

proud to be an outspoken advocate for animal welfare. I look forward to working with my colleagues on these issues in the future.

□ 1215

AMERICA'S RULE BOOK: THE UNITED STATES CONSTITUTION

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

Mr. WOODALL. Mr. Speaker, we have got our Presidential primary coming up in Georgia in the first week of March, and everybody is talking about what it means to be an American and where it is we want America to go. I love that conversation. I love that it is happening on the Democratic side of the aisle. I love that it is happening on the Republican side of the aisle. I love that it is happening in every household in America.

What I don't hear as much conversation about—and I wish that I did—is about that rule book for how America is supposed to be run, called the United States Constitution. Folks seem to have a firm grasp on it when they want to be the President of the United States. They lose that grasp when they get to be President of the United States, because they want to serve. They so badly want to serve.

What I have here, Mr. Speaker, are a couple of quotes from President Obama.

He says:

I taught constitutional law for 10 years, and I take the Constitution very seriously. The biggest problems that we are facing right now have to do with George Bush's trying to bring more and more power into the executive branch and not go through Congress at all; and that is what I intend to reverse when I am President of the United States of America.

Now, that was at a Pennsylvania townhall meeting, Mr. Speaker, when the President was running for office.

As a Senator, he could see clearly that, in article I, the House and the Senate were in charge of passing the laws, and that, in article II, the White House was in charge of enforcing the laws. During the 8 years that George Bush was President, time and time again, charges were made that the White House was taking the people's power from article I and carrying it down Pennsylvania Avenue to the White House.

Again, I quote from President Obama:

I taught the Constitution for 10 years. I believe in the Constitution, and I will obey the Constitution of the United States. We are not going to use signing statements as a way of doing an end run around Congress.

That was at a Montana campaign event back in 2008.

The President was absolutely right, and Republicans in this institution were absolutely wrong, during his 8

years in the White House, for not holding George Bush more accountable to his article II responsibilities and staying out of Congress' article I responsibilities; but it was hard, Mr. Speaker. It was after 9/11.

I will forever wonder what America would have looked like but for that fateful day. The President was off, focusing on his agenda. We were not campaigning on 9/11 issues in that election. We were campaigning on domestic issues, on economic issues. The economy was on fire, and then everything changed.

I would argue that many of my Republican colleagues—you and I were not here at that time, Mr. Speaker—cut President Bush a lot of slack. America was in crisis, and the Nation was under attack; and we said: Do you know what? The Constitution does give the President special responsibilities during these times of national crisis, and I am willing to allow him to adopt a little more authority—I am willing to be a little more deferential—to the President during these difficult times.

President Obama saw that as then-Senator Obama, and he said: That is wrong. Republicans are not supposed to be Republicans first. Republicans in Congress are supposed to be Congressmen first. Republicans in the Senate are supposed to be Senators first. Our obligation first is to our constituents back home, to the United States Constitution, not to someone who may or may not hold the same party title at the White House.

As a candidate, the President saw that clearly, but we all know how that transpired, Mr. Speaker.

As President, the President has said this:

We can't wait for an increasingly dysfunctional Congress to do its job. Where they won't act, I will.

We can't wait for that Constitution, which was specifically designed to be slow and painful, because every act that we pass here, Mr. Speaker, takes freedom or power or money from someone in America and gives it to someone else. It was designed to be hard; but as President Obama says: I can't wait. Where Congress won't act, I will.

I continue to quote, Mr. Speaker, from a different speech during a Cabinet meeting in 2014:

But one of the things that I will be emphasizing in this meeting is the fact that we are not just going to be sitting, waiting for legislation, in order to make sure that we are providing Americans with the kind of help that they need. I have got a pen and I have got a phone. I can use that pen to sign executive orders and take executive actions and administrative actions that move the ball forward.

Mr. Speaker, one of my great disappointments in this administration is that President Obama had an opportunity to lead America in ways that no other President could have led. He had an opportunity when he was elected, with all of his personal charisma and popularity, to lead public opinion in ways that no other President could. He

was not my choice for President, but when America chose him, America chose opportunity to do things that we could not have done otherwise.

All we are in this Chamber is a reflection of that public opinion back home. All we are the voices of our individual districts back home—435 voices representing millions of constituents back home. The President could have come and changed the minds of those in this Congress. He could have come and changed the minds of the people. Instead—do you know what?—he said: I have studied the Constitution for 10 years. It is really hard to move Congress. It is really hard to move public opinion. So I am going to use my phone and my pen, and I am going to do it alone.

This isn't just in the White House, Mr. Speaker. This idea that the people's voice in Congress is a nuisance and gets in the way of getting the real business done permeates the entire administration.

