

Thank you for your attention to this appointment.

Best regards,

NANCY PELOSI,
Democratic Leader.

LAMEDUCK SESSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my privilege to be recognized to address you on the floor of the House of Representatives this evening, as we move toward a September session that perhaps gets concluded in a way that we go back to the November elections and, hopefully, we are bridged over any great big decisions that might come in a lameduck session.

Something that I wanted to address to you, Mr. Speaker, is the circumstances of lameduck sessions. I look back on the history of them and it is hard for me to find happy conclusions that are drawn during lameduck sessions.

I recall that Thomas Jefferson once made the statement that "large initiatives should not be advanced on slender majorities." What he meant by that was, if you have a large initiative and it is going to move this country and it is going to stress a lot of people in this country, then, if you move that large initiative and its margins are essentially close to a jump ball, you are going to have almost half the people unhappy—maybe more than half the people who are unhappy.

So that large initiative should not be advanced on a slender majority, because you get so much pushback, you don't get public buy-in. If you have a large initiative, you need to have a public that embraces it; one that, hopefully, we can get to a supermajority on large initiatives, because then we go forward in lockstep in defending and promoting those decisions that were made by this country.

Worse than advancing a large decision on a slender majority is pushing large decisions in lameduck sessions. The reality of it is, however long and nobly Members of the House and Members of the Senate have served and however long and nobly the President of the United States may have served, when they are leaving town after the election, for them to come back here after the November election and push large initiatives in a lameduck session, they are not held accountable for it any longer. You have the people that are retiring, those that we voted out of office, and a President who is term-limited altogether packaging things up and shoving them at us, the American people, sometime after November 8 and before Christmas, where we have cliffhangers that go on until Christmas Eve.

I remember Christmas Eve in about 2009. In fact, it was 2009. The

ObamaCare legislation was hanging in the balance in the United States Senate. There, I recall my communications with the esteemed gentleman who is now the chairman of the Senate Judiciary Committee, and I said: Procedurally, you are down to the last piece here. This is the eve of Christmas Eve day, December 23.

I had sent an email over, which often and almost immediately is responded to by my senior Senator, and I said: Procedurally, you are going to hold ObamaCare until 9 o'clock tomorrow night on Christmas Eve. But it looks like the question is: Will the ObamaCare legislation be brought before the Senate before—earlier in the morning on the 24th—so that everybody can catch their plane and fly back home and get home in time for Christmas?

The price for sacrificing God-given American liberty to move a leftist agenda, Mr. Speaker, was what was going on over in the Senate. They brought this leverage right up until Christmas Eve day. But the deal was they had a couple of judicial appointments that they wanted to get in a vote on, as I understood, that could come along in January, as a promise that they allowed the ObamaCare legislation to be voted on before 9 o'clock on December 24, Christmas Eve day.

That agreement was reached and the Senate conferenced in some negotiated fashion or another and the last delay that was hanging onto God-given American liberty in the face of ObamaCare's hook, crook, and legislative shenanigans, which they used to pass that through the House and Senate—in components, by the way—the last one was removed and they allowed that vote earlier in the day so the Senators could get to the airport, get on a plane, fly home, and be with their families on Christmas Eve.

I said: If you are going to take away a God-given American liberty, then make them pay that price. Hold that vote up until 9 o'clock on Christmas Eve. Let them stay in Washington, D.C., on Christmas Eve. If they love their socialized medicine that much, let them pay that price of being away from their families to impose that on the American people.

But that wasn't the agreement. So I sent the email back, which said: What are we going to do now?

The answer I received was: We are going to pray. We are going to pray for a legislative victory in the special election in the Senate race in Massachusetts. Scott Brown.

I thought that was a bit of a reach, to have the audacity to ask for that. We ended up with that. Scott Brown, for a time, did delay the socialized medicine program that we call ObamaCare. George Washington could not have called it the Affordable Care Act because George Washington could not tell a lie. It is not the Affordable Care Act.

It came upon us in a lameduck session. Probably the worst example of a

lameduck session that we have seen. Well, at least it was a December session rather than a lameduck session because it technically was not an election year.

Now we are sitting in an election year. We will elect a new President. By the time the sun comes on the morning of November 9, odds are we will know clearly who the next President of the United States is going to be. We will probably have a good idea that evening before we go to bed. Maybe the polls will give us a strong indication going into that day and the exit polls during the day will be released as the polls close and give us a sense of how this thing breaks across the country.

It is an exciting time. Whether the next President of the United States is going to be Hillary Clinton or whether it is going to be Donald Trump is a question that no one at this point knows. Now, this Congress will take conclusive acts predicated upon a presumption of one or the other, or, acting as if they don't have any consideration for who will be the next President and asking that those decisions be made, supported, ratified by people who are going home, retired by their own choice, retired by the voters, or retired, in the case of Barack Obama, by term limits.

So what good could possibly happen in a lameduck session on large decisions that might bring forward—and I am not going down through the list, Mr. Speaker, because if I do that, that will add to the level of expectation on what might come.

It is wrong for this Congress to make large decisions, especially on slender majorities, and it is wrong for this Congress to make decisions that are predicated by a presumption of who will be the next President of the United States. And it is really wrong to come into this Congress and make big decisions in here while people are on the way out the door; deciding votes while they are on the way out the door to go home for their retirement, whether it is by choice, whether it is by the voters, or by constitutional term limit, whatever the case may be. That lameduck session should be used only to do that which couldn't be accomplished before the election and that which must be done before the new Congress is sworn in in the first week of January 2017.

