

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,737,294,304,715.52. We've added \$6,110,417,255,802.44 to our debt in 4 years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

ADDRESSING H.R. 3—THE
NORTHERN ROUTE APPROVAL ACT

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2013

Mr. GRAYSON. Mr. Speaker, I would like to submit the following:

MAY 21, 2013.

Hon. JOHN BOEHNER,
*Speaker, House of Representatives, The Capitol,
Washington, DC.*

DEAR MR. SPEAKER: I write today to address H.R. 3, the 'Northern Route Approval Act', and my resolution raising a question of privilege regarding the matter. Please note that this is a privileged motion and therefore outside the scope of the Rules Committee's jurisdiction regarding "the order of business of the House" (Rule X(1)(o)(1)). This is a question of privilege "affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings" pursuant to Rule IX (1). It is not invoked to "effect a change in the rules . . . or their interpretation" ('House Rules and Manuals' at 420).

Consideration of this bill exceeds 'the rights of the House collectively' and brings into question the 'dignity and the integrity of [the] proceedings' of the House of Representatives (House Rule IX) because: 1) it is unconstitutional, and 2) it is an earmark.

I presented this matter to the full House in H. Res. 225 as a question of privilege last night, and I noticed the question immediately following the only vote series of the day.

Mr. Speaker, pursuant to Rule IX of the House you must now 1) make your determination as to whether or not this is an appropriate 'question of privilege', and 2) hold a vote on the resolution offered before the House. Before that happens, I would like to address the two claims I have made against the bill offered by the gentleman from Nebraska, and then I will outline the reasons why I feel you should find in favor of my question of privilege.

H.R. 3 IS UNCONSTITUTIONAL

"The . . . Constitution does not permit Congress to execute the laws."

The above is taken from the Supreme Court's ruling in *Bowsher v. Synar*. The bill before us violates this principle. Congress creates the law, and the Executive executes it.

Under Section 3 of this bill however, "the final environmental impact statement (FEIS) issued by the Secretary of State on August 26, 2011", and "the Presidential permit required for the pipeline described in the

application filed on May 4, 2012, by TransCanada Keystone Pipeline, L.P. to the Department of State . . . as supplemented to include the Nebraska reroute evaluated in the Final Evaluation Report issued by the Nebraska Department of Environmental Quality in January 2013 and approved by the Nebraska governor" shall "be considered [deemed] to satisfy all requirements of 1) the National Environmental Policy Act of 1969, and 2) the National Historic Preservation Act". This is a clear attempt by this body to execute the law of the land.

Again Mr. Speaker, the Executive must execute the laws. H.R. 3 runs afoul of this requirement. The Supreme Court also held in *Bowsher v. Synar* that "[i]nterpreting a law enacted by Congress to implement the legislative mandate is the very essence of 'execution' of the law", and that is exactly what is being proposed here. The exercise of judgment in the bill before us, concerning facts that affect application of statute, constitutes execution of the law. It is an unconstitutional act that this body should not entertain. It violates separation of powers, and violates the principle underlying the prohibition of bills of attainder.

Statements are deemed by this bill to be in compliance with laws the Executive has been tasked with executing—the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act (see section 3 of H.R. 3). This is an impermissible execution of the law. Congress, through this bill, is attempting to apply the facts of the Keystone XL Pipeline environmental impact statement to the body of law, and deciding that they comply. This is unconstitutional and brings into question the 'dignity and the integrity of [the] proceedings' of the House.

Apparently, we are no longer satisfied with writing the laws. We have now taken it upon ourselves to execute them as well. This discredits the institution not only within the federal government (complicating our constitutional relationship with both the executive and judicial branches), but also in the eyes of the American people. We must not allow the House to be degraded in such a way.

Even when the facts of the bill are examined, this measure fails. This bill states that the FEIS satisfies NEPA. That FEIS however, was for a different project—the Keystone XL Pipeline as proposed in 2009, a pipeline which would have terminated in the Gulf Coast. The NEPA process for that proposal ended when the State Department denied the Presidential Permit application and issued a Record of Decision pursuant to 40 C.F.R. §1505.2. The current proposal is different. It has a different route, different purpose and need, different NEPA process, and more. This bill, however, deems the (outdated) FEIS for the previous proposal to comply with NEPA for the purposes of approving the current proposal. This leap of logic is untenable, and again, compromises the dignity and integrity of the proceedings of this body.

Finally Mr. Speaker, Section 4 of this bill states: "no Presidential permit shall be required for the pipeline described in the application filed on May 4, 2012 by TransCanada . . .". This section encroaches upon the President's independent constitutional authority over matters of foreign affairs. As a Member of the House Committee on Foreign Affairs, I am intimately familiar with Article II of the Constitution. Today, this body intends to ignore it and trample our Founding Document. I refuse to stand idly by and participate any longer. The Department of State does not issue Presidential permits based on any statutory authority from Congress; rather, the President delegated his inherent constitutional authority over matters

of foreign affairs to the Department of State in Executive Order 13337. The President and Department of State have independent authority to act in this field, not Congress.

