

fix our broken immigration system. Instead, it sends a message that the GOP intends to continue confining hard-working immigrants and their families to the shadows. Families who currently live in fear of deportation should be afforded the opportunity to fully contribute to the only country they call home.

As 5 million DACA/DAPA-eligible immigrants anxiously await the Court's final decision, I remind my House Republican colleagues that immigrants are part of America's backbone, and their contributions should not be discounted.

FRIVOLOUS ADA LAWSUITS ARE FLOODING OUR COUNTRY

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

Mr. CONAWAY. Mr. Speaker, I rise today to bring attention to a wave of frivolous lawsuits flooding my district. These lawsuits use the Americans with Disabilities Act, a law that has done tremendous good in our Nation, as legal cover to sue small mom-and-pop businesses for often unnoticed and easily correctable ADA violations.

Businesses that have passed local inspections are often unaware that any ADA violation exists until a lawsuit arrives in their mailbox. Instead of demanding the violation be fixed, these lawsuits try to make a quick buck by settling out of court. The businesses have little choice: pay the settlement or pay expensive business-ending attorney fees to fight the charge.

Often these attorneys, as in my district, don't even live in the State. Some use Google Earth to find violations and then file these lawsuits remotely. This is wrong. It takes advantage of the ADA, those with disabilities, and small businesses that thought they were in compliance.

That is why I have cosponsored the ADA Education and Reform Act, which we believe will fix this problem. I will work to get this bill passed so west Texans won't be abused by predatory attorneys who care more about money than helping those with disabilities.

FREE SPEECH IS UNDER ASSAULT IN TURKEY

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

Mr. PERRY. Mr. Speaker, free speech and the freedom of the press are under assault in Turkey.

No longer can the United States turn a blind eye as an increasingly authoritarian regime continues to crack down on virtually all critical voices. The harassment, intimidation, and prosecution of dissenting journalists and citizens as well as the government takeover of critical media outlets represents the antithesis of free speech

and a free press. These are not the actions of a nation that respects democratic values.

Beyond the obvious consequences, by continuing on this path, the regime risks destabilization and pushing the persecuted into the arms of Islamist extremism. Right now, today, Turkey's leadership should embrace the marketplace of ideas that is a part of any vibrant, real, and sincere democracy.

RECOGNIZING MICHAEL FORAN, GRAND MARSHAL OF SAVANNAH'S 2016 ST. PATRICK'S DAY PARADE

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Savannah's St. Patrick's Day parade as well as Mr. Michael Foran, the 2016 grand marshal of the St. Patrick's Day parade.

The St. Patrick's Day parade is a family tradition for all Savannahians and many tourists alike. After 190 years of the St. Patrick's celebration, the Savannah parade has grown into the third largest in the world.

I would like to congratulate the St. Patrick's Day Parade Committee on 192 years of festivities. I know this year's committee will present an excellent parade.

I would also like to congratulate Mr. Foran as the 2016 grand marshal. Holding all the characteristics of a great grand marshal, he fits the bill of a true Savannahian. As a member of a proud Irish family, Mr. Foran is the perfect person to receive this distinction.

I want to thank Mr. Foran and his family for their continued service to the entire Savannah community.

REMEMBERING HOWARD COBLE

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

Mr. HUDSON. Mr. Speaker, I rise today to pay tribute to my dear friend, mentor, and former colleague, Congressman Howard Coble. Howard was a proud son of Greensboro, who for 30 years served the people of North Carolina's Sixth District with honor, integrity, and kindness.

While he is no longer with us, we will always remember Howard fondly. We miss his unique style, including madras jackets, colorful suspenders, and distinctive hats, his humble sense of humor and his personality that drew people to him.

As a matter of fact, Howard never met a stranger, and he set a standard for legendary constituent service. His constituents knew they had a friend in Congressman Coble. I work every day to live up to that example.

Howard's 85th birthday would have been tomorrow. I want to ask my colleagues and my fellow North Caro-

linians to join me in celebrating his remarkable life. It was a privilege to get to know Howard Coble, to call him a friend, and to continue his legacy of service to the people of North Carolina.

I know there will be no shortage of celebration in Heaven tonight.

Happy birthday, Congressman Coble.

PROVIDING FOR CONSIDERATION OF H. RES. 639, AUTHORIZING THE SPEAKER TO APPEAR AS AMICUS CURIAE ON BEHALF OF THE HOUSE

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 649 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 649

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. 639) authorizing the Speaker to appear as amicus curiae on behalf of the House of Representatives in the matter of United States, et al. v. Texas, et al., No. 15-674. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by chair and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. HULTGREN). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members of the House have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, I rise today in support of this rule, which will provide for consideration of House Resolution 639. I believe the underlying resolution is imperative to protecting the balance of power that our Founders so carefully enshrined in the United States Constitution.

I would also like to point out that the House Committee on Rules held an original jurisdiction hearing and markup yesterday in which we received testimony and consideration of an amendment from the minority.

Mr. Speaker, over 25 States or State officials have filed suit challenging the Obama administration's expansion of DACA and the creation of DACA-like programs for aliens who are parents of U.S. citizens or lawful permanent residents.

On February 16, 2015, the U.S. District Court for the Southern District of Texas entered and the United States Court of Appeals for the Fifth Circuit affirmed a preliminary injunction prohibiting further implementation of these programs on the ground that States are likely to prevail in their argument for the programs that have run afoul of the law.

The Supreme Court indicated that they will begin hearing oral arguments on *United States v. Texas* in April of 2016 and that it will consider the plaintiffs' claims under the Take Care Clause. Because of this timely consideration by the highest court in the land, it is imperative that the House consider this underlying resolution.

I want to make it very clear that this resolution is not about policy. If you spoke with every single Member of this body, you would find a wide spectrum of opinions regarding how to handle the estimated 11 million illegal immigrants currently residing in the United States unlawfully. This resolution is not about those viewpoints. It is about the fundamental separation of power ingrained in our founding document, the Constitution.

Article I, section 8 gives Congress, not the President, the authority "to establish a uniform rule of naturalization." The administration simply cannot ignore certain statutes and selectively enforce others or bypass the legislative process to create laws for executive fiat.

This administration has failed in its duty under Article II, section 3 of the Constitution of the United States to take care that the laws be faithfully executed, and the Supreme Court has specifically indicated that it will consider the plaintiffs' claims under the Take Care Clause. Clearly, the Court views this case as an important review of Article I and Article II issues and the balance of power between the branches.

□ 0915

For that reason, and that reason alone, the United States House of Representatives is uniquely suited to speak to this underlying question that has been raised by the court.

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

Ms. SLAUGHTER. I yield myself such time as I may consume, and I thank the gentleman for yielding.

Mr. Speaker, the Republicans in the House can't agree on a budget. They take futile vote after futile vote to kill ObamaCare. They waste millions of dollars and thousands of hours on the futility. Children are drinking lead-tainted water from aging pipes crisscrossing the country. Young people are saddled with crushing student loan debt. Bridges are crumbling. Our schools are falling apart. Obviously, the Metro system in Washington is in serious condition. Our airports are struggling to function, and we have no high-speed rail.

But what do we do here? We vote 64 times to take health care away from people. We have Benghazi hearings, which come to nothing. We have had eight in the House. Many chairs of those committees have said there is nothing there, so we set up a Select Committee to look at it again and spend millions of dollars to see what they can find.

We go after Planned Parenthood, investigate them, set up a Select Committee to do that—despite the fact that a case in Texas against Planned Parenthood found in favor of Planned Parenthood and indicted the people who made the film which created such a sensation in this House. We waste congressional time with duplicative, baseless investigations. Today, the crusade against President Obama reaches new heights.

This resolution surrounding *United States v. Texas* adds to the already overwhelming list of baseless political tactics that the House majority has used to discredit, undermine, and disrespect President Obama.

This resolution makes a political statement, one that represents the House majority—not the entire House of Representatives or even the entire Congress, since a major part of it has been left out of this altogether.

This resolution seeks to put this whole Chamber on record when there is significant, vocal, and strong opposition. In fact, 186 House Democrats, along with 39 Senate Democrats, have joined together for our own amicus brief in support of the President's executive actions.

Not only were the President's actions constitutional, they are in line with decades of bipartisan action by Presidents on immigration itself, including action by President Ronald Reagan and President George H.W. Bush.

This is a rarely seen ploy, seeking to file an amicus brief as the whole House, leaving out completely the voice of the minority. I hope the American people will see it for what it is: purely political. This shows us, once again, that the Republicans are willing to prioritize their party over their country.

Adding insult to injury, Speaker RYAN has said:

"The president is not permitted to write law—only Congress is."

How true, indeed. So why don't we, the Congress, do what we were sent here to do: write laws.

Republicans have reached for a tool that is not in their constitutional tool box: running to the courthouse. Rather than allowing Congress to do its job, the Republicans insist on telling other branches of government how to do theirs.

It is quickly becoming clear that this is a dangerous moment in our country and in our political system. The Presidential primary field on the Republican side is resorting to demagoguery and nativism, fanning the flames of dangerous anti-immigrant anger and anger in general.

What the President rightly called "vulgar and divisive rhetoric" in the Republican contest is a logical and foreseeable consequence of the anger and fear carefully and deliberately cultivated by decades of Republican campaign strategy, as Republicans went beyond principled advocacy for smaller government to the outright encouragement of people to think of government as the problem and their an enemy to be hated.

This debate would not have even been an issue if, last Congress, the House had taken up the bipartisan Senate immigration bill, which they were asked time and time again to do but it never saw the light of day here. That was an opportunity for our country to come together in a bipartisan way, instead of further dividing us.

I reserve the balance of my time.

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

Mr. Speaker, the argument we are making today is that this President has a repeated history of needing to have his actions resolved through the court system.