We have that period of time. We can prepare for that. But it looks to me like there are some people in this Congress who are salivating over the idea of being able to exercise more leverage by moving an agenda through in a lameduck session that will be at the disadvantage of the will of the voters.

If you can't put that up here on the floor for a vote in the House of Representatives between now and November 8; if you can't sell it to the American people, Democrats and Republicans; if you can't get the support of one of the likely next Presidents of the United States, then who are we to impose it on the American people now?

By the way, who is the current President, Barack Obama, to be negotiating and leveraging and reaching legislative agreements with the House of Representatives and the Senate today on legislation that would not be signed by the next President and legislation that can't be subjected to the light of day prior to the election?

Lameduck sessions that move large initiatives are wrong. Lameduck sessions that take care of emergency issues are okay. The public will know the difference between the two.

This is just a component of the discussions that we will have the rest of this month of September, Mr. Speaker, and, hopefully, the American people will have all the way up until November 8 and beyond.

I want the American people to be well informed. We owe the American people—every one of us, all 435 of here in the House of Representatives—everyone around this Chamber here tonight and everyone who is watching on C-SPAN, Mr. Speaker, our best efforts and our best judgment, and that judgment should not be something that can't be subjected to theirs. The American people need to agree with the judgment of the United States Congress.

So I look at the issues that are unfolding here and that we will be taking up perhaps in the month of September, but also issues that have been seminal issues all along, throughout the Obama Presidency and prior to that and all the time I have been in this Congress, and I am seeing the pressure come forward to make a decision on a continuing resolution. We have to make a decision on a continuing resolution—a CR, as we refer to it here.

I would like to have seen this Congress go through regular order. I would have been very happy to go back to the times that I remember when we had 12 appropriations bill, perhaps a supplemental appropriations bill—maybe 13, at the most—and we would see that our Appropriations subcommittees would do their work and the Appropriations Committee would do its work. And then the appropriations bill would come to the floor. They would come to the floor within the Budget Committee's resolution and the House's vote on a full resolution of the budget.

Once that budget comes down, the Appropriations Committee goes to work and they look and see what their allocation is allowed in the budget resolution and they move the appropriations bills within that. Then the appropriations bills, Mr. Speaker, come to this floor under an open rule. I don't care if it takes all night for us to debate appropriations bills. If you don't care enough to stay up all night to offer your amendment, then just don't offer your amendment. Let somebody that cares more do that and have that floor. But Democrats and Republicans should be allowed to and have the opportunity to weigh in on every spending bill that we have.

□ 1930

And sometimes through the appropriations process is the only way that we end up with an open rule that allows a Member to bring the will of their constituents to the floor of the House of Representatives. Otherwise, the Rules Committee constrains that on policy bill after policy bill, standing bill after standing bill.

The appropriations process is our opportunity to reflect the voice and the will of the American people. And when that is subverted, when that is circumvented, when we get to a place where we don't have the regular appropriations process that is going on, then we end up with leadership negotiating a continuing resolution or an omnibus spending bill or a minibus spending bill that is packaged up in a room somewhere, not out in the open, but it doesn't have the opportunity to be amended in the process by the will of the Membership.

The more that process is narrowed down, and when a Member of Congress is required to go up to the Rules Committee and subject themselves to what can be a less than complimentary scenario of pleading with the Rules Committee for them to allow you to amend a spending bill up or down, or strike a spending line in there, or eliminate some policy, all within the rules that are there, why does a Member of the United States Congress whose constituents deserve every bit as much representation as the constituents of the leadership, or the constituents of the members of the Rules Committee, Democrat and Republicans, why does that Member of Congress have to go up and make that request to have an opportunity to make their argument to ask this floor to vote on an issue that funds or defunds policy? When we get to that point, the voice of the people, Mr. Speaker, is muted, and the will of the people, then, when it is muted, the will of the people is not carried out.

I am all for open debate here on the floor of the House of Representatives. I am for open debate in committees. Let's have a verbal donnybrook here. Over time, it sorts itself out, and the will of the people is designed to bring itself forward here in the United States Congress.

I would suggest also that, from a leadership perspective, anybody that holds a gavel, and whether that is the Speaker's gavel, Mr. Speaker, or whether it is a gavel of a committee or a subcommittee, wherever that might be, the job of that leader—chairman, usually—is to bring out the will of the group, not to impose their will on the group, but to bring out the will of the group.

So when I see this discussion that comes forward here in this Congress that contemplates a CR, a continuing resolution, of roughly 90 days or so that funds our Federal Government out till December 9, I look at the calendar, December 9, and I think, okay, that is just about how long it is going to take

for them to bring pressure on people that are reluctant to agree with the CR that will come then, because people will want to go home for Christmas, just like they did when ObamaCare was passed over in the United States Senate. That is what we are looking at. December 9, tight little time there. Get done, compromise, go home for Christmas. That is what that says to me.

I would say, instead, I am all right with a CR. I am all right with a continuing resolution. No, I don't want to fund any of the President's unconstitutional executive amnesty acts, and I don't want to fund Planned Parenthood. There are a number of things I don't want to fund.