I quote from EPA Administrator Gina McCarthy:

But I will tell you that I didn't go to Washington to sit around and wait for congressional action. I have never done that before, and I don't plan to do it in the future.

Forbid the thought. Forbid the thought you would be on the Federal Government's payroll, charged with enforcing the laws of the land, and you might sit around and wait for Congress to pass the laws of the land. Forbid the thought. If you have got a phone and if you have got a pen, just go ahead and rewrite those laws of the land, Mr. Speaker. It is dangerous when Republicans do that. It is dangerous when Democrats do that. It is dangerous when Independents do that.

We have a Constitution as our rule book for a reason, and that is that changing the law should be hard. Taking power from one group and giving it to another should be hard. Taking money from one group and giving it to another should be hard. The power is not ours, Mr. Speaker. The power is the people's. They allow us to administer it for a short period of time, and there is a long and difficult process to do that.

Mr. Speaker, I am going to focus on some EPA regulations today. In the past, Presidents have acknowledged how hard it is to get it done, but they have committed to going out there and getting it done. I will remind you, Mr. Speaker, that the EPA was created by a Republican President. There is no one who cares more about clean water and clean air in the great State of Georgia than I do. I am a hardcore, Deep South Republican, Mr. Speaker, and we play outside a lot. Our kids are outside a lot. We are drinking a lot of water, and we are playing in a lot of grass. We care about a clean environment. So did President Richard Nixon when he created the EPA.

He said this:

The reorganizations which I am proposing afford both the Congress and the executive branch an opportunity to reevaluate the adequacy of existing programs involved in these consolidations.

I look forward to working with the Congress in this task. Congress, the administration, and the public all share a profound commitment to the rescue of our natural environment and in the preservation of the Earth as a place both habitable by and hospitable to man. With its acceptance of these reorganization plans, the Congress will help us fulfill that commitment.

Mr. Speaker, President Nixon had a vision of what he wanted to do for environmental protection in America.

He said this is a three-part vision: it is going to involve the executive branch; it is going to involve the legislative branch; it is going to involve the American people. I am going to take this idea out, and I am going to sell it. We are going to get it passed into law because I am going to make the American people believe it. We all want the same things: we want an environment that is hospitable to and habitable by man; we want an environment that serves us today and our kids and grandkids tomorrow. He went out there, and he sold America on this, and we did it together. By article I, Congress passed it, and the President signed it into law.

With the Clean Air Act Amendments of 1990, Mr. Speaker, you will remember it was a Democrat-controlled Congress and Republican George H. W. Bush in the White House.

George H.W. Bush said this:

Upon signing the Clean Air Act Amendments of 1990, today, I am signing S. 1630, a bill to amend the Clean Air Act, and I take great pleasure in signing S. 1630 as a demonstration to the American people of my determination that each and every American shall breathe the clean air. The passage of this bill is an indication that the Congress shares my commitment to a strong Clean Air Act, to a clean environment, and to the achievement of the goals I originally set forth.

Mr. Speaker, if you will recall, at the time of the Clean Air Act of 1990, I was in college. It was a battle in Washington, D.C. It was a battle. Again, the Democrats were controlling all of Congress, and the Republicans were in the White House, trying to decide what our obligations were as individuals, what businesses' obligations were, and what government's obligations would be. It was hard and it was important.

Mr. Speaker, you will remember that was acid rain. That was when they panned the camera around to the monuments throughout the city and showed where the facial features were being eroded by acid rain.

We said what can we do together to make a difference? It was not someone with a phone and a pen. It became a national movement. It was what all laws are supposed to be, Mr. Speaker, which is where we come together and we talk about our differences; we take steps forward where we can; we take time to sort out the steps we can't take today but hope to take tomorrow.

In signing that legislation, the President said: This represents my vision. This represents my goals. This represents my commitment to clean air. Because the people's Representatives in Congress passed it, it represents all of the American people as well.

Mr. Speaker, that is the way it is supposed to be. It is hard and it is slow, and it has been a long time since we have seen that function effectively; but let me tell you what the impact of that is.

The Founding Fathers were really smart folks, and I am never willing to underestimate the wisdom that is in those few founding pages. We have article I in the legislative branch. We have article II in the executive branch. We have article III in the judicial branch. In these days, where article I and article II are not functioning as they should, article III is wielding more than its fair share of the power, and I will tell you that is wrong. I will tell you that is wrong.

Decisions about what is the right law of the land are made one of three ways, Mr. Speaker. They get made because the President of the United States, who was popularly elected, signs a bill into law. They get made because the United States Congress, which was popularly elected, overrides a veto and implements a new law; or they get made because nine men and women who are in black robes and are across the street at the Supreme Court, who have never been elected, sit around and think deeply about it and pronounce what the law of the land will be.

