of more than 14 percent. In three counties in the heart of Appalachia, the uninsured rate plummeted from more than 20 percent to less than 5 percent, as shown in blue.

Mr. Speaker, overall, in just 6 months, the Affordable Care Act reduced the total number of uninsured Kentuckians by nearly a half. Behind every number, behind every red county turned blue or green are the stories of a person or family getting the health care they need. That is success by any standard, but most importantly, Kentucky standards.

## RELIGIOUS LIBERTY

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

Mr. WESTMORELAND. Mr. Speaker, some of our military have been sent emails telling them not to eat or drink in front of their Muslim brothers who are with them during Ramadan. I have never heard the military come out and say don't eat leavened food in front of your Jewish colleagues during Yom Kippur or Passover. I have never heard the military put out something such as be careful what you are eating in front of your Christian brothers during Lent because they may have chosen to do without.

Last Christmas, soldiers at Camp Shelby in Mississippi were told during a diversity briefing that they could not use the word ''Christmas.'' A VA hospital in Texas refused to accept holiday cards from boys and girls because the cards mentioned ''Christmas'' or ''God bless you,'' and a nativity scene near a lake on Shaw Air Force Base in South Carolina was removed after someone complained.

So you might understand why Ron Crews, executive director of the Chaplain Alliance for Religious Liberty, is a bit surprised by the Pentagon's recent behavior.

There is a good Biblical word for this: hypocrisy.

## CLIMATE CHANGE

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

Mr. LOWENTHAL. Mr. Speaker, I sit on the Natural Resources Committee here in the House, and through our investigations into our treasured national parks, my colleagues and I have discovered a number of tragic choices and changes that are in store for all of us and our children.

Mr. Speaker, because of a changing climate, Glacier National Park's glaciers will melt and be no more.

Mr. Speaker, because of a changing climate, Joshua Tree National Park's Joshua trees will disappear from the park named after them.

Mr. Speaker, because of a changing climate, Rocky Mountain National Park's forests are dying because mild winters cannot kill pine beetles, which are devastating the park's trees.

Climate change is upon us now. We are paying for its effects today, regardless of the number of votes this body takes to deny what is happening before our eyes.

## COMPETING FOR JOBS

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

Mr. RICE of South Carolina. Mr. Speaker, counties and States around this country compete every day for jobs. How they do it is not complicated. They adjust their tax and their regulatory burdens to attract businesses, and those that do the best job attract the most jobs. The problem is that they are competing for a declining pool of jobs in America because Washington is not competitive. We need to adopt that competitive attitude right here.

In times of war, we forget partisanship and pull together. In truth, we are in an economic war. Countries around the world have teams of people that work every day to beat us economically. The House has passed 39 jobs bills in this Congress which are gathering dust in the Senate. Surely HARRY REID and the President can find one among these 39 bills they can work with to make our country more competitive and put our people back to work.

## COMMEMORATING 49TH ANNIVERSARY OF MEDICARE AND MEDICAID

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

Ms. JACKSON LEE. Mr. Speaker, thank you President Johnson, and happy birthday to Medicaid and Medicare. I am excited about the lives that have been saved, and I am looking forward to the full expansion in all 50 States of Medicaid in 2015, its 50th birthday.

I will tell you, when President Johnson signed Medicare into law, less than 50 percent of our seniors had health insurance and 35 percent lived in poverty. Now, over 52.4 million Americans are given health care benefits through Medicare, Medicaid, regardless of their condition, and then for some also when their income is very low.

Mr. Speaker, 43.6 million Americans age 65 and above have Medicare and Medicaid, including 8.8 million disabled. Our seniors are able to be in long-term living because of Medicaid. By the time the baby boomers reach 65, it is expected that 80 million people will be covered by Medicare.

What is the common sense and lack thereof of the States that have not accepted expanded Medicaid under the Affordable Care Act? Mr. Speaker, Medicare and Medicaid together save lives. I am interested in saving lives. Let's stand up for the Affordable Care Act, Medicare, and Medicaid to save the lives of Americans.

## ISSUES CONGRESS NEEDS TO ADDRESS

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

Mr. SCHRADER. Mr. Speaker, I rise deeply disappointed in Congress this week. There are real issues that Congress needs to address for the American people. But instead of addressing the long-term issues of comprehensive immigration reform, comprehensive tax reform, our debt and deficit, getting our economy going, we are considering suing the President of the United States and beating the drum of impeachment.

Where were my Republican colleagues when President Bush was issuing his egregious executive orders? The hypocrisy here is appalling.

We need to provide long-term funding for the highway trust fund, the Export-Import Bank to keep the American businesses competitive, Federal education programs to prepare our people and children for the next generation and workforce. We need to pass a long-term solution for our doctors. We need to provide funding to address the wildfires that are ravaging the Western United States, including my home State of Oregon. We need to get the unregulated amount of money out of politics.

We need to get back to work.

## PROVIDING FOR CONSIDERATION OF H. RES. 676, AUTHORIZATION TO INITIATE LITIGATION FOR ACTIONS BY THE PRESIDENT; PROVIDING FOR CONSIDERATION OF H.R. 935, REDUCING REGULATORY BURDENS ACT OF 2013; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM AUGUST 1, 2014, THROUGH SEPTEMBER 5, 2014

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 694 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 694

*Resolved,* That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 676) providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States. The amendment recommended by the Committee on Rules now printed in the resolution shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution, as amended, to adoption without intervening

motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 935) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any 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 Transportation and Infrastructure; and (2) one motion to recommit.

SEC. 3. On any legislative day during the period from August 1, 2014, through September 5, 2014,—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

The SPEAKER pro tempore. 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 gentlewoman from New York (Ms. SLAUGHTER), the ranking member, 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 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, H. Res. 964 provides for consideration of H.R. 935, the Reducing Regulatory Burdens Act of 2013.

On Monday, the House had a full and thorough debate on H.R. 935. While the bill did not gain the two-thirds majority necessary to pass by suspension, it did receive 253 bipartisan votes.

□ 1245

It is important we pass this bill in order to reduce the regulatory burden that has been placed on the nearly 365,000 pesticide users, and this rule allows us to do that.

The rule also allows the House to consider H. Res. 676.

This resolution will allow the Speaker to initiate litigation for actions by the President—or other executive branch officials—inconsistent with their duties under the Constitution.

The fact that we have to sue the President simply to ensure that he is working within the constraints of the Constitution, to me, Mr. Speaker, is troubling, but that is the situation we are facing.

While there have always been disagreements between the legislative and executive branches about how expansive the President's authority is, the Constitution is explicit that Congress writes the laws and the President's role is to ''take care'' that those laws are faithfully executed. No President may have both powers.

Our Founding Fathers understood the danger of having a President who not only enforced the laws, but made them. An executive with those powers would easily infringe on citizens' liberty. Our Founders saw this firsthand. That is why they were fleeing to come to this country and form this country. They knew the Executive would try to exceed the power afforded under the Constitution, even when it is occupied by someone who previously taught the limits the Constitution puts on Presidential power. That is why they were so careful in delegating among the three branches.

This system of checks and balances has served America so well for so long. Now, I am sorry for the civics lesson, but it is clear that some on the other side of the aisle have temporarily lost sight of how important these checks and balances are to the functioning of this House and to the legislative branch in general.

But that wasn't always the case. When Representative CONYERS, for instance, was chairman of the Judiciary Committee, he remarked:

> We are 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.

Representative NADLER, for his part, cautioned:

> And I hope that anyone who thinks that inquiring into the excesses of the executive branch and into what appears to be a concentrated effort in every different aspect of law to destroy the power of the Congress and the judiciary and to limit our power to protect the liberties of the American people against encroachments by the Executive are a waste of time, I hope they will rethink what they are doing here.

Mr. Speaker, I read these quotes to illustrate the concern of the executive branch overstepping its authority isn't confined to just one party or one President. This is a legislative versus executive issue; it is not a Democrat versus Republican issue. And, to be frank, the legislative branch has been on the losing end of this for quite some time.

But my point is that we shouldn't be so callous or shortsighted as to not defend our article I powers simply because the President in question happens to belong to one party.

If we don't take action now, what stops future Presidents—Republican or Democrat—from eroding our powers further? Congress, itself, has shown little opposition to the harm it has done to the separation of powers over the years. That is why it is critical that we take action now. This should be a cause that the legislative branch can unite around, not divide over.

Instead, we have Members of Congress standing in applause when the President says he will bypass Congress to enact his agenda. Mr. Speaker, half of this body stood up in applause. It should be done in defiance. Here we have Members of Congress cheering for the President for basically saying he is going to eliminate their purpose here.