But as far as the decision to move the funding of this Federal Government from midnight December 30 to a date in the future, I would suggest that that date be January 31, probably not any later than February 28, because we need to get that, bridge that funding over into the next Congress for the next President, whomever that might be.

It is time to do this transition and move this government to the next Congress, to the next—hopefully, it is the same majority. It may not be in the House. Hopefully, it is the same majority in the United States Senate. It may not be in the Senate.

The next President will be a different President, and the will of the President does itself upon the will of this Congress. We have been very much subjected to that over the last almost 8 years, Mr. Speaker.

It has been an object of clarity that when the House majority has decided not to fund, let's just say, at least one of the President's projects and the President has said, I will shut this government down first before I will be denied the funding for my pet projects, in the end, the majority in the House of Representatives capitulated to the will of the President.

We have that to contemplate going forward into the next Presidency. We have watched as the power of the House of Representatives has been diminished. The power of the Senate has been diminished and, I will say, significantly and dramatically. And it didn't just happen under this Presidency. It began in a significant way clear back in the thirties. I don't know the exact year that the Administrative Procedure Act was signed, but that would be, probably, a pivotal moment that one could point to on the calendar and conclude that the balance of the three branches of government that we had—that was designed by our Founding Fathers, and I would submit that the judiciary branch was always designed to be the weakest of the three branches of government.

But our Founding Fathers envisioned that those three branches in government—thinking of it in a triangle, Mr. Speaker: the legislative branch, Article I; the executive branch, Article II; and then the judicial branch, Article III of

your Constitution—they set them up to be a balance of powers, a triangular balance of powers. And even though it is often taught that it is three equal branches of government, I would argue that the legislative branch comes first—that is Article I—because we are the voice of the people.

The House of Representatives comes ahead of the Senate when it comes to spending, by design, by Constitution, because our Founding Fathers wanted to give the control of the power of the purse into the hands of the people as closely as they could possibly get it. And that is why we here in the House are up for election or reelection every 2 years and why the Senate is up for election or reelection every 6 years, because they wanted the Senate to be insulated from the highs and lows of public opinion.

They wanted the House of Representatives to be reactive and responsive to the highs and lows of public opinion, and they wanted that power of the purse to be in the hands of the House, so that we start the spending bills. By extension and by interpolation and by precedent, the House starts the spending, and the House takes care of initiating any taxes as well; and the Senate then can react to those things that are advanced by the House.

But if there is a single spending bill over in the Senate right now, they have expanded in authority, historically, to be able to simply add anything spending to that spending bill they would like. And we are poised here in the House wondering: Are they going to send us a bill that is this continuing resolution that fits their wants, their wishes, and their will, which could be a CR till December 9 that funds Planned Parenthood and ObamaCare and the President's executive amnesty? All of that could come at us, Mr. Speaker.

This balance of powers that is here, though, it was expected by our Founding Fathers, they believed that the people elected to serve in the Congress, the House and the Senate, and they believed that the President of the United States would all jealously protect the constitutional authority that is granted to them within the Constitution.

They knew that no matter how good wordsmiths they were, it was impossible to define the distinctions, the bright lines between the three branches of government in such a way that there would never be an argument because, after all, words themselves get into a debate on what the definitions of those words mean.

So our Founding Fathers precisely drew the difference as much as they could within the language that they had. And the data at the time, and the Federalist papers at the time, and the decisions that were made and the CONGRESSIONAL RECORD that was debated along the way, and of all of the debates that had to do with the Constitutional Convention helped flesh out the meaning and understanding of this great and

wonderful Constitution that we have. But they also knew that, no matter how precisely they fleshed it out, that there would be disagreements, and they expected that each branch of government would jealously protect the power and authority granted to it within the Constitution.

Well, this House of Representatives, and the Senate included, has not done a very good job of protecting and defending the authority and the power granted to it in the Constitution. Article I authority says all legislation shall be conducted in the United States Congress—all legislation, Mr. Speaker. And yet we have a President who has legislated from the Oval Office. He has legislated by speaking words into law. He has legislated by a third-tier Web site in the U.S. Treasury that essentially amended the effectiveness of ObamaCare.

This Congress didn't step up in the way of that and take on that fight and challenge the President and ball up this government to the point where the President had to give in to the words in the Constitution, the meaning of the Constitution, the intent of the Constitution, and concede that the power and the authority in the House of Representatives, in particular, but in the legislative branch, would assert itself over the executive branch. It didn't happen because of a lack of will at the House of Representatives to better define the legislative authority that we have.

It began, as I mentioned, with the Administrative Procedure Act, which granted rulemaking authority to the executive branch of government. And so rules, rules that once they meet the criteria that are defined within the Administrative Procedure Act—publish it, open it up for public comment, go through those conditions—if that rule as proposed reaches those conditions, then that rule is then enacted, implemented, and it has the force and effect of law as if it were law.

Today, it is a lot easier to publish a rule and have that rule take effect and be and provide the force and effect of law than it is for Congress to actually pass a law.

So if the President decides that he wants to see, let's say, environmental regulations, let's say, the WRRDA piece, the waters of the United States regulations that give the EPA and the Corps of Engineers the equivalent of legislative authority to regulate all of the waters of the United States through some ambiguous language that they had written into a rule, and it is so bad that it says these waters—the old language back from the nineties was these protected streams, as geographically defined, and waters hydrologically connected to them shall be protected streams.

