did on September 13, 2008. We know that ''Saturday Night Live'' has altered sketches that, in the past, at least once I recall seeing, where they were afraid it might make President Obama look bad, and they certainly didn't want to do that.

Okay to take shots at Republicans, but they certainly didn't want to be fair and hit back at President Obama the same way, and even as Lorne Michaels, comic genius that he is, has indicated, yeah, they do lean left there at ''Saturday Night Live.''

This was a sketch involving Tina Fey as Sarah Palin, Amy Poehler as Hillary Clinton. They were appearing together in the sketch, and these quotes are verbatim from the sketch.

Tina Fey, as Sarah Palin says: ''But tonight we're crossing party lines to address the now very ugly role that sexism is playing in the campaign.''

Then Amy Poehler, as Hillary Clinton: ''An issue which I am frankly surprised to hear people suddenly care about.''

Tina Fey, as Palin: ''You know, Hillary and I don't agree on everything.''

Poehler as Clinton says: ''Anything. I believe that diplomacy should be the cornerstone of any foreign policy.''

Then Tina Fey, acting as Sarah Palin said: ''And I can see Russia from my house.''

So that is where the line came from. There are many in the United States that actually believe Sarah Palin said ''and I can see Russia from my house.'' It was a very clever sketch. It was funny. I laughed when I saw it.

I also knew how intelligent, and what a great leader and Governor Sarah Palin had been, and what a great leader she is, but we can all laugh at ourselves.

I just didn't realize that that was going to take off, and by the writers at ''Saturday Night Live'' giving Hillary Clinton a line that said, ''Anything. I believe that diplomacy should be cornerstone of any foreign policy,'' sounding like a diplomat or a politician, and then trying to make Sarah Palin sound very much less so, when, actually, the best quote remembered from Hillary Clinton will probably go down as the statement made here on Capitol Hill in reference to the four American heroes serving in harm's way whose lives were taken by radical Islamists in an act of terrorism that had nothing to do with the video.

Our Secretary of State, having suffered a blow to the head, we were told that kept her from testifying originally, she was able to say: ''What difference, at this point, does it make?'' Not realizing, obviously, that when Americans are murdered, who are working for this government, and even working for her with her as the boss, it is rather important to find out precisely why those people were murdered.

In fact, some Libyans told me that very thing back before Christmas. They said, so many Americans want to know who killed your four Americans. That is important, but an even more important question is why they were killed.

So we have Hillary Clinton, who is saying, at this point, what difference does it make why they were killed, how they were killed?

Just the reverse of the way ''Saturday Night Live'' made those two individuals look through the caricature, Sarah Palin called the shot with Ukraine years ago. I would say prophetic, but it is not prophetic. It is a bit prescient, but it has more to do with someone who has studied international relations, understands leaders like Putin, understands their lust for power, and understands they have got to be stopped, instead of carrying a plastic button over to dogmatic, totalitarian, wannabe leaders of Russia and saying, here, let's press this button and we will restart, reset everything.

That is no way to conduct foreign policy. The greatest strides in the security and safety and acquiring the security and safety of the world have come when people knew they were dealing with an evil empire and stood up to it.

I was asked just shortly ago, why did you vote ''no'' on the bill that was brought to the House floor to provide money, give loans to the Ukrainian people?

I developed a great love and care for Ukrainian people as a college student on a summer exchange program, and I found a lot of commonality with college students, some of the college students there in Ukraine.

I made the mistake of saying ''the Ukraine,'' Mr. Speaker, but one of my

Ukrainian college friends corrected me when I was there as an exchange student. He said: Do you say I am going home to ''the Texas''? I said, no.

He said: We don't say ''the Ukraine.'' You come to Ukraine. It doesn't need the article ''the.''

So there in Ukraine, people are suffering. They feel the boot of Russian power coming at them, at first from the Crimea, and it may go farther.

I understand, having been there a number of times, in Ukraine, that there are parts of Ukraine that have sympathies with Russia, that love the days of the Soviet Union when they didn't have to look for a job themselves.

The government would tell them how far they were allowed to go in school. They would tell them what their job would be. You step out of line, you could go to Siberia. They actually miss those days.

Whereas most Ukrainians seem to have that yearning that George W. Bush talked about as President, a yearning to be free—not all people have it, as we have seen. Some prefer security over complete freedom, and that needs to be understood.

As Franklin was quoted, paraphrased as saying: Those who would give up liberty for security deserve neither.

I know there were Soviets after the fall of the Iron Curtain, after the demise of the Soviet Union, who were panic-stricken. You mean, I have got to find a job? I mean, the government has always told me everything to do.

I will never forget being in Ukraine in recent years, and I had gone with a Ukrainian translator friend. My Russian has gotten pretty bad since college, not having any need to use it.

We were in a Ukrainian restaurant. It was off the beaten road, and so it was mainly Ukrainians there. But in one area of the restaurant there was a very large, extended Russian family. That was clear. And the patriarch was clearly Russian, speaking Russian. He appeared to have had too much to drink.

A little trio came by, a couple with musical instruments, one, a young Ukrainian, with an incredible operatic voice, and they would perform at tables and do requested songs.

They came over to the extended table with the extended Russian family, and the patriarch called out that he wanted to hear ''Moscow Nights,'' and I bet the group knew ''Moscow Nights,'' but they said that they didn't know that.

□ 1845

So they asked for another song, and they performed it. It was magnificent. Then the boisterous Russian patriarch said—and the translator was helping me—he said: We never knew why you, in Ukraine, wanted to pull away from Russia. We love you Ukrainians. We love you. We wanted to stay together, as brothers. We never understood Ukraine wanting to pull away and not be part of Russia.

And the guy was probably late twenties, maybe 30, that was the singer; and he very politely said in Russian to the Russian: Have you been here to Kiev before?

And the Russian said: Yes, but it has been perhaps 20 years.

And the young Ukrainian said: Ah, so how do you find it now compared to 20 years ago?

And the Russian patriarch, having had too much to drink, said: It is magnificent. You have done a fantastic job. Oh, we love all of the buildings, all of the growth, all of the wonderful things you have done here. We want to be brothers. You have done a magnificent job.

And the young Ukrainian singer yelled: That is why we wanted to be apart from Russia. You kept us oppressed. You took away the best we had. You stepped on us. You mistreated us. You would not let us reach our potential. That is why we want to be separate from Russia. That is why we separated from Russia. That is why we do not want to be part of Russia. You took the best we had and left us nothing. We can do much greater things when you allow us, as Ukrainians, to be in charge of Ukraine.

And I wanted to stand up to give the young man a standing ovation. I was just thrilled that he was so passionate and felt so strongly about Ukrainian freedom.

There are so many in Ukraine who feel that way. They don't want the Russian boot on their throat. Some are not aware that when—perhaps the most evil man of the 20th century, Hitler—Hitler's forces marched into Ukraine, they were actually met initially with banners and lauding that the Ukrainians looked upon them as liberators from Russia.

And if they had not been so consumed by the ridiculous superrace mentality that they had sold themselves on, they would have recognized that the Ukrainians would have helped them; but, instead, they brutalized them, wantonly killed Ukrainians, and forcefully turned the Ukrainians against the Nazis.

Had the Nazis not been so consumed with their narcissism and self-aggrandizement, they probably could have used the Ukrainians' help and never suffered such a brutal winter in Russia as they did. That is history.

And I am very proud that we have a former Governor from Alaska that understands people like Putin, understands that Putin may have suffered from a debility, like Stalin did. Stalin described it—the English translation was ''with power, dizziness.''

So Putin gets a little bit dizzy. Gee, let's take the Crimea—because he has done, as Khrushchev did of our late, great President John Kennedy—Kennedy was a brilliant man. There was no question he was a man of courage, as illustrated during World War II.

We are told that he was taking a number of medications when they met in Vienna in the summer of 1961; but he also acknowledged, after his meeting with Khrushchev, that Khrushchev just brutalized him, and he seemed to be embarrassed with how he performed.

Khrushchev, on the other hand, had said he was immature. He was weak. That was his assessment of Kennedy because he already knew that he had backed Kennedy down during the Bay of Pigs.

The plan that was hatched during the Eisenhower administration, Kennedy was apprized of, but then it was changed. Kennedy takes office as our President, and he finds out there is going to be more American involvement.

Unfortunately, within 3 days of the invasion to be launched into the Bay of Pigs to attempt to overthrow Fidel Castro in Cuba, President Kennedy got cold feet and pulled back on the support that was going to be offered.

The people were devastated, killed, or taken prisoners. It was a disaster. Kennedy said, later, that he would have preferred an all-out invasion to appearing so weak, words to that effect.

A meeting between Khrushchev and Kennedy in Vienna—I believe it was June of 1961—reaffirmed in Khrushchev's mind that this was a weak, immature leader.

Then toward the end of July of 1961, President Kennedy gave a powerful speech, basically making clear that we have a commitment to West Berlin. We have a commitment to West Germany; and we would not, under any circumstances, allow the Soviets to prevent us from making good on our promises.

He even used the word ''force.'' We didn't want to use force; but if it was required, it would be used. Khrushchev had already taken his measure of the man, knew he could push him further, and the Berlin Wall began being built.

The United States did nothing; and it reaffirmed, in Khrushchev's mind, that what he had assessed in Vienna—that Kennedy was immature, was weak—was even more true than he had thought before.