This isn't the first President whose actions have raised the alarms of an overreaching executive, and it is clear if we do nothing, it will not be the last.

I urge my colleagues to defend our role in government, and to stop the assault on the separation of powers.

Let's finally say to the Executive: ''Enough is enough.'' Let's finally say: ''Support the Constitution, support the separation of powers, and support this rule.''

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank my good friend from Florida for yielding me the customary 30 minutes.

Today, we are taking up the very serious issue of the constitutionality of separation of powers, but the rule also covers the deregulation of pesticides. I think that should be noted here as well, because one is as ridiculous as the other.

This is a ridiculous lawsuit of one House of Congress seeking to sue the President for not implementing a law they have tried everything to kill.

The majority has wasted time, money, and energy on legislative proposals designed to distract us from the real problems of the United States.

Instead of tackling climate change, ensuring that college is affordable, and modernizing our crumbling infrastructure, the majority wants to sue the President for doing his job. The record is clear. This has been judged the most recalcitrant and useless Congress in history.

This lawsuit will be a monumental waste of time, energy, and funds. This is a political maneuver timed to peak as Americans go to the polls in November for the midterm elections. This lawsuit is a drumbeat pushing Members of the Republican Party to impeachment.

Last week in the Rules Committee, Democrats attempted to amend this resolution. In the pursuit of transparency and accountability, we offered

several amendments that addressed the cost of this lawsuit.

The majority in the Rules Committee voted down every amendment that the minority offered. With this closed rule, we have set a new record, by the way, for the most closed rules in a single Congress. On the committee level, on the House floor, and in the minds of our citizens, this is a closed process, a partisan maneuver, and nothing but a political messaging opportunity.

This lawsuit is a gimmick, which even legal scholars of the majority's own party say will fail, including the conservative writer and former Justice Department official Andrew C. McCarthy. He wrote about this lawsuit and said it is:

> A classic case of assuming the pose of meaningful action while in reality doing nothing.

Democrats in the House and the American people could not agree more.

The House minority has three main concerns about this lawsuit: first, the cost; second, the partisan nature; and third, the lack of legal standing and the implications for our constitutional separation of powers.

First, the cost. Since the passage of the Affordable Care Act, which not a single Republican voted for, the majority has mounted a Herculean effort trying to repeal, dismantle, and discredit it. It seems that they will spare no expense attempting to take health care away from millions of Americans.

Not only did they shut down the government to deny Americans health care, it took from this economy $24 billion to pay for that shutdown. In addition, with over 50 votes on the House floor to undermine the Affordable Care Act, the majority has spent more than $79 million on that voting effort.

When the minority of the Rules Committee requested from the majority the proximate costs of this lawsuit, we got a response that read: ''A lawsuit is a small price to pay.''

Cost is not a hypothetical question, because there are real consequences for our country.

The minority and the American people still would like to know how much will this cost and where will the money come from. We asked directly through letters and by offering amendments to the resolution, and we have gotten no clear answers.

What cuts will come from what programs that Americans depend on to pay for this ridiculous lawsuit? The majority will spend money on more than 13 hearings, 50 briefings, 25,000 pages of documents produced, and allocated $3.3 million for a Select Committee on Benghazi. All that money for Benghazi, but they won't give us a concrete answer on where the funds will originate to pay for the lawsuit.

In a similar lawsuit, when Republicans defended the discriminatory Defense of Marriage Act, they paid their lawyers $520 an hour. I choke over that figure. At that rate, we would have paid over $1 million a year for a 40-hour workweek. If we are spending that kind of money, we ought to do it out in the open, and that amendment was defeated on party lines.

The majority does not intend to make this lawsuit anything but another opportunity to attack the President, which leads me to our second concern: its partisan nature.

As I said, no Republican voted for the Affordable Care Act. After strenuous efforts to take health care away from millions of Americans, the majority plans to file a lawsuit that, if successful, would result in the faster implementation of the Affordable Care Act. The inconsistency is breathtaking. Let me reiterate that. After not a single vote for health care, with over 50 votes to kill it, they are suing the President of the United States because he did not implement it faster. I don't know if anybody can make sense out of that, but all this effort to derail a law that is working. Just 2 days ago, The Washington Post reported in an article, titled ''Medicare finances improve partly due to ACA, hospital expenses, trustee report says,'' that the Affordable Care Act has extended the life of Medicare by 4 years because of the savings, and that will only get better.

I would like to insert this article from The Washington Post dated July 28, 2014, into the RECORD.

[From the Washington Post, July 28, 2014]

MEDICARE FINANCES IMPROVE PARTLY DUE TO ACA, HOSPITAL EXPENSES, TRUSTEE REPORT SAYS—OUTLOOK FOR SOCIAL SECURITY, HOWEVER, REMAINS THE SAME

(By Amy Goldstein)

Medicare's financial stability has been strengthened by the Affordable Care Act and other forces that have been subduing health-care spending, according to a new official forecast that says the fund covering the program's hospital costs will remain solvent until 2030—four years later than expected a year ago.

The annual report, issued Monday by trustees overseeing the government's two largest entitlement programs, found little change overall in the finances of Social Security. The trustees warned, however, that the part of Social Security that pays monthly benefits to people with disabilities is especially fragile and, without changes, will start to run short of money for benefit checks in 2016.

Taken together, the findings provide a nuanced portrait of the fiscal future of these two programs, which act as cornerstones of social insurance—and a buffer against poverty—for older people and other vulnerable Americans. The trustees welcomed the improved financial prospects for Medicare but acknowledged that the underlying reasons are not yet entirely understood. At the same time, they exhorted Congress to take steps to prevent both programs from collapsing in the long term.

''Neither Medicare nor Social Security can sustain projected long-run program costs,'' the trustees said in a message accompanying their reports.

For the past few decades, Democrats and Republicans have fretted about the unsustainability of the Medicare and Social Security programs. They have appointed high-level commissions, proposed legislation and tried to stoke public fears that benefits might not be available for their parents—or themselves. But Congress has not restructured either program to withstand long-term fiscal pressures, and the issue has been absent lately from the agendas of both parties.

At a news briefing Monday, Cabinet secretaries and two public trustees reiterated the call for Congress to act. ''[We] must make manageable changes now, so we do not have to make drastic changes later,'' Treasury Secretary Jack Lew said.

''It is getting very late in the game'' to find a bipartisan consensus, said the trustees' only Republican, Charles P. Blahous III, who worked on Social Security and other economic issues as an aide to President George W. Bush. ''A solution much further delayed is a solution much less likely to occur.''

Both programs are being strained by the nation's demographics. As more baby boomers reach retirement age, people 65 and older are making up an increasing percentage of the country's population, with proportionally fewer working-age Americans chipping in payroll taxes.

Medicare's finances are facing other pressures, too, including from scientific advances that lead to new treatment and therapies, the report said.

The trustees' forecast said that the trust fund that pays for hospital care—Medicare Part A—has been strengthened significantly, with the date when it is predicted to start running short of money extended by 14 years since the Affordable Care Act was enacted in 2010. The report also predicted that the insurance premiums that older Americans pay for the portion of Medicare that covers doctors' visits and other outpatient care would probably remain the same for a third year in a row.

Health and Human Services Secretary Sylvia Mathews Burwell said that it is impossible so far to gauge how much of that trust fund's improved fiscal health was due to the health-care law as opposed to other changes in the health-care system that are slowing cost increases. She said both had a role. The ACA, for instance, is slowing payments to Medicare Advantage, the part of the program in which older Americans join private health plans, while other provisions focus on curbing hospital readmissions.

The report said that spending on hospital stays last year was less than expected, although trustees noted that analysts have not determined whether this trend reflected broad economic trends or stemmed from specific changes in the practice of medical care.

If Medicare is unchanged by 2030, the year it is projected to become insolvent, it would then be able to pay 85 percent of its beneficiaries' hospital bills, a proportion that would slip to 75 percent by 2047, the forecast said.

For Social Security, the trustees predicted that the program's two separate trust funds will, combined, have enough money to pay all the retirement and disability benefits it owes until 2033, the same time horizon as in the last two annual forecasts. They forecast that Social Security will be able to afford checks for retirees and workers' survivors until 2034—nearly two decades longer than the part of the program that pays disability benefits.

Social Security's expenditures last year exceeded its income from payroll taxes, as it has each year since 2010, the report says, although interest so far is making up the difference.

This year, President Obama backed away from an idea he broached in his budget last year to save money for Social Security by changing the basis on which inflation is calculated for the program. But his 2015 budget proposal reprises the idea of charging more for care under Medicare to older Americans who are relatively well-off—an idea that Congress has not touched this year.

