

billion and, literally, as I started to say, and have said, dismantle the kitchen, dismantle the table, take the utensils and just say, plop down on the floor.

And as we came to the end of the bill, that was not enough. The Southerland amendment came forward and said, not only are we going to insult you and take all the utensils and table away, but we're going to make it a boondoggie.

We're going to give incentives. We're going to make it a gambling opportunity for our States. We're going to let them throw the dice. How many can you get off of SNAP? And if you get them off, you'll be able to pocket the money.

We don't want to control what you do with it. We're not going to suggest that you put it in education, or maybe give back to the schools so they can get a different kind of meal for the child that's lost the breakfast program. No, we don't care.

You're just going to pocket the money and run off into the hills.

States have many burdens. I'm a champion of our States. I love my State. But I've seen the tough debates that my State legislators have had, fighting to get a few parcels for food, for education dollars, for infrastructure dollars.

So I know it's tough; but as I said, some States are a little bit more better off than others. It's all about priorities.

And I can only say, Mr. Speaker, that today we didn't commend ourselves well. I want to go back. I want to be able to, if you will, I want to be able to put the table, the utensils back, the table cloth.

I want to be able to have a poor family have a nutritious meal. I want to be able to have a child have a lunch or breakfast. I want a disabled person to be able to have the right kind of food to help them in their illness. I want an elderly person to be able to have their prescription drugs and, as well, to be able to have food that will nourish them.

I close, Mr. Speaker, by saying that I spoke about unfinished business. And as we go forward, I join my colleague from New York, call upon the good people of this House, who represent the good Americans of this Nation, to come back together and find a way that passes a farm bill that does not put on the sacrificial table of destruction poor people who, through no fault of their own, are unemployed or disabled, or have children, or are only able to support the children and provide for them in this way because they live in an area where there are no jobs.

They hope there'll be jobs. They want there to be jobs but, at this point, it hasn't come.

□ 1510

I conclude my remarks by saying in a list of things that we must do as unfinished business, I look forward, as well,

to our being able to join some mothers that stood with me earlier this week, mothers that demand action, and they ask me about the idea of protecting their children with sensible gun legislation that would prevent gun violence. I hope, among other initiatives, a universal background check will also look to laws that will require the storage of one's guns, none of which impact or take away from the Second Amendment.

Then I hope in unfinished business that we will continue to find, in a bipartisan way, a pathway forward for helping those individuals who came to this country, through no fault of their own, who come to this country and are working and don't want to do us harm, but simply want to find a way to stay in a country that they love, and, as well, to say to the American people that we take no shortness in your need and commitment for border security.

I don't see why we can't do it all. That is not unheard of. It is not impossible. It frankly is something that we can go do.

I want to close by saying that I am a person that loves the Constitution, believes in the Bill of Rights, the First Amendment, the freedom of press, speech, the Fourth Amendment that protects you against unreasonable search and seizure, the *Griswold v. Connecticut* Supreme Court case along with the Ninth Amendment on the question of privacy. So I'm going to make a commitment to my colleagues that we work together on the issue of ensuring the American people's civil liberties while we ensure our national security. We can do both.

I have introduced legislation that would ask for a study of all of the outside contractors that are in the intelligence business and to present that study to the United States Congress and ensure that all those who have top-secret clearance are doing it in the name of this Nation, otherwise to present a plan to reduce that usage by 25 percent by 2014. That is only the fair way because certainly we must have oversight to who has access to your private information and is it access in order to secure this Nation. I stand with them if that is the case.

But I ask the question, why are persons far-flung and unsupervised with top-secret credentials such as the individual who has decided to leak information that is now being assessed? We have to ask the question, are credentials, do they meet the test? Are private contractors making a review of these individuals and assessing them and giving them clearance or if not, not supervising them? I have to ask that question.

And then I would say that it is important that where you can be presented opinions that deal with something we call the FISA court, which is the court that we go into to protect your rights and to be able to go into and make determinations about whether or not there is surveillance, I would

say to you that opinions that will not impact on national security or classified information can be shown to the American people. There's nothing wrong with that.