The Supreme Court has acted over 13 times to rule against the Obama administration. This President is an activist President that works around the legislature. As a matter of fact, even Members of this body have implicated that they don't even know who their White House contacts are.

We have repeatedly tried to work with the President. We hold hearings. They ignore and rebuff the things that we do. They disallow what are considered to be normal rules of law.

So this is an action that has been brought by the States, not by the United States Congress. We were simply asked to give an opinion, and that is what we are doing today.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BYRNE) one of our bright, new members of the Rules Committee.

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

I disagree with the gentlewoman from New York. This is not about politics. This is about the Constitution of the United States. And it is very clear. It says the President "shall take care that the laws be faithfully executed."

Now, some people may argue about what that may mean. But in 1792, President Washington, who was the chair of the Constitutional Convention in 1787, wrote this:

"It is my duty to see the Laws executed—to permit them to be trampled upon with impunity would be repugnant to" my duty.

Fast forward to 2010. In response to those arguing for executive amnesty at that time, President Obama himself stated:

I am President. I am not king. There's a limit to the discretion that I can show because I'm obliged to execute the law. I can't just make the laws up myself.

Six months later, the President went further. He said this:

There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as President.

Unfortunately, in 2012, President Obama reversed course and unilaterally imposed a massive program of executive amnesty in violation of this country's immigration laws. In 2014, he doubled down with a second, more expansive executive amnesty program.

According to an analysis by the Migration Policy Institute, 87 percent of all illegal aliens will be exempted from immigration enforcement actions under this President's amnesty policies. Thus, immigration laws, as actually written by Congress, will apply to a mere 13 percent of violators.

In the upcoming case of the United States v. Texas, the Court will consider whether the President's executive amnesty violated the Constitution. Consequently, that case has the potential to be one of the most important constitutional decisions on executive power ever decided.

This resolution authorizes the filing of an amicus brief on behalf of this House in legal opposition to the President's unconstitutional actions.

As a lawyer, I can tell you amicus filings are important. They allow the court to obtain information and arguments from nonparties who have an important bearing on this case.

This resolution will allow this body to be heard before the Supreme Court.

This is not about immigration policy. This is about ensuring that this President and future Presidents, regardless of their political party, do not have the authority to ignore or change the laws through executive fiat. Ultimately, this is about the Constitution and protecting the rule of law.

I urge my colleagues to support this rule and this important resolution.

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative LOFGREN's resolution expressing the position of the House in support of the Obama administration in United States v. Texas.

If the House is going to take a vote on weighing in on an anti-immigrant lawsuit filed against the President, we should at least have the option of voting to support the President's executive actions, which are a worthwhile and temporary first step toward reforming our broken immigration system.

I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), the distinguished ranking member of the Judiciary Subcommittee on Immigration and Border Security, to discuss our proposal.

Ms. LOFGREN. Mr. Speaker, I think it is worth reflecting why we are here.

When we had the bipartisan bill passed by the Senate last Congress, the

Congressional Budget Office calculated that it would mean almost a trillion dollars to the positive for the American economy, not to mention the human toll that our current broken system inflicts on people.

Now, we failed to act. And when we did, the President went to the Office of Legal Counsel, an independent group, and asked them what he could do, if anything. I thought they were rather conservative, but one of the things they said he could do was to give temporary reprieve to children who had been brought here without their concurrence and to the parents of American citizens. So he did that.

How could he do that? Because the Congress has delegated to the executive the authority to act. In 1952, we did so—it can be found at 8 U.S.C. 1103(a)(3)—and again in 2002. When we created the Department of Homeland Security, we told the Department Secretary that he should establish immigration policies and priorities for removal.

Now, why would that happen? We have only appropriated 4 percent of the funds necessary to remove everyone who is here without their proper papers. So clearly, there needs to be some prioritization. We recognize that. We told the Secretary to do it, and that is exactly what he did. We delegated the authority.

On work authorization, again, we delegated that authority. In 1981, President Reagan went to rulemaking and established that authority, which is actually in practice; it has been in place. And Congress, in 1986, explicitly recognized the authority to give work authorization to those who are in deferred action status.

But even without that delegation, the President has long had the authority to take the action that the President has in this case. It is called prosecutorial discretion and foreign policy.

In United States v. Arizona, Justices Roberts and Kennedy noted that when the executive has broad discretion, a principal feature of the removal system is that it extends, and it extends to whether it makes sense to pursue removal at all.

This isn't new with President Obama. When President Reagan held that office, he sponsored a bill that gave relief—amnesty, if you will—to several million people; but the Congress—and it is reflected in the Judiciary Committee report—specifically excluded the spouses and children of those who had relief. What did Reagan do? He gave deferred action to the spouses and the children who had been specifically excluded from relief by the Congress because he didn't want to break up families. That was about 40 percent of the undocumented people at the time—about the same amount that President Obama has dealt with.

Not only is this resolution wrong, it is the wrong process. Democrats went to the Ethics Committee. We got approval to get a volunteer to write a

brief, which I will later include in the RECORD. We read it before we signed it.

In contrast, what are you asking Members to do? You have no idea what you are signing onto, just that you are against it.

Now, does this mean that you are saying that the Administrative Procedure Act applies whenever the President takes a discretionary action? Well, good luck fighting ISIS then. Good luck getting disaster relief if there is a flood.

It is defective for process, too. There is a group called the Bipartisan Legal Advisory Group. I have been involved with that in the past. That group is consulted when there is an issue that relates to the prerogatives of the House. For example, is there a speech or debate issue before the court?

□ 0930

This did not come before the BLAG because this is political. This is not about the prerogatives of the House.

Now, all Members of the House had an opportunity to file a brief, and Republican Members still can if they can meet the time deadlines. But using this process, I think there is a reason why CRS was unable to tell us any other instance where a process like this was used about the prerogatives of the House.

So this is a radical procedure and a radical act because it says the House cannot delegate to the executive, as we have done, because it could cripple the President by requiring the Administrative Procedure Act whenever he takes a discretionary act, because it violates the procedures the House has always used.

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

Ms. SLAUGHTER. I yield the gentlewoman an additional 1 minute.

Ms. LOFGREN. But finally, the net result could be this: if the Republicans prevail, we could end up with a round-up of a million kids who did nothing wrong, who were brought here as infants, who don't even remember the country of their birth.

When all is said and done, that is what this is about.

I would urge that our colleagues vote "no" on this radical resolution. We will attempt to offer a resolution that, instead, is something you know what you are buying into, not a pig in a poke, but a thoughtful, reasoned brief that outlines what the House has done to delegate to the executive, outlines what the executive's authority has been since Eisenhower.

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

Mr. Speaker, if you listen to our colleagues, they make wild accusations. They are swinging widely rather than understanding the essence of the case. The essence of the case is more than 25 States have gone to Federal Court in Texas, at the heart of the border, and argued the laws of the United States of America.

The process that comes about and that we agree with is we do not believe that the President of the United States, not any President, has the authority, the responsibility, or the legal standing to do what this President has done.

The President repeated that, evidently, some 21 times, that he did not have that standing either to do what he eventually did, which was purely political, and that is what we are being accused of today.

We believe that rule of law is the most important attribute, and we simply in the House of Representatives are supporting what the Supreme Court has asked at the time the oral arguments will be done here before the Supreme Court, probably in the next month or so.

Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BUCK), an esteemed district attorney in Colorado and currently a member of the Judiciary Committee.

Mr. BUCK. Mr. Speaker, the Constitution lays out a very clear picture of how our government works. In Article I, section 8, the Founding Fathers gave Congress the duty to create laws. More importantly, Article I gave Congress the authority to “establish a uniform rule of naturalization.”

Rather than enforcing the laws Congress created, the President has failed to execute them. Through his executive actions, he has even bypassed this building, rewriting the laws on immigration to his liking.

Sadly, this is not the only time our President has bypassed Congress and, by extension, the will of the people. On energy regulations, health care, war powers, gun rights, and even judicial nominations, all have faced Presidential work-arounds. Through executive actions, failure to enforce laws, and administrative regulations, the executive branch is slowly becoming a monarchy.

I founded the Article I Caucus last year to fight executive overreach and reassert the power of Congress. Today we have an incredible opportunity to speak to not just one, but two of the other branches of government.

Speaker RYAN has a duty to stand up for Congress and the people of this Nation by filing a friend of the court brief in this case. I urge my colleagues to vote today to give him that prerogative.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

Mr. Speaker, in April, the Supreme Court will hear oral arguments in the United States v. Texas, a case that has been repeatedly litigated by our colleagues in the halls of Congress. And this resolution is absolutely about immigration policy. Let's be clear.

Numerous hearings have been held in our committee challenging the constitutionality of Deferred Actions for

Parents of Americans. Our colleagues, instead of moving forward on comprehensive immigration reform and fixing our broken immigration system, have instead insisted on putting forth a resolution, a resolution that has no substantive findings, makes no legal arguments against the executive action, and exists only in the hopes of securing time before the Court during oral arguments.

If our colleagues do find themselves before the Court in this case, it would be helpful if they remember the settled Constitutional law on this subject.

DAPA is a lawful exercise of executive discretion well within the bounds of the Constitution. It is based on laws enacted by Congress that grant broad discretion to the Secretary of Homeland Security.

Since 1952, Congress has authorized the executive branch to establish such regulations, issue such instructions, and perform such other acts as it deems necessary for carrying out its authority. And within that authority, it is a reasonable exercise of the discretion delegated by Congress to do what it is doing.

The executive action focuses the limited resources of the Department of Homeland Security on public safety priorities, ensuring that we are deporting felons, not families.

It is important to recognize that Congress appropriates enough to remove less than 4 percent of the unauthorized immigrants now in our country. The Secretary of Homeland Security has the statutory responsibility to set enforcement priorities and to adopt policies necessary for meeting these priorities.

