

We are trying to make progress on the dream, the progress of full inclusion, full employment, respecting our environment, believing in science. This is what the Progressive Caucus is all about. We're not trying to conserve the old way where only some people had privilege and opportunity. We're trying to make progress. So this is what the Progressive Caucus is all about.

The Progressive Caucus believes, of course, there should be a free market in America; but there also needs to be a public sector that will watch out for the health, safety, and fairness of our country. Yet some people in Congress are hostile to the idea of any government role, but we're not. We believe that government is how we come together in ways that we can't do it alone, for the best benefit of everybody.

And we urge the Republican majority—they've got the power; this is a winner-take-all-type system—to go out across American and do something and hear people about the issue of foreclosure, to get some jobs going. Pass the American Jobs Act. Pass the infrastructure bank bill. Do something to get this country together. Address the foreclosure crisis. Stop whipping up Americans versus Americans, using loaded terms like "food stamp President," which is racial code. Stop blaming the gay community for failures in people's marriages. It's not their fault. Stop heaping hate and scorn on new Americans, and stop trying to relegate women to second-class citizenship.

Let's embrace the fullness of what it means to be an American. Let's make progress on the American Dream. Let's embrace the progressive message.

And I just want to say, Madam Speaker, I yield back the balance of my time.

#### RECESS APPOINTMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. Madam Speaker, I very much appreciate the time, and I appreciate being able to follow my colleagues from the Progressive Caucus.

There is not a lot that the Progressive Caucus works for in terms of their techniques that I agree with, but there is so much that the caucus works for in terms of its overall goals for America that I agree with. And I think that that is a story that does not get told as often as it should here in this House. We can very often have common goals but have very different ways that we seek to achieve those goals, Madam Speaker.

I think the way that we achieve those goals is important. It's important. As my colleague said when he was speaking on behalf of the Progressive Caucus, America voted in 2008. America voted in 2010. And in 2008, they elected a President. In 2010, they elected a new

Congress. And powers divided America. Powers divided America. We have Democrats controlling the White House. We have Democrats controlling the Senate. We have Republicans controlling the U.S. House of Representatives. And we have the American people who should be controlling all three of those things.

As we were coming into this new year, Madam Speaker, I was at home with my family back in Georgia, and I heard the news that the President of the United States had decided to appoint members to boards, to positions, to the Consumer Financial Protection Bureau, to the National Labor Relations Board, to appoint positions that require Senate confirmation, to name people to those positions without getting that Senate confirmation, saying that if I can't do it with the Senate, I'll just skip the Senate.

And I don't mind telling you, Madam Speaker, that really cast a damper on my Christmas season. We were coming into this new year—a new year where, as my friends from the Progressive Caucus have just laid out, we have challenge after challenge after challenge after challenge that we, as Americans, must face together, that we must come together in order to solve.

And we're coming into this new year, an opportunity to make that happen. And I had high hopes. I had high hopes that despite this being an election year—and I think that brings out a lot of what's worst about Washington, DC. Despite this being an election year, despite there being divided government in Washington, I thought, We are going to have an opportunity because the challenges are so great to come together on behalf of all of our constituencies to move this Nation forward.

And I wondered because, even though you are as new, as I am, Madam Speaker, we've seen in years past that the closer you get to election, the crazier things get in Congress. The closer you get to an election, sadly, the more folks stop worrying about doing the right thing and start worrying about getting reelected and doing whatever it takes to do that. And as a freshman, Madam Speaker, I know you likely agree with me.

I happen to think doing the right thing is the best thing for getting reelected. I think if more folks spent more time worrying about doing the right thing instead of getting reelected, their reelection campaigns would take care of themselves. But I had high hopes coming into this year that this would not be a wasted reelection year for the American people but that we would be able to work on serious issues together.

The rule book I use, Madam Speaker, I have up here on the board. This happens to be article II, section 2, clause 3 of the United States Constitution. But the Constitution is the rule book I use. I carry mine with me. I don't want it to be far away because I believe that if we have the same rule book to operate

from, Madam Speaker, then it gives us that context for trying to achieve the goals the American people sent us here to do.