When I go to them and I ask them: What does "hydrologically connected" mean?

Their answer is: Well, we don't know.

And I said: Well, then take it out of the language.

Well, we can't do that.

How can you know you can't take it out of the language if you don't know what it means?

Well, we know that we can't change or amend the language. That is what we are publishing here, and that is what is open for public comment. So you are either going to have to live with it or oppose it successfully. Which is it going to be?

Well, try opposing a rule successfully. Try convincing the EPA that there is enough public comment and criticism that they ought to change that language when they are not accountable to the people.

The EPA, the Corps of Engineers, any one of the dozens of agencies that are out there, their bureaucrats aren't up for election or reelection like Members of Congress are—only their President. Their President has given them orders, or at least a philosophical guideline that they are following, and so we end up with waters of the United States, now, language that says the navigable waters of the United States and any waters that are a significant nexus to the navigable waters of the United States.

Well, think of that. The ambiguous language of waters hydrologically connected to was litigated down to the point where the courts finally ruled that it doesn't have an effectiveness because it is too ambiguous. And so they cooked up some other ambiguous language to litigate for another couple of decades, this ambiguous language of significant nexus to the navigable waters of the United States—significant nexus.

All right. What is nexus? Well, that is anything that intersects. Well, is it 1 intersection? is it 2? is it 3? is it 10? is it 50? is it 100?

If you could go down to New Orleans and track the Mississippi River up to the headwaters, how many significant nexus do you have that are tributaries that run into the Mississippi? How many of those tributaries can be traced up to creeks and streams and tile lines and wells and water lines that go up to the kitchen sink?

They have defined ambiguous language that allows them to regulate the entire United States of America all of the way to the kitchen sink under requiring a significant nexus with the navigable waters of the United States. And we sit here and take this. And they can write rules like this that have the force and effect of law and put a chilling pall on the economy of the United States of America.

That is what we are faced with, Mr. Speaker. And the legislative power that has been asserted—and to a large degree, successfully asserted—by the executive branch of government reaches into the Article I authority of the United States Congress. What are we to do about it here? We are to jealously protect this power. Our Founding Fathers charged us with that.

And how do we jealously protect that power? We have only two things we can

do: impeachment, which nobody wants to do, including me; the second component of that is the power of the purse—the power of the purse that James Madison spoke about and wrote about eloquently, and it is a powerful, powerful tool.

But this Congress has declined to use the tool of the power of the purse, with the exception of what turned into the shutdown of our Federal Government in the first day of October of 2013, because they don't want to face the criticism that might come from the public of the American people.

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There is a tremendous amount of authority that needs to be clawed back to this Congress, Mr. Speaker, a tremendous amount of constitutional authority that needs to be clawed back. When I see a CR being prepared that looks like it is going to reflect some of the continuing resolution from last year, I see a continuing resolution that may be coming to expand, for example, immigration standards within the United States of America under the guise of, well, we are just going the kick the can down the road and do some spending that is going to get us into December 9 or on into, hopefully, February 28 or maybe a little later, and some want to go out to September 30.

I think that is too far. I don't think we ought to give a blank check to the next President of the United States if we don't know who that is going to be—even if we know who that is going to be. We ought to be, instead, establishing a scenario by which the new Congress—House and Senate—can pass appropriations bills to get to the end of this fiscal year and get a signature of the next President of the United States, not this one.

By the way, I don't want to give this President of the United States a blank check on anything anymore, but Barack Obama said 22 times—not just 22 times in the interviews, 22 times overheard, or 22 times reported—he said 22 times on videotape that he did not have the legislative authority to grant executive amnesty to illegal aliens in the United States of America—22 times.

The most recent time that he did that was just about 10 days before he changed his mind. He was here in Washington, D.C., giving a speech to a high school here in Washington, D.C. He said to them: You are smart students, and I know that you have been studying your Constitution. You will know this, that I don't have the authority to grant executive—he didn't use the words—but executive amnesty. I am the President of the United States. Congress writes the laws. My job as President is to enforce the laws, and the job of the judiciary is to interpret the laws.

I don't think that you could put it more concisely than that in a matter of two or three sentences. I think the President did a good job of describing

that to the students there. But within about 10 days, he decided that he would reverse all of that, and all of a sudden he had the power to grant an executive amnesty—an unconstitutional executive amnesty, Mr. Speaker.

President Obama unconstitutionally granted an executive amnesty to people who at least assert that they have come into the United States under the age of 18. Apparently, if you are under 18, you are not responsible for your actions, even though that is not true among the States, even in the case of homicide. So the excuse that it was somebody else's fault, it was their parents' fault or somebody else's fault, never held up. It didn't hold up in law.

We write the law here in Congress, but the President granted an executive amnesty. He called it DACA, Deferred Action for Childhood Arrivals. You are a child, apparently, up until the moment that you turn 18, and we will take your word for it even if you are 35 today or older, by the way. That was DACA.

Then there was DAPA, the Deferred Action for Parents of Americans, he called it. That was another unconstitutional reach. Now, these things have—at least the one has been effectively enjoined by Judge Hanen in the Texas District. Now the President has been blocked, I think, effectively until the end of his term on continuing this amnesty process of executive amnesty. Meanwhile, the DACA executive amnesty continues. We have seen evidence that there has been circumvention of the court's order with regard to the DAPA amnesty piece.