In calculating Medicare's future finances, the trustees for the first time acknowledged that Congress has each year overridden scheduled reductions in Medicare doctors' fees—cuts that, if adopted, would lower payments for doctors' services by 21 percent in 2015. In the latest report, the trustees assumed that such cuts would continue to be waived.

The trustees noted that their new forecast was released 49 years to the week that President Lyndon B. Johnson signed the law that enacted Medicare, a major component of the Great Society programs of the mid–1960s. Social Security was a response to the Great Depression of the 1930s.

Last year, Medicare insured 52 million Americans, including 43.5 million age 65 and older and nearly 9 million younger people with disabilities. Social Security last year provided benefits to 41 million retired workers and their families, 6 million survivors of workers who died, and 11 million working-age people with disabilities.

Ms. SLAUGHTER. Mr. Speaker, a recent poll from the Commonwealth Fund found 77 percent of people were pleased with their new coverage. Republicans themselves have a 74 percent satisfaction rate with the new plan that they have bought.

The House majority is going to spend unknown millions of dollars coming from somewhere to stymie a law their own party Members support.

Mr. Speaker, I would like to insert this article from Talking Points Memo, citing a survey from July 10, 2014, entitled: ''Survey: Most Republicans Who Bought ObamaCare Coverage Like Their Plans,'' into the RECORD.

[From Talking Points Memo Livewire, July 10, 2014]

SURVEY: MOST REPUBLICANS WHO BOUGHT OBAMACARE COVERAGE LIKE THEIR PLANS

(By Dylan Scott)

About three-quarters of Republicans who obtained health insurance under Obamacare are satisfied with their coverage, according to a survey published Thursday by the Commonwealth Fund.

The survey found that 74 percent of Republicans said they were very or somewhat satisfied with their new coverage. Overall, 78 percent of Americans said they were satisfied: 73 percent of those enrolled in a private plan and 84 percent of those enrolled in Medicaid.

There was a minimal difference between the previously uninsured and the previously insured: 79 percent of the former were satisfied and 77 percent of the latter were, according to the survey by the group, which is generally supportive of Obamacare.

Those surveyed also reported being better off: 58 percent said that they were better off now than they were before, while 9 percent said they were worse off. And 81 percent said that they were optimistic that their new coverage would help them get the health care they need.

Some of the survey's broader findings, on the overall drop in the number of uninsured and the percentage of Obamacare enrollees who were previously uninsured, generally fell within other findings. It found that the uninsured rate for adults under 65 fell from 20 percent to 15 percent since Obamacare enrollment began. It also found that 63 percent of Obamacare enrollees had been previously uninsured.

The survey, conducted from April 9 to June 2, covered 4,425 U.S. adults.

Ms. SLAUGHTER. Mr. Speaker, it is also obvious to the American people that this is a political stunt. A recent poll, commissioned by CNN, shows 57 percent of us oppose this lawsuit. That is right: the majority of this country recognizes it for what it is: a political scheme. They recognize that there is no basis for this lawsuit.

And our third concern is the legitimacy of standing, in the legal sense, as well as the constitutional principles that the Supreme Court has said limit the kind of disputes that a court can consider.

Perhaps the best authority for the inadequacy of the majority's claim to standing is one of the majority's own witnesses at our Rules hearing, the Florida International University College of Law professor, Elizabeth Price Foley. Professor Foley wrote in a February article:

When a President delays or exempts people from a law—so-called benevolent suspensions—who has standing to sue him? Generally, no one. Benevolent suspensions of law don't, by definition, create a sufficiently concrete injury for standing.

That's why, when President Obama delayed various provisions of ObamaCare, his actions cannot be challenged in court. Congress probably can't sue the President, either.

If the majority's own witness doesn't think that Congress has standing, what judge will?

Finally, one of the most dangerous possible consequences of this lawsuit would be an unprecedented transfer of powers from the legislative to the judicial branch.

This concern for maintaining the separation of powers as it was written into the Constitution by the Founding Fathers is exactly why courts have established what is called the ''political question doctrine.''

It says that courts should stay out of fights between the other two branches of the Federal Government and should defer to the other branches when the Constitution says the matter to be resolved is the responsibility of the President or the Congress. That couldn't be clearer, Mr. Speaker.

□ 1300

The mismanagement of our Nation's funds is deplorable, the partisan nature of the stunt is a abundantly clear, and our constitutional balance of powers is in jeopardy. I urge my colleagues to vote ''no'' on the closed rule which, yet again, distorts the legislative process and stifles debate even on the most important issues.

Mr. Speaker, we will ask the House to defeat the previous question. If we defeat the previous question, I will offer an amendment to bring up four bills: first, the Bring Jobs Home Act; second, the Paycheck Fairness Act, which pays women equal to men for the same job; third, a bill to increase the minimum wage to $10.10; and finally, the Students Emergency Loan Refinancing Act, which makes it easier for young people to pay their college loans.

These are the priorities of the American people, and I urge my colleagues to vote ''no'' on the previous question and align themselves with those priorities instead of this lawsuit, which is surely a waste of time, money, and resources.

Mr. Speaker, I ask unanimous consent to insert the text of my 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 gentlewoman from New York?

There was no objection.

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

Mr. NUGENT. Mr. Speaker, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER), chairman of the House Administration Committee.

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

Mr. Speaker, I rise in support of the rule and the underlying resolution.

Mr. Speaker, the ultimate law of our great Nation is not just the important work that we undertake here in the House. Above all else, it is the Constitution that we all swear to preserve, protect, and defend. Above everything, it is the Constitution.

The first words of the Constitution, article I, section 1, are the following:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

It doesn't just say ''some.'' It says all legislative powers are vested in the Congress of the United States. No other entity of our Federal Government has the power to write law, not the executive branch or the judicial branch—only Congress.

Article I, section 7 states the following:

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it, but if not, he shall return it.

So if he approves, it shall become law. If not, he vetoes the law and sends it back to Congress. Nowhere is the President given the authority to rewrite the law on his own.

Article II, section 3 places the following responsibilities with the President:

He shall take care that the laws be faithfully executed.

Mr. Speaker, this resolution asks the third branch of government, the judicial branch, to solve problems arising from the President's failure to faithfully execute the law and, specifically, aspects of the Affordable Care Act, as he is required in article II, section 3 and to have exercised power expressly given to Congress to write the law under article I.

Mr. Speaker, the Founders, in their genius, put in place this system of checks and balances for a very, very important purpose, which is to make certain that no one person could both impose and then enforce the law—because that type of action amounts to

tyranny, Mr. Speaker. In short, we have no king in this Nation. In America, we have a President. We do not have a king.

Mr. Speaker, as a representative of the people of the 10th District of Michigan and someone who is sworn to preserve, protect, and defend the Constitution, I believe strongly that I have a responsibility to support this resolution, so that the courts can affirm that legislative power is vested in this House—the people's House—and not in the White House.

As the chairman of the Committee on House Administration, I will have the responsibility to verify that any contracts with those who will litigate this case comport with the rules of the House. That is a responsibility I take very, very seriously.

As such, many on the minority side have asked how much this will cost. My answer is that we don't know yet because no contracts have been negotiated. We don't know how long such litigation will take to conclude, but the questions I would ask are: What price do you put on the adherence to the rule of law? What price do you place on the continuation of our system of checks and balances? What price do you put on the Constitution of the United States? My answer to each is: priceless, Mr. Speaker.

I am certain that this process will move forward with due diligence, will be conducted within the rules of this House, and it is my firm hope that in the end the courts will uphold the constitutional principles that are the bedrock upon which our great Nation has been built.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, it is important that we remember why we are here today. We are here today not because of the majority's commitment to the rule of law, but because of politics. We are here because the Republican leadership of this House is trying desperately to placate the far right-wing of their base.

They are trying to placate a vocal and organized faction that refuses to accept the fact that the American people elected Barack Obama twice as President of the United States. They are birthers and Tea Partiers and minutemen militia members and supporters of nullification, but here is the problem: they will never, ever, ever be satisfied.

Listen to this finding from a poll taken just this month: 41 percent of Republicans surveyed believe that President Obama is not really an American citizen. That is percent. That is the base of the modern-day Republican Party, and it is ugly. If you are really concerned about the balance of power between the executive branch and the Congress, there are ways to address it.

Just last week, I worked with the Republican and Democratic leadership of the House and of the Foreign Affairs Committee to reaffirm the proper role of Congress in matters of war and peace. I brought a resolution to the floor under the rules of the House, and it passed by a vote of 370–40. That is the way we should do our work around here, not this nonsense about lawsuits.