Here we have article II, section 2, clause 3 of the United States Constitution: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session." This is the recess appoint authority, Madam Speaker. You've heard it said the President has the power to make recess appointments. The President shall have the power to fill all vacancies that may happen during the recess of the Senate. Undisputed. Undisputed, Madam Speaker: article II, section 2, clause 3.

Article II, section 2, clause 2: The President shall have power by and with the advice and consent of the Senate to make treaties. And he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided.

The President shall have the power to make appointments if the Senate is in recess. But if the Senate is not, the President only has the power—the President shall, the Constitution says, nominate by and with the advice and consent of the United States Senate. That's the way our system works, Madam Speaker. That's the rule book that was left for us by our Founding Fathers. That's the rule book that has guided this country for 225 years. The President has the power to appoint nonelected leaders, unelected leaders to lead this Nation. But he can do so only with the advice and consent of the Senate.

Now, back in the day, Madam Speaker—I know you are from the northern part of the east coast. I'm from the southern part of the east coast.

□ 1320

It used to take us a long time to get to Washington, DC. I'm 640 miles away from the Capital down in Georgia. If I had to get on my horse and ride to the United States Capital, it would take quite a few days to do it. And understanding that the business of the American people had to continue, our Founding Fathers looked ahead and said if the Senate cannot be reconvened, if the Senate is too far away to consult, and your first duty is to consult, but if you cannot, we want the country to go on.

Well, that's been the way it's been in this country, Madam Speaker, as you know, for hundreds upon hundreds of years. Until now. Until now, when for the very first time, when for the very first time this President of the United States said, I can't get my nominees through the Democratic Senate, so I'm going to go around the Senate. And he made appointments without the advice and consent of the Senate.

I have with me today, Madam Speaker, a page from the CONGRESSIONAL RECORD, a speech that was given on the Senate floor, and this is what it says: Mr. President, the Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.

My hope is that this will prompt the President to see that it is in our mutual interests to get nominations back on track. With an election year looming, significant progress can still be made. But that progress can't be made if the President seeks controversial recess appointments and fails to make others.

With the Thanksgiving break looming, the administration informed me that they would make several recess appointments. I indicated I would be willing to confirm various appointments if the administration would agree to move others, but they would not make that commitment. And as a result, I am keeping the Senate in pro forma session to prevent recess appointments until we get this process back on track.

Do you hear those words from the United States Senate, Madam Speaker? Do you hear those words? This was the majority leader in the United States Senate speaking out, telling the President you cannot, you cannot, you cannot make appointments without the advice and consent of the Senate. You're trying to go around us; we will not allow it. We're afraid you're going to do it when we go home for Thanksgiving. So instead of going on recess, instead of recessing the Senate, we're going to stay in pro forma session not just through Thanksgiving, but through the Christmas holidays to make certain that the President seeks our advice and consent.

Sounds like a speech a Republican would have given, Madam Speaker, to make sure the President of the United States followed the Constitution, but it's not. It's not. This is actually a page from the CONGRESSIONAL RECORD November 16, 2007, Madam Speaker.

These are the words that then-Senate Majority Leader HARRY REID spoke to President Bush, telling President Bush the law of the land is you can't do it without us unless we're in recess. We're not going to go on recess. We're staying here in pro forma session. And, in fact, the majority leader and still now majority leader, HARRY REID in the United States Senate, kept the Senate in session, pro forma session every day until the end of President Bush's term and no recess appointments were ever made. Why, Madam Speaker? Because the Senate never went on recess.

HARRY REID said: Mr. President, the Senate will be coming in for pro forma session during the Thanksgiving holiday to prevent recess appointments. That's how he opened his speech that day. He closed his speech that day by saying: As a result, I'm keeping the Senate in pro forma session to prevent recess appointments until we get this process back on track.

HARRY REID knew, Madam Speaker, that the President could not, could not under the laws that govern our plan, under the rule book that is the United States Constitution, that he could not make appointments if HARRY REID kept the Senate in pro forma session; 2007, then-Majority Leader HARRY REID talking to then-President George Bush.

