

introducing this concurrent resolution, as well as my colleague, Ms. NORTON from the District of Columbia, for her work on this, and I would certainly urge my colleagues to support it.

I reserve the balance of my time.

Ms. NORTON. I rise in strong support of Senate Concurrent Resolution 16.

I would like to begin by thanking Chairman MILLER for her help in bringing this resolution to the floor. I also thank Ranking Member BRADY for his longstanding commitment to placing a District of Columbia statue in the United States Capitol. When he chaired the committee, it approved my bill that would have given the District two statues in the Capitol, the usual practice. But, we are pleased to have our first statue and are grateful to the House leadership for permitting this bill on the floor today. We especially thank Senators SCHUMER and DURBIN for their help in getting this resolution, as well as the bill authorizing the placement of the Douglass statue in the Capitol, passed in the Senate. The District of Columbia has no Senators so we're fortunate we have distinguished allies like Senators SCHUMER and DURBIN.

Like the residents of the 50 States, the residents of the District of Columbia have fought and died in all our Nation's wars and have always paid Federal income taxes. Unlike the residents of the 50 States, however, District of Columbia residents are still fighting for their equal rights as American citizens. Since 2002, one component of that fight has been to have statues representing the District of Columbia placed in the Capitol, like the States, which fulfill every obligation of citizenship, as the District does.

D.C. residents chose Douglass to represent them in the Capitol not only because he is one of the great international icons of human and civil rights; but for us, Douglass is especially important because he was not content to rest on his historic national achievements alone. He knew where he lived and was deeply involved in the civic and political affairs of the District of Columbia.

Douglass, a strong Republican, served as Recorder of Deeds of the District of Columbia, as United States Marshal here, as a member of the D.C. Council—its upper chamber then—appointed by the Republican president at the time, Ulysses S. Grant. Douglass was also a member of the Board of Trustees of Howard University for 24 years. Douglass made his home in the Anacostia neighborhood of southeast Washington, which is now the Frederick Douglass National Historic Site, administered by the National Park Service.

In choosing Douglass, it was important to our residents that Douglass also dedicated himself to securing self-government and voting rights for the residents of the District of Columbia. Many Americans may not know that D.C. residents have only rarely had

even nonvoting representation in the Congress, or a local government, and even today have no vote on the floor of the House and no Senators, although our residents pay Federal income taxes like everybody else and fight in all the Nation's wars like everybody else. The city had both home rule and a delegate for a brief period during Reconstruction and then was without any home rule government or any representation in the Congress for over 100 years, until the 1970s.

In his autobiography, "The Life and Times of Frederick Douglass," Douglass commented on the unequal political status of his hometown, the District of Columbia, and of its residents. Most of what Douglass wrote in the 19th century holds true today.

I am quoting Douglass from his autobiography:

These people are outside of the United States. They occupy neutral ground and have no political existence. They have neither voice nor vote in all the practical politics of the United States. They are hardly to be called citizens of the United States. Practically, they are aliens, not citizens but subjects. The District of Columbia is the one spot where there is no government for the people, of the people, and by the people. Its citizens submit to rulers whom they have had no choice in selecting. They obey laws which they had no voice in making. They have plenty of taxation but no representation.

□ 1420

In the great questions of politics in the country they can march with neither army, but are relegated to the position of neutrals. I have nothing to say in favor of this anomalous condition of the people of the District of Columbia, and hardly think that it ought to be or will be much longer. Mr. Douglass did not mince his words.

The Douglass statue in our Capitol will recognize the universality of his dedication to human rights and democratic rights. His statue in the Capitol will remind District of Columbia residents that they, too, will partake of these values one day. His statue will offer the same pride that other citizens of our country experience when they come to the Capitol and see memorials that commemorate the efforts of their residents and their significant contributions. And the Douglass statue offers other Americans the opportunity to see the residents of their Nation's Capital honored as well in their Capitol.

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

Mrs. MILLER of Michigan. Mr. Speaker, again I want to thank my colleague from the District of Columbia for her very eloquent words. We are all looking forward to the unveiling of the statue of this remarkable American that is such a critical component of our proud history.

With that, I would urge all of my colleagues to support this Senate concurrent resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 16.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. GRAYSON. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the House of Representatives shall not consider H.R. 3, the 'Northern Route Approval Act' because: (1) it violates Rule XXI of the House, and (2) it affects the dignity and integrity of the proceedings of the House since it is unconstitutional.

The SPEAKER pro tempore. Does the gentleman from Florida wish to present argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Mr. GRAYSON. Yes.

The SPEAKER pro tempore. The gentleman from Florida is recognized for that purpose.