So I am looking forward to working in a bipartisan way on unfinished business. And I can only say, Mr. Speaker, in my final entreat to this body, the one thing that we should not do is to take the little hand of a child and to push it back from the table or from food. And what we did today was just that.

I want a farm bill, but today I was proud to stand with the children of America who are better off because they've been able to stamp out hunger through a program called SNAP, the Supplemental Nutrition Assistance Program, and will continue to do so until we get it right. Our children are our precious resource.

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

#### IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. ROTHFUS). Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege of being recognized to address you here on the floor of the United States House of Representatives. I won't, at this time, take up all the issues that were raised in the previous 45 minutes or so, Mr. Speaker. Instead, I'd like to talk about two topics, though, and one of those topics is the topic of the farm bill which historically, in a sad way, failed here on the floor of the House of Representatives within the last hour or so, hour and a half.

The first thing I want to say about that is that the chairman of the Ag Committee, FRANK LUCAS of Oklahoma, has conducted himself in a fashion that is deserving of and he receives my admiration and should receive that of his constituents and the people of this country.

One of the most difficult balances to achieve in any bill that we produce here in Congress is that 5-year—we call it the “farm bill”—the 5-year farm bill that has roughly 80 percent nutrition in it and about 20 percent agriculture in it. And each 5 years, we try to write the best formula and look into the crystal ball for the next 5 years as well as we can, and it takes the chairman of the Ag Committee, which is the least partisan of the committees here on the Hill, to direct the committee staff—which are very experienced and some of the best staff people we have here on the Hill—to work with the ag staff of the Democrat side, or the opposite party, and work with the ranking member to try to bring together such a variety of issues that have to do with sugar, dairy, crop insurance, nutrition and the qualifications for nutrition, piece after piece of this.

It's like a huge accordion, and the chairman of that committee has got to make decisions on each component of that huge accordion to try to get it lined up in a way that if you go a little too far into the necessary reduction in the food stamp side, you lose votes over here on the Democrat side. If you don't take enough out of there, you lose votes on the Republican side. If you don't take enough money out of agriculture, you lose it over here on some of the conservative side. And on the other hand, if you don't have enough subsidy, you lose votes on the Democrat side.

This is a very difficult balance, Mr. Speaker, and the marriage between the farm bill and the nutrition component of this, or the agriculture component and the nutrition component that we erroneously call the "farm bill" here because of history, that marriage was created out of necessity because the farm program could not be passed on its own. There were too many opponents to that, and the nutrition program had too much opposition on its own. And they married the two together, and each 5 years or so—and it hasn't always happened in 5 years. I don't know when it's ever happened perfectly—it's been dialed together as closely as possible and cooperation was asked from Democrats and Republicans to finally come together and pass a bill.

FRANK LUCAS put that together as perfectly as I think it could be done. I think, Mr. Speaker, that he was a maestro in the way he orchestrated all of this. And I watched as we went through the committee markup. We did one last year and couldn't get floor time to debate a bill. And so the work of the committee wasn't necessarily wasted because we started again this year. We began to put the pieces together again. We had a long markup of the bill, an extended markup of the bill, not as long as it was the previous year, and the pieces came together.

Here's what it needed: it needed to have a strong, bipartisan support coming out of committee before it was going to get floor time, and it needed to have a prospect, a reasonable prospect, of 218 votes here on the floor of the House before that floor time would be granted. And as we have seen from the Speaker, he has consistently said that he wants to see the House work its will.

Now, he let that happen on a continuing resolution in January, or I'll say February of 2011, and we did 92 hours of debate here on the floor under an open rule. And every aspect of the budget was the House working its will, and that was the longest and most expressive way that I have seen this House work its will.