Fast forward, Madam Speaker, to the holiday season 2011-2012, same majority leader sitting in the United States Senate, HARRY REID, same pro forma session continually through Thanksgiving and Christmas, the same pro forma session that HARRY REID said clearly would prevent constitutionally the President from making any appointments.

And what did this President do? He made four. For the first time in American history, he made four. And he said, you know what, it's been so hard to work with the Senate. This whole going around the Senate and skipping them all together is working so well, I may do it again. If I can't work with you, you, the delegates of the American people, you, the elected representatives to our Republic, if I can't work with you, I'm going to go around you. And it worked out so well this time, I might do it again.

Madam Speaker, while I disagree with my colleagues on the methods that we use, I share a common set of goals with them of what we want for America. When we lose that common fiber, when we lose what I would call that American Dream, that almost tangible spirit that unites us more than it divides us, that sense of who we are as a Nation that you can almost reach out and touch, that makes it clear that we will continue, no matter what our differences, toward a common end. I would tell you the Constitution of the United States, Madam Speaker, contains much of that spirit. The Constitution is clear.

And this President, for the first time, decided it just didn't matter. He had ends that he wanted to achieve, and he said the means, as unconstitutional as they may be, justify those ends.

Same circumstance, same Senate majority leader, same season on the calendar, same pending election year. In 2007, HARRY REID took to the floor of the United States Senate, spoke out on behalf of the American people and said, The Constitution matters, don't you dare.

The silence from the Senate this year is deafening. Deafening.

We only survive as a Republic, Madam Speaker, if the rules apply to everyone consistently. This is not a matter of party; this is a matter of country.

HARRY REID was right when he called out a Republican President and said, don't you dare. It's unconstitutional. And that Republican President, President George Bush, didn't because he knew also that the Constitution forbade it.

Where is the indignation today from the Senate, Madam Speaker, when that

same thing is going on, but the only thing that is different is the President is of a different party? If we are ready to trade away those fundamental truths that unite us as a Nation, Madam Speaker, in the name of party, we have nothing. We have nothing.

This is not a Republican crisis. This is not a Democratic crisis. This is a constitutional crisis and one that every single American has to be on watch for.

□ 1330

Madam Speaker, I'm not proud of everything that happened when Republicans ran the House, Republicans ran the Senate, and Republicans ran the House. I'm certainly not proud of everything that happened when Democrats ran the House, Democrats ran the Senate, and Democrats ran the White House. The temptation to go along with party leaders is strong. But the requirement of the oath that we swear the day we come to this institution, Madam Speaker, is not to follow party leaders. It is to follow the United States Constitution and to defend it against enemies foreign and domestic. We cannot trade away these principles that have guided our Republic and have protected our freedom in the name of party.

When the President was elected, Madam Speaker, I think he believed that. I remember the spirit of the country in those days right after the President was elected. It was magical. I actually happened to be in town, Madam Speaker, when the inauguration was going on there in January of 2009. President Obama being sworn in as President of the United States, and there were men and women weeping in the streets—weeping in the streets because they had joy in their heart that their voice had been heard, their President had been elected and that better days were on the horizon for America. Men and women weeping in the streets.

President Obama was not my choice for President, but I love—I love—that while he and President Bush agreed on virtually nothing, President Bush took the keys to the White House and the suitcase full of nuclear launch codes, and he handed them to President Obama. Not a drop of blood was shed, and not a bullet was fired. The leadership of the most powerful nation on the planet, the most deadly military the Earth has ever known, the beacon of freedom the likes of which this planet has never seen, the keys to that kingdom were handed from one leader to the next, leaders who disagreed on almost everything, handed from one to the next with no blood and no gunshots for one reason and one reason only: because the American people demanded it, because the election required it, because the freedoms that were laid out in the United States Constitution that said the only power in Washington is the power that we, the voters, give to it, lend to it, lease to it for a small period of time. That is the only power in

this town. And when, We the People speak, Washington must listen. All under the rules, the rules of the United States Constitution.