He knew he could push this man; and as a result, he was willing to risk thermal nuclear war to put missiles with nuclear weapons into Cuba. He would never have been so brazen as to put nuclear weapons on missiles within 90 miles of Florida had it not been for his repeated assessment in the first year of John Kennedy's Presidency that he was weak.

Well, he misread him. Kennedy showed weakness in 1961 at least three times, but he did have courage. It just took him a while to get up to it.

But as a result of the weakness that was assessed by Khrushchev, we almost came to mutually assured destruction, where the Soviet Union and the United States would have launched nuclear weapons toward each other. It was a very, very dangerous time for the world.

We are now under the administration of President Barack Obama; and I cannot imagine any Russian leader perceiving anything but just absolute weakness, as a leader, when the microphone picked up what President Obama said before the election: you know, tell Putin that, after the election, I will have a lot more flexibility.

The message was clear. I am willing to cave on all kinds of things. I have to look strong right now, but I will cave on all kinds of things once we get past the 2012 election.

For all the things that he is, Putin is not stupid. He knew exactly what that message was, though most of the voters in the 2012 election did not; and as a result of that and so many other things, Russia believes they can cow America, and we will not stand up. When this President draws led red lines, they won't be enforced.

I am going to go back to something Sarah Palin pointed out in her interview, and this is actually in NewsBusters. It talks about the interview that Sarah Palin gave with Charlie Gibson, and it sets the record straight.

Palin foresaw that, because of Putin's actions and Russia's movement against Georgia, that if we did not send a very clear message that such offensive border-neglecting actions were not rebutted, then there would be other invasions to follow.

She has been skewered for saying, back in 2008, that if Russia was not stopped, then next, they would move against Ukraine. She was belittled for that; and yet, she had read Vladimir Putin far better than anybody in this administration.

She knew what they were capable of. She knew what they wanted to do, and she knew there is only one way to deal with bullies, and it is not to repeatedly give them your lunch money. If you continue to attempt to appease bullies, not only will they continue to take more and more and more, but they will have no respect for you whatsoever.

That is also a problem we have had with radical Islamist leaders in the world. They understand one thing: strength. That is why the United States Marines were sent to the shores of Tripoli.

It was not the negotiations that Thomas Jefferson and others engaged in with the Barbary pirates, those radical Islamists. That didn't do any good. It wasn't until the Marines fought as bloody or tough or tougher than the radical Islamists that they realized, gee, we had better leave these guys alone.

But for the valiant, fervent fighting of the Marines, then we would have continued to have to pay huge portions of our United States budget for extortion to get our sailors back.

Sarah Palin understood that. She understood that you have got to stand up to bullies, so I think it is important that the CONGRESSIONAL RECORD properly reflect that Sarah Palin had it right.

Saturday Night Live assessed her wrong. Sarah Palin had Putin pegged. She had the actions of Russia pegged. She knew what they would do next.

So what have we done? Ukrainian borders are violated by Russia, and we want to go by as our friend is being brutalized, assaulted, and throw money at our friend who is being brutalized.

□ 1900

That is not much of a friend. If I am being assaulted, I would hope a friend would stop and help me and not just throw money on the way by. In fact, we have agreements in writing that require more than simply throwing money at Ukraine when they are being brutalized by Russia. Russia's economy is not all that strong. And I don't know if Ukraine would get this desperate or not, but we know that Putin, just to show Ukraine that they can hurt them, has stopped the flow of natural gas before.

Perhaps at some point, Ukraine will get desperate enough to say: Well, they may have a very weak leader over in the United States that will not come help us, but something we can do to hurt you, Mr. Putin, you do one more thing and those pipelines of yours that bring you so much money into your treasury will be history, and then see how you do.

I hope it never gets to that point. I hope that Russia doesn't continue to push matters until they push us, as Khrushchev did, to the brink of world war again. But in seeing the debate between President Obama and Governor Romney in which President Obama chided him by saying the 1980s called and they want their foreign policy back, we have now seen the appeasement repeatedly of this administration. And that is why I have said before that Neville Chamberlain called to this administration, and he wants his foreign policy back, because it appears it is being utilized once again. It didn't work for England against Hitler, and it will not work now against Russia and Putin.

I was very small as a kid in elementary school, but I learned early on I may get my nose bloodied, but I am going to make the big bully hurt. And when I made him hurt enough, after he had bloodied my nose, he left me alone. He could have hurt me. But it doesn't matter whether you are big or small, if you want to deal with bullies by appeasement over and over and over again, then it is clear you are going to continue to encourage bullying. I was never for bullying. I would stand up to it as a young kid in elementary school, and I am for standing up against it when we have the most powerful military in the history of the world—until this administration finishes with it. We still do for now.

Well, here is something else that is pretty powerful. Sarah Palin in her speech to the Conservative Political Action Committee on March 8, 2014, said this:

> Those policies that the Cabinet have to explain and justify, how do you convey to Putin the threat that sounds like, ''Vladimir, don't mess around, or you're going to feel my flexibility, because I got a phone and I got a pen and, um, I can dial real fast and poke you with my pen. Pinkie promise.''

Well, obviously, she was having some fun herself, but she makes the point. A phone and a pen won't do it. When you are talking about a bully that does not mind violating borders, killing people, and subjugating masses of people, you have to stand up to them.

I think one of the clear indications not only that we had a weak administration on foreign policy, but also we didn't use common sense in protecting ourselves came very clearly before the Boston bombing when the Russians, the Russian leaders—the Russian people like us pretty well, but the Russian leaders don't like us particularly and certainly don't respect us. But even so, they realized that we actually have a common enemy, and that is radical Islam, radical Islam that would love to see Russia fall, Ukraine fall, and the United States fall, would love to see them all fall under a giant global caliphate. So we have that common enemy who wants to destroy each of our ways of life.

So Russia, despite their dislike and distaste in some ways for the United States, actually reached out and said: Hey, we are not sure you realize, but this Tsarnaev, he has been radicalized, and he is dangerous. We are not going to reveal too many secrets here, but any intelligent administration will take what we have said that Tsarnaev is dangerous, he has been radicalized, and he is a threat to you and do some digging. And the best we can find out, even after questioning the Director of the FBI, the best we can find out is they apparently went and talked to Tsarnaev himself.

Well, okay, I guess you've got to do that. Good idea. If somebody is very good at questioning, if somebody really understands the radical Islamist mind, if he knows who the Islamic authors are that have inspired radicalism, if he knows who the imams are that have helped radicalize people, then you can ask the right questions about which imams you have been around, what authors are your favorite authors, what do you think of Qutb in Egypt and the writing that he had, that milestone that Osama bin Laden credited with helping radicalize him. If you know the questions to ask, you can find out whether somebody has really been radicalized.

But as a few of us have found out when we reviewed the material purged from FBI training material, we are not allowing our FBI agents to be properly trained as to the threat and the beliefs of radical Islamists. Again, as one of our intelligence officers has told me, we have blinded ourselves of the ability to see our enemy. And it continues. We continue to have people advise this administration who have known associations with radical Islamists. The Egyptian paper, back when it was controlled

by the Muslim Brotherhood, bragged that they had six Muslim brothers who were top advisers in top positions in this administration. So we are not allowing our FBI, our intelligence officials and agents, to be trained to properly see this threat.

So the Russians say: Hey, this guy is a threat to you. You had better check him out, and you will find out what we are talking about. He had been to an area where people were often radicalized. He had gone to an area that he came to America claiming asylum, to need asylum from, and he goes back to that area? Well, that should have been a red flag right there. He didn't need asylum from that area. He just went back and got radicalized. But our blinded FBI agents were not able to ask those questions, and when I chided the FBI Director for not even going out to the Muslim mosques to talk to people out there, to ask questions, to ask questions to find out if the Tsarnaevs have been radicalized, the FBI Director said that they did go out there to the mosque. I didn't hear it at the time, but I heard it on the replay when he adds, ''as part of our outreach program.''

They didn't go out there to investigate the Tsarnaevs to save Bostonians' lives. He didn't even know that the Islamic Society of Boston was started by a man named Al-Amoudi, who is in prison for 23 years for supporting terrorism. After being a very important adviser, he helped find Muslims to go into the military as Muslim chaplains. He helped the Clinton administration. He actually helped the George W. Bush administration early on until they figured out, whoa, this guy is supporting terrorism, and they had him arrested I believe it was 2003 out at Dulles Airport, and he is in prison now because they recognized what he is. But our FBI Director, the FBI agents didn't even know you had a terrorist supporter that started the mosque where the Tsarnaevs went.

So when the Russians see that we give America—that we don't really like, we don't really trust, but we give them a heads-up to actually save American lives, and even with a heads-up like they gave us, we can't properly protect the people of Boston because of political correctness in this administration, well, it just adds to the assessment by Putin and the other leaders in Russia that these are people that don't recognize danger when it is pointed out to them with a big sign saying ''danger'' on it.

So, of course, just like Khrushchev's assessment that turned out in the end to be wrong, I hope and pray that we don't get to the brink of nuclear war because leaders around the world have assessed, as Khrushchev did, that the American President is weak and can be pushed around indefinitely. I don't think President Obama can be pushed around indefinitely, but I sure don't want him to be pushed all the way to nuclear war before we finally take a stand, as Kennedy did. And you don't have to get that far if you stand up against the bullies early on, as Neville Chamberlain was not willing to do, and as a result, millions and millions died, and millions suffered unthinkable tragic suffering because leaders wanted to go the appeasement route.