It is consistent with the actions of Presidents of both parties for the last decades, including President Eisenhower, President Reagan, and President George Herbert Walker Bush. In fact, the strongest historical precedent for DAPA was the Family Fairness program implemented by President Reagan and President Bush.

These executive actions will strengthen our communities, keep families together, and grow our economy.

This resolution is not about limiting executive authority. It is about attempting to reverse immigration policy set by the executive branch.

I understand why my friends on the other side of the aisle don't want to admit that, or they want to frame it in the context of a Constitutional question, but it is really about changing policies that are keeping families together, that are making sure that we properly allocate resources to the most serious individuals who should be deported, those who have committed crimes, and keep families together while we work to fix our broken immigration system.

This is about a fundamental change in immigration policy that will rip families apart, that will undermine our values as a country. We ought to call it what it is.

I urge my colleagues to vote against the rule and vote against this resolution.

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

I would remind this body, Mr. Speaker, that over 13 times the highest court in this land, the Supreme Court, has ruled against this activist President for exceeding his constitutional authority.

This President, in his own concoction of the way the country ought to be run, does not follow the rules, not the rule of law, not the rule of providing enough information for people by properly delineating the way rules and laws should be executed.

That is why we are here today. It has everything to do with our belief that the President of the United States has not well and faithfully properly executed the laws of the country.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this important situation.

Mr. Speaker, I rise today in support of House Resolution 639.

Mr. Speaker, we are here again discussing the President and his executive actions. Back in November of 2014, President Obama announced a series of executive actions that would have provided amnesty to approximately 5 million additional illegal immigrants.

Amnesty for these 5 million illegal immigrants would have been in addition to the millions who were provided amnesty under the administration's 2012 actions.

The President continues to degrade the rights of American citizens and ignores the U.S. Constitution which this country was founded on.

The checks and balances that our Founding Fathers established made it specifically clear that they wanted Congress to enact laws that shape our country, not the President. That is why I am supporting House Resolution 639.

House Resolution 639 will allow the Speaker of the House to submit to the U.S. Supreme Court its opinion, arguing that the President's executive action on amnesty for illegal immigration is unconstitutional. Congress must be able to express its arguments that the President's executive order on amnesty is unconstitutional so we can continue to maintain the balance of power between Congress and the President.

I urge my colleagues to support House Resolution 639 so we can continue to deny the President's overreach of power and uphold the rights and responsibilities given to this body by the Constitution.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I think context is important in this debate we are having today. I can't get it out of

my head, as we look at House Resolution 639, that our Senate has just announced that it is going to shut down the Supreme Court nomination process.

Only a few years ago, the House shut down the government for 16 days.

We have had 62 ACA repeals.

MITCH MCCONNELL once said, famously, that his goal was to make Obama a one-term President. He failed at that.

The fact is that here we are again with Republican efforts to undermine, thwart, and shut down President Obama. This is outrageous, in my opinion.

House Resolution 639 is nothing but a continuation of the politics of obstruction, just one more way to say you are not really the President, you are not legitimate. That is what this represents today. That is the exercise we are taking on this floor.

President Obama's action will bring relief to millions of families who live in fear. Families shouldn't be torn apart because House Republicans refuse to work together with Democrats to pass an immigration bill which would make executive action unnecessary.

While the Republicans held up progress, President Obama worked within his authority and took courageous steps needed to address the problems of millions of Americans.

The Deferred Action for Parents of Americans and the expanded Deferred Action for Childhood Arrivals program is an important step toward fixing an immigration system that is inhumane and cruel, and it is within the right of the President to prioritize removal proceedings for certain people. We have to prioritize them. We cannot remove everybody at the same time.

Furthermore, it is consistent with the action of past Presidents, dating back to President Eisenhower, including George H.W. Bush and Ronald Reagan, who both took executive action to keep immigrant families together.

The Republicans offer no substantive findings and no legal arguments in their resolution. This is a delay tactic. This is a political tactic. This does not serve the interests of the American people.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. ELLISON. The fact that executive action is right for American families, and right for our economy, and right for our society, is what should guide our actions today, not political delay tactics.

Republicans won't acknowledge that immigration and immigrants are an important part of the society that we live in. I stand with the families that President Obama is trying to keep together within his authority.

Vote "no" on House Resolution 639.

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

There is a lot of good debate here today. The facts of the case are real simple. The Supreme Court of the United States will be deciding this.

□ 0945

The Fifth Circuit Court of Appeals and the Federal District Court of the Southern District of Texas have let their answer be known, and that is they believe that the President is wrong. But we have a process to follow, and the good part is it is not whether something House Republicans are doing is trying to delay or to stop something that might be a decision-making that has been made by someone else. We are simply trying to support an action that was asked as a result by the Supreme Court: Do we have an opinion about this issue? And it is thus that we are asking the House of Representatives to come together today to hear the facts of this issue and to then render a decision.

That, to me, Mr. Speaker, is normal and regular, and our Speaker, PAUL RYAN, is most meticulous in looking at this issue. His advice and judgment comes from the chairman of the Judiciary Committee, the gentleman from Virginia, BOB GOODLATTE. Both of these gentlemen are not only well balanced, but really doing what is being asked of them by the third branch of government, which is the judiciary. The judiciary has asked the House of Representatives and parties to this suit if they would please discuss this issue.

We believe our ideas are material to the question at hand, and that is why the United States House of Representatives, through the Rules Committee, is here for this rule today and the underlying legislation in just a few minutes.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. LANCE), an exciting young member of the Energy and Commerce Committee.

Mr. LANCE. Mr. Speaker, I want to thank the distinguished chairman of the Rules Committee for his leadership on this issue.

Mr. Speaker, I rise in very strong support of Speaker RYAN's House Resolution 639.

Like many of my colleagues, I continue to oppose President Obama's illegal amnesty program, and I have long believed that the proper venue to challenging the President's overreaching actions is primarily in the courts of this country. To this end, I was 1 of 68 Members of Congress—and the only member from the New Jersey delegation—to sign an amicus brief in support of a lawsuit brought by a coalition of 26 States against the President's executive order on immigration.

As a lawyer who has practiced constitutional law in my home State of New Jersey, I have tried to study these issues closely. There is no gray area: Congress writes the laws, and the executive branch enforces them.

The executive overreach consistently taken by this administration dem-

onstrates not only contempt for law, but a disregard for the critical balance of powers central to our Constitution. The American system of self-governance would not be as strong as it is if it were not for these bedrock principles.

Today, we have unelected officials in Federal agencies writing our laws. The executive branch is appropriating taxpayer funds without authorization from Congress, and departments are selectively deciding which laws to enforce. Prosecutorial discretion cannot be expanded to break the rule of law, as I am confident the Supreme Court of the United States will rule.

I applaud Speaker RYAN for pursuing an amicus brief to defend our Article I powers under the Constitution. Given the President's gross executive overreach, it is essential for this institution to respond as a whole. This action today is not only prudent, but an important and necessary step in defense of the Constitution and the rule of law.

Mr. Speaker, I urge all of my colleagues to support House Resolution 639.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

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

Ms. LOFGREN. Mr. Speaker, this is a political act because this action only comes with President Obama. We never did this with Republican Presidents.

Let me give you an example. After Tiananmen Square, the House of Representatives passed a bill to preclude the deportation of Chinese students. President Bush vetoed that bill. Do you know what he did then? He deferred the deportation of the Chinese students because he had the executive authority.

In 1999, a letter was sent to Janet Reno. It was signed by Henry Hyde, LAMAR SMITH, SAM JOHNSON, and many others asking her to use her prosecutorial discretion and citing the fact that the prosecutorial discretion is clear in removal proceedings.

Mr. Speaker, I will include that letter in the RECORD.

I was shocked to hear Mr. SESSIONS say that the Court had solicited a brief—maybe I misunderstood him—had asked the House for a brief. If that is the case, I would respectfully request to see a copy of the document soliciting a brief from the House of Representatives. That is a procedure that would be an extraordinary one, and it is certainly news to me.

Finally, I would like to add that the fact that Mr. GOODLATTE doesn't agree with the President has nothing to do with the fact that the procedures were not followed in this case. The Bipartisan Legal Advisory Group is the process established in the House to be used when the House takes a step in Court to defend its prerogatives, which is what the majority is suggesting is at play in this case.

This is clearly a political act, and if it succeeds, who will be punished? One million children who did nothing wrong, who will be rounded up and taken from their homes.

I don't know what Republicans think they are doing if they sign on to this resolution because it doesn't give any findings nor does it say what, in fact, they are signing on to.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), my dear friend.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman from Texas for yielding and for leading on this issue.

As I sit and listen to this debate, a number of things come to mind, and they start with this: I am hearing a lot of policy discussion over on the other side of the aisle, but this is about a constitutional question.

We have just said good-bye to one of the great, great Justices in the United States Supreme Court, Justice Scalia, who often said that, when he made a decision based on the Constitution and he was uncomfortable with the policy that resulted from that constitutional decision, he was most comfortable that he had made the right constitutional decision when he disagreed with a policy result of that decision.

That is also how we should view this case. Every one of us that has the privilege to speak and address you on the floor of this House has taken an oath to support and defend the Constitution of the United States. This is about the President's oath to support and defend the Constitution of the United States, except his says take care to "preserve, protect, and defend the Constitution of the United States," and it is referenced in the Take Care Clause in the Constitution that requires him to take care that the laws be faithfully executed.

Now, I don't know that there is a schoolchild in this land that is going to get that wrong. They don't think that the President should execute the law itself and then conduct himself in the fashion that he sees fit. I think they understand that the President, multiple times, has lectured the country in his adjunct constitutional law professorship that he didn't have the constitutional authority to do what he did.