But the Rules Committee here on the farm bill that came out of the Ag Committee allowed a full series of amendments here on the floor. The chairman spoke to that number. I think he said there were over 100 amendments here

on the floor. And, yes, there was an agreement made under unanimous consent to pass a group of them that were not contentious, "en bloc" as we say. I think there was a real sincere effort to work a bill out here on the floor that would come to a conclusion that received 218 votes.

Today, Mr. Speaker, we saw an example of when that didn't work, when an amendment or two or three went on that were more of an objection to that careful and delicate balance that had been put together by FRANK LUCAS. In the end, when the votes could not come together—in a very rare thing—a 5-year bill—that actually has been 6 years since we passed one—failed here on the floor of the House of Representatives.

Mr. Speaker, I won't forget this day. I hope that this Congress, I hope the American people, and I hope, especially, the constituents of FRANK LUCAS remember the job that he has done. I don't ever remember seeing anybody in this Congress work so wisely, so honestly, so justly and so carefully to put together something that had to be so carefully balanced to have a glass of cold water thrown in his face is what happened here, I think, on the floor today.

□ 1520

So I wanted to express my regret that the farm bill failed here today, and my appreciation for FRANK LUCAS, for the subcommittee chairs and the ranking members that worked with us on this. Those that gave their word and kept it, I thank all of them. And Mr. Speaker, I'm hopeful that the day will come that that work that has been earned is exonerated by a vote here on the floor of the House. In either case, I want the RECORD to reflect my opinion and my appreciation for FRANK LUCAS.

We've had a big week here, Mr. Speaker. In this big week and this big day that I'll just call yesterday, I look back on it after a full day and I've wondered how one could actually do all of the things that were accomplished yesterday. I just want to run through that narrative because it's fresh in my mind. And that is that yesterday we did the longest press conference in the history of Congress. I don't know what competition there might have been for that—now, who would want to have a long press conference? Well, somebody that wanted to have a long time to air out a huge issue, and the issue was immigration.

I have believed for some weeks now—in fact, 2 or 3 months—that the machinery of this Congress was set up to push immigration—and I'll call it "comprehensive immigration reform," which is of course the euphemism for amnesty—through this Congress faster than the Congress could adjust to it, learn about the policy within the issues, and faster than the American people could learn about it and weigh in. We always need to move at the pace of the American people so that they

have a chance to let us know what they think and we have a chance to digest that policy and make those decisions.

This immigration issue was moving too fast. I believed, and I believe that it was accelerated too quickly in the United States Senate. I believe that today. It's moving too quickly without enough debate. It's too big a decision to be made. I believed, and I believe that it's still moving too quickly through the House of Representatives.

I would point out that there was a Gang of Eight in the Senate—there remains a Gang of Eight in the Senate—that had been meeting in private and holding some press conferences, talking about the things that they were attempting to do, that finally rolled out a bill. I believe it was rolled out at 844 pages long.

The debate and the markup that took place in the Judiciary Committee in the United States Senate was relatively long. There were a good number of amendments that were offered. But most of those votes—some might even say all of those votes—just came down the lines of whether they were part of the deal or whether they weren't part of the deal. So it looked like the Gang of Eight had a deal going into the Judiciary Committee markup. They certainly came out of that with their deal intact, and it's to the floor of the United States Senate today. That's fast and fast track.

While that's going on, the attention of the American people on this issue has been split between the United States Senate and the House. There has been a working group, a bipartisan working group, in the House also. In the Senate, it's four Democrats and four Republicans in the Gang of Eight. In the House, I learned not that long ago that the working group was four Democrats and four Republicans. I also learned that the Speaker encouraged their work, and I learned that they were working in secret for perhaps the last 4 years.

Well, it was in secret. I have, I believe, served more time in the seat, listening and hearing immigration information and reading through reports, probably than anybody else on my side of the aisle over the last decade—although there are two or three that I think have a high level of expertise on immigration policy.