Now, Mr. Speaker, I have great respect for the Supreme Court, and I believe it is critical—again, in the wisdom of our Founding Fathers—to have balanced power in that way; but as a citizen, as just a guy from the great State of Georgia—just one of 300 million—when I have to choose who writes the law—the President I have a chance to vote for, the Congress I have a chance to vote for, or the Supreme Court, which is appointed for life and is never accountable to anyone—I feel a little bit safer when it is one of the folks who has to be up for reelection every once in a while.

It is bad for America when the President—with a pen and a phone—goes and implements those things, when we as the legislative branch don't identify ourselves as Republicans and Democrats—who are divided along those lines—and allow the courts to sort it out.

Let me just give you an example, Mr. Speaker: WOTUS, waters of the U.S. I had never heard the term "WOTUS" until I showed up in this Chamber, Mr. Speaker. Waters of the United States is an initiative from the President that is going to reregulate who controls and keeps tabs on clean water in America.

□ 1230

Currently, if it is navigable water, water that you can sail your boat on, then it is governed by the Federal Government. If it is any other water, it is governed by State government.

The little creek in the backyard at the park down the road from my house, that is governed by the great State of Georgia, and they do a great job with it. It empties out into the

Chatahoochee River, which is navigable, which is regulated by the Federal Government. It goes through some National Park land, national recreation area, but it begins—where so much of an opportunity to impact pollution and make a difference in water quality—at the headwaters, which is regulated by State governments.

Well, Jim Oberstar, a Representative in this Chamber back in 2010, introduced a bill that said, since the Federal Government is so effective at everything that they do, let's entrust all clean water decisions to the Federal Government instead of to the localities that have been doing it so well for so long.

Well, he introduced a bill in Congress, Mr. Speaker, and that is the way it is supposed to start. This was H.R. 5088. He introduced a bill to expand the definition of water so that the Federal Government could regulate everything.

Second step, Mr. Speaker, is to have that bill considered. Well, the bill never was considered in this Chamber. It could not gather enough support in this Chamber to even be considered in the committee, much less the floor of this House.

Well, you have seen it, Mr. Speaker: "Yes, I'm only a bill, and I'm sitting here on Capitol Hill. Well, it's a long, long journey to the Capital City. It's a long, long wait while I'm sitting in committee. . . ."

That is "Schoolhouse Rock," a tale of how a bill becomes a law. If you can't get consideration, it expires.

Well, the President wanted this regulation, and he couldn't get the support in Congress to pass it. He didn't want to go out and sell it to the American people, so he went to the Federal Register, Mr. Speaker. Most folks don't even know the Federal Register exists. It comes out every day. It is a list of all the regulations that the administration is proposing, and it is thick. Every day, it is thick. It is new restrictions on private life in America.

In April 2014, the President went out and published this rule and said: This is what I am going to do. Congress hasn't authorized it. It is a dramatic departure from the way America has been governed for the last 200 years, but I have a pen and phone, and I am just going to do it.

Mr. Speaker, if he wanted to do it, he should have come and sold Congress. If he wanted to do it, he should have gone and sold the American people, but he didn't. He published it in an obscure publication, and, a year later, he announced new rules that would govern all activity affecting water in the United States of America. Not one congressional bill had passed authorizing such an action.

In fact, Mr. Speaker, the opposite had happened. Congress saw what was going on. Congress saw that the President was way outside of his authority. Congress saw that he was way outside of the mandate given to him by the people, and Congress passed legislation to block those rules.

Now, hear that, Mr. Speaker. The President had legislation introduced to implement the rules. It never even got out of committee because folks opposed it. Then he went around Congress, tried to do it on his own. Congress passed a new measure that said: Mr. President, that is wrong. Don't do it.

So Congress—it is not that we failed to act—we acted affirmatively and said: Mr. President, that is not okay.

It passed the House, Mr. Speaker. It passed the Senate. It went to the President's desk, where he vetoed it. Understand that.

The President is outside of his constitutional role. Congress calls him on it, passes it by both Houses—which is rare, these days, as you know. The President, armed with the knowledge that the American people are against him on this issue, vetoes that measure. It took him exactly 24 hours to think through that, Mr. Speaker. Hear that.

He knew Congress rejected the measure because he couldn't get it out of committee. He implemented it by going around Congress, doing it entirely through the administrative branch, which we all know from Constitution 101 is not the way laws get made.