It is the same with the Affordable Care Act. I know my Republican friends are devastated that the bill they hate so much is actually working. Millions of people who didn't have health insurance are now covered. Millions of people can now get preventive care. Millions of young adults can now stay on their family's insurance plan.

Being a woman is no longer considered a preexisting condition. Insurance companies can no longer discriminate against the sick, and as we learned just yesterday, the Affordable Care Act has already helped to extend the life of the Medicare trust fund by 4 years.

The entire Republican majority in this House was built on opposition to the Affordable Care Act, and yet it stands. The fact that it stands makes the Republican leadership do desperate and irrational things. It makes them vote to repeal the ACA over 50 times. It makes them decide it is somehow a great idea to sue the President for the way he is implementing the law.

It saddens me to see how low a once great party—the party of Abraham Lincoln and Teddy Roosevelt—has sunk. Instead of addressing the real and pressing needs of our country—passing an immigration reform bill, raising the minimum wage, passing a long-term highway bill—they have been reduced to government shutdowns and lawsuits and partisan stunts and gimmicks.

This is show business at its worst. Enough of this stupidity. I say to my Republican friends: Do your job, do the people's work, this is shameful.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina, Dr. FOXX, my distinguished colleague on the Rules Committee.

Ms. FOXX. I thank my friend from Florida for yielding, and I want to commend my colleague from Michigan, Congresswoman MILLER, for explaining our motivation on this resolution.

Mr. Speaker, I rise today in support of the rule, in support of the underlying resolution, and in support of this effort to restore every branch of this government to its proper constitutional bounds.

This is not about politics. If there were a Republican President doing the same thing, I would feel just as strongly. This is about the Constitution.

Our Constitution was drafted deliberately to ensure that the greatest power in our government resided closely with the people. That is why the portion dealing with Congress was placed first.

In article I, the Framers placed the ultimate power of creating and changing laws with the Congress, and they particularly empowered the House of Representatives, the people's House.

Every 2 years, Members of this House face the voters, and our actions in this body are judged. No other member of this government must submit to the people more regularly.

For too long, this body, under the leadership of both Democrats and Republicans, has ceded parts of our constitutional authority to the executive branch and the agencies that are, at best, remotely accountable to voters. It is time for that to stop. Today, we take a step to make it stop.

This lawsuit is about actions—the actions of an administration that has claimed more power than it has been given, even when we have already given it more authority than we should have.

I bear no animus to this President, but I strongly disagree with many of his policies, his stated priorities, and, ultimately, his actions. This lawsuit is not entered into lightly. It is not our first response, but rather, it is our last resort.

I will vote ''yes'' on this rule and this resolution, not for electoral gain, but rather to preserve our Constitution and the separation of powers enshrined therein.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to bring up H.R. 1010, the minimum wage increase, to jump-start the middle class, instead of this partisan lawsuit attacking President Obama.

The SPEAKER pro tempore. The Chair would advise that all time has been yielded for the purpose of debate only.

Does the gentleman from Florida yield for the purpose of the unanimous consent request?

Mr. NUGENT. I do not, Mr. Speaker. I want to reiterate my earlier announcement that all time is yielded for the purpose of debate only, and we are not yielding for other purposes.

The SPEAKER pro tempore. The gentleman from Florida does not yield. Therefore, the unanimous consent request cannot be entertained.

PARLIAMENTARY INQUIRY

Mr. BUTTERFIELD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for a parliamentary inquiry.

Mr. BUTTERFIELD. Mr. Speaker, hasn't it been the tradition of this House that the Speaker yields to Members who want to make unanimous consent requests during the course of debate?

The SPEAKER pro tempore. On the pending resolution, all time has been yielded for the purpose of debate only.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to bring up H.R. 4582, the Students Emergency Loan Refinancing Act, to jump-start the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. Mr. Speaker, I also ask unanimous consent to bring up H.R. 377, the Paycheck Fairness Act, to jump-start our middle class, instead of this partisan lawsuit attacking our President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to bring up H.R. 1010, the minimum wage increase, in order to jump-start the middle class, instead of this partisan lawsuit.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I ask unanimous consent to bring up H.R. 377, the Paycheck Fairness Act, to jump-start the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

□ 1315

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise to bring up H.R. 4582, the Students Emergency Loan Refinancing Act, to jump-start the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Mr. Speaker, I rise to bring up H.R. 377, the Paycheck Fairness Act, to jump-start the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, I rise to bring up H.R. 851, the Bring Jobs Home Act, to jump-start the middle class, instead of this partisan lawsuit against the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise to bring up the Students Emergency Loan Refinancing Act, H.R. 4582, to strengthen the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker, I rise to bring up H.R. 1010, the minimum wage bill, to give America a pay raise and to jump-start the middle class, instead of this partisan attack on the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I rise to consider H.R. 4582, the Students Emergency Loan Refinancing Act, which would help the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the gentlewoman's unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, I rise to bring up H.R. 1010. America deserves a raise by raising the minimum wage, which will jump-start the middle class, instead of this partisan lawsuit attacking the President of the United States.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to bring up H.R. 851, the Bring Jobs Home Act, to jump-start the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise to bring up H.R. 377, the Paycheck Fairness Act, to jump-start the middle class, instead of this unprecedented, partisan lawsuit against our President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I rise to bring up—and I am pleading to bring up—H.R. 377, the Paycheck Fairness Act, to jump-start the middle class, instead of this partisan lawsuit attacking the President of the United States of America.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I am pleased to yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to bring up the Paycheck Fairness Act—for men and women, same job, same pay—to jump-start this middle class, instead of this partisan lawsuit attacking the President of the United States.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise to bring up H.R. 851, the Bring Jobs Home Act, to jump-start the middle class, instead of this partisan lawsuit, which we don't need, attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the gentlewoman's unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise to bring up the Paycheck Fairness Act and a minimum wage increase, which would jump-start the middle class, instead of this partisan lawsuit attacking the President.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the gentlewoman's unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I rise to bring up H.R. 1010, a minimum wage increase, to jump-start the middle class, instead of the partisan lawsuit attacking the Honorable Barack Obama, President of the United States of America.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the gentleman's unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. I thank the gentlewoman for yielding.

I rise to bring up H.R. 851, the Bring Jobs Home Act. Surely, Mr. Speaker, the gentleman from Florida would want to yield time for that—to jump-start the middle class—instead of this partisan, pointless lawsuit attacking the President of the United States.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded time for that purpose. Therefore, the unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise to immediately bring up H.R. 377, the Paycheck Fairness Act, which would jump-start the middle class, instead of this partisan lawsuit attacking the President of the United States.

The SPEAKER pro tempore. The Chair understands that the gentleman from Florida has not yielded for that purpose. Therefore, the gentleman's unanimous consent request cannot be entertained.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I thank the gentlewoman for yielding.

Mr. Speaker, I rise to oppose the resolution authorizing the Speaker to bring a legislative branch lawsuit against the President.

Never before in the history of the Congress has there been institutional litigation between two coequal branches of government—never.

Don't my Republican friends understand that the House's acting alone cannot by itself enforce a legislative enactment? It must be bicameral.

This resolution will establish a precedent unknown in our jurisprudence. It is an abuse of power. It will threaten the separation of powers principle and the checks and balances that we have long cherished in this country.

Do you want the judiciary to become the arbiter of disputes between Congress and the President? Our branches are coequal.

Do you really want to cede to the courts the authority to resolve disputes between the branches?

Would you want the President to sue the House for missing a budget deadline? Where does it end?

How do you plan to pay for this litigation? This resolution would give the Speaker a blank check to pay legal costs and expert costs, which would add to the deficit.

I call on House Republicans to talk to objective legal scholars, to read the literature and court decisions, to protect the integrity of our Federal system, and to reject this dangerous legislation.

This is a very sad day in the House. I know what you are doing, and the American people know what you are doing. You are using this legislation in your constant effort to discredit President Obama. Every day that President Obama has occupied the Oval Office, you have attacked him. You have attacked his ideas, and you have attacked those who surround him and his Cabinet. You are denying the American people a functioning government.

I sincerely believe that you are trying to set the stage for a despicable impeachment proceeding should you hold the majority in the House and gain the majority in the Senate. Shame on you, House Republicans. Shame on you.

I ask my colleagues to vote ''no'' on this rule and on final passage.

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

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. RICE).

Mr. RICE of South Carolina. I thank the gentleman for yielding.

Mr. Speaker, the only people I hear talking about impeachment in this Chamber are the Democrats. The Democrats must want the President impeached as far as I can tell.

My favorite piece of art in this Capitol Building is a picture in the rotunda of a group of our forefathers, who gathered together because they could no longer bear living under a monarchy, and they decided that they would fight for freedom. They signed the Declaration of Independence, knowing full well that they were signing their own death warrants if they were caught and tried for treason.