So this issue is about the Take Care Clause, the President keeping his oath to preserve, protect, and defend the Constitution, and it is about prosecutorial discretion, as the gentlewoman from California said; except that, it was a clear understanding, when they wrote the Morton Memos, that they were creating groups of people, classes of people, and categories of people, and the Morton Memos were the beginning of this. They created four different categories of people, and as far as I know, anyone who fit into those categories was essentially maybe individually dealt with because they processed their paperwork, but they were automatically exempted from the application of the law. That is when this began.

We should not think, Mr. Speaker, that the House hasn't weighed in on this. It goes back to this, March 2, 2011, was the introduction of the Morton Memos. That was the first executive overreach on immigration that is starkly on paper. The first opportunity to push back on that was a hearing in which Janet Napolitano asserted that it was on an individual basis only and repeated herself. And Morton Memos themselves have several references to an individual basis only, except that they create four categories of people. So the words don't mean what the rules do. They abuse prosecutorial discretion by granting it to vast groups of people that were defined first in the Morton Memos.

So I brought an amendment June 7, 2012, that cut off all the funding to the Morton Memos. That passed 238-175 on a bipartisan vote. The next opportunity was the Morton Memos in DACA, another King amendment, June 6, 2013, that passed 224-201, another bipartisan vote in the House of Representatives, Mr. Speaker.

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

Mr. SESSIONS. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas.

So we addressed the Morton Memos in this House and voted to defund them in 2012. That was the first opportunity.

The next opportunity was 2013. We addressed the Morton Memos in DACA and defunded them in this House of Representatives. That was also a bipartisan vote.

Then August 1, 2014, we addressed DACA alone, defunded it, a vote of 216-192, another bipartisan vote, Mr. Speaker.

Not to be completing it there, January 14, 2015, the House addressed, separately, DAPA and Morton Memos in an amendment to defund. That passed 237-190. And we picked up the DACA in a separate amendment, same day, and that passed 218-209.

The House has voted time and time again. And if that was not enough for the voice of the House to weigh in on this, we came back again on June 3, 2015, another King amendment, and defunded the DOJ lawsuit we are talking about here now because we said: Step back, Mr. President; keep your oath of office. We stood up, and we defunded ours.

I will say this. Despite all of these votes, the government and Democrat Members claim Congress has acquiesced to the unconstitutional actions when the House has a clear voting history of opposing each step in the President's path to amnesty.

So the House has now exhausted our remedies, with the exception of the omnibus spending bills, where everything gets packaged up in one vote. Except for that, the House has done all it can, Mr. Speaker, except for this opportunity to introduce an amicus brief that will be the voice of the House

keeping our oath to support and defend the Constitution of the United States.

Ms. LOFGREN. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentlewoman from California.

Ms. LOFGREN. Is it the gentleman's proposition that a vote in this House that does not become law voids an action of the House that does become law, to wit, the 2002 Department of Homeland Security Act that directed the Secretary to establish priorities for removal?

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

Mr. SESSION. I yield the gentleman an additional 30 seconds.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman.

I am asserting that the House needs to do all it can to keep our oath to support and defend the Constitution, and we are doing this today with this endorsement of the Speaker's amicus brief so that the House can weigh in on defending our constitutional obligation.

I thank the gentlewoman from California and the gentleman from Texas.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Let me thank the gentlewoman from New York for her courtesies.

Mr. Speaker, it is important to take note, in light of the previous debate and comments that were made, that this is a House divided. This amicus brief more than likely will be supported by a number of Members, but it will not be supported by the entirety of the House. So whether or not it is a majority, which is the other party, it is not going to be the voice of the entirety of the House.

As far as I am concerned, and as the Constitution has made clear, that responsibility that the President has exercised is a constitutional authority. So I oppose the resolution because it is nothing more than our Republican majority's latest partisan attacks on the President and a diversionary tactic to avoid addressing some of the more important issues such as the broken immigration system.

Just a few years ago, the Senate Republicans and Democrats came together to produce and pass a very thorough assessment of the immigration system, and they actually passed laws, the intent of the Nation, represented by Senators, and that came to the House and never saw the light of day to be able to be voted on. But yet the Homeland Security Committee, in an extensive series of hearings and then, of course, legislation, then wrote legislation that passed by voice vote in a bipartisan manner to protect the border, everything that the Republican side is asking for.

But lying at the heart of the plaintiff's misguided and wholly partisan

complaint is a specious claim that President Obama lacked the constitutional authority and statutory authority to take executive action. This frivolous and partisan lawsuit seeks to have DACA and DAPA declared to be invalid and to permanently enjoin the Obama administration from implementing those salutary policies.

Let me briefly speak about these actions by the President. They are reasonable. The reason they are reasonable is because, in addition to establishing the President's obligation to execute the law, the Supreme Court has consistently interpreted the Take Care Clause as ensuring Presidential control over those who execute and enforce the laws and the authority to decide how best to enforce the laws.

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Arizona v. United States, Bowsher v. Synar, Buckley v. Valeo, Printz v. United States, Free Enterprise Fund v. Public Company Accounting Oversight Board.

Let me also say to you that this is a Texas case that they are submitting the amicus on. These are Texas DREAMers. Many of us have worked with them. They are in our institutions of higher learning. They are going to be contributing to society. This is what this amicus brief is, to turn them back and to turn their families.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the gentlewoman from Texas an additional 15 seconds.

Ms. JACKSON LEE. How would DACA and DAPA impact domestic violence? DACA provided a sense of peace, knowing that this woman would not be deported.

I would argue to my friends that whatever the vote is today, it is not the sense of the House. It is a divided House, and we are not supporting an amicus to turn back the President's constitutional authority.

With that, I ask my colleagues to vote "no" on the underlying resolution.

Mr. Speaker, I rise in strong opposition to both the rule governing debate of H. Res. 639, and the underlying resolution, which authorizes the Speaker to appear as Amicus Curiae on behalf of the House of Representatives in the matter of *United States, et al. v. Texas*, et al., No. 15-674.

I oppose the resolution because it is nothing more than the Republican majority's latest partisan attack on the President and another diversionary tactic to avoid addressing the challenge posed by the nation's broken immigration system.

Mr. Speaker, H. Res. 639, if adopted, would vest in the Speaker alone the power to file on behalf of the full House an amicus brief with the Supreme Court supporting the constitutionally untenable position of 26 Republican-controlled states in the matter of *United States, et al. v. Texas, et al.*, No. 15-674.

Lying at the heart of the plaintiffs' misguided and wholly partisan complaint is the specious claim that President Obama lacked the con-

stitutional and statutory authority to take executive actions to implement Administration policy with regard to Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of American Citizens and Lawful Permanent Residents, the creation of (DAPA).

This frivolous and partisan lawsuit seeks to have DACA and DAPA declared invalid and to permanently enjoin the Obama Administration from implementing these salutary policies, both of which are intended to keep law-abiding and peace loving immigrant families together.

The purely partisan nature of the resolution before us is revealed by its text, which authorizes the Speaker to waste precious taxpayer funds and file on behalf of every Member of the House an amicus brief that no Member has seen in support of a position opposed by virtually every member of the Democratic Caucus.

Mr. Speaker, let me briefly discuss why the executive actions taken by President Obama are reasonable, responsible, and within his constitutional authority.

Pursuant to Article II, Section 3 of the Constitution, the President, the nation's Chief Executive, "shall take Care that the Laws be faithfully executed."

In addition to establishing the President's obligation to execute the law, the Supreme Court has consistently interpreted the "Take Care" Clause as ensuring presidential control over those who execute and enforce the law and the authority to decide how best to enforce the laws. See, e.g., *Arizona v. United States*; *Bowsher v. Synar*; *Buckley v. Valeo*; *Printz v. United States*; *Free Enterprise Fund v. PCAOB*.

Every law enforcement agency, including the agencies that enforce immigration laws, has "prosecutorial discretion"—the inherent power to decide whom to investigate, arrest, detain, charge, and prosecute.

Thus, enforcement agencies, including the U.S. Department of Homeland Security (DHS), properly may exercise their discretion to devise and implement policies specific to the laws they are charged with enforcing, the population they serve, and the problems they face so that they can prioritize our nation's resources to meet mission critical enforcement goals.

Mr. Speaker, to see the utter lack of merit in the legal position to be supported by the amicus brief permitted by H. Res. 639, one need take note of the fact that deferred action has been utilized in our nation for decades by Administrations headed by presidents of both parties without controversy or challenge.

In fact, as far back as 1976, INS and DHS leaders have issued at least 11 different memoranda providing guidance on the use of similar forms of prosecutorial discretion.

Executive authority to take action is thus "fairly wide," and the federal government's discretion is extremely "broad" as the Supreme Court held in the recent case of *Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012), an opinion written by Justice Kennedy and joined by Chief Justice Roberts:

"Congress has specified which aliens may be removed from the United States and the procedures for doing so. Aliens may be removed if they were inadmissible at the time of entry, have been convicted of certain crimes, or meet other criteria set by federal law. Removal is a civil, not criminal, matter. A principal feature of the removal system is the broad dis-

cretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all. If removal proceedings commence, aliens may seek asylum and other discretionary relief allowing them to remain in the country or at least to leave without formal removal." (emphasis added) (citations omitted).

The Court's decision in *Arizona v. United States*, also strongly suggests that the executive branch's discretion in matters of deportation may be exercised on an individual basis, or it may be used to protect entire classes of individuals such as "[u]nauthorized workers trying to support their families" or immigrants who originate from countries torn apart by internal conflicts:

"Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service.

Some discretionary decisions involve policy choices that bear on this Nation's international relations. Returning an alien to his own country may be deemed inappropriate even where he has committed a removable offense or fails to meet the criteria for admission. The foreign state may be mired in civil war, complicit in political persecution, or enduring conditions that create a real risk that the alien or his family will be harmed upon return.

The dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation's foreign policy with respect to these and other realities."