Congress affirmatively passes a law that says: You cannot do that, Mr. President; that is outside of your bounds. It takes him 24 hours to think about that before he stamps it with a veto stamp and sends it away.

So what do you do, Mr. Speaker? What do you do? What do you do when you represent 300 million Americans, you have a democratic process here on the floor of the House, everybody's voice is heard, you duly pass measures, and the President says: No, I am not concerned about that?

You go to court. You go to court. Mr. Speaker, I hate going to court. I hate it.

We are the Congress of the United States. We are article I for a reason. This is where the power was supposed to reside, distributed among all of us across this country.

I hate going to the court to solve problems between the White House and the President. We ought to be able to solve those on our own, but we haven't been able to. We haven't been able to start that dialogue. So what do we do? We go to the court.

Here is what the court says about this waters of the U.S. rule. I am quoting from their opinion:

“Even so, a review of what has been made available reveals a process that is inexplicable, arbitrary, and devoid of a reasoned process.”

They are not talking about what happened in Congress, Mr. Speaker. We did everything by the book. The court is talking about what happened at the White House and at the EPA, this administrative process that tried to craft a brand-new regulatory regime to regulate all water in the United States of America: our review “reveals a proc-

ess that is inexplicable, arbitrary, and devoid of a reasoned process.”

Quoting from another section of the decision, Mr. Speaker:

It appears likely that the EPA has violated its congressional grant of authority in its promulgation of the rule at issue, and it appears likely the EPA failed to comply with the EPA requirements when promulgating the rule.

That is the requirement that we have some public input on the rule. So not only did we violate our authority to begin with, but even if the EPA had had authority, the court says it should have invited more public input, which it did not.

Reading, finally, from that decision, Mr. Speaker:

A far broader segment of the public would benefit from the preliminary injunction because it would ensure that Federal agencies do not extend their power beyond the express delegation from Congress.

The court said: No, Mr. President, no. You do not have this authority. Congress makes the law. The answer is “no.”

So just a recap, Mr. Speaker: a bill was brought in this Congress to implement these rules. It never made it out of committee because folks didn't like it. The President did it unilaterally, and Congress responded by passing a bill out of both Chambers and sending it to the President's desk, saying: Don't do that; that is wrong.

The President vetoes it. America sues, and the court says: You can't do that; that is wrong. You are exceeding your grant of authority under the law.

You would think that after all of that, Mr. Speaker, the White House might say: Well, I don't know how we got it wrong, but we got it wrong. Let's go back to the drawing board.

Not so. The White House continues to march on in this direction.

Mr. Speaker, it sounds like inside baseball. It sounds like this is just that standard quibbling—Republicans—Democrats—Washington, D.C., dysfunction. That is not so. We are talking about water. We are talking about every spigot in America, Mr. Speaker.

Let me tell you what folks have said in Georgia. This is our attorney general, Sam Olens. He is commenting after the court has prevented the implementation of these waters of the U.S. rules. He says:

I am pleased the Sixth Circuit has granted a nationwide stay on the burdensome waters of the United States rule. Under this illegal rule, Georgia families, farmers, and businesses would be subject to excessive and intrusive Federal regulation. As the Federal Government continues to issue massive and unconstitutional executive directives at an alarming rate, I remain steadfast in my commitment to protect and defend the interest of Georgians.

Mr. Speaker, I don't know how it is in your home State. In my home State, the attorney general is elected by the people. He is not named by the Governor. This is the popularly elected representative for constitutional issues

in the State of Georgia talking about Washington, D.C., and the White House, talking about illegal rules, unconstitutional executive directions coming out at an alarming rate.

Again, these are regulations that have traditionally been controlled at the local level. I promise you—I promise you, Mr. Speaker—there is not a man or woman in this city who cares more about the streams outside of my home than I do; there is not a man or woman in this city who cares more about the water in my district than I do; and there is not a man or woman in this city that knows better about how to protect that order than the men and women in local government back home.

This is from the Association County Commissioners in Georgia, Mr. Speaker:

We feel that this rule has great potential to increase counties' risk of litigation and unnecessary delays and confusion and cause disincentive for adequately constructed and maintained drainage ditches.

This is where it has come, Mr. Speaker. In the massive power grab that is the waters of the U.S. rule, trying to grab everything and carry it to Washington, D.C., I have county commissioners writing to say this goes even to the drainage ditches in our area, which we are in charge of keeping clean, which we are in charge of water quality. We are involved in sediment control.

It will also divert critical county resources—those being taxpayer resources—from other critical local government services and federally mandated Clean Water Act responsibilities at a time when our budgets are already under great duress. Hear that. There are already Federal mandates on counties for a variety of other issues. They are handling it all, even in these tough budget times, and they are saying not only are these new regulations going to drain taxpayer resources that would have been going to clean water, but the litigation is going to drain them because we are going to sue and we are not going to allow you to do these unconstitutional things.