For these reasons Mr. Speaker, I feel that H.R. 3 is unconstitutional, and that any consideration of the bill affects the dignity and integrity of the institution.

H.R. 3 IS AN EARMARK

Rule XXI (9)(a)(1) states:

"(a) It shall not be in order to consider—

"(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks. . . ."

'Congressional earmark' is defined in Rule XXI (9)(e) in the following way:

"(e) For the purpose of this clause, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

Restated, using only the words of the Rule, in the order in which they appear, a 'congressional earmark' is:

"a provision . . . included primarily at the request of a Member . . . providing [or] authorizing . . . a . . . grant . . . to an entity . . . other than through a statutory or administrative . . . or competitive award process."

Mr. Speaker, Section 6 of H.R. 3 satisfies every one of these criteria. It grants not only a right-of-way, but also a temporary use permit, outside of established statutory, administrative, and competitive award processes, and it does so to only one entity—explicitly named in this bill 'TransCanada Keystone Pipeline, L.P.'.

The requirement that this provision be included 'primarily at the request of a Member' is surely satisfied by the act of a Member drafting and offering this bill. It was a conscious choice of a Member from the state of Nebraska to offer this legislation, as well as explicitly mention Nebraska or Nebraskans six separate times, while no other state receives a single mention.

Clearly Mr. Speaker, this is an earmark.

As such, beyond the determination as to the question of privilege which I have raised, I would also assert that H.R. 3 violates the Rules of the House. Not one of the reports filed by the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, or the Committee on Natural Resources includes a list containing the congressional earmark that appears in this bill. Rule XXI (9)(a)(1) is violated.

For these reasons (among others) Mr. Speaker, I respectfully request your determination that my question and resolution before the House is privileged. H.R. 3 is unconstitutional, it is an earmark, and it violates the Rules of the House. Therefore, any consideration of this bill is an action which affects the dignity and the integrity of the proceedings of the House pursuant to Rule IX.

If you have any questions regarding this letter, please do not hesitate to contact me or David Bagby of my staff.

Sincerely,

ALAN GRAYSON,
Member of Congress.

HONORING THE LEADERSHIP OF
YULA HIGH SCHOOL STUDENTS
ON THEIR STAND AGAINST THE
IRANIAN NUCLEAR PROGRAM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2013

Mr. WAXMAN. Mr. Speaker, it is my honor to call attention to the leadership and drive of Yeshiva University High School of Los Angeles's (YULA) Panthers for Israel. These students have organized a statement of their campus leadership to protest the Iranian nuclear program and support for global terrorism, raising awareness of the Iranian threat to the United States and our allies around the world. I join them in their quest to stop Iran now, and I applaud them for their initiative. For that reason, I submit the following campus leadership statement.

"We, the student leaders of Yeshiva University High Schools of Los Angeles, condemn Iran's development of a nuclear weapons program, as well as its continued support for worldwide terror. A nuclear capable Iran poses a direct threat to the United States and stands against basic American values. Iran not only remains an existential threat to America's friend and ally, the State of Israel, it poses the greatest national security threat to these United States. We stand united against a nuclear capable Iran and urge the U.S. Congress to support future legislation on this critical issue of global security."

Signed,
Elliot Julis, YULA Israel Advocacy Club, President; Shana Salomon, Girls Student Council, President; Joshua Kohan, Boys Student Council, President; Naphtali Nektalov, YULA Israel Advocacy Club, Chairman of the Board; Alexa Hanelin, Model United Nations, Captain; Gillian Gittler, Editor-in-Chief, The PANTHER; Leron Rayn, Boys Student Council, Treasurer; Racheli Schechter, Girls Student Council, Treasurer; Levi Saada, YULA Clubs, Chair.
Elon Swartz, Drama Society, Lead Role; Laura Rubin, Girls Drama Society, Lead Role; Lizzi Peled, Mock Trial, Captain; Jordyn Schoenfeld, Boys Varsity Basketball, Captain; Shira Ben Shushan, Friendship Circle Liaison; Asher Naghi, Likutei Ohr, Senior Editor; Zach Porgress, YULA Community Services, Chairman; Ruth Maouda, Girls Varsity Soccer, Captain; Batya Botach, Girls Varsity Tennis, Captain.
Alexa Mund, SCATCH Tutoring Initiative, Director; Ariela Rohatiner, Girls Varsity Basketball, Captain; Rachel Gindi, Genocide Awareness Committee; Yoni Elkaim, Boys Varsity Soccer, Captain; Samuel Romano, YULA-Museum of Tolerance Liaison; Sophia Levine, Chai Lifeline Liaison; Sahar Basiratmand, Yearbook Editor; Boruch Gralnik, Boys Varsity Baseball, Captain; Noam Posner, Boys Cross Country, Captain.