For all the flack Sarah Palin has taken, she had Russia pegged. And it is not because she ever said ''I can see Russia from my house.'' She never said that. She accurately said you can see Russia from parts of Alaska—not her house.

□ 1915

She was willing to laugh at the skit, but now we are not talking about laughable things. We are talking about freedom being taken at the point of military weapons in Crimea, in Ukraine.

We see China moving in areas and places they have never had the courage to move because they knew America would not stand for it and we would rally other nations against China. The Chinese leaders know that at times, as good as the economy seemed to be going, they are a fragile economy. As I have said before, I think if China knew that they could call all the debt of the United States and push us into a bankruptcy-type mode in the United States, they would except they would suffer dramatically, and if they ever get to the point where they think that they can take this Nation down financially without losing their own, they would do it. That is why it is a terrible wrong as a government to allow ourselves to become further and further indebted to China.

Today, apparently the news we were seeing, their economy has taken a hit today. I look forward to learning more about that this evening, but it is time Americans woke up, Mr. Speaker, and realize that appeasement of bullies, of thugs, has never worked. It will never work, and when you are the most powerful, have the most powerful military in world history in the face of growing bully power, you don't abandon yours.

We want to help those who cannot feed themselves in America. We want to help those who cannot provide for themselves in America. Certainly we differ on our side of the aisle. For those who are able-bodied and can work, let's get the economy going so that people have a job and can do for themselves and make more. Let's don't continue to make people more and more dependent on the government.

I know my friends across the aisle do not want to see the world fall into war as it did in World War II, do not want to see us come to the brink of thermonuclear annihilation as it almost did during President Kennedy's term, but it is important to understand from history that is where you go when you show weakness.

We can defend ourselves without putting tens of thousands or 100,000 troops into a country like we did in Afghanistan. For heaven's sake, we defeated the Taliban with less than 500 Americans in there helping the Northern Alliance. We helped them with weapons, we helped them with air cover, we helped them with intel, and they defeated our enemy for us, and this administration will point to the Northern Alliance and call them war criminals because they fought like the Taliban fought. We can fight our enemies by empowering the enemy of our enemy. They are Muslims. We can live with the Northern Alliance as long as they don't ever turn on us. As long as they are going to fight our enemy, then let them fight our enemy.

Yet for the government that was given to Afghanistan at our pushing—a tribal, regional country like Afghanistan was given a strong centralized government that would lead to nothing but corruption. We should have known it when it happened, so how do we deal with the problem there? As my friend, former Vice President Masood said, You help us get an amendment into our Constitution that allows us to elect our governors, elect our mayors, pick our own police chiefs, take that power away from the appointment power of the President, and we can protect our regions and keep the Taliban from taking over.

This administration does not seem to want to push for something like that. It can't even get a status of forces agreement that was teed up completely for them by President Bush in Iraq but then was fumbled by this administration.

I was meeting, had a visit with a Baloch friend today. If you have done homework, you know, Mr. Speaker, that the Taliban is apparently getting supplied mainly from Pakistan, and much of the supplies come through the more southern area, the Baloch area of Pakistan. We also know that the Baloch have been victimized, oppressed, persecuted, killed, and terrorized by the Pakistani military, the Pakistani government. Iran has done the same thing because the Baloch people are indigenous to the southern part of Pakistan and on into the most mineral-rich areas of Iran. So we don't have to go to war with Iran, we don't have to go to war with Pakistan, but if you start assisting the Baloch people to stop the oppression and perhaps have their own independent country, the Taliban stop getting supplied by Pakistan. Iran doesn't have all of the minerals. They have those mineral areas, a big part, an important part of them at least are run by the Baloch people, and we can do business with them.

There are ways to deal with the enemy of our enemies so that they keep areas around the world in check so you don't have to lose so much American lives. Most people are not aware that most Americans have been killed under the administration of this President. It is time we stood firm. It is time we let the bullies of the world

know Sarah Palin was right, and we need to stand up to them.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3189, WATER RIGHTS PROTECTION ACT; PROVIDING FOR CONSIDERATION OF H.R. 4015, THE SGR REPEAL AND MEDICARE PROVIDER PAYMENT MODERNIZATION ACT Of 2014; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MARCH 17, 2014, THROUGH MARCH 21, 2014.

Mr. BURGESS (during the Special Order of Mr. GOHMERT), from the Committee on Rules, submitted a privileged report (Rept. No. 113–379) on the resolution (H. Res. 515) providing for consideration of the bill (H.R. 3189) to prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture; providing for consideration of the bill (H.R. 4015) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes; and providing for proceedings during the period from March 17, 2014, through March 21, 2014, which was referred to the House Calendar and ordered to be printed.

MONEY IN POLITICS

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

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I appreciate the opportunity to speak to the Chamber this evening. I want to talk about the topic of money in politics, which is something I think Americans across the country are increasingly anxious about because it really jeopardizes the voice they should have in their politics, in their democracy in their own government.

Yesterday, there was a special election in Florida's 13th Congressional District, and the results of that election will get commented on at length in the coming days. People will try to make forecasts about what it means for the 2014 election cycle. Generally, they will analyze it. They will look at the data and they will prognosticate as to what the implications of it are going forward.

A lot of that commentary will miss what I think is the most sinister aspect of the election yesterday that was held in Florida, and that is the tremendous amount of money, the tremendous amount of money that poured into that election, not from ordinary, everyday citizens, not from the people who really have a stake in the outcome. They were the ones asked to go to the polls, but the money that poured in there that bought advertisements, to the tune of about $12.7 million, almost $13 million spent on that campaign, about 30 percent of it was donated to the candidates themselves. So 30 percent of that $13 million was donated to the candidates themselves. The rest of the money came from outside sources—party committees, super PACs, anonymous donors, the ones who have been flooding the airwaves in the last couple of election cycles with negative advertising. That is where the great majority of the money that came into that special election yesterday was sourced, and that, I think, is a harbinger of things to come.

If you look back at the 2010 cycle, you look at the 2012 election cycle, both at the congressional level and at the Presidential level, tremendous amounts of money pouring into campaigns and into elections, much of it coming from sources that don't identify themselves, secret money, these big super PACs who weigh in and try to determine the outcome of elections.

Where does that leave the everyday citizen? Where does that leave the person out there who is sitting at their kitchen table, who is watching their television and is seeing all of these negative TV commercials pouring in? Where does that leave them in terms of their feeling about whether they have a voice in the process?

I talk to my constituents, I listen to the way they feel about the current system of funding campaigns, and there is an increasing sense of disillusionment out there, deep cynicism that election outcomes are determined by Big Money and special interests and that the voices and opinions and priorities and concerns of everyday citizens are being cast aside. That is the legacy of the influence of Big Money and special interests on our politics today.

So yesterday's election in the 13th District of Florida put a fine point on it. It demonstrated how much money can go into one special election. It was historic, $13 million being spent. More importantly, it is a lesson as to what we are looking at down the road. This idea that if you have got a big wallet you get an extra voice in our democracy, that somehow your opinion and your ideas count more because of the size of your wallet and your ability to throw millions of dollars into campaigns, well, that is not what a democracy is about; that is plutocracy. That is a government and a system that is dominated by Big Money and special interests and leaves the voices of everyday citizens behind so that they start asking themselves: Does my voice matter? Can I have an impact? Do my ideas count? If I am only able to write a check for $25 to a candidate who I think will do the right thing for me, can that $25 check compete against a $1 million check that some big donor can write to fund a Super PAC?

This is why people across the country, it is not the only reason, but it is one of the main reasons why people across the country are so disaffected with Washington and Congress and government, because they feel like their voice is being drowned out by the big-moneyed interests out there.

Mr. Speaker, we have to do something about this because if we are going to restore the confidence and trust of Americans across this country, they need to believe again that their voice matters. They need to believe that when they are trying to understand the issues in an election and follow the debate and become informed, that that information will come to them from responsible sources, not from these shadowy hidden secret donors out there that have found a way to dominate the airwaves.

So that special election yesterday I think was a warning to us all that this trend towards Big Money and special interests weighing in to what ought to be a democratic process that is owned and invested in by everyday citizens, that that trend is continuing and it is worsening.

□ 1930

At the end of that path lies deep, deep cynicism on the part of the American people. You can feel it; you can almost touch it when you go out into your district and you talk to your constituents who are angry and frustrated and want to see this place respond to their concerns and to their needs.

So what can we do about this? I said a moment ago that we have got to do something soon; we have to address this cynicism that people are feeling, or they are not going to trust us at all. They are not going to believe that we can deliver for them in the people's House.

This is the House of Representatives. It has the name the ''people's House.'' We run every 2 years. We are as close to the people as elected representatives can be. They want to see that we are listening to them.

Right now—I said this last week—in some ways, when it comes to the relevance of this body to the average American out there, we are hanging on by a thread.

We are hanging on by a thread because, increasingly, they think that we answer to Big Money and special interests, and we stop listening to the average person out there.

So we need to do something about this. We need to fix this. We need to

recognize that there is a problem, and we need to take meaningful steps to address it.

That is why, Mr. Speaker, about a month ago, joined by over 125 original cosponsors, I was proud to introduce something called the Government by the People Act, which is an effort to create a new way of funding campaigns that puts everyday citizens back at the center of the equation.