Our forefathers fought a Revolution against the greatest military power on Earth in order to escape the bonds of a monarchy. At the end of the bloody Revolution, the last thing they wanted was another king. They wanted freedom. To protect that precious freedom, they designed a government where power rested with the people based on the separation of powers.

The legislative branch makes the laws. The President enforces the laws. President Obama has decided that he cannot be bothered with the separation of powers. He has bragged that, if Congress will not accept his priorities, he has a pen and a phone, and he will make the law. He may have a pen, but the people have the Constitution. Our forefathers recognized that one man who can both make the law and enforce the law is not a President—he is a king.

Thomas Jefferson once said that freedom does not disappear all at once; it is eroded imperceptibly day by day.

The prosperity of our great country sprang from our freedom. Our form of government, set forth in the Constitution by our forefathers, has protected that very fragile freedom for 200 years.

My friends across the aisle worry about the price of a lawsuit to protect our freedom. Our forefathers paid dearly for that freedom. Many paid everything. Our freedom is in peril. We cannot stand by and watch the President shred our Constitution.

I stand in support of House Resolution 676.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to respond to the fact that only Democrats are speaking of impeachment.

Just today, The Hill newspaper announced that a most respected and admired member of the Republican Conference said of the lawsuit, spearheaded by JOHN BOEHNER:

> Theater is a show. Why not impeach instead of wasting $1 million to $2 million of the taxpayers' money? If you are serious about that, use what the Founders of the Constitution gave us.

He was referring to impeachment.

Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. I thank the distinguished gentlewoman from the Empire State for yielding.

Mr. Speaker, this lawsuit is nothing more than a waste of time and a cover-up with respect to the House Republicans' failure to effectively govern.

You have failed to create jobs. You have failed to increase the minimum wage. You have failed to deal with our broken immigration system.

□ 1330

You have failed to extend unemployment insurance for the millions of Americans who have been left on the battlefield of the Great Recession. You have failed to deal with our crippling transportation and infrastructure system.

Mr. Speaker, your majority has failed to do what is in the best interest of the American people, and so, to cover up the mess, you are taking us on a joyride through the article III court system. It is an effort that will crash and burn. Yet, nonetheless, you are willing to waste millions of dollars of taxpayer money in order to make a down payment on impeachment.

Instead of engaging in responsible legislative action, the majority has chosen to act up and to act out in order to satisfy the thirst of the blame Barack Obama caucus.

Shame on you, Mr. Speaker. It is time to get back to the business of the American people.

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

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I have been kind of scratching my head as to why it is we are filing this lawsuit. Why is it that the independent House, the Speaker of the House, second in line for the Presidency, instead of passing a bill, is filing a lawsuit? I think I have kind of figured it out. The power of the majority is being used in a way to make that power useless and impotent.

They can pass any laws they want in this House. They can repeal any laws they want in this House, in fact, have repealed health care 55 times. But once it goes across this hall into the Senate, it dies. It is not taken up. If it were taken up, it would never be signed by the President.

I have got another idea. Instead of filing a lawsuit, let's do our job. We have got some disagreements. We think—and I think the American people believe, and I know the President agrees—we should raise the minimum wage. You don't. Let's work it out.

We believe—and the President believes, the American people believe—we need comprehensive immigration reform. Let's take it up and have a vote.

We believe it is time for equal pay for equal work.

What are we afraid of? Why don't we take it up?

Is the judge going to help us decide this, or should we have an out-of-court settlement, which, in our case, would mean we actually have a discussion, a discussion that includes the members of the Republican Party who have different points of view, as opposed to simply the narrowest views from the most gerrymandered of districts. It means we talk to Democrats on the House side of the floor. It means we work with our counterparts in the Senate. It means we do our job.

So, Mr. Speaker, you have got a job to do that can't be done by a judge. You have got a job to do that won't be resolved in a court of law. It will be resolved here in the United States House of Representatives. And the fact that we disagree and the fact that the issues between us are difficult and contentious is no excuse for us to not do our job.

The Republicans represent a lot of Americans, but the Democrats represent at least half of America. And never in the history of this country have we made progress by refusing to legislate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members of an essential rule of decorum in the House. Under clause 1 of rule XVII, Members are to direct their remarks to the Chair and not to other Members in the second person.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, just when we think the level of dysfunction by the Republican majority in this House can't get any worse, no, they surprise us and find a way to prove us wrong. They are going to cap off 7 months, Mr. Speaker, of the worst do-nothing Congress in this Nation's history, and Republicans have now decided to chart a dangerous and unprecedented path by suing the President of the United States. The American people have to hear this. Suing the President of the United States, Mr. Speaker. And for what? Because the President is doing his job?

So when House Republicans are not doing their jobs, they choose to sue the President of the United States. And the American people do see this for exactly what it is.

So we move from one political stunt to the next, Mr. Speaker, from shutting down the government—that is what Republicans did—to a lawsuit, and then onward to impeachment. This do-nothing Congress, Mr. Speaker, suing the President of the United States.

We should be working to make college more affordable, to enact comprehensive immigration reform, equal pay for equal work, raise the minimum wage, renew unemployment benefits, improve the Nation's infrastructure. And instead, House Republicans are suing the President.

I thought this was a fringe element, Mr. Speaker, of the House Republican majority, but it is not. It is the majority. But somehow, Republicans in the House of Representatives—you know what? We get it. The Republicans in the House don't like the President. They don't like the President, Mr. Speaker. But they are suing the President of the United States.

Shame, shame, shame.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the previous question because defeating it will allow an amendment that provides for consideration of legislation that will, in fact, create jobs, grow the economy, support small businesses, ensure equal pay, and alleviate the financial burdens on working families today.

There are so many things we can and should be doing right now to spur the economy for the American people. We need to help workers. We need to help them find opportunities. We need to achieve higher pay for their hard work.

Instead of considering those many bills, this Republican majority continues to waste this institution's time by pushing a partisan lawsuit against the President. This is the first time in history that a branch of Congress has tried to sue a President. My God, what a legacy you leave.

Americans are tired of partisan dysfunction. They want to see us working to solve their problems, and defeating that previous question will allow us to have a vote today on something very important to American families, and that is equal pay for equal work.

Women in America face overwhelming financial challenges. They are more likely to be poor, make minimum wage, go bankrupt, less likely to have retirement security. Women still only make 77 cents, on average, for every dollar made by men. That is $11,000 lost wages every single year, and over the course of a career, that adds up to $434,000 lost.

I have introduced the Paycheck Fairness Act in every Congress since 2007. It passed the House twice with bipartisan support. It would ensure that women receive equal pay for equal work.

A famous American once said, and I quote: ''Mind you, I believe in marriage and children and home, but I'm not one of the kind that think that God made women to do nothing but to sit at home in the ashes and tend to babies. He made her to be as good as man, and he made her better too . . . If a woman can do the same work that a man can do and do it just as well, she should have the same pay.''

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman another 30 seconds.

Ms. DELAURO. Mr. Speaker, that was Buffalo Bill Cody, and he said that in 1898, 116 years ago.

Women, Mr. Speaker, are tired of waiting.

Let us not waste our time on the partisan lawsuit against the President. Let us defeat the previous question and today give women a vote on equal pay for equal work.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

I will place into the RECORD an exchange of letters between myself and Chairman SESSIONS and between Ranking Member BRADY and Chairwoman MILLER of the House Administration Committee. This exchange of letters catalogs our repeated requests for an estimate of the projected cost of this partisan enterprise and the identification of accounts that will be cut to pay for it. As you will note, the responses to our letter provide no information about the cost estimate and no indication from where the funds will come.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, July 14, 2014.*

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

DEAR SPEAKER BOEHNER: Within the draft resolution to initiate a lawsuit against the President, we learned that you intend to seek authorization to ''employ the services of outside counsel and other experts.'' Such authority clearly falls under the jurisdiction of the Committee on House Administration, and as such, I am writing to express my expectation that Republicans will be open and transparent about the use of taxpayer money in pursuing this highly dubious and partisan lawsuit.

As evidenced by House Republicans' conduct in the $2.3 million failed effort to defend the discriminatory and unconstitutional Defense of Marriage Act in the courts, strong bipartisan oversight is clearly necessary in any plan to hire outside counsel. The Republican majority must not be permitted to use taxpayer dollars as a slush fund to award a no-bid contract to high-priced, politically connected Republican lawyers without any transparency or accountability to the House or the American people.

Our opposition to the deeply partisan basis of your lawsuit in no way diminishes the need for normal oversight of the terms of any contract signed by Republican Leadership obligating the House to pay millions of dollars to private attorneys. Therefore, I expect you will honor regular order through my committee, even with this highly irregular lawsuit.