My antennae aren't that weak here, Mr. Speaker, that I'm not picking up the signals of what's going on behind closed doors. We talk, we flow through here to vote, we meet with each other, but I didn't know that there was a secret committee working here out of the House of Representatives that had the blessing of the Speaker. I didn't know that until it was announced by the press some weeks ago. And the secret committee that didn't admit to its existence, some of them facetiously spoke about it as "that secret committee" even though they finally admitted—and the press, I think, ferreted

this out—that they were on that committee. This committee of four Republicans and four Democrats in the House of Representatives that was secret—now it's not a committee of eight any longer, it's a committee of eight minus one, at least as far as I know—their ability to produce a bill seems to have been stalled here in this Congress. I'm not sorry about that.

About the same time that conclusion may have been drawn, I heard our Speaker, I believe it was 2 weeks ago on Friday at his press conference, say he hoped to see immigration legislation pass out of the Judiciary Committee in the month of June. Well, that was a surprise to me. And when the announcement came shortly thereafter that we should clear our schedules for this week and next week as members of the Judiciary Committee to prepare for a markup on immigration, I saw that as a green flag that was dropped that moves the immigration policy more quickly here in the House of Representatives than I'm comfortable with.

But I do not criticize the conduct of our chairman of the Judiciary Committee. BOB GOODLATTE is one of the more astute people on policy that we have in this Congress. He is a seasoned and knowledgeable and smart legislator, and he sees the pieces that are moving and understands what he needs to do to move the right pieces. And I have served with him on two committees now for more than 10 years.

And yet the pace that's going through this Congress may be a wise one. It may be a wise one if enforcement first is what emerges here from the House of Representatives, and if the bill in the Senate can be slowed down or stopped in the Senate.

The consensus that I hear among the Republican Conference in the House of Representatives is this, Mr. Speaker: Stop the bleeding at the border. Shut off the bleeding at the border. Close the border. Get that done. And when you get that done, then come back and talk about the other things.

I'd make the point that when I came here a little more than 10 years ago, I said then let's stop the bleeding at the border. We've got to close the border. I came to this floor, and when people said, well, we can't—I've advocated long that we should build a fence, a wall and a fence on our southern border. And that fence, wall and fence that we can build on the border would be what will help to secure our border. I agree that we would add to that sensory devices, vibration sensors, motion detectors, you name it, add all that to it. But you simply cannot have enough border patrol agents to control 2,000 miles of border with the conditions that we have. They have to rotate shifts, they get their vacations, there's time off. It takes a lot of people on payroll to have enough people on the ground. And we know that there's bleeding through that border, a lot that's crossing through the border.

Mr. Speaker, I went down and did a surprise visit to a point of entry at

Sasabe, Arizona. When I walked in there—they didn't know a Member of Congress was showing up there—I spoke with the shift supervisor, and his name was Mike Kring. He has since passed away, sadly. I think that he was a strong enforcement officer. He was well respected by his men that I saw around him. But I asked him about the frequency of the crossing there, at the legal crossing at the point of entry which is pretty much a rural port of entry in Sasabe, Arizona. And he said, well, this crossing isn't the busiest crossing near here. There is an illegal crossing east of me that's far busier and an illegal crossing west of me that's far busier. This is just our formal crossing. That tells you something about what's going on on the border.

We can close the border. We can do it with the resources that we have. I have long said that. I have not changed my position—I think it's stronger rather than weaker.

I may be the only one that's actually gone back and done the work to calculate what we're spending to defend our southern border. These numbers are old, Mr. Speaker, that I'm about to quote here this afternoon. They come to this: there's a 50-mile area north of our southwest border. Within that 50 miles, you will see Border Patrol agents, Custom and Border Protection agents, you will see ICE agents in there also. The effort that's done to control our border also is the cost of their vehicles, their communications, their benefits package, all of the things that we invest in that area. When you add that all up and you divide it out by the 2,000 miles—which is pretty close to it, it's the best number to use for the length of the border, the southern border—you end up with this number—and this number would be adjusted upward, not downward, to get it more current than the roughly 3 years ago that I'm talking about: \$6 million a mile. We're spending \$6 million a mile, at a minimum, every year to control our southern border. And we're getting, according to Border Patrol testimony before the Immigration Subcommittee, about 25 percent enforcement.