While we are watching this unfold, we are a Congress that has allowed for funding to continue with unconstitutional acts of executive amnesty on the part of the President of the United States. I recall a discussion before the Rules Committee before a previous appropriations bill when I made the assertion, Mr. Speaker, that we all take an oath to support and defend the Constitution of the United States. Every one of us in here, all 435 of us, and every Senator of the 100 Senators on the other end of the Capitol here through the rotunda all take that same oath that we will support and defend the Constitution of the United States, so help us God. We should take that oath seriously.

Our Founding Fathers imagined that we would always be electing serious representatives who when they took their oath that they would take that oath with their hand on the Bible, and they would know that they had to answer to their contemporaries, their colleagues, their constituents, the American public, and ultimately to God for that oath.

Now, the Constitution means what it says. It has to be interpreted to mean what it was understood to mean at the time of the ratification of the Constitution or the subsequent amendments. Our oath needs to be an oath of fidelity to the text and the under-

standing of that Constitution. If it doesn't mean that then our oath means nothing at all. Can you imagine, Mr. Speaker, taking an oath that is: I pledge to support and defend the Constitution of the United States whatsoever I might interpret it to mean at any convenient point in the future? No. The oath is not to support and defend the Constitution in any way it might be subverted or perverted by any other authority. No. We are taking an oath to support and defend the Constitution according to the text of its clear meaning and understanding as understood at the time of ratification.

If we don't like what that Constitution means, Mr. Speaker, then we have an opportunity to amend the Constitution. It is simply defined and difficult to do for good reason. Simply defined, it just takes a two-thirds majority in the House and Senate to pass a constitutional amendment out of here. The President has no formal say in the process. Although, he will have an opinion, and then that constitutional amendment goes out to the several States as it was referred to in the Constitution, and there, if three-quarters of the States ratify that constitutional amendment, it becomes a component of the Constitution.

Our Founding Fathers gave us a tool to amend the Constitution because they knew they couldn't see into the crystal ball by the centuries. They wanted it to be difficult because they wanted to protect the rights of minorities against the tyranny of the majority, and they wanted to protect God-given liberty. They had a vision, they were well educated, and they had a sound and faithful foundation within them. They laid out a brilliant document that would only maybe be second to the Declaration itself when it comes to the brilliance of documents that are written, at least by Americans and perhaps by mortals altogether.

We are an exceptional nation. God has given us this liberty. We have an obligation to protect it, an obligation to restore the separation of powers, and an obligation to assert the constitutional authority here and say to a President that overreaches: I'm sorry, we are not going to fund your unconstitutional activities. We are going to stand on the principle itself of the Constitution.

Whether or not we agree with policy, we need to have fidelity to the Constitution. We don't get a pass because the Supreme Court errs in its interpretation of the Constitution. We don't get a pass because the President says that he has a different opinion. We don't get a pass no matter which side of this aisle we are on, on the right or on the left. We have an obligation to God and country and to have fidelity to this Constitution.

So now this expansive immigration policy that has been delivered by the President has set a goal of 10,000 refugees coming out of Syria. At this point, I will concede that he has the executive

authority, as granted by Congress, to bring in refugees in numbers and under consultation with the House and the Senate. I have sat in on some of those consultations in previous years, and, in fact, with Hillary Clinton for that matter, and we have arrived at, I will say, a reasonable approach to the numbers of refugees.

But this President had set a goal that he was going to bring in at least 10,000 refugees out of the Syria and Iraq region. When I look at the numbers that are there and the costs that we have, if we want to provide relief to people, we can provide refugee relief to a dozen people in their home country, and that would be Iraq or Syria in these circumstances, for every one that we bring into America.

When you clean that area out, when you bring people out of that area, you are handing it over to ISIS. That is part of what the President has been doing. He has been bringing people out of there and handing that region, the real estate, over to ISIS. They are glad to get rid of them. They killed thousands of people who didn't agree with them, and there are those that are on the run from ISIS. ISIS has been committing a genocide against Christians and against Yazidis in the Middle East, especially in the Nineveh plains region. I have seen the devastation that is taking place there.

Mr. Speaker, I have gone into those regions and gotten as close to the ISIS front lines as possible, and that is just outside their artillery range. I went looking for Christian refugee camps, Mr. Speaker. I couldn't find Christian refugee camps in that part of the world, into the edges of Syria, into northern Iraq, into the Kurdish region, and into Turkey for that matter. The place to find Christians in that part of the world is go to church, and there you will find Christians. I have met with the Chaldean bishop twice in Erbil in the northern part of Iraq.

In my last trip in, I went into the Catholic Church, the Roman Catholic Church in Istanbul, and I met with a good number of Christians there. Then I went down into Erbil the following morning. It was a Saturday night mass and then a Sunday morning mass in Erbil, and there I met a good number of other Christians. I sat down with a family that was a refugee family out of the Syrian region and met with the Chaldean bishop there.

Here are some things that I learned from them and others: The Assyrian Christians are under attack. There is a heavy assault of genocide against them. Chaldean Christians, same way, they are subjected to genocidal attack from ISIS. The Yazidis, who are technically not Christians, are under genocidal attack from ISIS, and their home region is the Nineveh plains region. The Nineveh plains region runs along, I will say parallel or next to, Mosul in Iraq in that area.