Exercising thoughtful discretion in the enforcement of the nation's immigration law saves scarce taxpayer funds, optimizes limited resources, and produces results that are more humane and consistent with America's reputation as the most compassionate nation on earth.

Mr. Speaker, a DREAMER (an undocumented student) seeking to earn her college degree and aspiring to attend medical school to better herself and her new community is not a threat to the nation's security.

Law abiding but unauthorized immigrants doing honest work to support their families pose far less danger to society than human traffickers, drug smugglers, or those who have committed a serious crime.

The President was correct in concluding that exercising his discretion regarding the implementation of DACA and DAPA policies enhances the safety of all members of the public, serves national security interests, and furthers the public interest in keeping families together.

Mr. Speaker, according to numerous studies conducted by the Congressional Budget Office, Social Security Administration, and Council of Economic Advisors, the President's DACA and DAPA directives generate substantial economic benefits to our nation.

For example, unfreezing DAPA and expanded DACA is estimated to increase GDP by \$230 billion and create an average of 28,814 jobs per year over the next 10 years.

That is a lot of jobs.

Mr. Speaker, in exercising his broad discretion in the area of removal proceedings, President Obama has acted responsibly and reasonably in determining the circumstances in which it makes sense to pursue removal and when it does not.

In exercising this broad discretion, President Obama not done anything that is novel or unprecedented.

Let me cite a just a few examples of executive action taken by American presidents, both Republican and Democratic, on issues affecting immigrants over the past 35 years:

1. In 1987, President Ronald Reagan used executive action in 1987 to allow 200,000 Nicaraguans facing deportation to apply for relief from expulsion and work authorization.

2. In 1980, President Jimmy Carter exercised parole authority to allow Cubans to enter the U.S., and about 123,000 "Mariel Cubans" were paroled into the U.S. by 1981.

3. In 1990, President George H.W. Bush issued an executive order that granted Deferred Enforced Departure (DED) to certain nationals of the People's Republic of China who were in the United States.

4. In 1992, the Bush administration granted DED to certain nationals of El Salvador.

5. In 1997, President Bill Clinton issued an executive order granting DED to certain Haitians who had arrived in the United States before Dec. 31, 1995.

6. In 2010, the Obama Administration began a policy of granting parole to the spouses, parents, and children of military members.

Mr. Speaker, because of the President's leadership and visionary executive action, 594,000 undocumented immigrants in my home state of Texas are eligible for deferred action.

If these immigrants are able to remain united with their families and receive a temporary work permit, it would lead to a \$338 million increase in tax revenues, over five years.

Finally, Mr. Speaker, let me note that the President's laudable executive actions are a welcome development but not a substitute for undertaking the comprehensive reform and modernization of the nation's immigration laws supported by the American people.

Only Congress can do that.

America's borders are dynamic, with constantly evolving security challenges.

Border security must be undertaken in a manner that allows actors to use pragmatism and common sense.

Comprehensive immigration reform is desperately needed to ensure that Lady Liberty's lamp remains the symbol of a land that welcomes immigrants to a community of immigrants and does so in a manner that secures our borders and protects our homeland.

Instead of wasting time debating divisive and mean spirited measures like H. Res. 639, we should instead seize the opportunity to pass legislation that secures our borders, preserves America's character as the most open and welcoming country in the history of the world, and will yield hundreds of billions of dollars in economic growth.

I urge all Members to join me in voting against H. Res. 639.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. BOST), who serves on the Agriculture Committee.

Mr. BOST. I thank the chairman for the time.

Mr. Speaker, whenever we take these offices—and understand, I have raised my hand and took an oath of office many times in my life, whether it was in the United States Marine Corps., local government, or here in Congress. When I take that oath and mention the fact that I am swearing allegiance to the Constitution to do my duty and do it correctly, I make that promise, and I make that promise to the American people. This document that we take an oath to, the President himself has to take that same oath.

When the President steps away from that oath, this House has no other thing that they can do but to act.

Any grade school civics student knows that Congress makes the law and the President executes them. It is called the separation of powers, checks and balances. But the President's executive amnesty proves once again that he wants to do both—both. That is not in the Constitution. It doesn't work that way.

Immigration law clearly state that individuals who are here illegally must be removed. The President does not have the power to pick and choose. That is not what the law says. He doesn't get to ignore the laws.

The outcome of this case will be determined in the Court. But I want my constituents—and I want to be on the record—to know that I will uphold the Constitution; I will stand for the Constitution; and I take my oath of office very, very seriously.

I urge my colleagues to join me in supporting the rule and the underlying resolution so we can stop this unconstitutional move.

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

Ms. DELBENE. Mr. Speaker, I rise in strong opposition to the rule and the underlying legislation. And I call on the Speaker to stop this political game and allow the vote on comprehensive immigration reform that we should have taken 2 years ago.

Everyone agrees that our immigration system is broken, but instead of voting on a solution, Congress is again wasting time on a political gimmick that does not address a single real problem.

The President took lawful action to help families being torn apart by our current system. If Republicans take issue with what current law allows, they should stop obstructing meaningful debate and get serious about comprehensive immigration reform.

As a member of the Judiciary Committee, I helped lead efforts last Congress to enact comprehensive immigration reform by introducing the Border Security, Economic Opportunity, and Immigration Modernization Act, H.R. 15. I believe that bill would have passed if we had been given a chance to vote on it on the floor. We had 200 cosponsors and a chance to fix this problem then.

I won't blame the current Speaker for mistakes of the past, but he has a chance to lead now.

For too long, Congress has failed to take meaningful action to address our broken immigration system. As a result, we have a deeply flawed system that is not working for our communities, our businesses, immigrants, or families.

It will take Congressional action to truly repair our broken immigration system, so I strongly urge my colleagues to oppose this resolution and demand that Congress act.

Mr. SESSIONS. Mr. Speaker, the arguments that are on the floor today evolve and revolve around the issues that we believe are very important; that is, we believe that the President of the United States has exceeded his executive authority, and the Supreme Court is going to hear the case.

But, in fact, today the question that lies before the House is about an action that will be taken by this House to support, in an amicus brief, the positions that will be needed.

I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), the Speaker of the House.

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, my colleagues, I rise today to urge Members to support this measure, House Resolution 639. Let me explain why, and why everyone should support this.

This resolution authorizes me, on behalf of the House, to file an amicus brief to defend our Article I powers under the Constitution. Normally this question would be considered by what is known as the House's Bipartisan Legal Advisory Group, but I am asking the whole House to go on the record, as an institution.

I recognize that this is a very extraordinary step. I feel it is very necessary, though. In fact, I believe this is vital.

This is not a question of whether or not we are for or against any certain policy. Members who are making immigration policy arguments are missing the entire point here. This comes down to a much more fundamental question. It is about the integrity of our Constitution.

Article I. Article I states that all legislative powers are vested in Congress.

Article II. Article II states that the President "shall take care that the laws be faithfully executed."

Those lines, that separation of powers, could not be clearer. Article I: Congress writes laws. Article II: Presidents faithfully execute those laws.

In recent years, the executive branch has been blurring these boundaries to the point of absolutely overstepping them altogether. As a result, bureaucrats responsible for executing the laws, as written, are now writing the laws at their whim.

This just doesn't throw our checks and balances off-balance, it creates a fourth branch of government. This creates a fourth branch of government

that operates with little or no accountability whatsoever. Most profoundly, this means that we the people, through our elected representatives, are not drafting the laws that we live under. This is the profound difference that is occurring here. This fourth branch of government is a danger to self-government itself.

The Supreme Court has recognized the severity of this threat. In *United States v. Texas*, the Court has asked whether the President's overreach violates his duty to faithfully execute the laws. This House is uniquely qualified and, I would argue, obligated to respond.

Colleagues, we are the body closest to the people. We are the ones who are directly elected by the American people every other year. And if we are going to maintain the principle of self-government, if we are going to maintain this critical founding principle of government by consent of the governed, then the legislative branch needs to be writing our laws, not the executive branch, and certainly not a branch of unelected, unaccountable bureaucrats. This is what is happening. And it is not just this administration, although this administration has taken it to whole new levels.

As Speaker, I believe the authority of the office that I have been entrusted by each and every one of you is to protect the authority of this body. I am prepared to make our case.

We must defend the principle of self-determination, of self-government, of government by consent of the governed.

This Constitution protects our rights, as people. It makes sure that the government works for us and not the other way around. It makes sure that we, as citizens, if we don't like the direction our government is going, if we don't like the laws that we are being forced to live under, that we can change that through the ballot box. And this is being undermined every day.

I am prepared to submit this defense of our Article I powers, and I ask the whole House for its support.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LOFGREN), the ranking member of the Judiciary Subcommittee on Immigration and Border Security.

Ms. LOFGREN. Mr. Speaker, obviously, we all like and honor the Speaker of the House. I was pleased to hear his recognition that this should have gone through the Bipartisan Legal Advisory Group because that is how the House organizes itself before asserting a privilege of the House in court.

What he didn't say is why, since cert was granted on January 19—and today is March 17—he didn't call together the Bipartisan Legal Advisory Group. Certainly, we have met in a much shorter time frame. I know because I have been a participant in that process.

The failure to follow the procedures in this instance can only lead observers

to conclude that this is a more politicized action than is traditional in terms of intervening in the court.

Now, the Speaker said: "All legislative powers are vested in Congress." No one can disagree with that. And that the President must "take care that the laws be faithfully executed." No one can disagree with that.

Is the Speaker saying that we did not, in 2002, delegate to the Secretary of Homeland Security the responsibility to establish priorities and policies, the priorities for removal, that we did not fail to provide most of the money that would be necessary to actually remove every single undocumented person in here? I think not. In fact, the President has done exactly what we said he should do in 2002.

To approve this resolution, which says that he has acted inconsistent with his duties, is a mystery. It is a pig in a poke for the Republicans.