It says: no longer are we going to seed the financing and funding of campaigns to Big Money and special interests. We are going to come up with another way of doing it, a way that puts everyday citizens in a place of owning their democracy again, of feeling like they have a voice.

Already within the last month, we have seen, across this country, more than 400,000 people who have become citizen cosponsors of the Government By the People Act because they are desperate to see a change which gives them their voice back at a time when they feel—as those residents of the 13th District in Florida felt over the last few weeks—that their voice isn't the one that matters; it is the voice of Big Money and special interests and the super-PACs that seems to carry the day.

So the Government by the People Act would encourage people to participate in the funding of campaigns, small donors who would be assisted by a tax credit—a refundable tax credit of $25, to make it easier for them to participate on the funding side of campaigns.

It would bring matching dollars from a freedom from influence matching fund that would come in behind those small donations and amplify them and lift them up, so that candidates would begin to pay attention to everyday citizens for the funding of their campaigns and not be so dependent on Big Money and special interests. That is the promise of reform that is embodied in the Government by the People Act.

We even provide that candidates who are true grassroots candidates who go out there and make the case to their constituents and earn the support of their constituents in these small donations, that those candidates, when they get into the final days of a campaign in an election, if a super-PAC starts to come at them and try to wipe them off the field—off the playing field, there is some additional resources that can help them stay in the game, can keep their voice in the mix, so they can get to Election Day.

I believe that, under those circumstances, many of those candidates who turn to their own constituents, who turn to small donors, who turn to everyday citizens to fund their campaigns can be competitive and can win, even in the face of these super-PACs and the big money that is pouring into campaigns.

So this is real reform, Mr. Speaker. I was very pleased, as I said, that we had a number of original cosponsors who joined us when we introduced the bill about a month ago.

One of them, who has been listening as carefully as anybody out there, to what everyday citizens are saying about this and joined us as a cosponsor on the bill and can really speak to this, I believe, from the heart, is my colleague ALAN LOWENTHAL from California.

I would be happy to yield some time to him now.

Mr. LOWENTHAL. Thank you. I really want to thank the fine gentleman from Maryland, who has worked so long and tirelessly on ensuring that unlimited campaign spending does not drown out the voice of the people. I want to thank him for putting together a bill that gives the public a chance to be heard over big money interests.

A little bit, Mr. Speaker, about my own experience, when I first ran many years ago for city council and then I went on to the State and came here to Congress—when I first ran for city council, it was a very difficult time in my district.

It was a time where we actually had a period of where—when I first was elected, where we had martial law because we had rioting because of—after the Rodney King decision in southern California.

I walked my district, and I heard from everyone that their voices weren't being heard, that the city at the time was not listening to them; so I felt, as important as any piece of legislation, was to give people a chance to come together to create something to have their voices heard.

I spent that first year, when I was elected, working with my community in groups, and we decided that campaign reform limiting the size of contributions would enable our city to move forward again and would bring people together, and they wanted to be able to have a chance to participate. We did it, and we put it on the ballot, and it overwhelmingly passed.

I realized, as I went forward, first to the State legislature and now, here, to Congress, that the best way to fight against unlimited campaign spending by outside individual action committees and individuals who are capable of spending unlimited amounts of money—short of amending the Constitution to repeal Citizens United—is to do exactly what Congressman SARBANES has done, give a voice to ordinary citizens. That is what we should be doing.

Congressman SARBANES' bill, H.R. 20, the Government by the People Act, is a comprehensive reform package, designed to combat the influence of Big Money politics. As equally important, it is to raise civic engagement, and it really is to amplify the voice of ordinary Americans. That is what we should be hearing. That is what we are hearing every day in our districts.

The bill would magnify the impact of small donations from average citizens, allowing Congressional candidates who only take small donations to be competitive with candidates who are backed by outside groups, who are capable of raising and spending large amounts of money.

For example, if this bill becomes law, individuals will be given a $25 refundable ''my voice'' tax credit per year to help incentivize and spur small-dollar donations to candidates for Congressional office. People would be feeling that the government is asking them to contribute and to participate.

Candidates now who forego contributions from super-PACs and only accept donations of under $1,000 would be eligible to a 6 to 1 match by small donors—that is people who are donating under $150—from a newly established freedom from influence fund.

Do you know what this will mean to the average American who says: If I contribute a small amount, it doesn't mean anything?

All of a sudden, we are saying: you count, your contribution means something.

According to the Federal Election Commission, in 2012, individual small donors were outspent 3 to 1 by outside groups. We need to figure out how to empower average citizens whose voices are drowned out by outside money from shadowy organizations.

We have to shift this balance of power away from wealthy interests to ordinary Americans, to people who are asking that their government be responsive to them.

I urge my colleagues to support H.R. 20, the Government by the People Act, and I urge the Speaker of this House to bring this vital bill to the floor of the House of Representatives.

Give us the opportunity to vote for democracy, to vote for the people of this country.

Mr. SARBANES. I thank the gentleman. I might ask him one question because my sense is that, if you have a system like this in place, not only will you empower everyday citizens to feel like their voice truly does count—and that would increase participation—you would have people, I think, coming back into the political town square who have now fled the town square because they are cynical and disillusioned.

But my sense is it would also create more access for candidates who, right now, are shut out of the process because they may not be in a position to raise the big dollars that you have to raise these days to run a race.

There is a lot of good people out there who would like to try to run for Congress, perhaps, but they don't know a lot of people who have a lot of money; but if there was a system that rewarded small donations to their campaign and provided public matching funds coming in behind that, they might be able to run, and they might be able to be competitive.

I wonder if you have some thoughts about that.

Mr. LOWENTHAL. I agree completely.

People decide to run frequently—or want to run—maybe even better than

decide, they don't decide—they want to run because they believe that they can be the voice for those that do not have a voice, for people in their community who feel disenfranchised, people like themselves who just want to participate and feel that they have no voice.

Then they get involved in this process, or they think about it, and they realize that that doesn't matter. It doesn't matter who you are listening to. It doesn't matter who you are accountable to. It doesn't matter that you really care about creating a sense of community and involvement and that people have a responsibility to participate themselves.

All that matters is how much large money you can raise, and that is what the rules are.

I think that that balance between funding elections and listening to people has gotten way out of whack. That has discouraged so many people from wanting to run because they are now confronted with the reality.

It makes no difference that you are tied to a community and you give voice to people in that community. The only thing that makes a difference is how much money you can raise from large interests. I think that does a tremendous disservice to this institution and to all institutions that depend upon public support.

Mr. SARBANES. Again, I want to thank my colleague for his support of this reform effort, for joining us as an original cosponsor of the Government by the People Act.

We think there is real momentum here. We have 140 Members of this body now that have joined as cosponsors; but there is something else happening, which is exciting, and I think offers some new opportunities for this kind of legislation.

We have had these efforts in the past, and some of them have gotten attraction you would like to see; others have not.

But there is something new happening. There are organizations—national organizations across this country who are forming a coalition. This consists of many of the good government groups and reform groups that have been in this space for a long time.

□ 1945

But there are other people coming to this issue. There are other people who are joining the fight to push back on the influence of Big Money and special interests in our politics and in our government. Environmental groups like the Sierra Club and Greenpeace, civil rights organizations like the NAACP, and labor organizations are getting behind this effort because they understand that the change they want to see—protecting the environment, making sure that our civil rights laws are being enforced—too often is being thwarted by the influence of Big Money, so they have adopted this issue as a priority for their organizations. They are joining this coalition.

This is not just about the influence of Big Money on the outcome of elections. Oftentimes, that is where the focus gets placed. This is also the effect that Big Money has when it comes to governing because the reality of it is that, if you have an institution that becomes increasingly dependent on Big Money and special interests, then when it comes time to vote on important policy matters, it is just human nature that the institution will tend to lean in the direction of where that money comes from and lean away from everyday citizens.

The promise of this legislation is that, if everyday citizens and matching funds become the source of powering campaigns, then when the candidates who are elected get here to Washington, the only people they will owe are those everyday folks who helped to power their campaigns. They will have an independence that will allow them when they go to make policy to really think about the issues that are at stake. The fact of the matter is the tremendous amount of money that pours into this place from PACs and other special interests can gum up the system so that it doesn't work.

I would be interested in my colleague's observations on a couple of quotations of former Members of Congress. These are very interesting. I am going to read a quotation from former Senator Bob Dole, Republican minority leader, who said in 1982:

> When these political action committees give money, they expect something in return other than good government. It is making it much more difficult to legislate. We may reach a point where, if everybody is buying something with PAC money, we can't get anything done.

That was Republican Minority Leader Bob Dole in 1982 before the trend had gotten to the point where it is now.

I would be interested in my colleague's observations just on how money comes in and how it can actually begin to influence the way policy gets made here in Washington.

Mr. LOWENTHAL. On many different levels.

Thank you, Congressman.

Mr. Speaker, it is interesting that, today, people say that government—the House of Representatives and the Senate—is dysfunctional. Yet, as you pointed out in that quote, Senator Dole saw a long time ago, when at least some things were getting done and more things were getting done, that we were beginning to go down the wrong path, that the influence of money was stopping us from really looking at the critical policies that affect the Nation and from debating those and listening to ordinary citizens here.