AMAND MCINTIRE

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2013

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Amanda McIntire is a senior at Hightowner High School in Fort Bend County, Texas. Her essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country.

WHERE WERE YOU ON THAT FATEFUL DAY?

Shock . . . dismay . . . disbelief . . . words that even this six-year-old could feel on that early September morning. Parents swarmed my elementary school. Classrooms became practically empty. Teachers tried to stay calm, but it was obvious that their attention was focused on the day's events. 9/11 changed our world. It was an act intended to create terror and fear. Until then, we had never fought a foreign country on our soil since the bombing of Pearl Harbor.

"How do I respond when I see that in some Islamic countries there is vitriolic hatred for America? . . . I'm amazed that there is such misunderstanding of what our country is about, that people would hate us. I am, I am—like most Americans, I just can't believe it. Because I know how good we are, and we've got to do a better job of making our case."—George W. Bush, press conference

At six, I knew something happened that would change my life forever, but I did not realize its magnitude for years to come. At first, in my mind, we appeared united, but how could a nation that was founded on the belief that all men are created equal and should be free, treat others that looked a certain way differently? Many of my school mates' parents came to get my friends fearing for revenge against them that day because of their religion or heritage. A turban on your head or an unfamiliar religious belief should not mean that you are an enemy. My community is very diverse. In fact, my blond hair and blue eyes make me a minority at my school. I have come to understand that as a nation, we must restore faith in the world's eyes that we are not wealthy bigots, but people who want a free world filled with peace and prosperity for everyone.

As Secretary of State John Kerry once stated, "We believe that what matters most is not narrow appeals masquerading as values, but the shared values that show the true face of America; not narrow values that divide us, but the shared values that unite us: family, faith, hard work, opportunity and responsibility for all, so that every child, every adult, every parent, every worker in America has an equal shot at living up to their God-given potential. That is the American dream and the American value."

The attacks on 9/11 were intended to weaken our country and our souls. Instead, we are more cautious, more observant, and more determined than ever to prove to the world that we are a strong and powerful nation

whose intent is not domination, but coexistence in a free world that respects human life, the pursuit of happiness, and freedom.

CONGRATULATING THE NORTH CATAWBA FIRE AND RESCUE DEPARTMENT ON THEIR 55TH ANNIVERSARY

HON. MARK MEADOWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2013

Mr. MEADOWS. Mr. Speaker, I rise today to congratulate the members of the North Catawba Fire and Rescue Department as they mark their 55th anniversary.

Committed and hardworking firefighters play a vital role in keeping our homes, businesses, and public places safe from the threats of deadly fires.

The residents of North Catawba take comfort in knowing that these men and women are nearby in the event of an emergency.

Mr. Speaker, on behalf of the 11th District of North Carolina, I congratulate the brave men and women of the North Catawba Fire and Rescue Department who are devoted to protecting lives. This sacrifice truly exemplifies the spirit of America.

HONORING REVEREND THEODORE
MARTIN HESBURGH

HON. JACKIE WALORSKI

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2013

Mrs. WALORSKI. Mr. Speaker, today I wish to recognize Rev. Theodore M. Hesburgh, president emeritus of the University of Notre Dame, who will be honored on May 22, 2013 in a special reception at the U.S. Capitol in Washington, D.C. to celebrate his upcoming 96th birthday and 70th anniversary as a priest. Rev. Hesburgh was ordained as a priest of the Congregation of Holy Cross on June 24, 1943 at Notre Dame.

Rev. Hesburgh taught theology and served as a chaplain to returning veteran students, next moving on to serve as president of the university for thirty-five years. Retiring in 1987, Rev. Hesburgh was considered one of the most distinguished and transformational leaders in American higher education. A familiar face on campus, Rev. Hesburgh was well-known for remembering the names and faces of the university students, always acknowledging others with heartfelt greetings.

Outside of Notre Dame, Rev. Hesburgh continued his distinguished commitment to public service, shaping history at home and abroad. He was first tapped by President Dwight Eisenhower to serve on the National Science Board in 1954. Over the years, Rev. Hesburgh was appointed to over one hundred other advisory boards, developing peaceful solutions to nurture the civil rights movement and immigration reform. Due to his consistent efforts to pursue justice and strengthen human dignity, Rev. Hesburgh served as a member of the Civil Rights Commission for over a decade, including three years as the chairman.

Advising multiple United States presidents, Rev. Hesburgh was awarded the Medal of