The District Court made a finding that in order to take a discretionary action, one would need to comply with the Administrative Procedures Act. That is a very bulky procedure—90 days posting.

Are the Members of the House being asked to say that whenever the President takes a discretionary action, he must post a rule for 90 days? We don't know because this resolution only says we are against it.

If we are saying that a rule must be adopted whenever a discretionary action is taken, that would be an extraordinary departure from the President's power to act, and it is certainly something that Members ought to know they are doing before they vote on this resolution.

Much has been said about the States that filed the lawsuit. They were all States with Republican Governors. But there are States who disagree, including my State of California.

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There is a brief filed by the Californians which reads that the discretionary action the President took would generate 130,000 jobs in California and that it would provide \$3.8 billion in taxes to California.

So if we are going to use as an excuse the fact that Republican Governors filed a lawsuit to stop it, let's think about the States that have been enjoined unfairly and that are experiencing extreme economic damage because of the Fifth Circuit's misguided opinion.

I hate to say it, because I do appreciate the Speaker of the House, but there is only one way to look at this resolution—as a highly politicized effort. This is not the way the House has traditionally proceeded when adopting a court proceeding, a court intervention, that deals with the privileges of the House.

Mr. SESSIONS. Mr. Speaker, I advise my colleague that I have come to the end of my speakers and would wait for her to offer her final comments, and I will close.

Ms. SLAUGHTER. I am prepared to close.

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

If we defeat the previous question, I will offer an amendment to the rule to bring up Representative LOFGREN's resolution expressing a position of the House in support of the *Obama administration in United States v. Texas*.

If the House is going to vote on weighing in on the anti-immigration lawsuit that was filed against the President, we should at least have the option of voting to support the President's executive actions, which are a worthwhile, if temporary, first step toward reforming our broken immigration system.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, our immigration system is broken, as evidenced by the fact that there are 11 million undocumented persons who are living in the United States.

Instead of engaging in a bipartisan legislative process to reform the system, the House majority has decided to focus on discrediting the President rather than forming policies that benefit our country. There is ample evidence of Presidents long before this one having exercised the same executive order privilege without there having been any great rush by the House of Representatives to go to court to try to stop him. House Democrats would welcome the chance to work on a bipartisan solution to the Nation's broken immigration system, but we can't because we simply are not allowed to participate—only to show up to vote.

Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question. If we have a "no" vote on this closed rule, we then will be able to present our own resolution in support.

I yield back the balance of my time.

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

I thank the gentlewoman from New York for her engagement on this important issue and for her leadership on the Rules Committee.

Mr. Speaker, most of all, what we are doing here is acknowledging that the Supreme Court of the United States will make this decision; but in seeking input on this important question, we feel like the House is uniquely qualified to begin answering that question, literally, with a vote. That is how we do things around here.

I do recognize and respect that the minority leader has gathered a group of those who might be Democrats—from the Democrat Party, House and Senate sides—for their own opinion, and they did file that. This is an action that will be taken today that is by the

House of Representatives, and I think the Speaker outlined why we are here and the importance of it.

Mr. Speaker, in July of 2011, President Obama stated: “I swore an oath to uphold the laws on the books. Now, I know some people want me to bypass Congress and change the laws on my own. Believe me, the idea of doing things on my own is very tempting, I promise you, not just on immigration reform, but that’s not how our system works. That’s not how our democracy functions. That’s not how our Constitution is written.”

I quote the President of the United States on addressing the same issue exactly that is before us today.

Article I, section 8 gives Congress, not the President, the authority to establish a uniform rule of naturalization. It is directly out of the Constitution. The President had it right at least 21 times.

Article II, section 3 of the Constitution of the United States requires the President take care that the laws be faithfully executed.

Mr. Speaker, the resolution before us today, before this body, is not about policy. It is not about how we should handle the 11 million undocumented, illegal immigrants who are currently residing in this country. It is about our Nation’s Constitution. It is about the checks and balances that our Founders labored over so intensely to ensure a government will always be by and for the people. It has even been noted that it has been taught and is taught today in elementary school that the legislature—the Congress—writes the laws. That is why we are here today. It is even taught in our elementary schools.

Mr. Speaker, this administration, as well as future administrations from either party—whoever serves—must not be allowed to ignore the Constitution and circumvent those who write the laws, and it is imperative that the House speaks as an institution on this matter.

I am pleased with the arguments that have been made today. I believe they were right and just, and I believe that our Speaker, PAUL RYAN, in his own wisdom and experience and temperament, is attempting to approach this as an important constitutional issue and as the prerogative and the right and the responsibility of the United States House of Representatives.

Mr. Speaker, I urge my colleagues to support this rule and the underlying legislation.

Ms. LOFGREN. Mr. Speaker, I submit the following amici curiae brief:

No. 15-674

IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA, et al.,
Petitioners,
v.

STATE OF TEXAS, et al., Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF OF 186 MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES AND 39 MEMBERS OF THE U.S. SENATE AS AMICI CURIAE IN SUPPORT OF PETITIONERS

KENNETH L. SALAZAR.
Wilmer Cutler Pickering Hale and Dorr, LLP.

SETH P. WAXMAN, COUNSEL OF RECORD.

JAMIE S. GORELICK.

PAUL R.Q. WOLFSON.

DAVID M. LEHN.

SAURABH H. SANGHVI.

RYAN MCCARL.

JOHN B. SPRANGERS.

Wilmer Cutler Pickering Hale and Dorr, LLP.

INTEREST OF AMICI CURIAE

Amici are 186 Members of the U.S. House of Representatives and 39 Members of the U.S. Senate. A complete list of amici is set forth in the Appendix. Among them are:

U.S. House of Representatives:

Nancy Pelosi, Democratic Leader.

Steny H. Hoyer, Democratic Whip.

James E. Clyburn, Assistant Democratic Leader.

Xavier Becerra, Democratic Caucus Chair.

Joseph Crowley, Democratic Caucus Vice-Chair.

John Conyers, Jr., Ranking Member, Committee on the Judiciary.

Zoe Lofgren, Ranking Member, Subcommittee on Immigration and Border Security of the Committee on the Judiciary.

U.S. Senate:

Harry Reid, Democratic Leader.

Richard J. Durbin, Democratic Whip.

Charles E. Schumer, Democratic Conference Committee Vice Chair and Policy Committee Chair, and Ranking Member, Subcommittee on Immigration and the National Interest, Committee on the Judiciary.

Patty Murray, Secretary, Democratic Conference.

Patrick J. Leahy, Ranking Member, Committee on the Judiciary.

Robert Menendez, Democratic Hispanic Task Force Chair.

As Members of Congress responsible, under Article I of the Constitution, for enacting legislation that will then be enforced by the Executive Branch pursuant to its authority and responsibility under Article II, amici have an obvious and distinct interest in ensuring that the Executive enforces the laws in a manner that is rational, effective, and faithful to Congress’s intent. Given their institutional responsibility, amici would not support executive efforts at odds with duly enacted federal statutes. But where Congress has chosen to vest in the Executive discretionary authority to determine how a law should be enforced and the Executive has acted pursuant to that authority—as is the case here—amici have a strong interest in ensuring that federal courts honor Congress’s deliberate choice by sustaining the Executive’s action.

SUMMARY OF ARGUMENT

Congress understands that the Executive is often better positioned to determine how to adjust quickly to changing circumstances in complex fields, particularly ones involving law-enforcement and national-security concerns. Congress therefore regularly gives the Executive broad discretion to determine how

to enforce such statutes. Rarely has it done so more clearly than in the Nation’s immigration laws.

Recognizing the Executive’s institutional advantages in the immigration context, Congress has for more than sixty years granted the Executive broad discretionary authority to “establish such regulations; . . . issue such instructions; and perform such other acts as [the Secretary] deems necessary for carrying out his authority” under the Immigration and Nationality Act (“INA”). 8 U.S.C. 1103(a)(3). And in 2002, in the face of a yawning gap between the size of the unauthorized immigrant population and the amount of resources reasonably available for enforcement, Congress charged the Secretary of Homeland Security with “[e]stablishing national immigration enforcement policies and priorities.” 6 U.S.C. 202(5). Congress thereby encouraged the Executive to focus its resources in a rational and effective manner on cases in which the Nation’s interest in removal is strongest, to provide the maximum return on Congress’s sizeable but necessarily finite investment in immigration enforcement.

As representatives of diverse communities across the United States, amici have witnessed how an approach to enforcement of the immigration laws that does not focus on appropriate priorities undermines confidence in those laws, wastes resources, and needlessly divides families, thereby exacting a severe human toll. Amici thus regard the DAPA Guidance as exactly the kind of “enforcement polic[y]” that Congress charged the Secretary with establishing. Building on the Secretary’s decision to prioritize for enforcement threats to national security, border security, and public safety, the DAPA Guidance establishes a “polic[y]” that certain nonpriority immigrants may be considered for “deferred action,” i.e., memorialized temporary forbearance from removal, which triggers eligibility for work authorization upon a showing of economic need.

This Court has observed that deferred action is a “commendable exercise in administrative discretion.” *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999) (“ADC”). Deferred action is not just a humanitarian exercise. Like other uses of deferred action, the DAPA Guidance facilitates the implementation of the Secretary’s priorities and promotes the efficient and effective execution of the immigration laws consistent with the limited enforcement resources available. The Guidance does this by encouraging eligible persons to submit to a background check so they can be identified and classified according to removal priority, and by enabling those with an economic need to support themselves lawfully.

That the Secretary’s guidance is within his statutory authority should not be open to doubt. For half a century, the Executive has used deferred action and other forms of discretionary relief in a variety of circumstances, even when not specifically authorized by statute. Congress has approved of those practices, repeatedly amending the immigration laws without foreclosing the Executive’s broad discretion to use them—and even enacting provisions that presume the Executive will continue its discretionary practice of deferred action. Similarly, Congress has explicitly recognized the Executive’s broad discretion to determine which removable individuals qualify for work authorization and has never disturbed the Executive’s decades-long practice of providing work authorization to those granted deferred action.