As we talked about, when ordinary citizens are cut out and when the only people who get to visit and to talk to us are those who contribute large amounts of money to our campaigns, it is they who have special access. Theirs are the bills that get brought up. They are the ones we listen to because everyone stops being beholden to the policies that brought them here—what they want to do to form good government—and they are beholden to what will get them reelected and to the large amounts of money that come in.

So I agree. It is interesting that Senator Dole said that. That is now over 30 years ago when we did not heed the warning of listening to citizens of creating a system that not only would decrease the role of large, outside interests but would, as you have done, increase the role of ordinary citizens to actually be listened to and be able to bring their thoughts to bear because we would become accountable to them. I think that is where we are today as that accountability is not there.

Mr. SARBANES. I appreciate it, and I will follow up on what you just said.

There is another quote that I would love to read from Senator Warren Rudman, a Republican from New Hampshire, who was a force here on Capitol Hill when he served.

He said:

> Money affects whom Senators and House Members see, whom they spend their time with, what input they get; and make no mistake about it, the money affects outcomes as well.

This is exactly what you just said. You can understand why everyday Americans are getting so fed up.

I went and hired a film crew. I decided I was going to go interview some people in my district at one of the local fairs. I just wanted to get their views on this issue. So I went out. I spent 2 hours and stood in the central artery of this festival.

I said: I am Congressman SARBANES. I want to just ask you two questions. The first question is: What do you think of Congress?

They said: Do you really want to know?

I said: I wouldn't be here otherwise.

They told me what they thought about Congress, and you know what they think about Congress. All you have to do is look at the latest survey, which shows that our approval rating is hovering around 10 or 12 percent. You can't run a country if the institutions that are supposed to be the instruments of democracy are held in such low esteem.

The second question I asked them was: What do you think about the influence of Big Money on our politics?

What was amazing—these were Republicans, Democrats, Independents—is that it was as though they had gotten together ahead of time and had scripted their answers, because they were all the same: the fix is in; the Big Money crowd runs things in Washington; my voice can't be heard; my voice doesn't matter. This is the way people feel when you actually ask them to talk about this issue, so we have to do something about this.

The good news is that we have a bill that we have worked on really well. We have gotten a lot of people from not just here in the Chamber, who are people who are sensitive to this, but from

people out there in the country who care about this issue. We have crafted something that, I think, passes the test of addressing in a meaningful way the cynicism and anger that people feel, this desire to get their government back, to get their voice back. They should know that there are people here who are determined to make this kind of change with the help and support and momentum and advocacy that can come from people—everyday citizens—around the country.

I am very pleased that we are joined as well this evening with another person who was an original cosponsor of the Government by the People Act. He is relatively new to Congress but not new to a commitment and a passion around this issue. One of the first conversations we had was about: How do you reach out to everyday citizens and make them feel that they are really part of the process? that their voices really can be heard?

It is a real pleasure to yield to my colleague from Texas, BETO O'ROURKE.

Mr. O'ROURKE. Mr. Speaker, I am very honored to be here with my colleagues from California and from Maryland. I am especially honored that my colleague from Maryland would invite me to say a few words today. He has been, truly, one of the real bright spots for me in my first session in Congress.

To give you a little context and a little background on why that is the case, like my colleague from California, I had the privilege of serving on the city council in El Paso for two terms. I represented there a constituency of between 60,000 and 70,000 people, so about a tenth of the constituency that we represent here in Congress.

To win those elections to be able to serve on the city council, like my good friend from California, I went door-to-door to meet my constituents—to meet those who were likely to vote in this election—to make my case for why I might be the best alderman or council member to represent their interests on the city council. Then, by Election Day, after having spent maybe $40,000 or $50,000 total—a tenth of what you would have to spend in a very conservatively managed congressional race—we ended up having the good fortune to win and serve in the city council.

Not only was that the best way to get elected, but it was for me, as a new member of the city council in El Paso, Texas, the best way for me to understand what my constituents' interests were, the questions that they wanted to have answered and what their expectations were of me as their representative on the city council.

So, when I made the decision to run for Congress, I chose to run for a seat that was currently held by an incumbent Member of Congress. I ran for that seat in the primary, which was going to be the decisive election in that election cycle. Precisely because we didn't have access to the kind of big money that we are talking about today—the political action committee money, the big donor money across this country and even the big money in El Paso, Texas—as the mother of invention with the necessity of finding those voters and in being able to connect with them, we went door-to-door again, this time in a constituency of 700,000 people. It was a very broad and a very long canvassing effort that lasted over 9 months and had me knocking personally on more than 16,000 doors.

While my good friend from Maryland has actually modeled the Government by the People Act concept in his own district, I think, more out of virtue and more out of an effort to prove that this works and to understand what the opportunities and limits are of a different campaign funding paradigm—and I can't thank him enough for doing that because he has tested it and has proven it—we did something similar but out of necessity. Again, as with the city council races, we were fortunate enough that the case we made to the voters prevailed. We were fortunate enough to be elected to sit here in this Congress with these great colleagues I serve with now.

I will tell you that a very rude awakening was delivered when after I had won this seat through the primary election, which was the dispositive election of the two in our election cycle, the number one issue that anyone wanted to talk with me about was not what policies were I likely to support, what committees did I want to serve on, what did I want to get done in my first term in Congress. Most of the conversations, unfortunately, revolved around money. Where was I going to raise my money from? Who was I going to give the money that I raised to? Who was I going to hire as the campaign person in Washington, D.C.? I didn't know that the creature existed until that point because we had had the good fortune of being, in some ways, buffered from money in that first race.

So much centered around money as I came to Congress. You don't run for Congress to raise money. You don't run for Congress to spend money. You don't run for Congress to meet lobbyists and to meet those who run political action committees; although, there are plenty of nice people in those categories. You run for Congress because you want to get something done, because you believe in ideas that are bigger than yourself—things that are going to help the communities that you serve, issues that are going to help define your country that you want your communities to have a voice in. Those are the reasons I ran for Congress. Unfortunately and sadly, those were not the things that most people up here wanted to talk about.

I was able to talk with Lawrence Lessig, a professor at Harvard, who is somebody, if you haven't seen his lectures, you can find on YouTube—or if you have the chance to see one in person, you really should. He is someone who has put a lot of thought into and who has written about this subject and who has delivered some very compelling lectures about the influence of money in politics.

So, as I was met with this challenge of how to respond to the demands for money in politics and in my new career as a Member of Congress, I started to do some searches on the Internet, and I found one of Lawrence Lessig's lectures. He brought up a really important point, which was, when we have an election for Congress, there are really two elections.

□ 2000

There is the election that we all think about when we think about an election for Congress, and that is the election that takes place at the ballot box, but there is also an election before that for the money. How do you convince the people who have control and access of the money that typically goes into a congressional race that you are a good bet, that you fit within their interests, and that you are going to be accessible to them should you win that second election at the ballot box? That first election, in most cases, is really the decisive one.

So one of the things I like so much about the Government by the People Act is it opens up that first money election to not just the special interests, not just those who have legislation pending before Congress, who have an ax to grind, literally, here on the floor, but to those people that we represent in all of the different precincts in El Paso County and all the different neighborhoods, the streets, the homes. Those people, through a refundable tax credit, are able to have their voice heard and help decide who the field will be in a congressional race. I think that is awfully important and desperately missing right now to encourage truly competitive congressional elections.

When you look at the reelection rate for a Member of Congress from 1950 to today, when you look at the rate, I think it is somewhere around 93 percent. That really shouldn't be the case. We want this body to reflect the diversity, the difference of opinion of race and gender, and all the great things that make up who this country is.

By and large, it is very difficult to do today, because once you are in Congress, you have access to that money. You win that first election for the money, almost deciding that second election at the ballot box, and it makes it very difficult to have competitive elections against incumbent Members of Congress.

I am sure that we are in the minority of our colleagues here who want to encourage more competition for our jobs. I really think that is the right thing to do.

If we want to renew our democracy, have a Congress truly reflective of this country, I think we want to make sure that every single person has a voice in the elections that decide the makeup of this body.

In conclusion, Mr. Speaker, I am just very honored to be an original cosponsor on this bill, honored to join in this effort, and honored to join all the great grassroots organizations across this country that are raising the level of awareness about the need to change our campaign finance and our election system in this country.

I am very hopeful that we will be able to prevail upon our colleagues, especially those on the other side of the aisle, to see that it is in everyone's interest to have a body that truly reflects the American people.

Mr. SARBANES. I thank my colleague.

Before we wrap up, I want to ask him and my colleague from California as well to comment on the kind of response they are getting as they talk to their constituents about this kind of reform.

We are all very familiar with the cynicism and frustration. We encounter that on a daily basis. Sometimes it is so deep that it can be hard to get the attention of people to say to them, We hear you. We understand the frustration. We are trying to do something about it.

I have begun to find that as I talk to people about the Government by the People Act, about this idea of a My Voice tax credit that would help them make a small contribution to support a good candidate that they want to see be competitive and successful, when I talk to them about the Freedom From Influence Matching Fund, think about that.

Right now this institution is largely shackled by dependence and influence of Big Money. The Freedom From Influence Matching Fund comes in behind those small donations and makes it possible for a candidate to run their campaign by turning to everyday citizens.

So as I talk to people about that and our ability to begin pushing back on super PACs, I am encountering some hope out there. People are skeptical. They have a right to be. I would rather have them be skeptical than cynical. I would rather have them have some hope and be ready to get out there and fight for this reform because I think we can make a difference.