In my discussions with the Barzanis, who are essentially in charge of the

semiautonomous region of the Kurdish region in northern Iraq and the Erbil area and all across, I pressed them that we need to establish an international safe zone for Christians and for the Yazidis, the native minority, so that they can live there in peace and be protected.

I made that case rather extensively to him. He repeated it back to me probably two or three times greater in detail and in conviction than I had delivered it to him. I said to him: Mr. Barzani, you sound like you have said this before. His answer to me was: I have said it before. That is my public opinion. We will support an international safe zone in the Nineveh plains region. We will support it, we will help defend it, and we are committed to it. That is my public position.

I was awfully glad to hear that. It is a lot better solution for refugees to give them protection in their home region and protect them from the genocidal ISIS people than it is to try to bring them out of the Middle East and bring them into the United States, or other places in the world for that matter. But we do have refugees that are looking for a place to call home around this world.

So I stopped in Geneva a couple of months ago, Mr. Speaker, by the way, with Chairman GOODLATTE of the Judiciary Committee, and met with the number two on the U.N. High Commissioner for Refugees. In that meeting and in that discussion, I learned a few things. I thought that it was a good meeting. It was a very constructive meeting with a lot of information that poured back and forth.

□ 2000

I have this report that I probably will not put into the RECORD. "Global Trends: Forced Displacement in 2015," which flows, of course, into 2016, Mr. Speaker.

I noted a report that we had that showed some—and I am close, but maybe not exactly precise on this top number—1,562 refugees out of the Syrian-Iraq region that had come in in a group into the United States. Of that 1,562, roughly, number, I can give you the exact number of Christians that were included in that: one. Only one.

We have seen other larger groups—several thousand—where there was only a little more than 1 percent Christians that come out of there. Christians in that part of the world, as far as refugees are concerned, grow into a number of 9, 10, 11, 12, 13 percent.

So why is it that this administration can bring in more than 10,000 refugees out of that part of the world—now approaching 12,000, looks like will be the number even greater than that by the end of this fiscal year on the last day of this month, Mr. Speaker—and not have any statistical representation of Christians that are emerging from that part of the world?

I asked our director of USCIS, under oath before the Judiciary Committee:

Do you ask these refugees that you claim that you are vetting, and I don't believe can be effectively vetted, do you ask them what their religion is?

He said: No, we don't ask. How would we have any way of knowing? Even if we asked them, we don't know. So that is not a statistic that we collect or keep.

Well, it seems to me to be foolish and imprudent not to be taking a look at the religion of people. We would want to be accelerating bringing Christians into America if we are going to bring refugees at all into America. They are the ones that are targeted. They are the ones that are subjected to genocide.

I would like to carve out that international safe zone and let them live in peace in the area that is their home of antiquity. If that is not going to be the case, why would we be then seeing a misrepresentative sample coming into America, unless there is a preference of, let's say, a bias against Christians coming into America, one out of 1,562, roughly 1 percent out of 3,600 or so?

Then on top of that, when I began to ask the representative of UNHCR, the U.N. High Commissioner on Refugees, in Geneva—who gave a very impressive presentation, I would add, Mr. Speaker—when I began to ask those questions: How many refugees do you have cleared to come out of the Middle East that could be going to any of the designated countries that are accepting them? And we know that Germany, Austria, Sweden, and France, to a degree, are picking up refugees. We watched them pour in. I walked with them pouring in that epic migration. Many of them are not cleared, but of those that have been cleared by the U.N. High Commissioner on Refugees, how many do you have?

Her answer was: Well, we have 115,000 who have been cleared under a refugee status that have, roughly, a background check—she didn't use the word "roughly"—but a background check done on them that we say are ready to be transported to host countries—115,000.

I said: Do you keep track of what religion they are?

Well, absolutely, yes, we do.

How many Christians?

Fifteen thousand Christians out of 115,000 refugees.

I didn't do the math, but I am going to say that is 12 or 13 percent. Now, if 12 or 13 percent of the refugees that are approved by the United Nations are Christians and 1 percent, or maybe even one out of 1,562, are Christians coming into America, does that mean that this administration set up a filter to filter them out and only made mistakes?

I would support, instead, an effort that if we are going to accept refugees from that part of the world, let's make sure it is the refugees that are subjected to a religious genocide. By the way, I think they are more likely to be assimilated into America judging by

the responses that I have heard from them.

I looked at some of the results in this report that I have referenced, Mr. Speaker, and I was surprised, not quite shocked, to see the number of refugees per 1,000 inhabitants in these countries who have been flooded with refugees. I want to tip my hat to the countries that have taken on a high number of refugees that is also a high percentage of their overall population.

Lebanon is at the top. Out of every 1,000 inhabitants of Lebanon, 183 are refugees. They have been stretched to the seams in Lebanon. Jordan, 87 out of 1,000. And then you go to Turkey, 32; Chad, 26; Djibouti, 22; on down the line getting down to the end, Malta, 17 per thousand. That is a high number, especially for a small island, but it is still a per capita basis. Out of all of the countries in Europe, or the United States for that matter, Sweden, 17 per thousand. That is the highest rate out of Europe in its entirety, or the Western Hemisphere for that matter, or Oceania for that matter. The Swedes continue to take a lot of refugees in.