The court of appeals’ holding that the DAPA Guidance is “manifestly contrary to the INA” reflects a misreading of the INA

and a faulty approach to interpreting complex regulatory statutes like the immigration laws. The court reasoned that the immigration laws' specific references to discretionary relief from removal and work authorization under certain circumstances implicitly foreclosed discretionary relief and work authorization under others. But deferred action is not a substitute for specific statutory statuses and forms of discretionary relief, as it grants none of the legal rights that lawful status provides. Moreover, the court's *expressio unius* analysis disregards the broad grants of discretion that are explicit in the immigration laws and the long history of undisturbed executive exercise of that discretion. The court's approach would make it virtually impossible for Congress to grant the Executive the broad authority and discretion required to tackle urgent and unforeseen immigration challenges, while retaining the ability to direct specific enforcement action it deems appropriate. More generally, it would hamper Congress's ability to allocate to the Executive the combination of broad discretion and specific responsibilities so often needed to administer sprawling statutory schemes effectively.

Finally, even if a claim under the Take Care Clause is justiciable, and even if such a claim may be asserted against an Executive officer other than the President, the claim must fail here. The States' challenge rises and falls on the proper interpretation of the immigration laws, and thus should be viewed as presenting only a statutory claim. In any event, the Take Care Clause surely does not prevent an agency faced with the task of removing hundreds of thousands of individuals each year from pursuing such removals in a rational rather than haphazard manner in light of its limited enforcement resources.

Ms. LOFGREN. Mr. Speaker, I submit the following letter:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 4, 1999.

Embargoed for release Monday, November 8, 1999.

Contact: Allen Kay, Rep. Lamar Smith.

Re Guidelines for use of prosecutorial discretion in removal proceedings.

Hon. JANET RENO,

Attorney General, Department of Justice, Washington, DC.

Hon. DORIS M. MEISSNER,

Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR ATTORNEY GENERAL RENO AND COMMISSIONER MEISSNER: Congress and the Administration have devoted substantial attention and resources to the difficult yet essential task of removing criminal aliens from the United States. Legislative reforms enacted in 1996, accompanied by increased funding, enabled the Immigration and Naturalization Service to remove increasing numbers of criminal aliens, greatly benefitting public safety in the United States.

However, cases of apparent extent hardship have caused concerns. Some cases may involve removal proceedings against legal permanent residents who came to the United States when they were very young, and many years ago committed a single crime at the lower end of the "aggravated felony" spectrum, but have been law-abiding ever since, obtained and held jobs and remained self-sufficient, and started families in the United States. Although they did not become United States citizens, immediate family members are citizens.

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

We write to you because many people believe that you have the discretion to alleviate some of the hardships, and we wish to solicit your views as to why you have been unwilling to exercise such authority in some of the cases that have occurred. In addition, we ask whether your view is that the 1996 amendments somehow eliminated that discretion. The principle of prosecutorial discretion is well established. Indeed, INS General and Regional Counsel have taken the position, apparently well-grounded in case law, that INS has prosecutorial discretion in the initiation or termination of removal proceedings (see attached memorandum). Furthermore, a number of press reports indicate that the INS has already employed this discretion in some cases.

True hardship cases call for the exercise of such discretion, and over the past year many Members of Congress have urged the INS to develop guidelines for the use of its prosecutorial discretion. Optimally, removal proceedings should be initiated or terminated only upon specific instructions from authorized INS officials, issued in accordance with agency guidelines. However, the INS apparently has not yet promulgated such guidelines.

The undersigned Members of Congress believe that just as the Justice Department's United States Attorneys rely on detailed guidelines governing the exercise of their prosecutorial discretion, INS District Directors also require written guidelines, both to legitimate in their eyes the exercise of discretion and to ensure that their decisions to initiate or terminate removal proceedings are not made in an inconsistent manner. We look forward to working with you to resolve this matter and hope that you will develop and implement guidelines for INS prosecutorial discretion in an expeditious and fair manner.

Sincerely,

Henry J. Hyde; Lamar Smith; Bill McCollum; Bill Barrett; Barney Frank; Sheila Jackson Lee; Martin Frost; Howard L. Berman; Brian P. Billbray; Charles T. Canady; Nathan Deal; David Dreier; Eddie Bernice Johnson; Patrick J. Kennedy.

James P. McGovern; F. James Sensenbrenner, Jr.; Henry A. Waxman; Gene Green; Corrine Brown; Barbara Cubin; Lincoln Diaz-Balart; Bob Filner; Sam Johnson; Matthew G. Martinez; Martin T. Meehan; Christopher Shays; Kay Granger; Ciro D. Rodriguez.

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

AN AMENDMENT TO H. RES. 649 OFFERED BY
MS. SLAUGHTER

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon the 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. 646) expressing the position of the House of Representatives in the matter of United States, et al. v. Texas, et al., No. 15-674. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution 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 the Judiciary.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 646.

—
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. SESSIONS. 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 234, nays 181, not voting 18, as follows:

[Roll No. 127]

YEAS—234

Abraham Guinta Palmer
Aderholt Guthrie Paulsen
Allen Hanna Pearce
Amash Hardy Perry
Amodi Harper Pittenger
Babin Harris Pitts
Barletta Hartzler Poe (TX)
Barr Heck (NV) Poliquin
Barton Hensarling Pompeo
Benishek Herrera Beutler Posey
Bilirakis Hice, Jody B. Price, Tom
Bishop (MI) Hill Ratcliffe
Bishop (UT) Holding Reed
Black Hudson Reichert
Blackburn Huelskamp Renacci
Blum Huizenga (MI) Ribble
Bost Hultgren Rice (SC)
Boustany Hunter Rigell
Brady (TX) Hurd (TX) Roby
Brat Hurt (VA) Roe (TN)
Bridenstine Issa Rogers (AL)
Brooks (AL) Jenkins (KS) Rogers (KY)
Brooks (IN) Jenkins (WV) Rohrabacher
Buck Johnson (OH) Rokita
Bucshon Johnson, Sam Ros-Lehtinen
Burgess Jolly Roskam
Byrne Jones Ross
Calvert Joyce Rothfus
Carter (GA) Katko Rouzer
Carter (TX) Kelly (MS) Royce
Chabot Kelly (PA) Russell
Chaffetz King (IA) Salmon
Clawson (FL) King (NY) Sanford
Coffman Kinzinger (IL) Schweikert
Cole Kline Scott, Austin
Collins (GA) Knight Labrador Sensenbrenner
Collins (NY) Labrador Sessions
Conaway LaHood Shimkus
Cook LaMalfa Shuster
Costello (PA) Lamborn Simpson
Cramer Lance Simpson
Crawford Latta Smith (MO)
Crenshaw LoBiondo Smith (NE)
Culberson Long Smith (NJ)
Curbelo (FL) Loudermilk Smith (TX)
Davis, Rodney Love Stefanik
Denham Lucas Stewart
Dent Luetkemeyer Stivers
DesJarlais Lummis Stutzman
Diaz-Balart MacArthur Thompson (PA)
Dold Marchant Thornberry
Donovan Marino Tiberi
Duffy Massie Tipton
Duncan (SC) McCarthy Trott
Duncan (TN) McCaul Turner
Eillers (NC) McClintock Upton
Emmer (MN) McHenry Valadao
Farenthold McKinley Wagner
Fitzpatrick McMorris Walberg
Fleischmann Rodgers Walden
Fleming McSally Walker
Flores Meadows Walorski
Forbes Meehan Walters, Mimi
Fortenberry Messer Weber (TX)
Foxy Mica Webster (FL)
Franks (AZ) Miller (FL) Wenstrup
Frelinghuysen Miller (MI) Westerman
Garrett Moolenaar Whitfield
Gibbs Mooney (WV) Williams
Gibson Mullin Wilson (SC)
Gohmert Mulvaney Wittman
Goodlatte Murphy (PA) Womack
Gosar Neugebauer Woodall
Gowdy Newhouse Yoder
Granger Noem Yoho
Graves (GA) Nugent Young (IA)
Graves (LA) Nunes Zeldin
Griffith Olson Zinke
Grothman Palazzo

NAYS—181

Adams Foster
Aguilar Fudge
Ashford Gabbard
Bass Gallego
Beatty Garamendi
Becerra Graham
Bera Grayson
Beyer Green, Al
Bishop (GA) Green, Gene
Blumenauer Grijalva
Bonamici Gutierrez
Boyle, Brendan Hahn
F. Hastings
Brady (PA) Heck (WA)
Brown (FL) Higgins
Brownley (CA) Hinojosa
Bustos Honda
Butterfield Hoyer
Capps Huffman
Capuano Israel
Cárdenas Jackson Lee
Carney Jeffries
Carson (IN) Johnson (GA)
Cartwright Johnson, E. B.
Castor (FL) Kaptur
Castro (TX) Keating
Chu, Judy Kelly (IL)
Cicilline Kennedy
Clark (MA) Kildee
Clarke (NY) Kilmer
Clay Kind
Cleaver Kuster
Clyburn Langevin
Cohen Larsen (WA)
Connolly Larson (CT)
Conyers Lawrence
Cooper Lee
Costa Levin
Courtney Lewis
Crowley Lipinski
Cuellar Loebsack
Cummings Lofgren
Davis (CA) Lowenthal
Davis, Danny Lowey
DeFazio Lujan Grisham
DeGette (NM)
Delaney Luján, Ben Ray
DeLauro (NM)
DelBene Lynch
DeSaulnier Maloney, Carolyn
Deutch Maloney, Sean
Dingell Matsui
Doggett McCollum
Doyle, Michael McDermott
F. McGovern
Duckworth McNeerney
Edwards Meeks
Ellison Meng
Engel Moore
Eshoo Moulton
Esty Murphy (FL)
Farr Murphy (FL)
Fattah Nadler
Buchanan Himes
Comstock Jordan
DeSantis Kirkpatrick
Fincher Lieu, Ted
Frankel (FL) Rooney (FL)
Graves (MO) Rush

NOT VOTING—18

□ 1043

Mr. McDERMOTT, Ms. BROWNLEY of California, Messrs. RUIZ, COHEN, TONKO, and HINOJOSA changed their vote from "yea" to "nay."