I would be curious to hear from my colleagues because I am starting to feel that. I am seeing a positive, cautious response that this can really make a difference as we move forward in elections and governing.

I would be curious to hear, Alan, what is happening in your district as you talk about it.

Mr. LOWENTHAL. In listening to this discussion and to your presentation about the bill to basically give government back to the people, listening to Congressman O'ROURKE talking about what it is like to go door to door and talk to people, and then you are asking what are people saying, I think what I am hearing as I go out is that we have lost, in many ways—what has happened because of money in politics—the ability to talk to people. It is not necessary anymore.

The thing is, when you talk to people, this is what they say: I want to have a voice. I want to participate. I want to be part of this great democracy.

Less and less does that make any difference. You can win office without talking to people. You don't have to talk to people anymore. You just have to raise large amounts of money and let that money spread a message. What we are saying is, that is not only bad for the institution, that is horrible for the democracy that we live in.

It is time to give back this democracy to our communities. It is time to recreate a sense of community. It is time to do what Congressman O'ROURKE has said, which is to create competitiveness, to create a sense that people can listen and they can participate. They can if they are not part of the purchasing of this House, and that is what it has been now—the purchasing of this House.

Rather than having the selection of people being due to your being able to convince people that you are listening to them and what you are proposing is in their best interest, it is really what is in the best interest of those that are contributing. That is what it is all about. This takes us another step closer.

When I talk to people, first, they are very grateful that I am even talking to them now. They are thankful that I am coming out to talk to them about this. Not enough people are talking because we don't have the time to talk to people because too much time is spent raising money.

Mr. O'ROURKE. I have to agree with much of what my friend from California just said.

El Paso, Texas, just had its primary elections this past week. In El Paso, the turnout was 11 percent. So really one of the smallest minorities of citizens who are able to vote, who have that right, have the freedom do exercise it, actually chose to do that.

That small minority, 11 percent of voting age in El Paso, made the decisions for who is going to represent us in county government, in Congress, and on down the line.

So that cynicism that you heard at the outdoor market in Maryland we see reflected in the polls and the turnout in El Paso. I think it is because of the same reasons that you cited. I think people feel that it is a closed system, they don't have access to it, why bother participating. The rules are going to be the same, regardless.

By nature, we are social people. I don't know that we would be in these positions if we weren't. I like town hall meetings. We hold a general interest town hall every month. We hold special town halls. We have held town halls on the public bus system where we get to talk to our constituents. They have no place to go. They can't get out the doors because the bus is moving. We get to tell them what we are doing up here, and I am accountable to them. I have to answer the questions that they raise with me.

As my friend from California said, it is wonderful. It shouldn't be this way, but they are impressed I am even there and listening. That should be. That should be the bar below which we never drop. We should always be there to listen and engage and solicit opinion and feedback and direction from our constituents.

Government By the People will encourage that. Right now, if you have to raise a lot of money for a congressional race, which probably accounts for many, if not most, of the Members that we serve with, your time simply from a time value perspective is best spent with those large donors who can write the biggest checks.

With Government By the People, you now have the incentive to spend time with your constituents, compel them with your argument and with what you have been able to do in office and what you are committing to do in office that you are the best bet to represent them for their future and for their children's future. With that you earn not only their vote in the ballot box, but that first vote that Professor Lessig talks about—that financial commitment to you as a viable candidate.

I think my constituents want me making that pitch to them, both as voters and potential donors, much more than they want me to make that pitch here to corporate interests who are headquartered in D.C., who may never have been to El Paso, Texas, and have no real understanding or sensitivity to the concerns and needs that we have here.

The last thing that I will say that really contributes to that sense of a closed system, again quoting from my favorite source on this, Professor Lessig, who says:

The pernicious effect of these large-dollar donations is not really on your core issues.

Issues 1 through 10 are your core convictions. That is what you ran on. That is what people expect from. You are never going to sway from them. No amount of money is going buy you off, but issues 11 to 1,000—and we vote on thousands of issues every year—become much more persuadable for Members, I think, when you have large amounts of money involved. If you don't know much about issue number 259 because it doesn't really affect your district, you are not a subject matter expert in it, you have never really thought about it before, and someone is offering to give you $5,000, you are probably going to listen to their side of the story and you may not listen to other one.

So I don't know if that is corruption. It certainly comes quite close to it. It is certainly not the way that I want nor my constituents want this body to run itself and govern our country.

Again, Mr. SARBANES, I am so grateful that you introduced this. I am so

grateful that we have so many cosponsors. I look forward to working with you to hopefully pass this and make this law in this country.

Mr. SARBANES. I want to thank my colleagues for joining me here this evening to talk about this critical issue of the influence Big Money and special interests on our politics and the way we govern here.

Professor Lessig has gotten a good shout out—and he deserves it—because he has really studied the effect of money on this institution.

There is a path to reform, and that is what the Government by the People Act is. I will close by sort of capturing this as a matter of voter empowerment.

In this country we view as sacrosanct the right to vote. We do everything we can—or we should do everything we can—and we even have legislation in front of us to make sure that we are preserving people's access to the ballot box, to the voting booth because the franchise is the most important thing in a democracy. It is the foundation of what American democracy is all about—protecting that franchise and making sure that people have that franchise.

If people go into the voting booth and they pull the lever and they exercise their franchise, and the day the person they send to Washington arrives and has to start representing Big Money and special interests, then what happens to the franchise? What happens to the voice of the person who went in there and pulled that lever?

So the journey of empowerment, getting to the ballot box is just part of it. You have to protect that franchise so that when the candidate gets there, they can keep representing the interests of the people that voted to send them to Washington.

That is what the Government by the People Act is all about, because if you power your campaign with funds from small donors and a Freedom From Influence Matching Fund, when it comes time to cast your vote, the only people you are answering to are those citizens that you represent. That is the promise of the Government by the People Act—to create a government that is truly of, by, and for the people.

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

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2014 BUDGET RESOLUTION

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 12, 2014.

MR. SPEAKER: Pursuant to section 404 of H. Con. Res. 25, the Concurrent Resolution on the Budget for Fiscal Year 2014, I hereby submit for printing revisions to the aggregates and allocations set forth pursuant to such Concurrent Resolution, as deemed in force by section 113 of the Bipartisan Budget Act of 2013, Public Law 113–67. The revision reflects the budgetary impact of H.R. 4015, the SGR Repeal and Medicare Provider Payment Modernization Act of 2014. A corresponding table is attached.

This revision represents an adjustment for purposes of enforcing sections 302 and 311 of the Congressional Budget Act of 1974. For the purposes of the Congressional Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 101 of H. Con. Res. 25 and H. Rept. 113–17, as adjusted.

Sincerely,

PAUL D. RYAN,
Chairman.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal Year	
	2014	2014–2023
Current Aggregates:		
Budget Authority	2,924,837	[1]
Outlays	2,937,044	[1]
Revenues	2,311,026	31,095,742
SGR Repeal and Medicare Provider Payment and Modernization Act of 2014 (H.R. 4015):		
Budget Authority	900	[1]
Outlays	900	[1]
Revenues	600	−12,700
Revised Aggregates:		
Budget Authority	2,925,737	[1]
Outlays	2,937,944	[1]
Revenues	2,311,626	31,083,042

[1] Not applicable because annual appropriations acts for fiscal years 2015 through 2023 will not be considered until future sessions of Congress

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal years, in millions of dollars)

House Committee on Energy & Commerce	2014		2014–2023 total	
	Budget Authority	Outlays	Budget Authority	Outlays
Current Allocation	358,134	358,717	4,927,478	4,926,519
SGR Repeal and Medicare Provider Payment and Modernization Act of 2014 (H.R. 4015)	900	900	−46,200	−46,200
Revised Allocation	359,034	359,617	4,881,278	4,880,319

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 32. Joint resolution providing for the reappointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ADJOURNMENT

Mr. SARBANES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 13, 2014, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4960. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in All Counties in Oregon, Except Malheur County; Termination of Marketing Order No. 947 [Doc. No.: AMS-FV-13-0036; FV13-947-1 FR] received February 26, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4961. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Increased Assessment Rate [Doc. No.: AMS-FV-13-0076; FV13-966-1 FR] received February 26, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4962. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Decreased Assessment Rate for Area No. 2 [Doc. No.: AMS-FV-13-0072; FV13-948-2 FIR] received February 26, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4963. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington and Imported Potatoes; Modification of the Handling Regulations, Reporting Requirements, and Import Regulations for Red Types of Potatoes [Doc. No.: AMS-FV-13-0068; FV13-946-3 IR] received February 26, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4964. A letter from the Under Secretary, Department of Defense, transmitting annual report on the current and future military strategy of Iran; to the Committee on Armed Services.

4965. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report on The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran; to the Committee on Energy and Commerce.

4966. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting memorandum of justification; to the Committee on Foreign Affairs.

4967. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4968. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4969. A letter from the Comptroller General, Government Accountability Office, transmitting the U.S. Government's Fiscal years 2013 and 2012 Consolidated Financial Statements; to the Committee on Oversight and Government Reform.

4970. A letter from the Chairman, National Credit Union Administration, transmitting

the Administration's Strategic Plan for 2014 through 2017; to the Committee on Oversight and Government Reform.