We have a national destiny, a national security, to be concerned about. We know that it is a very difficult task to vet refugees. I am supportive of an effort to suspend refugees coming out of that part of the world that produces terrorists until such time as we can get a handle on the vetting of them, on the background checks. Many times when they leave their home country and when they enter a foreign country, they will destroy any identifying documents that they might have so that they can't be sent back to their home country.

This is a big problem for Europe. We have watched as the attacks have emerged in country after country. And it is a big problem for the United States. We are challenged with this vetting process that cannot possibly uncover those who will turn to violence. We can look at polling that shows what percentage of people from terrorist-producing countries that settle in the United States are supportive of Sharia law, are supportive of violence to promote Sharia law, that are, at least philosophically, supportive of organizations including and like ISIS.

Those numbers are shocking. They are far too high, which caused our Director of the FBI, James Comey, to make the remark when asked to be responsible for the vetting of the refugees: You are asking us to identify the needles in the haystack. That is a very difficult task to identify the needles in the haystack. But if we could get that done, the far more difficult task is to identify the hay that will become needles.

We have seen that pop up second generation, I will say, immigrants from that part of the world that adhere to the philosophy that believes that they can impose Sharia law on America through violence. And even James Comey has said: You are asking us to

sort out the hay that would become needles later on. That is the second generation terrorists that have attacked us.

So it is a difficult task in a war, Mr. Speaker, that has gone on for 1,400 years. We don't recognize it as a war that has gone on for 1,400 years, but they do.

Then I see legislation that is coming at us in the form of, first, H-2B legislation in a continuing resolution, Mr. Speaker—H-2B legislation. That is low-skilled workers. The highest unemployment rates we have in America are the lowest skilled workers that we have. Double-digit unemployment in the lowest skilled workers that we have in this country. The last thing we need in America are more people that have less skills, but that is what is pouring across our borders in legal and illegal immigration.

We are essentially a welfare state. We have 94.6 million Americans of working age who are simply not in the workforce, and there are another—not quite 9 million—that are on unemployment. So we are 103 million or 104 million Americans of working age who are not in the workforce. Yet, we are watching the entitlements grow and grow and grow and swallow up our budget. So Medicare, Medicaid, and Social Security—all of them—are on autopilot for spending.

What do we do when we are trying to keep up with the spending from those three?

We go borrow the money from the Chinese or borrow the money from the Saudis. By the way, half the money that we are borrowing that is this \$19.4 trillion in national debt, half of that is borrowed from the American people who have bought the bonds and decided they are going to invest in America's future as if somehow this was an all-out effort like World War II was. Well, it may be because we are under historically low interest rates. If interest rates should double or triple—and they could easily do that, and they would not be in historic places if they did that—we would watch a collapse on our cash flow and a collapse in our budget.

Yet, this Nation has got its borders open and this Nation is bringing in more and more legal immigrants and this Nation is not protecting its borders from illegal immigration. They have turned the border patrol into the welcome wagon. And now we are poised here wondering: Is our leadership going to want to serve up an expansion of H-2Bs as they did a year ago in the C.R. that came down?

I oppose that, Mr. Speaker. We can't be expanding legal immigration. We don't know who the next President is going to be, but if it is Donald Trump, he is not going to be for this.

So is this an effort to try to hustle something through that Barack Obama will sign that the next President may not?

That is H-2Bs.

H-1Bs, for example, are being abused and they are being abused grossly. We

are seeing examples of sometimes hundreds of employees who are being laid off that are charged with the responsibility of training their foreign immigrant replacement that is coming in on an H-1B because the employer can hire cheap labor out of places like India and bring them into the United States and lay off more Americans after those Americans train their incoming workers that will work for a cheaper rate. This is the kind of country that we are building. So we end up with more and more people in that 103 million to 104 million people who are of working age who are simply not in the workforce while all of that is going on. We are requiring companies like maybe Disney, for example, to those employees on their way out of the door: We are laying you off, but, first, do you want to train your employee, your replacement that is coming in on an H-1B?

The H-1B program is abused. The H-2B is bringing in more of a surplus of what we already have, a surplus of unskilled workers. The H-1B program is being used and it is laying off American workers and green card holders that are sitting there now doing jobs that Americans will do. By the way, there isn't any job Americans won't do. They are doing jobs by definition that Americans will do, being required to train their replacements. I think that is wrong. I think it is a crime for a company to require an employee to train their replacement worker while their worker is being replaced by a visa program that is designed to bring in high school people to establish a need that presumably exists within our economy.

How could there be any need for employees in our economy when you have over 100 million people that are of working age and simply not in the workforce?

And then we get to the EB-5 program, Mr. Speaker, the EB-5 program, the investors visa, that was set up a quarter of century or so ago and said that if you have \$1 million and you can create 10 jobs investing and establishing an enterprise in America, we will give you a pass coming into the United States. A quarter of a century ago, \$1 million was real money. Today it is still real money to a lot of people in America, but not so much as it was then. If you are going into a stressed area, an economically disadvantaged area, you can get by with half a million dollars.

I am seeing programs like here comes—let me see—here comes 30—no, say 29—29 Chinese each with half a million dollars that bundle that money all together and maybe team up with one American. Now they have a business enterprise. Now we have 29 new Americans—Chinese—it will be the rich Chinese that are buying a path to citizenship here. Once they do that, then they can begin that family reunification plan and begin bringing their family back into the United States, too.