This is the Georgia Chamber of Commerce, Mr. Speaker:

As such, the chamber opposes recent attempts by the Obama administration to circumvent the role of Congress in the regulation and management of the Nation's water resources, as well as that of the States. In addition, the chamber believes the proposed rules would violate private property rights and subject business to yet another layer of uncertainty.

More lawsuits, Mr. Speaker. This is not an issue for courts to solve.

The President proposed it. Congress rejected it. Then the President tried to implement it, and Congress rejected that, too. Then the President vetoed that. Now the courts have rejected it, too.

Mr. Speaker, if you have got a good idea, get out there and sell it. If you want to change the law of the land, get out there and persuade folks it is a good idea.

Look at what the President did on the Affordable Care Act, Mr. Speaker. There is not a man or a woman in America today who believes there should be lifetime caps on insurance policies. They believe, if you are facing the greatest crisis in your life, your insurance company ought to be there for you. President Obama won on that issue. I agree with him on that issue. That law is never going to change, that segment of it.

President Obama said, you know, just because you have had cancer doesn't mean you shouldn't ever be able to buy an insurance policy again; just because you were born with a pre-existing condition doesn't mean you should never be able to buy an insurance policy again.

The President was right. Republicans in Congress passed that for federally regulated plans back in 1996. Some States didn't follow suit. That is now the law of the land. The President went out and led on some issues and changed America's minds on some issues.

He did not do that here. He did it with his pen and his phone. It is unconstitutional, and the courts are telling him as much.

This is right from my home district, Mr. Speaker. Gwinnett County is the biggest county in the district. I only represent two counties. So many folks live in these two counties, Mr. Speaker.

On behalf of the Gwinnett County Board of Commissioners and the residents of Gwinnett County, I am writing to encourage continued action by the United States Congress to delay and defeat the proposed EPA rule regarding the definition of waters of the United States.

The county commissioners, who have enough work to do, Mr. Speaker, are taking up for Congress, saying this is way outside of the bounds of what lawmakers ought to be doing from the White House. It ought to be happening in article I. Do what you can.

Quoting from that same county commissioner, Mr. Speaker, the chairwoman of our county in Gwinnett:

This would have the potential to increase costs and cause delays in permitting an operation of needed public works projects. In Gwinnett County, 2,700 miles of roads and 684 miles of ditches within the highway right-of-way would be impacted by this proposed definition if it is adopted, as would 1,400 miles of streams and 1,400 miles of drainage ditches.

Now hear that, Mr. Speaker. I guess I kind of glossed over that. I called this the largest power grab that we have seen in water rights in American history, but I haven't really tried to enumerate it.

One county in the State of Georgia—we have got a lot of counties, Mr. Speaker. I believe we have the second most counties in the United States of America. So our counties are not that big.

In one county, there are 2,700 miles of roads going under Federal regulation, 684 miles of ditches in those right-of-ways going under Federal regulation, 1,400 miles of streams going under new

Federal regulation, and 1,400 miles of additional drainage ditches going under Federal regulation in one county—one county.

To add insult to injury, Mr. Speaker, the Government Accountability Office, the auditor of the United States Government, had this to say in December of last year:

"The Environmental Protection Agency, EPA, violated publicity or propaganda and anti-lobbying provisions contained in appropriations acts with its use of certain social media platforms in association with its 'Waters of the United States,' WOTUS, rulemaking . . ."

□ 1245

Mr. Speaker, the EPA violated propaganda and antilobbying provisions. Hear that. I am begging the administration to go out there and sell the American people before they act, as is supposed to be done.

The General Accountability Office is chastising the administration because, instead of going out and selling it, they are illegally lobbying for it after the fact. We couldn't persuade anybody about it ahead of time. We didn't bother to involve folks ahead of time. We are going to go out after the fact illegally and try to change everybody's mind.

Quoting again from that same report: "The EPA engaged in covert propaganda when the agency did not identify EPA's role as the creator of the Thunderclap message to the target audience."

This is one particular campaign that the General Accountability Office is looking at.

Mr. Speaker, we have got to demand better. President Obama, when he was Senator Obama, was demanding better of the Bush administration. He was right to do so.

I am demanding better of the Obama administration. This Congress is demanding better. We are right to do so. Whoever the next President is, him or her, we have to ask more of them.

The Constitution was crafted with three branches of government for a reason, one branch to create the laws—that is us—one branch to enforce the laws—that is the President—and one branch to adjudicate the differences.