4971. A letter from the Chair, Securities and Exchange Commission, transmitting the FY 2013 Agency Financial Report; to the Committee on Oversight and Government Reform.

4972. A letter from the HR Specialist, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4973. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 130717633-4069-02] (RIN: 0648-XC772) received February 20, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4974. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 121018563-3148-02] (RIN: 0648-XD093) received March 10, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4975. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Property Transferred in Connection with the Performance of Services Under Section 83 [TD 9659] (RIN: 1545-BJ15) received February 27, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4976. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2014 Calendar Year Resident Population Figures [Notice 2014-12] received February 27, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4977. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — United States and Area Median Gross Income Figures (Rev. Proc. 2014-23) received March 6, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4978. A letter from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting the Administration's final rule — Change of Address for Requests: Testimony by Employees and the Production of Records and Information in Legal Proceedings, Claims Against the Government under the Federal Tort Claims Act of 1948, and Claims under the Military Personnel and Civilian Employees Claim Act of 1964 [Docket No.: SSA-2013-0064] (RIN: 0960-AH65) received February 20, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4979. A letter from the Secretary and Attorney General, Department of Health and Human Services and the Department of Justice, transmitting the Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2013; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURGESS: Committee on Rules. House Resolution 515. Resolution providing for consideration of the bill (H.R. 3189) to prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture; providing for consideration of the bill (H.R. 4015) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes; and providing for proceedings during the period from March 17, 2014, through March 21, 2014 (Rept. 113–379). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GARY G. MILLER of California (for himself, Mr. SHERMAN, Mrs. CAROLYN B. MALONEY of New York, Mr. CALVERT, Mr. MCNERNEY, and Mr. KING of New York):

H.R. 4208. A bill to ensure stability in FHA maximum mortgage amount limitations for areas experiencing decreases in median home prices; to the Committee on Financial Services.

By Mr. TIERNEY:

H.R. 4209. A bill to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER:

H.R. 4210. A bill to amend the Patient Protection and Affordable Care Act to authorize the extension of the initial open enrollment period for up to 1 month, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WALORSKI:

H.R. 4211. A bill to require the Comptroller General of the United States to conduct studies on enrollment by racial and ethnic minorities and by low-income seniors in the Medicare Advantage program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLY of Pennsylvania (for himself, Mr. NEAL, Mr. GERLACH, and Mr. KIND):

H.R. 4212. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself, Mr. PETERS of Michigan, and Mr. WALBERG):

H.R. 4213. A bill to direct the Federal Trade Commission to revise the regulations regarding the definitions for funeral industry practices; to the Committee on Energy and Commerce.

By Mr. COLE:

H.R. 4214. A bill to promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program; to the Committee on Education and the Workforce.

By Mr. CONNOLLY:

H.R. 4215. A bill to strengthen privacy and data security, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself and Ms. DEGETTE):

H.R. 4216. A bill to amend title V of the Social Security Act to provide grants to States to establish State maternal mortality review committees on pregnancy-related deaths occurring within such States; to develop definitions of severe maternal morbidity and data collection protocols; and to eliminate disparities in maternal health outcomes; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 4217. A bill to prohibit a reduction in funding for the defense commissary system in fiscal year 2015 pending the report of the Military Compensation and Retirement Modernization Commission; to the Committee on Armed Services.

By Mr. GRIJALVA (for himself and Mr. PASTOR of Arizona):

H.R. 4218. A bill to reauthorize the Yuma Crossing National Heritage Area; to the Committee on Natural Resources.

By Mr. LATTA (for himself, Mrs. BLACKBURN, and Mr. MATHESON):

H.R. 4219. A bill to amend the Energy Policy and Conservation Act to provide for the recognition of voluntary certification programs for air conditioning, furnace, boiler, heat pump, and water heater products; to the Committee on Energy and Commerce.

By Mr. NOLAN:

H.R. 4220. A bill to authorize the exchange of certain Federal land and non-Federal land in the State of Minnesota; to the Committee on Natural Resources.

By Mr. SIRES:

H.R. 4221. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the programs and activities of the National Institutes of Health with respect to Tourette syndrome; to the Committee on Energy and Commerce.

By Mr. SOUTHERLAND:

H.R. 4222. A bill to correct the boundaries of John H. Chafee Coastal Barrier Resources System units in Florida, and for other purposes; to the Committee on Natural Resources.

By Mr. WOLF:

H.R. 4223. A bill to restrict United States nationals from traveling to countries in which foreign governments or anti-government forces allow foreign terrorist organizations to engage in armed conflict for purposes of participating in such armed conflict or from providing material support to entities that are engaged in such armed conflict, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JEFFRIES (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Ms. LEE of California, Mr. RICHMOND, Ms. CLARKE of New York, Mr. RANGEL, Ms. FUDGE, Mr. RUSH, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. NADLER, Mr. ISRAEL, Mr. CROWLEY, Mr. SEAN PATRICK MALONEY of New York, Mr. TONKO, Ms. SLAUGHTER, Mr. OWENS, and Mr. MEEKS):

H. Res. 514. A resolution honoring Thomas Jennings of New York City as the first African-American to be granted a patent by the

United States; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California:

H. Res. 516. A resolution expressing support for the designation of Journeyman Lineman Recognition Day; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BRADY of Pennsylvania introduced A bill (H.R. 4224) for the relief of Victor Hugo Santos; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GARY G. MILLER of California:

H.R. 4208.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

By Mr. TIERNEY:

H.R. 4209.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SCHRADER:

H.R. 4210.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1; and Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. WALORSKI:

H.R. 4211.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the United States Constitution

By Mr. KELLY of Pennsylvania:

H.R. 4212.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. WHITFIELD:

H.R. 4213.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power *** To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. COLE:

H.R. 4214.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which grants Congress the power to regulate Commerce with the Indian Tribes.

This bill is enacted pursuant to Article II, Section 2, Clause 2 in order the enforce treaties made between the United States and several Indian Tribes.

By Mr. CONNOLLY:

H.R. 4215.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 18 of the United States Constitution

By Mr. CONYERS:

H.R. 4216.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay debts and provide for the common defense and general welfare of the United States;

By Mr. FORBES:

H.R. 4217.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress ''to provide for the common Defense'', ''to raise and support Armies'', ''to provide and maintain a Navy'' and ''to make Rules for the Government and Regulation of the land and naval Forces'' as enumerated in Article I, section 8 of the United States Constitution.

By Mr. GRIJALVA:

H.R. 4218.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. LATTA:

H.R. 4219.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, cl. 3

The Congress shall have the power . . . to regulate commerce with foreign nations, and among the states, and with Indian Tribes;

By Mr. NOLAN:

H.R. 4220.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause I (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2, (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. SIRES:

H.R. 4221.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d) (1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

By Mr. SOUTHERLAND:

H.R. 4222.

Congress has the power to enact this legislation pursuant to the following:

SUCH AS

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. WOLF:

H.R. 4223.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests in the preamble of the Constitution providing for the ''common defense'' and in the powers governing national security in Article I, Section 8.

Mr. BRADY of Pennsylvania:

H.R. 4224.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the US Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 6: Mr. FRANKS of Arizona, Mr. HENSARLING, Mr. FARENTHOLD, and Mr. NEUGEBAUER.

H.R. 118: Ms. SPEIER.

H.R. 460: Mr. STIVERS.

H.R. 485: Mrs. CAPITO.

H.R. 494: Mr. CONYERS.

H.R. 506: Ms. EDWARDS.

H.R. 532: Mr. GRIJALVA and Mr. YARMUTH.

H.R. 596: Ms. LOFGREN.

H.R. 630: Mr. AL GREEN of Texas and Mr. GALLEGO.

H.R. 645: Mr. LEWIS.

H.R. 713: Mr. PASTOR of Arizona.

H.R. 718: Mr. COFFMAN.

H.R. 755: Mrs. CAPITO.

H.R. 792: Mr. PEARCE.

H.R. 820: Mr. QUIGLEY.

H.R. 822: Ms. CLARK of Massachusetts, Mr. HOLT, Mr. CLEAVER, Mr. HUFFMAN, and Mrs. DAVIS of California.

H.R. 921: Mr. RIBBLE, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Ms. PINGREE of Maine, and Mr. MASSIE.

H.R. 954: Mrs. BUSTOS and Ms. CLARK of Massachusetts.

H.R. 975: Ms. LORETTA SANCHEZ of California.

H.R. 988: Mr. FITZPATRICK.

H.R. 1008: Mr. GRIMM and Mr. COBLE.

H.R. 1009: Mr. ELLISON.

H.R. 1020: Mrs. DAVIS of California.

H.R. 1078: Mr. DESJARLAIS.

H.R. 1144: Mr. FALEOMAVAEGA and Mr. CÁRDENAS.

H.R. 1175: Mr. SIRES.

H.R. 1179: Mr. DELANEY.

H.R. 1240: Mr. STIVERS.

H.R. 1362: Mr. JOYCE.

H.R. 1380: Mr. YODER.

H.R. 1428: Mr. SCHNEIDER.

H.R. 1507: Mr. DOGGETT, Mr. CARTWRIGHT and Mr. GALLEGO.

H.R. 1515: Ms. MCCOLLUM, Mr. HECK of Washington, and Mr. STIVERS.

H.R. 1528: Mr. LANGEVIN.