Mr. GRAYSON. I rise 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" under rule X. Rather, 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. It is not invoked to "effect a change in the rules or their interpretation" as prescribed by House Rules and Manual at page 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 under House rule IX because, first, it is unconstitutional, and second, 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 make your determination as to whether or not this is an appropriate "question of privilege" and 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 laws, and it's up to the Executive to execute the laws.

Under section 3 of this bill, however, "the final environmental impact statement 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"—

The SPEAKER pro tempore. The gentleman must confine his remarks to whether the resolution qualifies as a question of privilege.

Mr. GRAYSON. I believe I have. May I continue?

The SPEAKER pro tempore. The gentleman may not debate the underlying bill but must confine himself to the matter of privilege.

Mr. GRAYSON. Respectfully, Mr. Chairman, I think they are inextricably entwined. I don't see how I can do one without the other.

May I continue?

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. GRAYSON. "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 or deemed to satisfy all requirements of the National Environmental Policy Act of 1969 and the National Historic Preservation Act." This is a clear attempt by this body to execute the law of the land, and that is proscribed by the Constitution.

Again, Mr. Speaker, the Executive must execute the laws. H.R. 3 runs afoul of this requirement. The Supreme Court held in *Bowsher v. Synar* that interpreting a law enacted by Congress to implement the legislative mandate is the very essence of "execution of the law," and that's exactly what is being proposed here and forbidden by the Constitution.

The exercise of judgment in the bill before us concerning facts that affect application of statute—

The SPEAKER pro tempore. The gentleman's remarks should be confined to the question of privileges of the House. The gentleman's remarks address the underlying bill, which is not before the House currently. If the gentleman is unwilling to confine his remarks to the question of privilege, the Chair is prepared to rule.

Mr. GRAYSON. Mr. Speaker, it's not a question of whether I'm willing to. As I indicated before, the two are inextricably linked.

The SPEAKER pro tempore. The Chair would remind the gentleman that there are two different questions. One is the merits of the measure that the gentleman keeps trying to propose in his remarks; the other is the question of privilege. The debate is on the question of privilege, whether this resolution constitutes a question of privilege.

Mr. GRAYSON. I understand that. But I don't think that the Chair can properly be informed of that question without the material that I'm providing to the Chair right now.

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. GRAYSON. Thank you.

The Supreme Court held in *Bowsher v. Synar* that "interpreting a law enacted by Congress to implement the legislative mandate is the very essence of 'execution' of the law," and that's 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, known as NEPA, and the National Historic Preservation Act. If you see section 3 of H.R. 3, it's referenced there. 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 proceedings" of the House.

The SPEAKER pro tempore. The Chair will give the gentleman one more opportunity. The question of constitutionality is not the same as a question of privileges of the House. The gentleman should confine himself to the question of privileges of the House. And if the gentleman is unprepared to do so, the Chair is prepared to rule.

Mr. GRAYSON. Mr. Chairman, the last words that I just said were that this offends the "dignity and the integrity of the proceedings" of the House. This relates directly to the matter before the Chair.

May I proceed?

The SPEAKER pro tempore. The gentleman may proceed on the question of privilege, and the Chair believes the gentleman knows the difference.

□ 1430

Mr. GRAYSON. Mr. Speaker, I stand by what I just said.

May I proceed?

The SPEAKER pro tempore. The gentleman may proceed, but the Chair is prepared to rule if the gentleman

strays off the course of the question of privilege.

Mr. GRAYSON. Again, Mr. Speaker, I don't believe you can properly do that without being fully informed as to the facts here.

May I proceed?

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. GRAYSON. 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 the judicial branches—but also in the eyes of the American people. We must not allow the House to be degraded this way.

Even when the facts of the bill are examined, this measure fails. The bill states that the environmental impact statement satisfies NEPA. That environmental impact statement, however, was for a different project—the Keystone XL Pipeline as proposed in 2009, a pipeline that would have terminated in the Gulf Coast.

The SPEAKER pro tempore. The Chair has heard sufficient argument. The argument that the gentleman is making is proper for the merits of the proposed legislation but not on the question of privilege. The Chair will rule.

The gentleman from Florida seeks to offer this resolution as a question of the privileges of the House under rule IX. The resolution proposes a special order of business with regard to a specified legislative measure. Specifically, it mandates that a measure not be considered by the House because it is unconstitutional and violates a rule of the House.

To qualify as a question of privilege, a resolution must affect the rights of the House collectively, its safety, dignity, or integrity of its proceedings. In evaluating the resolution under the standards of rule IX, the Chair is guided by a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to effect a change in the rules or standing orders of the House or their interpretation, nor to prescribe a special order of business for the House.