Mr. COFFMAN and Mrs. LUMMIS changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 234, nays 180, not voting 19, as follows:

[Roll No. 128]

YEAS—234

Abraham Guinta Palmer
Aderholt Guthrie Paulsen
Allen Hanna Pearce
Amash Hardy Perry
Amodi Harper Pittenger
Babin Harris Pitts
Barletta Hartzler Poe (TX)
Barr Heck (NV) Poliquin
Barton Hensarling Pompeo
Benishek Herrera Beutler Posey
Bilirakis Hice, Jody B. Price, Tom
Bishop (MI) Hill Ratcliffe
Bishop (UT) Holding Reed
Black Hudson Reichert
Blackburn Huelskamp Renacci
Blum Huizenga (MI) Ribble
Bost Hultgren Rice (SC)
Boustany Hunter Rigell
Brady (TX) Hurd (TX) Roby
Brat Hurt (VA) Roe (TN)
Bridenstine Issa Rogers (AL)
Brooks (AL) Jenkins (KS) Rogers (KY)
Brooks (IN) Jenkins (WV) Rohrabacher
Buck Johnson (OH) Rokita
Bucshon Johnson, Sam Ros-Lehtinen
Burgess Jolly Roskam
Byrne Jones Ross
Calvert Joyce Rothfus
Carter (GA) Katko Rouzer
Carter (TX) Kelly (MS) Royce
Chabot Kelly (PA) Russell
Chaffetz King (IA) King (IA)
Clawson (FL) King (NY) King (NY)
Coffman Kinzinger (IL) Kinzinger (IL)
Cole Kiene
Collins (GA) Knight
Collins (NY) Labrador
Conaway LaHood
Cook LaMalfa
Costello (PA) Lamborn
Cramer Lance
Crawford Latta
Crenshaw LoBiondo
Culberson Long
Curbelo (FL) Loudermilk
Davis, Rodney Love
Denham Lucas
Dent Luetkemeyer
DesJarlais Lummis
Diaz-Balart MacArthur
Dold Marchant
Donovan Marino
Duffy Massie
Duncan (SC) McCarthy
Duncan (TN) McCaul
Eillers (NC) McClintock
Emmer (MN) McHenry
Farenthold McKinley
Fitzpatrick McMorris
Fleischmann Rodgers
Fleming McSally
Flores Meadows
Forbes Meehan
Fortenberry Messer
Foxy Mica
Franks (AZ) Miller (FL)
Frelinghuysen Miller (MI)
Garrett Moolenaar
Gibbs Mooney (WV)
Gibson Mullin
Gohmert Mulvaney
Goodlatte Murphy (PA)
Gosar Neugebauer
Gowdy Newhouse
Granger Noem
Graves (GA) Nugent
Graves (LA) Nunes
Griffith Olson
Grothman Palazzo

NAYS—180

Boyle, Brendan
F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn

Cohen	Jeffries	Peters
Connolly	Johnson (GA)	Peterson
Conyers	Johnson, E. B.	Pingree
Cooper	Kaptur	Pocan
Costa	Keating	Polis
Courtney	Kelly (IL)	Price (NC)
Crowley	Kennedy	Rangel
Cuellar	Kildee	Rice (NY)
Cummings	Kilmer	Richmond
Davis (CA)	Kind	Roybal-Allard
Davis, Danny	Kuster	Ruiz
DeFazio	Langevin	Ruppersberger
DeGette	Larsen (WA)	Ryan (OH)
Delaney	Larson (CT)	Sánchez, Linda
DeLauro	Lawrence	T.
DelBene	Lee	Sarbanes
DeSaulnier	Levin	Schakowsky
Deutch	Lewis	Schiff
Dingell	Lipinski	Schrader
Doggett	Loeb sack	Scott (VA)
Doyle, Michael	Lofgren	Scott, David
F.	Lowenthal	Serrano
Duckworth	Lowey	Sewell (AL)
Edwards	Lujan Grisham	Sinema
Ellison	(NM)	Sires
Engel	Luján, Ben Ray	Slaughter
Eshoo	(NM)	Speier
Esty	Lynch	Swalwell (CA)
Farr	Maloney,	Takai
Fattah	Carolyn	Takano
Foster	Maloney, Sean	Thompson (CA)
Fudge	Matsui	Thompson (MS)
Gabbard	McCollum	Titus
Galleo	McDermott	Tonko
Garamendi	McGovern	Torres
Graham	McNerney	Tsongas
Grayson	Meeks	Van Hollen
Green, Al	Meng	Vargas
Green, Gene	Moore	Veasey
Grijalva	Moulton	Vela
Gutiérrez	Murphy (FL)	Velázquez
Hahn	Nadler	Visclosky
Hastings	Napolitano	Walz
Heck (WA)	Neal	Wasserman
Higgins	Nolan	Schultz
Himes	Norcross	Waters, Maxine
Hinojosa	O'Rourke	Watson Coleman
Honda	Pallone	Welch
Hoyer	Pascrell	Wilson (FL)
Huffman	Payne	Yarmuth
Israel	Pelosi	
Jackson Lee	Perlmutter	

NOT VOTING—19

Buchanan	Kirkpatrick	Sherman
Comstock	Lieu, Ted	Smith (WA)
DeSantis	Quigley	Stutzman
Fincher	Rooney (FL)	Westmoreland
Frankel (FL)	Rush	Young (IN)
Graves (MO)	Sanchez, Loretta	
Jordan	Scalise	

□ 1050

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1831. An act to establish the Commission on Evidence-Based Policymaking, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 719. An act to rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

AUTHORIZING THE SPEAKER TO APPEAR AS AMICUS CURIAE ON BEHALF OF THE HOUSE

Mr. SESSIONS. Mr. Speaker, pursuant to House Resolution 649, I call up the resolution (H. Res. 639) authorizing the Speaker to appear as amicus curiae on behalf of the House of Representatives in the matter of United States, et al. v. Texas, et al., No. 15674, and ask for its immediate consideration.

The Clerk read the title of the resolution.

PARLIAMENTARY INQUIRIES

Mr. POLIS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The gentleman will state his parliamentary inquiry.

Mr. POLIS. Mr. Speaker, is the Speaker not already authorized by way of the Bipartisan Legal Advisory Group to offer an amicus brief with current authority without the need to pass the resolution under consideration?

The SPEAKER pro tempore. The gentleman may consult clause 8 of rule II for the role of the Bipartisan Legal Advisory Group.

Mr. GUTIÉRREZ. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his parliamentary inquiry.

Mr. GUTIÉRREZ. Is it in order to offer an amendment to amend section 2 of the resolution to make the text of any amicus brief to be filed available for all Members to review for 3 days previous to its filing?

The SPEAKER pro tempore. Pursuant to House Resolution 649, the previous question shall be considered as ordered on the resolution to its adoption without intervening motion, except for a motion to recommit.

Mr. POLIS. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Is it in order to amend section 2 of the resolution to formally include the amicus brief prepared by the gentlewoman from California (Ms. LOFGREN) and signed by more than 200 Democrats?

The SPEAKER pro tempore. As the Chair just stated, the previous question is ordered without intervening motion, except on a motion to recommit.

Mr. GUTIÉRREZ. So it is not in order?

Mr. POLIS. Is or isn't?

The SPEAKER pro tempore. No intervening motions are in order except as provided in House Resolution 649.

Mr. GUTIÉRREZ. Okay. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GUTIÉRREZ. Is it in order to offer an amendment to section 3 that would make available all names of outside counsel that will be providing

services to the Office of General Counsel; that way the American public can know who all the outside counsel is?

The SPEAKER pro tempore. The Chair's response remains the same.

Mr. POLIS. Mr. Speaker, further inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Is it in order to offer an amendment to include a CBO report on the costs of the Office of General Counsel that would occur under this resolution?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. GUTIÉRREZ. Isn't it true, Mr. Speaker, that every President since President Eisenhower and up through President Obama has used powers granted to them by Congress to set aside the deportation of certain immigrants?

The SPEAKER pro tempore. The gentleman has not stated an inquiry related to the pending proceedings.

Mr. GUTIÉRREZ. I thought I was.

Mr. POLIS. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Colorado will state his parliamentary inquiry.

Mr. POLIS. Mr. Speaker, is it true that Presidents Ronald Reagan and George Bush protected in excess of 1 million undocumented immigrants by executive action?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry related to the pending proceedings.

Mr. GUTIÉRREZ. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized.

Mr. SESSIONS. Mr. Speaker, I believe that what we are seeing here are some dilatory moves on behalf of the minority. While I respect every bit of that, we have decorum that is established in this House, and I believe the Speaker has adequately responded to the questions thereon by the gentlemen, and I ask that we move on forward.

Mr. Speaker, at this time, I ask unanimous consent—

The SPEAKER pro tempore. The gentleman will suspend. All Members will suspend.

Pursuant to House Resolution 649, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 639

Resolved, That the Speaker is authorized to appear as amicus curiae on behalf of the House of Representatives in the Supreme Court in the matter of United States, et al. v. Texas, et al., No. 15-674, and to file a brief in support of the position that the petitioners have acted in a manner that is not consistent with their duties under the Constitution and laws of the United States.

SEC. 2. The Speaker shall notify the House of Representatives of a decision to file one or