I will come back to the courts, Mr. Speaker. I have been talking about waters of the U.S. That is just one of dozens of examples of administration overreach.

This headline, Mr. Speaker: Supreme Court Deals Blow to Obama's Effort to Regulate Coal Emissions. Coal emissions. This is the war on coal that you hear so much about.

Mr. Speaker, the President has not come to Congress to sell Congress on doing away with our number one natural energy resource. The President has not gone to the American people to sell the American people on doing away with the number one energy resource in America.

In fact, if you go into coal country, Mr. Speaker, every single Democrat at the Federal level has been defeated not because they weren't doing a good job—they may well have been—but because the President was declaring a war on coal.

Hardworking Americans who work in the coal industry said: Why are you picking on me? If you want clean air, let's pass clean air regulations. Why are you declaring war on coal? This ends up in the Supreme Court.

Former EPA Assistant Administrator Jeff Holmstead says this: It is the first time the Supreme Court has actually stayed a regulation.

This is happening right now. It is happening right now. Mr. Speaker, I have got it on the front page of yesterday's National Journal, one of those Washington, D.C., dailies that tracks Federal opportunities and regulations. The headline reads: "Obama's Second-Term Agenda Hits a Roadblock: the Supreme Court."

Think about that, Mr. Speaker. The headline, the generally accepted conventional wisdom, is the President's agenda hits a roadblock because the Supreme Court says no.

Mr. Speaker, the President's agenda hit a roadblock when he decided not to sell it to Congress, not to sell it to his constituents, but to go around us both and do it through administrative action. It is the first time in American history that the Supreme Court has stayed a regulation, so egregious is this action.

I go on from The New York Times, Mr. Speaker, just this week: "But the Supreme Court's willingness to issue a stay while the case proceeds was an early hint that the program could face a skeptical reception from the justices."

With the Court's four liberal members dissenting, a 5-4 decision was unprecedented. "The Supreme Court had never before granted a request to halt a regulation before review by a federal appeals court."

"'It's a stunning development,' Jody Freeman, a Harvard law professor and former environmental legal counsel to the Obama administration, said in an email."

A stunning development. What is stunning, Mr. Speaker, is around and around and around the President goes, around this body, Republicans and Democrats.

It is not a partisan issue. This is a constitutional issue of whether or not we should be concerned why it is that the courts are solving the issues.

Here is a quote from Laurence Tribe, Harvard law professor. In fact, he was President Obama's constitutional law professor when the President was in law school.

Professor Tribe says this: "To justify the Clean Power Plan"—that is this power plan that is implementing the coal regulations that the Supreme Court just put a stay on this week—"the EPA has brazenly rewritten the

history of an obscure section of the 1970 Clean Air Act . . . Frustration with congressional inaction cannot justify throwing the Constitution overboard to rescue this lawless EPA proposal. . . .”

Mr. Speaker, we are supposed to disagree on things. You don't have to go far outside of my congressional district. HANK JOHNSON represents the south side of the county just beyond me, JOHN LEWIS just beyond that.

We disagree on all sorts of things. I admire them. I respect them. We work together on issues. It is not surprising that we disagree.

What is surprising and, in fact, alarming is that the American people's thirst for results has become such that Presidents think they can just skip the process, that the ends are going to justify the means.

President Obama's law school professor, an undisputed congressional scholar, not a conservative by any stretch of the imagination: “Frustration with congressional inaction cannot justify throwing the Constitution overboard to rescue this lawless EPA proposal. . . .”

I need folks to understand, Mr. Speaker, that this is not Republican-Democrat. This is article I, article II. We talked about waters of the U.S. We talked about the war on coal. What about Guantanamo Bay, Mr. Speaker? What about the detention facility in Guantanamo Bay?

U.S. Attorney General Loretta Lynch in November of last year—this is not old news; this is right now—said: “With respect to individuals being transferred to the United States, the law currently does not allow for that. . . .”

The Attorney General of the United States, President Obama's Attorney General, the chief law enforcement officer of the land second only to the President, says the law will not allow you to transfer these individuals to the United States.

The Secretary of Defense, Ash Carter, just last month: “There are people in Gitmo who are so dangerous we cannot transfer them to the custody of another government no matter how much we trust that government. . . . We need to find another place [and] it would have to be in the United States. So I've made a proposal for the president, and he has indicated that he's going to submit that to Congress.”

Hear that. The Secretary of Defense, Mr. Speaker, says the guys in Guantanamo are so dangerous, we cannot trust any other government on the planet with them. And so, if we are to close Guantanamo, as the President has desired for 8 years, we must bring those folks back to the U.S. It is the only way.