H.R. 1563.: Mr. VALADAO and Mr. LATTA.

H.R. 1579: Ms. HAHN.

H.R. 1692: Mr. SCHIFF.

H.R. 1694: Mrs. CAROLYN B. MALONEY of New York.

H.R. 1783: Mrs. CAPPS.

H.R. 1843: Mr. LOEBSACK.

H.R. 1915: Mr. STIVERS, Mr. CICILLINE, and Mr. PASTOR of Arizona.

H.R. 1918: Mrs. BUSTOS and Mr. GRIJALVA.

H.R. 2068: Ms. DELBENE.

H.R. 2143: Mr. LANCE.

H.R. 2235: Mr. MAFFEI.

H.R. 2283: Mr. LOBIONDO, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, and Ms. SHEA-PORTER.

H.R. 2317: Mr. LARSEN of Washington.

H.R. 2377: Mr. VEASEY, Mr. STIVERS, Mr. WENSTRUP, Mr. SCHRADER, and Mr. GOWDY.

H.R. 2413: Mrs. HARTZLER.

H.R. 2414: Mr. HARRIS, Mr. LATHAM, and Mr. JORDAN.

H.R. 2499: Mr. WALZ and Mr. HONDA.

H.R. 2527: Mr. MCGOVERN and Mr. ELLISON.

H.R. 2548: Mr. YOHO and Mr. SENSENBRENNER.

H.R. 2690: Mr. PIERLUISI.

H.R. 2725: Ms. KUSTER.

H.R. 2805: Ms. BASS.
H.R. 2863: Mr. BUTTERFIELD and Ms. MOORE.
H.R. 2870: Ms. SCHWARTZ.
H.R. 2892: Mr. GRIFFIN of Arkansas.
H.R. 2921: Ms. KUSTER.
H.R. 2932: Mr. CARTWRIGHT, Ms. KAPTUR, Mr. KENNEDY, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. MORAN, Mr. NOLAN, Ms. SCHAKOWSKY, Mr. VEASEY, Mr. BARBER, and Mr. SHUSTER.
H.R. 2935: Ms. MOORE.
H.R. 2962: Mr. HONDA.
H.R. 3040: Ms. JACKSON LEE and Mr. GRAYSON.
H.R. 3116: Mr. HUFFMAN and Mr. ROHRABACHER.
H.R. 3240: Mr. VARGAS.
H.R. 3305: Ms. SINEMA.
H. R. 3322: Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. POLIS, and Ms. EDDIE
H.R. 3322: BERNICE JOHNSON of Texas.
H.R. 3335: Mr. AMODEI.
H.R. 3361: Mrs. NAPOLITANO.
H.R. 3364: Mr. TURNER.
H.R. 3446: Mr. COHEN.
H.R. 3453: Mr. BUTTERFIELD.
H.R. 3485: Mr. MESSER.
H.R. 3529: Mr. ROKITA.
H.R. 3530: Ms. BASS and Ms. TITUS.
H.R. 3531: Ms. JENKINS.
H.R. 3544: Mr. ROSKAM, Mr. YODER, Mr. PITTS, Mr. RODNEY DAVIS of Illinois, and Mr. RIBBLE.
H.R. 3546: Mr. SCHNEIDER, Ms. DELBENE, Mr. GENE GREEN of Texas, and Mr. BRADY of Pennsylvania.
H.R. 3548: Mr. MEEHAN.
H.R. 3560: Mr. HONDA and Mr. O'ROURKE.
H.R. 3571: Ms. MATSUI and Mr. SCHIFF.
H.R. 3635: Mr. CONNOLLY.
H.R. 3658: Mr. BARROW of Georgia, Ms. BASS, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Ms. CHU, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CLYBURN, Mr. COSTA, Mr. COURTNEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DANNY K. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELANEY, Ms. DELAURO, Mr. DEUTCH, Mr. DINGELL, Ms. DUCKWORTH, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FOSTER, Mr. GALLEGO, Mr. GARCIA, Mr. GOWDY, Ms. HAHN, Mr. HANNA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HOLT, Mr. HOYER, Mr. ISRAEL, Ms. JACKSON LEE, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Mr. KIND, Mrs. KIRKPATRICK, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS, Mr. LOEBSACK, Ms. LOFGREN, Mr. MAFFEI, Ms. MATSUI, Mr. MATHESON, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. MEEKS, Mr. MICA, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. NOLAN, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. PERLMUTTER, Mr. PETERS of Michigan, Mr. PETERSON, Ms. PINGREE of Maine, Mr. QUIGLEY, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHRADER, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SMITH of Washington, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Mr. WALZ, Ms. WATERS, Mr. WELCH, and Mr. STOCKMAN.
H.R. 3670: Mr. SARBANES and Mr. BRALEY of Iowa.
H.R. 3678: Mr. CAPUANO.
H.R. 3698: Ms. SLAUGHTER and Mr. KELLY of Pennsylvania.
H.R. 3708: Mr. STUTZMAN, Mr. DESJARLAIS, Mr. POSEY, Mr. CRAMER, Mr. HURT, Mr. MCINTYRE, Mr. SCHWEIKERT, and Mr. CARSON of Indiana.
H.R. 3722: Mr. LOEBSACK.
H.R. 3732: Mr. HENSARLING.
H.R. 3757: Mr. LOEBSACK.
H.R. 3769: Mr. LATHAM.
H.R. 3862: Mr. ROTHFUS.
H.R. 3867: Mr. PETERS of California, Mr. PALLONE, Mr. CONNOLLY, Mr. SIRES, Mr. ROKITA, Mr. MULLIN, Mr. LANKFORD, Mr. VALADAO, Mr. DENT, Ms. GABBARD, Mr. COLLINS of Georgia, Mr. MCALLISTER, Mr. SMITH of Missouri, Mr. COOK, Mr. CRAMER, Mrs. CAPPS, and Mr. ISRAEL.
H.R. 3877: Mr. PRICE of North Carolina.
H.R. 3930: Mr. PERLMUTTER, Mrs. NAPOLITANO, Mr. FITZPATRICK, and Mr. OLSON.
H.R. 3963: Mr. BLUMENAUER, Mr. THOMPSON of Mississippi, Mr. SWALWELL of California, Mr. GRAYSON, and Mr. PIERLUISI.
H.R. 3969: Mr. RENACCI.
H.R. 3978: Ms. SLAUGHTER and Mr. CICILLINE.
H.R. 3991: Mr. JONES, Mr. HUELSKAMP, and Mr. ROKITA.
H.R. 3992: Mr. STEWART and Mr. AMODEI.
H.R. 4012: Mrs. HARTZLER.
H.R. 4015: Mrs. MILLER of Michigan, Mr. MCCAUL, Mr. LOBIONDO, and Mr. KELLY of Pennsylvania.
H.R. 4026: Ms. BORDALLO.
H.R. 4031: Mr. SHUSTER and Mr. AMODEI.
H.R. 4035: Mr. DEFAZIO.
H.R. 4040: Ms. CASTOR of Florida.
H.R. 4046: Mr. BLUMENAUER, Mr. MORAN, and Mr. POCAN.
H.R. 4049: Mr. SENSENBRENNER and Mr. KIND.
H.R. 4058: Mr. KLINE.
H.R. 4064: Mr. HUDSON, Mr. WESTMORELAND, Mr. YOUNG of Indiana, and Mr. PALAZZO.
H.R. 4075: Mr. PASTOR of Arizona.
H.R. 4092: Mr. CUMMINGS and Mr. BISHOP of Georgia.
H.R. 4119: Ms. NORTON, Ms. SEWELL of Alabama, Ms. JACKSON LEE, Mr. RANGEL, Mr. CUMMINGS, and Ms. BROWN of Florida.
H.R. 4143: Mrs. BLACK.
H.R. 4155: Mr. FARENTHOLD.
H.R. 4157: Mr. SIMPSON and Mr. HUELSKAMP.
H.R. 4163: Mr. HOLT.
H.R. 4186: Mr. COLLINS of New York.
H.R. 4188: Mr. RODNEY DAVIS of Illinois, Mr. BARLETTA, Mr. MARCHANT, and Mr. GRIFFIN of Arkansas.
H.J. Res. 34: Mr. BISHOP of New York.
H.J. Res. 110: Mr. GRAVES of Georgia.
H. Con. Res. 27: Ms. CLARKE of New York.
H. Con. Res. 86: Mrs. NEGRETE MCLEOD, Ms. FUDGE, Mr. WELCH, and Mr. COSTA.
H. Con. Res. 91: Ms. BORDALLO, Mr. AL GREEN of Texas, Mr. GRIMM, Mr. SABLAN, Mr. FALEOMAVAEGA, Mr. HONDA, and Mr. MCGOVERN.
H. Res. 36: Mr. BACHUS.
H. Res. 72: Mrs. HARTZLER.
H. Res. 418: Ms. SHEA-PORTER, Mr. CICILLINE, Mr. HOLT, Mr. SIRES, and Ms. EDWARDS.
H. Res. 494: Mr. BROUN of Georgia, Mr. QUIGLEY, Mr. BARTON, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, and Mr. DESANTIS.
H. Res. 505: Mr. CICILLINE and Mr. LATTA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. TIPTON

The amendment filed to H.R. 3189 by me does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 1239: Mr. FORBES.
H.R. 3633: Mr. COURTNEY.