I am seeing enterprises where an investment in, let's say, a commercial

building takes a pool of—it is a \$30 million investment and it takes a pool of 60 Chinese with half a million dollars each to build this commercial building, they then become conceivably partners in that, and they have a path into the United States. We are selling citizenship. There is a price on it.

And on top of that, we have birth tourism, Mr. Speaker, birth tourism that these numbers will be a little old, 3, 4, or 5 years old where—and I am focusing on the Chinese at this point—a turnkey operation. If you have \$30,000 and you are a pregnant Chinese woman, you can fly to, conceivably, California, most likely, and be put up there in housing and have your baby. Your baby gets a birth certificate. You can fly back to China. And when that baby becomes 18, then can begin the family reunification program and the extended family and all can be hauled into America—a \$30,000 turnkey. But you have to wait for 18 years before that baby is old enough.

□ 2015

If you can't wait, don't want to wait, and you have got the money, you can lay \$500,000 down on the barrelhead, cash on the barrelhead, and get a path into America, a green card and citizenship.

These programs are just wrong. The EB-5 program should be ended; it should be sunset.

If we have to make concessions on H-2B, we don't need to make them. We should not make immigration decisions in a CR. We ought not make them in a treaty. We ought not make them in a CR, and we ought not make them in a lameduck. Immigration decisions should be made subject to the pen, the signature of the next President of the United States. They need to have the considered judgment of the House of Representatives and of the Senate, Mr. Speaker. I will push that we do only the minimum in a lameduck, if we have to do anything at all.

I would promote that a continuing resolution could kick us into the early part of next year, when we have a new Congress seated, when we have a new President that is inaugurated and sworn into office, and that the will of the American people can be reflected in the large initiatives that would be advanced by the House of Representatives, by the United States Senate, and by the next President that should reflect the will of the people.

All of this, Mr. Speaker, is our charge and our responsibility because we have taken an oath to support and defend the Constitution of the United States of America. It is our duty, and we owe the people in this country our best effort and our best judgment. Our best effort and our best judgment includes: we listen to them; we gather all the information that we can; we look into the crystal ball of the future as far as we can; and, with good and clear conscience and good judgment, we make those decisions that reflect their

will that is within the confines of the Constitution, that fit within free enterprise, then lay down a foundation for America's destiny so that we can be ever-stronger in the future and so that we can have an ascending destiny rather than a descending destiny.

With all of that, Mr. Speaker, I thank you for your attention. I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3590, HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

Mr. BURGESS (during the Special Order of Mr. KING of Iowa), from the Committee on Rules, submitted a privileged report (Rept. No. 114-741) on the resolution (H. Res. 858) providing for consideration of the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5620, VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

Mr. BURGESS (during the Special Order of Mr. KING of Iowa), from the Committee on Rules, submitted a privileged report (Rept. No. 114-742) on the resolution (H. Res. 859) providing for consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from New York (Mr. JEFFRIES) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. JEFFRIES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the subject of this Special Order.

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

There was no objection.

Mr. JEFFRIES. Mr. Speaker, it is with great honor that I rise today once again to help coanchor, along with my distinguished colleague Representative JOYCE BEATTY, this Congressional Black Caucus Special Order hour where, for the next 60 minutes, we have an opportunity to speak directly to the

American people on issues of great importance to the Congressional Black Caucus, to the House of Representatives, to the districts that we represent collectively, as well as to the United States of America.

It is a very special week for us, and we are going to spend some time during the next 60 minutes discussing the trajectory of the Congressional Black Caucus, which has been serving in this body for the better part of the last 45 years.

The Congressional Black Caucus was formally established on March 30, 1971, by 13 pioneering Members who had a vision of making sure that, within this great Article I institution, there was a body that could speak directly to the hopes, the dreams, the needs, and the aspirations of the African American people and all those underrepresented communities throughout America. We are going to talk a bit about that journey, about the accomplishments, and about the challenges that still remain.

I want to yield now to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), one of the very distinguished members of the Congressional Black Caucus, who happens to be the ranking member of the Science, Space, and Technology Committee and has ably represented the 30th Congressional District in Texas, anchored in Dallas, for almost 25 years. It has been an honor and a privilege for me and for others to work with her, to learn from her, and to be mentored by her.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Speaker, I would like to congratulate the leaders of the Special Order tonight, Congresswoman JOYCE BEATTY and Congressman HAKEEM JEFFRIES.

Mr. Speaker, as a proud member of the Congressional Black Caucus, I am proud to recognize the contributions of the CBC and its members after 45 years of service to the United States Congress and our Nation and, really, the world.

The CBC was founded March 30, 1971, with the chief objective of bringing awareness to the issues facing Black America and addressing the concerns of longstanding inequality in opportunity for African Americans.

We have an original member who is retiring this year, the Honorable CHARLES B. RANGEL. The most senior Member in this House is one of the original members, the Honorable JOHN CONYERS.

Today, the Congressional Black Caucus has grown to become a fundamental institution within Congress. From voting rights and gun violence to poverty in America and justice reform, the CBC engages on multiple fronts to address the plethora of issues facing our Nation and the world.

To date, we have had a string of able leaders chair the CBC, and I am proud to have been one of them from 2001 to 2003. Currently, as co-chair of the CBC Technology and Infrastructure Investment Task Force and a member of numerous other CBC task forces, I am