He's going to have to submit that proposal to Congress, the Secretary of Defense says. Why is that? Because it's against the law to establish another detention facility, so, therefore, to get the support of Congress.

It is against the law. So we have got the Secretary of Defense saying these

guys are really dangerous, which would question why we want to bring them to the United States to begin with.

But you can't transfer them here because it is against the law. We have Loretta Lynch, Attorney General, saying you can't bring them here because it is against the law.

But I challenge anyone in this Chamber to do a news search, a Yahoo! search, Google search, however it is you get your news, and look in the last 14 days and see if you have seen another statement from the President saying he is going to bring those folks here.

There is no proposal on Capitol Hill to do that. There is no effort from the White House on Capitol Hill to get that done. In fact, the opposite is true. Time after time after time this body, the Senate—the President has signed it into law—says that you cannot bring these folks back to America, that they are too dangerous. The Secretary of Defense agrees. U.S. Attorney General Loretta Lynch agrees. Yet, we go down this road again.

Visa waiver reform, Mr. Speaker, I was about to dismiss. Yet another issue. We passed a bill that said: Listen, if you have been traveling to some of these countries in the Middle East where terrorism is running rampant today, you are not going to get a free pass into America. We are going to want to look at your background before we tell you to come on in.

Now, that seems fair, Mr. Speaker, if you are from one of these countries and you have been traveling through these countries where terrorism is running rampant, where there is case after case after case of terrorists leaving those countries and performing deadly acts around the globe, before we just let you in, which is what the Visa Waiver Program is.

It says: Come on in. We are not going to do a background check on you. If you are from England, you are from France, you are from Germany, we trust you. Come right on in.

We say: If you have been traveling to sites where the terrorist training camps are, we are going to want to give you a little further scrutiny.

Congress passed this. The House passed it. The Senate passed it. The President signed it into law. And then he turned around the very next day and said: Well, but I am not going to enforce that because I promised the Iranians in my nuclear deal that I wouldn't enforce those kinds of rules against Iranians.

Well, you can't pick and choose. Veto the bill if you don't like the bill. Sign the bill if you do like the bill. You can't pick and choose.

I quote from Senator RON JOHNSON. He is the chairman of the Homeland Security and Governmental Affairs Committee on the Senate side.

He says: “Congress has every right to expect full compliance with the new provisions.”

As the lead sponsor of the Visa Waiver Program Improvement and Terrorist

Travel Prevention Act of 2015, I can attest that Congress considered and rejected expanding the waiver authority in the way the President proposes because these groups of travelers would be hard to verify and any waivers granted would be easy to exploit.

This isn't 8 years ago. This isn't 5 years ago. This isn't 3 years ago. This is happening right now. The President signed language into law in December, signed language into law in November, in October, in September, signed language into law last year and said that this is the way it is going to be and has shown up this year and said: Oh, well, I didn't mean it. I am going to do it differently.

You have the lead Senate sponsor, the chairman of the Homeland Security and Governmental Affairs Committee, saying: No. We considered that. We specifically didn't give you that waiver authority. Don't go down that road.

Mr. Speaker, I have a chart up here. You can't see it. It says 9-0. It is another Supreme Court decision against the administration, saying: You have gone outside of your congressionally delegated authority. You can't do that.

You see a lot of 5-4 decisions out of the Supreme Court, Mr. Speaker. You rarely see a 9-0 decision. These are Justices appointed by Presidents of all political stripes, including Justices appointed by President Obama.

They looked at what the President did in the Noel Canning case where he declared that Congress was in recess so that he could put people in executive positions without having to have Congress' approval.

And they said: Nonsense. Nonsense. You can't do that. It is outrageous. The Supreme Court rejected that 9-0.

Mr. Speaker, I don't pick on this issue because it is an example of good news. I pick on it because it is an example of bad news. The courts said the President is overreaching and seizing congressional power illegitimately, unconstitutional actions.

But when I go to Democrats in the Senate during the time period this was going on, Mr. Speaker, I get this.

Senator Tom Harkin from Iowa: “By appointing these nominees, President Obama has acted responsibly in order to ensure that workers and businesses across this country who rely on the stable functioning of this important agency would not be caught in the crossfire of the Republicans' misguided ideological battle.”

He has a good reason. He has a good reason for defending the President. Partisan politics have created gridlock on Capitol Hill, Mr. Speaker.

So I support the President ignoring the Constitution, seizing authority that is granted only to the Senate, and doing what he wants to do with it.

This is a United States Senator choosing to be a Democrat first and defending article I second.

I am not picking on Senator Harkin. That happens all the time in this place, Mr. Speaker.