President Obama knew that when he was elected. Here's what he said—this is from his election night victory speech in 2008 when President Obama said this: Resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for far too long. He was right when he said it. Resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for far too long. That was his victory night speech, Madam Speaker.

Before this Christmas season, when he decided he can't work with the Senate, he's going to go around the Senate; when he decided if he couldn't pass it with the people's representatives, he'd just skip the people's representatives, he said, I'm going to choose a new path.

But in December of last year, Madam Speaker, after 3 years as our President, when asked about the partisan tone that the rhetoric was taking, he said this: It was going to take more than a year to solve it. It was going to take more than 2 years. It was going to take more than one term, probably takes more than one President.

On victory night, Madam Speaker, he said deliverance is coming to America from the temptation of partisanship, pettiness, and immaturity. In December of 2011, he said that it was just going to be too hard, couldn't do it in a year, couldn't do it in 2 years, couldn't do it in a whole term, probably can't even do it in one presidency.

Madam Speaker, his sights are set too low. He can, if he has the courage to do it. August of 2008, right before the election, Madam Speaker, President Obama says this as he announces his vice presidential candidate: After decades of steady work across the aisle, I know that he'll—talking about Vice President BIDEN—be able to help me turn the page on the ugly partisanship in Washington so we can bring Democrats and Republicans together to pass an agenda that works for the American people.

Madam Speaker, he knows, he knows in his heart what the right thing to do is. He knows. He wants to move past, turn the page, he says, on the ugly partisanship in Washington so that we can bring Democrats and Republicans together to pass an agenda that works for the American people. That was right before the election, Madam Speaker.

This year, he's decided for the first time in American history, if he can't get along with Democrats and Republicans in the Senate, he'll just go around them. It doesn't matter that the constitutional rule book says no. He has somewhere he wants to go. He wants people in power that he can appoint, and the fact that the Senate won't sign off on those folks, the fact that the voice of the American people

as represented in those 100 men and women in the Senate won't sign off on those folks doesn't matter to him. He has an agenda, and he wants to go after it. What happened, Madam Speaker, to trying to turn the page?

November 2010, President Obama recognizes failure. When asked about that bitter partisanship, he said this: I neglected some things that matter to a lot of people, and rightly so that they matter, maintaining a bipartisan tone in Washington. He knew, November 2010, he knew he'd promised it, he knew that we, the American people, were hoping that he would deliver it, and we were praying that he would have the strength and conviction to deliver it. November of 2010, he said, I neglected it. But in November, 2010, he said, I'm going to redouble my efforts to make it happen. I know in my heart it should happen, he said, I'm going to redouble my efforts.

That was November, 2010, Madam Speaker, and here we are having the President go around the Constitution for the first time ever in American history because the Senate does not approve of his nominees. He cannot get Senate approval. Rather than nominating people with whom he could get Senate approval, he said, I want what I want. The will of the people as expressed by the Senate does not matter. If I can't work with them, I'm going to go around them, and it works so well, I'm likely to do it again.

Madam Speaker, I don't want this to sound like a partisan discussion, this that is happening with the Constitution today, this constitutional crisis that we're in with these non-recess "recess" appointments. It is wrong whether a Republican tries to do it or a Democrat tries to do it, and we know that to be true because we remember it from 2007. It wasn't but one President ago that we last confronted this circumstance. And what we concluded was, it's unconstitutional, you can't do it, and we're going to keep the Senate in pro forma session. And that prevented President Bush from making any more appointments for the remainder of his presidency.

This is what President Obama said back when he was Senator Obama—Senator Obama: These are challenges we all want to meet, and problems we all want to solve, even if we don't agree on how to do it. But he says this, Madam Speaker: But if the right of free and open debate is taken away from the minority party and millions of Americans who asked them to be their voice, I fear that the already partisan atmosphere of Washington will be poisoned to the point where no one will be able to agree on anything. That doesn't serve anyone's best interest, he said, and it certainly isn't what the patriots who founded this democracy had in mind.

Madam Speaker, when President Obama was Senator Obama, and he sat in the Senate and the responsibility of representing the men and women of Il-

linois sat on his shoulders, he knew what the truth was.