The American people deserve to know how and where their tax dollars are being spent, and House Administration Committee Democrats insist on regular consultation and transparency in the selection criteria and process, cost, and lobbying connections of any counsel or experts hired in the name of the House.

Sincerely,

ROBERT BRADY,
*Ranking Member,*
*Committee on House Administration.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, July 15, 2014.*

Hon. ROBERT A. BRADY,
*Cannon House Office Building,*
*Washington, DC.*

DEAR RANKING MEMBER BRADY, I write in response to your July 14th letter to the Speaker of United States House of Representatives expressing concerns about the draft resolution to initiate lawsuit against the President. As always, the Committee, and Republicans, will be open and transparent about the use of taxpayer money. I will, however, note that there is no higher use of taxpayer funds than protecting and defending the United States Constitution which both you and I took an oath to uphold and defend.

All appropriate and applicable procurement procedures will be followed in the award of any contract for outside counsel for a lawsuit. Regardless of your partisan political feelings on the lawsuit, I am sure that you would agree that the United States House of Representatives, as an institution, deserves full and zealous advocacy in the defense of its prerogatives as a co-equal branch of our government and in defense of the Constitution.

Rest assured that I will not unilaterally ignore or rewrite laws passed by Congress.

Sincerely,

CANDICE S. MILLER,
*Chairman, Committee on House Administration.*

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COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 17, 2014.*

Hon. PETE SESSIONS,
*Chairman, House Committee on Rules, Washington, DC.*

DEAR MR. CHAIRMAN, We understand that the Committee on Rules will meet in the coming weeks to consider amendments to the proposed resolution authorizing the Speaker of the House to sue the President of the United States.

Before that meeting is scheduled, the Members of our Committee must have the answers to two important questions:

1) What is the anticipated cost of the lawsuit against the President?

The draft resolution places no limit on the amount of taxpayer funds the Speaker may dedicate to his lawsuit against the President. The American people have a right to know—before the House votes to initiate such a lawsuit—how much money will be allocated to this exercise.

We do not expect you to provide a detailed budget for the lawsuit, and we understand that unforeseen variables will influence the ultimate cost. But there is no reason to assume that the House of Representatives cannot do what every American family must do—use its best judgment to estimate future expenditures. The President's Office of Management and Budget must provide such estimates every day. We do not see why the House of Representatives should be exempt from the ordinary budget discipline of estimating the cost of its own activities. We request that you provide to the Committee, in advance of our markup, your best estimate of the anticipated cost of the lawsuit to the American taxpayers.

2) Which accounts will be cut in order to pay for the lawsuit against the President?

The draft resolution authorizes the Speaker to hire outside lawyers to assist him in his suit against the President. Yet the resolution does not provide any new resources. Therefore, funding for the lawsuit must be transferred from other Legislative Branch accounts.

Before the Members of the House cast their vote on this resolution, they should know which of their legitimate legislative activities will be curtailed in order to divert funds to this entirely partisan enterprise. We request that you provide the Committee, before the markup, your best estimate of the legislative branch accounts that will be reduced to cover the anticipated cost of the lawsuit.

We have learned in too many cases what happens when the House fails to disclose the anticipated cost of such activities in advance. The American public only learned, after the fact, that the House had wasted $2.3 million on its misguided intervention in the Defense of Marriage Act litigation. Another example is the resolution to launch yet another investigation of the Benghazi matter. When the Rules Committee considered this partisan legislation, we asked repeatedly—and in vain—for a cost estimate. We learned after the vote that the House plans to spend as much as $3.3 million on this duplicative and wasteful effort this year alone—more than the budgets of the House Committee on Veterans Affairs and the House Committee on Ethics.

Mr. Chairman, it is essential that the anticipated cost of the Speaker's lawsuit against our President be disclosed to the American people before we vote on the resolution authorizing it We are making this request so far in advance because we want to ensure there is ample time to make the assessments necessary for a fully informed estimate. No meeting should be scheduled on the draft resolution until the answers to these questions have been made public.

Sincerely,

LOUISE M. SLAUGHTER,
*Ranking Member.*
JAMES P. MCGOVERN,
*Member of Congress.*
ALCEE L. HASTINGS,
*Member of Congress.*
JARED POLIS,
*Member of Congress.*

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COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 23, 2014.*

Hon. LOUISE SLAUGHTER,
*Ranking Minority Member, Committee on Rules, Longworth House Office Building, Washington, DC.*
Hon. ALCEE L. HASTINGS,
*Rayburn House Office Building,*
*Washington, DC.*
Hon. JAMES MCGOVERN,
*Cannon House Office Building,*
*Washington, DC.*
Hon. JARED POLIS,
*Longworth House Office Building,*
*Washington, DC.*

DEAR MRS. SLAUGHTER AND MESSRS. MCGOVERN, HASTINGS, AND POLIS: Thank you for your letter dated July 17, 2014, outlining your questions regarding H. Res. 676, which authorizes House litigation. Specifically, you asked to be provided with information regarding the anticipated cost of a lawsuit against the President as well as which accounts would supply such funding. As demonstrated by our nearly five hour hearing last week, it is my intent to conduct this process in a thoughtful and transparent process.

In regard to your first question, it is too early in the process to calculate an exact dollar amount that will be spent on all elements of the litigation process. H. Res. 676 authorizes the Speaker to initiate litigation and authorizes the Office of General Counsel to retain outside counsel or experts, if needed. The resolution does not require either action, nor does it authorize or appropriate any new funding. Decisions regarding legal action and whether to retain outside experts would occur after passage of H. Res. 676.

However, in the Defense of Marriage Act litigation referenced in your letter, the House of Representatives defended that law in court in close to two-dozen cases across the country. After consultation with the interested parties, I fully expect potential legal action brought under this resolution to be far narrower in scope than that case, which suggests that total litigation costs should be lower as well.

It is also important to note that I anticipate that all contracts surrounding any litigation authorized by this resolution will go through the approval process previously used by the House Administration Committee for Office of General Counsel initiated contracts. Funds spent on outside counsel have been and would continue to be included in the quarterly Statements of Disbursements, which are publically available.

I can more clearly answer your second question. I do not anticipate that any new funds would need to be appropriated in this fiscal year. Funds spent on such litigation would come from the account of the Office of General Counsel, which falls under House accounts. If those previously existing funds were found to be insufficient, the appropriate House officers, in coordination with the Appropriations Committee, could then transfer funds from other House accounts with anticipated savings.

While I am confident that any use of taxpayer money will go through an open and transparent process, we must ensure that the House of Representatives has the flexibility necessary to hire the most qualified experts available to defend the Constitution. A lawsuit against the President for failing to fulfill his constitutional duty to faithfully execute the law is a small price to pay for defending the separation of powers and the American people.

Sincerely,

PETE SESSIONS,
*Chairman, House Committee on Rules.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, July 29, 2014.*

Hon. PETE SESSIONS,
*Chairman, The Committee on Rules,*
*Washington, DC.*

DEAR MR. CHAIRMAN: Yesterday the Committee on Rules filed a report to accompany the resolution (H. Res. 676) authorizing the Speaker, on behalf of the House, to initiate or intervene in certain litigation against the President of the United States or other federal officials. The Committee on House Administration (CHA) received an additional referral of the resolution due to its implications for the operations of the House, especially the potentially enormous depletion of appropriations intended for other purposes.

As you know, a number of provisions in this resolution—particularly those concerning the hiring of outside counsel and consultants, and the spending of money on their hiring—are in the jurisdiction of the Committee on House Administration, where I serve as Ranking Minority Member. Our Committee has held no hearings, meetings or markups of this resolution.

Yesterday, with the concurrence of our chairman, Representative Miller of Michigan, the Speaker discharged the House Administration Committee from further consideration of the resolution. This occurred despite the fact that all three House Administration Democrats last week formally invoked the extraordinary Rule XI procedure calling for a special committee meeting to consider the legislation. So we now confront a situation in which CHA, the ''money committee'' on this subject due to our jurisdiction over House accounts and officers, will not be heard.

I also now that the Speaker has not provided this Committee with a good-faith estimate of how much this lawsuit or lawsuits could cost taxpayers.

In my view, this mad rush to confront the President in court represents yet another ill-conceived, ill-considered action pursued merely for political purposes. It will cost the American people millions and inevitably deplete the legislative resources otherwise available to support the work of all Members of this House. In light of the haste we have already witnessed in this process, I urge you to allow consideration of amendments on the floor, and also to permit a motion to recommit with or without instructions so that we may either have the opportunity to return H. Res. 676 to the House Administration Committee for substantive review or offer instructions proposing changes relevant to our Committee's concerns.