When did that happen? When did it become more important to defend your President than to defend the Constitution? When did it become more important to be a good Republican than to be a good Congressman? I argue we can still turn the tide on that, Mr. Speaker.

Representative George Miller from California, ranking member of the Education and the Workforce Committee, which had jurisdiction over these issues in the House, said this: "President Obama's recess appointments will guarantee both employers and employees will have a place to go to have their rights under the law protected and enforced."

Well, that would be true except that they were unconstitutionally appointed, and, thus, all of the decisions they rendered are now moot. No one is defending article I. Folks are defending their President instead.

Senator HARRY REID: "Since President Obama took office, Senate Republicans have done everything possible to deny qualified nominees from receiving a fair up-or-down vote. President Obama did the right thing when he made these appointments on behalf of American workers."

Mr. Speaker, at 9-0, the Supreme Court said: No. You did not do the right thing, Mr. President. In fact, you did exactly the wrong thing. In fact, it is unconstitutional what you did. You do not have the power to act in this way. And Democrat after Democrat after Democrat is defending him.

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Now, Mr. Speaker, if I put up these same charts from the Bush administration, I would have Democrats saying the Bush administration overstepped its bounds, and Republican after Republican after Republican would be defending them.

It has got to stop. It may be too late for this administration, Mr. Speaker. The lines in the sand may have already been dug so deep that we won't be able to cross them, but here in this Presidential primary season we have got to ask of our Presidential candidates: What are you first? Are you your own leader first? Are you a Republican or Democrat first? Or, are you the leader of the free world under the restrictions of article II first?

Are you going to use your pen and your phone? Are you just going to go out there and get it done by yourself? Or, are you going to go sell your boss on the idea—your boss, being 300 million Americans—and then are we going to bring ourselves together as a Nation to do these things one by one?

Mr. Speaker, we have got to stop defending or criticizing actions based on which party is involved in it. There is one rule book for this country. It is not the policy position of the Republican National Committee. It is not the policy position of the Democratic National Committee. The one rule book in this country is the United States Con-

stitution, which says Congress writes the law and the President enforces it.

We have got to expect more of our Presidents—not about the results that they get, but about the leadership they provide. Not the leadership to go around the law, but the leadership to change people's minds and then change the law.

We have got so much opportunity, Mr. Speaker. We have so much opportunity. The men and women that I have gotten to know in this Chamber would rather lose their seat tomorrow—who cares about the election—and they want to make a difference for the country. Don't tell me partisan gridlock has rendered self-governance impossible.

Gridlock is the natural state of the constitutional government that our Founding Fathers created. We have to work with it, not around it, and we have to work with the American people, changing hearts and minds, not going around the American people and having to rely on the Supreme Court to fix those mistakes.

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

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution (S. Con. Res. 31) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The Clerk read the concurrent resolution, as follows:

##### S. CON. RES. 31

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on any day from Thursday, February 11, 2016, through Saturday, February 20, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, February 22, 2016, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, February 12, 2016, through Tuesday, February 16, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, February 23, 2016, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection

by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore (Mr. RATCLIFFE). Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

#### PRESIDENT'S BUDGET PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Louisiana (Mr. GRAVES) for 30 minutes.

Mr. GRAVES of Louisiana. Mr. Speaker, earlier this week, the President submitted a budget request to the Congress. That budget request increases spending by approximately \$2.5 trillion over the next 10 years. It raises taxes by \$3.4 trillion over the next 10 years. And I will say that again. It increases spending by \$2.5 trillion and raises taxes by \$3.4 trillion over the next 10 years.

This budget, like every other budget that has been submitted by this White House, does not ever come into balance. It never comes into balance. It stays in the red. In fact, under this budget, we will see a 13 percent structural shortfall in funding. The deficit would increase this fiscal year to \$616 billion. That is up from approximately \$438 billion last year. Either number is unacceptable.

Mr. Speaker, with the trajectory that we are on, by 2022, just the interest on the debt—let me be clear: just the interest, not the principal—is going to result in us spending more money on paying that interest payment than we will spend on all of our defense spending in a year.

I will say that again. We will spend more money just paying the interest payment on the debt—not dropping the principal—than we will spend on our entire defense budget in the year by 2022, with the trajectory that we are on, increasing this Nation's debt.

The debt is going to be more than double what it was at the time this President took office. It is going to more than double by the time he leaves office. It currently exceeds \$18 trillion. Yes, \$18 trillion is our debt today. To break that down, that is approximately \$155,000 per taxpayer. This isn't Monopoly money. These are real repercussions.

Earlier this week, in this Chamber, I was able to host a seventh-grade class