□ 1340

If the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, I fear the already partisan atmosphere will be poisoned to the point where no one will be able to agree on anything.

He was right, Madam Speaker. He was right before the election, when he said he was going to fight partisanship. He was right after the election, when he said he wanted to bring openness back to Washington. He was right when he was a United States Senator and he said the people's voice needed to be heard. He was wrong when he ignored the United States Constitution less than 45 days ago and said, I can't work with the Senate. The people's Representatives have it all wrong. And if I can't work with them, I'm going to go around them. You can't make that choice, Madam Speaker. The rule book is right here. It's the United States Constitution.

Again, Senator Barack Obama: We need to rise above an ends-justify-the-means mentality because we are here to answer to the people—all of the people, not just the ones wearing our party label. This was April 13, 2005.

As a United States Senator, President Obama knew. He knew, when he had the burden of responsibility—the pleasure of responsibility—of representing the men and women of Illinois, he knew ends-justify-the-means mentality. We must rise above it, he said. We must answer to the American people, not just the ones wearing our party label.

He was right, Madam Speaker. He was right then. He was right before the election. He was right after the election. He is wrong today. What has happened? What has happened in 3 years of his Presidency that he knew where we could go as a Nation, he knew where we should go as a Nation. He knew that the rule book that has been guiding us for over 200 years would get us through to better days tomorrow. He knew it, and he's forgotten it. And we're on the brink of a constitutional crisis.

Madam Speaker, I have here a quote from Senator CHUCK SCHUMER: You don't change the rules in the middle of the game just because you can't get your way. Our Constitution, our system of laws, is too hallowed, is too important to do that. Democratic Senator from New York, CHUCK SCHUMER.

Madam Speaker, I've said it as long as I've been here—and you and I have been here just over 1 year—truth does not have a Republican or Democratic label after it. Truth is truth, right is right, and wrong is wrong. The President knows what's wrong. He knew it as a Senator. He knows it as a President. His colleagues in the Senate know what's wrong. You don't change the rules in the middle of the game just because you can't get your way. Our

Constitution, our system of laws, is too hallowed, is too important to do that.

CHUCK SCHUMER was right, Madam Speaker. There's no process in this Constitution for reining in that Executive that just throws the Constitution aside—short of impeachment. It's the only one. We can't sue him. We can't go down there. We can have a picket, but that doesn't make any difference.

He knew it. He knew it was wrong. He knew it as a candidate. He knew it once he was elected. He knew it when he was a Senator. And he did it anyway, because the ends justified his means.

Madam Speaker, all we are as a Nation comes from the very few words that make up this United States Constitution—Constitution on your bedside, Bible on your bedside, those important works of American history by your bedside, Madam Speaker. We have a national identity, and that national identity is defined by having one set of rules that apply to everybody equally.

Madam Speaker, I'm grateful to you for making this time available to me today. I encourage every American to look at these facts and judge for themselves what the next step is on our constitutional journey.

I yield back the balance of my time.

#### OIL CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Madam Speaker, I want to begin today with a chart that I usually use near the end of this presentation when I'm talking to an audience. I frequently don't have time to develop the chart as fully as one might, so I thought that today I would begin with this chart.

As I've said before, if you had only one chart that you could look at to get some idea as to where we are relative to the liquid fuel situation in the world, this would be the chart.

Let me first make a comment or two about energy in general. There's a lot of discussion of energy. Sometimes we talk about the various kinds of energy as if they were interchangeable. We will talk about electricity. We will talk about natural gas, and we will talk about oil. When we have a sudden increase supply of one—natural gas today—the assumption is made by some that, gee, we then don't have a problem with oil, do we, because we've had a problem with oil.

Now, for some uses these energy sources are fungible, they're exchangeable, and you can use one or the other. For instance, if you want to ride in a bus, we used to have buses that had a trolley on top and wires up there, and they were run with electricity. You see them run with natural gas, and most of them are run with a petroleum product that comes from oil. So with proper engineering, you can use any of these en-

ergy sources to run a bus. And streetcars, of course, were a bus on rails, and we've taken those out of most of our cities now.