Respectfully,

ROBERT A. BRADY,
*Ranking Member,*
*Committee on House Administration.*

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COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 30, 2014.*

Hon. ROBERT A. BRADY,
*Ranking Minority Member, Committee on House Administration, Washington, DC.*

DEAR MR. BRADY: Thank you for your letter dated July 29, 2014, discussing your concerns with provisions in H. Res. 676 that fall under the jurisdiction of the Committee on House Administration, and requests regarding floor consideration of the measure. Unfortunately, my office did not receive your letter until roughly 15 minutes before the start of the Rules Committee meeting to provide for floor consideration of the resolution.

The provision that you specifically reference authorizes the Speaker to initiate litigation and authorizes the Office of General Counsel to retain outside counsel or experts, if needed. The resolution does not require either action, nor does it authorize or appropriate any new funding. As I stated in my letter dated July 23, 2014 to the minority members of the Rules Committee, I do not anticipate that any new funds would need to be appropriated for this fiscal year. It should also be recognized that this is a limited, targeted measure that seeks to address an important constitutional issue.

You also expressed concerns with the process, but the Committee on House Administration was discharged from further consideration of the measure pursuant to an agreement between Chairman Miller and myself, which has been the standard practice used by both Democratic and Republican majorities. Our exchange of letters can be found in the committee report accompanying H. Res. 676.

While I appreciate your requests for specific elements in the rule, I feel that the Committee adopted an appropriate rule for consideration of this important measure. H. Res. 676 is a critical first step in an effort to defend the Constitution and compel the President to faithfully execute the laws passed by Congress.

Sincerely,

PETE SESSIONS,
*Chairman, House Committee on Rules.*

Ms. SLAUGHTER. Mr. Speaker, if people are supposed to think that this is really a genuine concern by the House of Representatives and not a partisan gimmick, then why didn't the majority consult with Democrats or the Senate beforehand and say: We want to do this on behalf of Congress. Will you talk with us about participating?

That idea of joint participation is long gone from here, and I regret to say that.

But that didn't happen. It was cooked up in some meeting where we probably discussed how to win back the Senate, or whether to impeach the President, or how the campaign fundraising is going and so forth.

You are not fooling anyone. This is about politics and the elections, and you know it and I know it and, polling shows it, all the people in the country know it.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank Congresswoman SLAUGHTER, our ranking member on the Rules Committee, for the time and also, more importantly, for her great leadership in so many ways. In so many ways, it has been about her advocacy for the priorities of the American people.

So today we have on the floor of the House legislation that is a serious matter about suing the President of the United States instead of doing the people's business, which is what Ms. SLAUGHTER and others have advocated for, whether it is bringing good-paying jobs home, creating jobs by building the infrastructure of America, reducing the cost of higher education for families, investing in our children, raising the minimum wage, passing legislation to have equal pay for equal work, everything that would increase the financial stability of America's families. Instead, we are wasting the taxpayers' time and money on the floor of the House on a matter that is serious but is a waste of time.

There are those who have said that this initiative to sue the President of the United States is about a step toward impeachment. Others who say, no, it is instead of impeachment.

I told the Speaker that I had a similar situation years ago—not similar in terms of the subject, because I think there is no basis for this and no standing in this House on the subject of suing the President, but similar in that there were calls by some to impeach President Bush when we took the majority and people were very unhappy about the Iraq war and the false claims made to draw the American people into support of that war effort, which proved to be untrue. It wasn't about people in your caucus clamoring for suing the President. It was about hundreds of thousands of people in the streets objecting to the war in Iraq and the false basis on which we went in.

But when I became Speaker, and people clamored for the impeachment of the President, I said what I advised the Speaker to say right now: Impeachment is off the table. If this isn't about impeachment, that simple sentence will be a clear one: Impeachment is off the table.

Why hasn't the Speaker said that? Why are there those in your caucus who won't deny that that is a possible end in sight for this ill-fated legislation that you bring to the floor?

We are going to adjourn tomorrow for 5 weeks, leaving unfinished business here. We need to solve problems for the American people, to create opportunities for them, but that kind of legislation is nowhere in sight, whether it is job creation, reducing the cost of higher education, equal pay for equal work, raising the minimum wage, some of which I already mentioned.

We have precious few hours remaining to act on the priorities of the American people and finish the ''can't wait'' business before the Congress. So much needs to be done: the humanitarian situation at the border, which

provides an opportunity for us to do the right thing; the highway trust fund, to deal with it appropriately and give it the proper amount of time instead of rushing it through. But once again, Republicans are putting the special interests and the howls of impeachment-hungry extremists before the needs of the Nation.

□ 1345

The lawsuit is only the latest proof of House Republicans' contempt and disregard for the priorities of the American people. It is yet another Republican effort to pander to the most radical rightwing voters at taxpayers' expense: $2.3 million spent defending DOMA, a doomed case; more than $3 million on the select committee to exploit Benghazi—by the way, something that had been investigated again and again at the very admission of leaders on the Republican side. Why are we doing this? And then this, which we don't have a pricetag on that they will reveal to us.

Again, why would you sue somebody unless you want to prove something? And why would you go down that path unless you wanted to do something about it?

But the fact is, Republicans in Congress have no standing in this suit. Most constitutional scholars have admitted or do admit that. Even the Republicans' expert witnesses have in the past said you don't have standing on it.

Middle class families don't have time for a Republican partisan grudge match with the President. They know that this is a funny thing because—well, funny in the one strange interpretation of the word ''funny.'' But a couple of weeks ago on the steps of the Capitol, House Democrats were there to launch our middle class jump-start about some of the issues I raised—job creation here in the U.S., affordability of college, early childhood education, all of those things, equal pay for equal work, raise the minimum wage. We were doing that on the steps of the Capitol. And in the Capitol buildings, the Republicans were launching their lawsuit against the President. What could be more different in terms of addressing the needs of the American people?

We made the point that this was all happening on the same day. But the fact is, that difference of focusing on progress and job creation and process and do nothing is what we live through here every single day. And today is another one of those days on the floor of the House.

So let us recognize what this is. Serious, serious, on a path to nowhere, or maybe, amongst some of your ranks, a path to impeachment. But if we just want to talk about the lawsuit, it behooves the Speaker of the House to say, Impeachment is off the table. I hope we can hear that soon, and then we will see what the merits of this case are. It has no standing. It has no merits. It has a political basis. And let the American people judge it for what it is.

If you don't want to hear people use the word ''impeachment,'' as your people have done, then tell them, Impeachment is off the table. That is what I had to do. That is what this Speaker should do.

Mr. NUGENT. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the managers of this legislation.

Unemployment. The deficit. Outsourcing. Higher education. Immigration. Tax reform. Gun control. Medicare. Social Security. Transportation. A continuing resolution. Ukraine, Syria, Nigeria, Libya, Israel, Gaza, Iran.

Instead of talking about any one of these, what are we spending one of the last 14 scheduled voting days before the election to discuss? We are talking about suing the President for implementing a policy that the majority supports. Go figure. What a colossal waste of time. What a colossal waste of taxpayer money.

We know why the majority is focusing on this instead of trying to solve the country's problems. It is because they have no solutions. We haven't heard any, unless you are keeping them in a secret black box.

Their only goal is to indulge the partisan impulses within your own party, 57 percent of whom want to impeach President Obama. The House of Representatives is apparently taking its marching orders from Sarah Palin. Good for us.

The fact of the matter is that the American people are tired of the relentless partisanship that has led the Congress to having a lower approval rating than head lice.

Our constituents want us to solve problems. That is one of the reasons we get paid. Our colleagues in the Senate today are voting on legislation I put forward to end tax breaks. We can't even get a hearing on this side of the building. These are commonsense solutions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 20 seconds.

Mr. PASCRELL. I want to conclude by reading something, Mr. Speaker. And if you don't know where this came from, that is part of the problem:

Let it resound loud as the rolling sea.
Sing a song full of the faith that the dark past has taught us,
Sing a song full of the hope that the present has brought us;
Facing the rising sun of our new day begun,
Let us march on till victory is won.

Your problem is, most of you don't even know where it came from.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair again would remind all Members of the House of an essential rule of decorum in the House. Under clause 1 of rule XVII, Members are to direct their remarks to the Chair and not to others in the second person.

Mr. NUGENT. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time to ask: Why did the majority shut off all amendments to this resolution? And more importantly, why have they even blocked a traditional motion to recommit? That is something that we generally always give to the minority on both sides of the aisle, a motion to recommit.