The averment that this resolution presents a question of the privileges of the House under rule IX embodies precisely the contrary principle, under which each individual Member of the House would constitute a virtual Rules Committee, able to place before the House at any time whatever proposed order of business he or she might deem advisable based on allegations of unconstitutionality or violations of the rules. In such an environment, anything could be privileged; so nothing would enjoy true privilege.

Accordingly, under the long and well-settled line of precedent, as elucidated

most recently by the ruling of August 10, 2010, the Chair finds that such a resolution does not affect the rights of the House collectively, its safety, dignity, or the integrity of its proceedings within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1412, by the yeas and nays;

H.R. 324, by the yeas and nays;

H.R. 1344, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### IMPROVING JOB OPPORTUNITIES FOR VETERANS ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1412) to improve and increase the availability of on-job training and apprenticeship programs carried out by the Secretary of Veterans Affairs, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 164]

YEAS—416

Aderholt	Buchanan	Cook
Alexander	Bucshon	Cooper
Amash	Burgess	Costa
Amodei	Bustos	Cotton
Andrews	Butterfield	Courtney
Bachmann	Calvert	Cramer
Bachus	Camp	Crawford
Barber	Campbell	Crenshaw
Barletta	Cantor	Crowley
Barr	Capito	Cuellar
Barrow (GA)	Capps	Culberson
Barton	Capuano	Cummings
Bass	Cardenas	Daines
Beatty	Carney	Davis (CA)
Becerra	Carson (IN)	Davis, Danny
Benishek	Carter	Davis, Rodney
Bentivolio	Cartwright	DeFazio
Bera (CA)	Cassidy	DeGette
Bilirakis	Castro (FL)	Delaney
Bishop (GA)	Castro (TX)	DeLauro
Bishop (NY)	Chabot	DelBene
Bishop (UT)	Chaffetz	Denham
Black	Chu	Dent
Blackburn	Cielline	DeSantis
Blumenauer	Clarke	DesJarlais
Bonamici	Clay	Deutch
Bonner	Cleaver	Dingell
Boustany	Coble	Doggett
Brady (TX)	Coffman	Doyle
Braley (IA)	Cohen	Duckworth
Brooks (AL)	Collins (GA)	Duffy
Brooks (IN)	Collins (NY)	Duncan (SC)
Brown (GA)	Conaway	Duncan (TN)
Brown (FL)	Connolly	Edwards
Brownley (CA)	Conyers	Ellison