But you will never run an airplane on anything but some product from oil. You cannot possibly get enough energy stored in a battery to do that. And natural gas, those molecules are very small and they don't like each other at all. They try to get as far apart as possible, so we squeeze on them to put them close together and under some considerable pressure, but we just can't get them to liquify so that we can get any concentrated energy source there. So for our airplanes, for instance, we're stuck with some product from oil.

For automobiles, we could certainly run them on electricity. We can certainly run them on natural gas. We now run most of them—about 97 percent of our transportation comes from oil. But to do that, we have to make a lot of changes in engineering and manufacturing, and it takes a long while to do that. The fleet out there runs about 16 to 18 years before you turn the fleet over, so it would be a long while before we could introduce a meaningful number of cars running on something other than some product of oil. Then we have to develop the infrastructure to support that.

We have been, now, 100 years in this country developing our current infrastructure. In this country, in the world, we are finding the oil. We are developing the fields for pumping the oil. We are transporting the oil. We're refining it. We're hauling it to the service stations. And there are millions of them around the country, wherever it's convenient and customers will come there and the owner can make a profit. One might note that government was hardly involved at all in any of these activities. It was the marketplace that drove this. But today we're going to be talking about oil.

We face a special crisis in oil; and it's not there in natural gas, and it's not there in electricity. For those who would have you believe that, because we can put in more nuclear power plants and wind and solar and micro hydro and true geothermal for electricity, we don't need to worry about oil because we can do it with electricity or natural gas, we can do it with natural gas; but we cannot change that quickly to avoid a crisis with oil if, indeed, we can't find enough oil to meet our demands.

□ 1350

Well, this is the one chart that I told you that if we had only one chart this would be the one that would tell you the most about where we've come from and where we're going with oil. This is billions of barrels per year that have been discovered here. These are the years in which they have been discovered on the bottom, and the bars here indicate the volume of that discovery.

You can see that we started discovering it way back in the thirties a lit-

tle bit, and then a bunch in the forties; and, wow, the fifties, the sixties, the seventies and even into the eighties we were discovering oil.

If you add up all of these bars here, you get the total amount of oil that the world has found, and the amount that we have used is represented by this heavy dark line here. The amount that we've used is the same as the amount that we've produced because we're not storing anywhere any meaningful quantities of oil. So the production rate and the consumption rate are essentially the same thing.

There are several interesting things about this chart. Notice that from about the 1970s on, we have found less and less and less oil. And that was while we had a greater and greater interest in finding oil because we had a greater and greater use for oil.

The dark line here shows our use rate, and you notice that it was increasing exponentially up through the early seventies. Had this curve continued, and you can extrapolate it, it would have come out through the top of this graph. But a very fortuitous thing happened. We didn't think it was fortuitous at the time. It was anything but that at the time, but it was the Arab oil embargo. And I can remember that you went on even, odd days, the last number on your license plate, and there were long lines at the service stations, and some disagreements occurred in those lines. It was a difficult time for America. But that woke us up.

By the way, this was only a temporary disruption of the supply of oil because they just decided because they did not like our friendship for Israel that they weren't going to ship us the oil. There was plenty of oil to ship us, and we knew it would be there after this temporary crisis.

But it did wake us up. It reminded us that, gee, we had better be somewhat more provident in our use of oil. And so we set about being more efficient in the way we use this energy. A lot of things are more efficient today than they were then, in both the use of oil and electricity. For instance, your air conditioner is probably three times as efficient today as it was then, so you're using less electricity, relatively, now than you were then.

We became more efficient in our use of oil. You notice there was a little recession produced by this Arab oil embargo in the eighties there, and now the growth rate is slower. That's very fortunate because now the reserves that we have will last longer.

Notice that at about 1980, we, for the first time, started using more oil than we found. But no matter, because we have a lot of reserves. You see, everything above this curve represents reserves. All that we have used is what is under the curve, so above the curve represents reserves that we can use. And we cannot find enough to meet today's use, and that's been the situation since these curves crossed back here in about the eighties.