Now, I think the reason is—you know, being somewhat cynical, and I will admit to that after what we have been through here—but the cynic would say that they don't want us to have a motion to recommit because our side might bring up a motion, which it would be our privilege to do, that might put the Republican Members on record on impeachment. Now, I don't know that. We got no answer as to why we were not given the privilege of a motion to recommit.

But there is one thing we do know. We know that this lawsuit is going to cost unknown millions and will be an unconscionable waste. We know that that cost is going to come out of programs that have already suffered grievous cuts over the last few years and on which people oftentimes depend for their very lives.

We know that it is pretty partisan because the Democrats were never consulted at any point on this issue, and we know that it is flawed because experts have told us that there is no way in the world that the House of Representatives has any standing on this issue and that a good Federal judge will send it back to us almost immediately.

We know it is a distraction, and we know that what it distracts us from are the serious, serious issues that all of us hear about every day from our own constituencies.

Do you think anybody ever calls me up and says: Why don't we impeach the President or go after the President because it is raining today and it surely is his fault? No, we don't hear that.

I hear about, I am having a hard time getting a new job. I need help to pay for my child's education. I hear a lot of times, my daughter's unemployment benefits have run out. She is facing eviction. I don't know what I am going to do. I hear from people who talk about the children who have come to this country—many of them unaccompanied, by themselves—in an absolute inhumane wave of human suffering that we need to pay some attention to.

I know that out there today, we have had floods in my part of the country in upstate New York that have devastated entire water projects and sewer projects, and something needs to be done. But we won't do that.

So, Mr. Speaker, I am going to urge my colleagues to vote ''no'' to defeat the previous question and please vote ''no'' on the rule. This is one of the

most important issues that we have ever faced during our time in Congress.

I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, we have heard a lot here today. A lot of it, I don't know exactly where they are coming from. But we have heard a lot of things today.

Democrats would like to believe—or would like the American people to believe, or go to that narrative—that Congress hasn't done its job. Well, you have to remember that the House of Representatives is one-half of that. The Senate is the other half.

Now, if you think about it, we have sent 40 jobs bills over to the Senate, where they are gathering dust on Leader REID's desk. We have passed seven of the appropriations bills here in the House. The Senate, zero. We have passed important tax legislation to ensure our economy continues to grow and that companies continue to hire.

We will be voting today on a veterans package to help our veterans. And tomorrow, for the second time, we are going to consider a bill as it relates to the highway trust fund.

So perhaps the Republicans in the House are getting the job done with support of Members on the other side of the aisle. How many bipartisan bills are sitting there in the Senate just languishing away because there is a decision made just not to move anything forward from the House? That is unfortunate because that hurts the American people.

Mr. Speaker, we hear a lot of things that are supposedly what we want to do. But here is what I believe we are trying to do today. It is about defense of the Constitution. It is pure and simple. It is about the protection that is given by the Constitution to the two houses of the legislative branch and to the President of the United States and the executive branch and to the judiciary, and that separation of powers is within the Constitution. That is what we are fighting for.

Forget about all this other stuff that has been thrown up as a smokescreen. We are fighting to defend the Constitution.

And people say, well, you know, it could cost money. Well, thank goodness. Thank God that our Founding Fathers didn't say, well, you know what? It is a reach too far. It will cost too much. It could cost our lives. They didn't make that decision. What they said was, it is important for the future of this country that we live by the Constitution, that we design a Constitution that will endure into the future.

And, Mr. Speaker, I would suggest to you that this Constitution has endured and has provided the guidance for this country to move forward every day. It is not by happenstance. It is by the fact that we are supposed to live by and defend the Constitution.

Mr. Speaker, when I was a deputy sheriff, if we just said, You know what, I don't agree with the free speech portion of the Constitution, we would have stopped free speech. I had to defend people, stand there and put my body in front of people who were opposed to what the people behind me were saying that was repugnant to us and to most Americans. But I had to put my safety at risk for their free speech. And you know, I could have said, You know what, I don't agree with that. That is just part of the Constitution. Let's not worry about free speech. But we didn't do that. We didn't rewrite the law. We didn't rewrite it.

You know, yesterday or the day before—I am not sure which day it was—but in the Rules Committee, we heard an impassioned description from the gentleman from Florida (Mr. WEBSTER), who was the speaker of the house in Florida, who was sued by the Governor in regards to the implementation of law. And guess what? That body won.

And thank goodness that the house won in the Supreme Court of Florida and that they just didn't say, You know what, you don't have standing. So forget about that.

A lot of people are trying to presuppose what the Supreme Court is going to say or do. I would suggest to you that I am willing to go along with whatever the Supreme Court says. Now, I may not like it. But I am willing to go along with it because I do believe they are the ultimate arbitrators as to what is constitutional and what isn't.

□ 1400

It is amazing that this document that we are talking about, that there is a question about it, that there is a question about the separation of powers.

I would like to read a quote from then-Senator Barack Obama:

> We have got a government that was designed by the Founders with checks and balances. You don't want a President that is too powerful, a Congress that is too powerful, or a Court that is too powerful. Everybody has got their own role. Congress' job is to pass legislation.
>
> The President can veto it or sign it, but what George Bush has been doing as part of his effort to accumulate more power in the Presidency, he has been saying, well, I can basically change what Congress passed by attaching a letter that says I don't agree with this part or that, I'm going to choose to interpret it this way or that way.
>
> It is not part of his power, but it is part of the whole theory of George Bush that he can make laws as he goes along. I disagree with that.

Once again, quoting then-Senator Obama, Senator Obama says:

> I taught the Constitution for 10 years. I believe in the Constitution, and I will obey the Constitution of the United States.

Now, I don't know what happened on the trip from the Capitol down to 1600 Pennsylvania Avenue, how that changed, but I guess the Presidency can change your view of the world. It may not be an accurate view of the world, but it can change it.

I think what then-Senator Obama said rang true then and rings true today. It is about the separation of power, and let me tell you something, my friends on the other side of the aisle should be standing there with us because, for too long, this House has now become irrelevant. Congress in general is becoming irrelevant.

When I got elected just over 4 years ago, I came up here with a purpose. I came up here with a belief in the Constitution and that there is separation of powers between the executive branch, the legislative branch, and the judicial branch, but now, I hate to say it, in my 4 years, I have become disenchanted with the fact that this House for way too long has just had a ''cooperate and graduate'' kind of attitude, and I don't think we should do that.

That is why, today, the buck stops here. We have got to make a stand in regards to is the Constitution relevant, is this House relevant. If not, we should just all go home. There is no reason to be here.

I have three sons that serve their country and that have put their lives on the line for this country, not by their own choice—I mean, they serve their country at their choice—but when they go off into war, it is at the direction of the President.

It is a direction to protect this country, and they do so willingly. They raised their hand to say they are going to support and defend the Constitution. I raised it as a police officer outside of Chicago, I raised it as a deputy sheriff, I raised it as sheriff, and I raised it here when I got sworn in as a Member of this body.

I take that seriously, and I take it seriously when anybody thinks they can trample on the Constitution. I take it seriously when anybody thinks that they are above where we need to be.

This legislation is about empowering the Speaker of the House, if he so deems it, to sue the President. I happen to agree with that. Mr. Speaker, we can talk all day—at least I could—in regards to why it is important that this House protect its prerogative in regards to passing legislation and reminding the executive branch as to what their duties are.

Mr. Speaker, this isn't about Democrats and Republicans. Let me tell you something, I wasn't here before this. I got here 4 years ago. I don't care if it is a Republican or Democrat or Independent or whatever. I believe in this institution. I believe in the Constitution of this country, and I believe we should do everything in our power to defend it no matter who is trying to usurp it.

So I encourage my colleagues for the last time to support this rule, to support this institution, and to support this Constitution. It is about are we really serious about the checks and balances that our Founding Fathers so rightfully created.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 694 OFFERED BY MRS. SLAUGHTER OF NEW YORK

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 Bring Jobs Home Act (H.R. 851). 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 Ways and Means. 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. Immediately upon disposition of H.R. 851, 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 Paycheck Fairness Act (H.R. 377). 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 Education and the Workforce. 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. 3. Immediately upon disposition of H.R. 377 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 Fair Minimum Wage Act of 2013 (H.R. 1010). 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 Education and the Workforce. 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. 4. Immediately upon disposition of H.R. 1010 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 Bank on Students Emergency Loan Refinancing Act (H.R. 4582). 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 Education and the Workforce. 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. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 851, H.R. 377, H.R. 1010, or H.R. 4582.

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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. With that, 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## EXTENSION OF AFGHAN SPECIAL IMMIGRANT PROGRAM

Mr. HOLDING. Mr. Speaker, I move to suspend the rules and pass the bill