Elmiers	Lamborn	Quigley
Enyart	Lance	Radel
Eshoo	Langevin	Rahall
Esty	Larsen (WA)	Rangel
Farenthold	Larson (CT)	Reed
Farr	Latham	Reichert
Fattah	Latta	Renacci
Fincher	Lee (CA)	Ribble
Fitzpatrick	Levin	Rice (SC)
Fleischmann	Lewis	Richmond
Fleming	Lipinski	Rigell
Flores	LoBiondo	Roby
Forbes	Loeb sack	Roe (TN)
Fortenberry	Lofgren	Rogers (AL)
Foster	Long	Rogers (KY)
Fox	Lowenthal	Rogers (MI)
Frankel (FL)	Lowe	Rohrabacher
Franks (AZ)	Luetkemeyer	Rokita
Frelinghuysen	Lujan Grisham	Rooney
Fudge	(NM)	Ros-Lehtinen
Gabbard	Lujan, Ben Ray	Roskam
Gallego	(NM)	Ross
Garamendi	Lummis	Rothfus
Garcia	Lynch	Roybal-Allard
Gardner	Maffei	Royce
Garrett	Maloney,	Ruiz
Gerlach	Carolyn	Runyan
Gibbs	Maloney, Sean	Ruppersberger
Gibson	Marchant	Rush
Gingrey (GA)	Marino	Ryan (OH)
Gohmert	Massie	Ryan (WI)
Goodlatte	Matheson	Salmon
Gosar	Matsui	Sanchez, Linda
Gowdy	McCarthy (CA)	T.
Granger	McCarthy (NY)	Sanchez, Loretta
Graves (GA)	McCaul	Sanford
Graves (MO)	McClintock	Scalise
Grayson	McCollum	Schakowsky
Green, Al	McDermott	Schiff
Green, Gene	McGovern	Schneider
Griffin (AR)	McHenry	Schock
Griffith (VA)	McIntyre	Schrader
Grijalva	McKeon	Schwartz
Grimm	McKinley	Schweikert
Guthrie	McMorris	Scott (VA)
Gutierrez	Rodgers	Scott, Austin
Hahn	McNerney	Scott, David
Hall	Meadows	Sensenbrenner
Hanabusa	Meehan	Serrano
Hanna	Meeks	Sessions
Harper	Meng	Sewell (AL)
Harris	Messer	Shea-Porter
Hastings (WA)	Mica	Sherman
Heck (NV)	Michaud	Shimkus
Heck (WA)	Miller (FL)	Shuster
Hensarling	Miller (MI)	Simpson
Higgins	Miller, Gary	Sinema
Himes	Miller, George	Sires
Hinojosa	Moore	Slaughter
Holding	Moran	Smith (NE)
Holt	Mulvaney	Smith (NJ)
Honda	Murphy (FL)	Smith (TX)
Horsford	Murphy (PA)	Smith (WA)
Hoyer	Nadler	Southerland
Huelskamp	Napolitano	Speier
Huffman	Neal	Stewart
Huizenga (MI)	Negrete McLeod	Stivers
Hultgren	Neugebauer	Stockman
Hunter	Noem	Stutzman
Hurt	Nolan	Swalwell (CA)
Israel	Nugent	Takano
Issa	Nunes	Terry
Jackson Lee	Nunnelee	Thompson (CA)
Jeffries	O'Rourke	Thompson (MS)
Jenkins	Olson	Thompson (PA)
Johnson (GA)	Owens	Thornberry
Johnson (OH)	Palazzo	Tiberi
Johnson, E. B.	Pallone	Tierney
Johnson, Sam	Pascrell	Tipton
Jones	Pastor (AZ)	Titus
Jordan	Paulsen	Tonko
Joyce	Payne	Tsongas
Kaptur	Pearce	Turner
Keating	Pelosi	Upton
Kelly (IL)	Perlmutter	Valadao
Kelly (PA)	Perry	Van Hollen
Kennedy	Peters (MI)	Vargas
Kildee	Peterson	Veasey
Kilmer	Petri	Vela
Kind	Pingree (ME)	Velazquez
King (IA)	Pittenger	Visclosky
King (NY)	Pitts	Wagner
Kingston	Pocan	Walberg
Kinzinger (IL)	Poe (TX)	Walden
Kirkpatrick	Polis	Walorski
Kline	Pompeo	Walz
Kuster	Posey	Wasserman
Labrador	Price (GA)	Schultz
LaMalfa	Price (NC)	Waters

Watt	Whitfield	Woodall
Waxman	Williams	Yarmuth
Weber (TX)	Wilson (FL)	Yoder
Webster (FL)	Wilson (SC)	Yoho
Welch	Wittman	Young (FL)
Wenstrup	Wolf	Young (IN)
Westmoreland	Womack	

#### NOT VOTING—17

Brady (PA)	Hartzler	Markey
Bridenstine	Hastings (FL)	Mullin
Clyburn	Herrera Beutler	Peters (CA)
Cole	Hudson	Sarbanes
Diaz-Balart	Lankford	Young (AK)
Engel	Lucas	

□ 1458

Messrs. DUNCAN of South Carolina and CONYERS changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERS of California. Mr. Speaker, on rollcall No. 164, I inserted card and voted—light turned green but did not register. On this vote, I would have voted “yea.”

Mr. COLE. Mr. Speaker, on rollcall No. 164, (H.R. 1412—Improving Job Opportunities for Veterans) had I been present, I would have voted “yea.”

#### AWARDING CONGRESSIONAL GOLD MEDAL TO FIRST SPECIAL SERV- ICE FORCE

The SPEAKER pro tempore (Mr. MEADOWS). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 324) to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. COTTON) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 165]

YEAS—415

Aderholt	Blackburn	Capuano
Alexander	Blumenauer	Cardenas
Amash	Bonamici	Carney
Amodei	Bonner	Carson (IN)
Andrews	Boustany	Carter
Bachmann	Brady (TX)	Cartwright
Bachus	Braley (IA)	Cassidy
Barber	Brooks (AL)	Castor (FL)
Barletta	Brooks (IN)	Castro (TX)
Barr	Broun (GA)	Chabot
Barrow (GA)	Brown (FL)	Chaffetz
Barton	Brownley (CA)	Chu
Bass	Buchanan	Cielline
Beatty	Bucshon	Clarke
Becerra	Burgess	Clay
Benishek	Bustos	Cleaver
Bentivolio	Butterfield	Coble
Bera (CA)	Calvert	Coffman
Bilirakis	Camp	Cohen
Bishop (GA)	Campbell	Collins (GA)
Bishop (NY)	Cantor	Collins (NY)
Bishop (UT)	Capito	Conaway
Black	Capps	Connolly