□ 1530

They think that of the 100 people that would try to cross the border they might be stopping about 25 percent. Now, it's probably gotten a little better in the last couple of years. But when I go down to the border, Mr. Speaker, and I ask the agents there candidly, without identifying themselves and without going on public record, what percentage of the illegal border crossers are we interdicting, the most consistent number I get is 10 percent, not 25. Some will smirk and say—or not really smirk, but they will just kind of snort and say, well, 3 or 4 percent. The real answer is we don't know. They know more than we do.

The 10 percent number seems to me to be more likely to be an accurate number than the 25 percent number.

But think of this. At the peak of the illegal border crossings, we would have about 11,000 a night. That comes to 4 million illegal crossing attempts a year. Eleven thousand a night. Twice the size of Santa Anna's army coming across our border every night, on average. And maybe those illegal crossings have been reduced by half—maybe. That's still the size of Santa Anna's army every night.

We are talking about whether we should legalize the people that came across that border. And we're assuming by the argument of, say, Mr. GUTIÉRREZ of Illinois and many others that they're all innocent people that were brought in by their parents—maybe against their will, certainly without their knowledge that there was anything wrong with it or illegal with it, that that's the universe of all the people that are unlawfully present in the United States are just simply those that wanted to come to America for a better life.

Mr. Speaker, I go down to the border. I sit alongside that fence at night. I don't have night vision, but I have ears. I can sit in the dark and I can hear the vehicles come down through the mesquite. In fact, when you hear the one with the bad muffler come back a second time and a third time, you know they're shuttling people to come across the border at night. Within, say, an hour after dark to the next 2 or 3 or 4 hours after dark is when the highest traffic is, because they know they've got to walk across the desert a long ways and they want to make as much time as they can before it turns daylight where they might hole up or where they might be picked up if they can get to the highway north of there.

So I listen and I hear the vehicles come through across the desert. I hear the mesquite scratch alongside the vehicle, and you hear the doors open. Maybe 70, 80, 90, 100 yards south of the border you can hear the doors open. You can hear people get out. First, they open the door. You can hear them drop their pack on the ground. Then they get out and then they close the door, kind of quietly, but it is still a quiet slam of the door. You can hear them pick up their packs, whisper. You hear them walk through the brush, and you can hear them cross the fence.

When you're down there at night without night vision, you sometimes think you see some things you don't see. Have you ever sat around at night in the pitch-black dark and watched? Your mind will play tricks on you.

I can't say into the record, Mr. Speaker, that I saw good numbers of people walk across the border. I know I heard them. That's the only place they could have been going. I heard them go through the fence. I believe I saw the shadows, but I'm not certain of that particular component.

I'm very confident that there are hundreds and hundreds of people that pour across that border at night. That number that I said is roughly half of

11,000, the size of Santa Anna's army, which was 5,000 to 6,000, is roughly the number that we will see every night.

Now, this border is wide open from that perspective. All of the people that came into America aren't those that are coming through that path. All of those people that are coming into America across that border, sometimes you will see a pack train of 75. Every one of them will have a pack of marijuana on their back and they're carrying it into the United States, smuggling it into the United States. Those people fit under the DREAM Act definition, too, if they came into the United States before they were 16 and had been here whatever the length of time might be. If they came here before December 31, 2011, it would be the Senate version of the bill.

I've been on the border, Mr. Speaker, and seen the shadow wolves interdict a smuggler, a marijuana smuggler, coming through with a false bed in the box of a pick-up truck that was extended downward about 7 to 9 inches. Underneath that were the bales of marijuana. I unloaded them myself and took them up to the scales where they were weighed. They weighed approximately 240 pounds.

The reason for that, Mr. Speaker—240 pounds—is because in some sectors of the border they don't have the ability to prosecute drug smugglers and so they set a limit, the prosecutors will set a limit. Sometimes it's you have to have more than 500 pounds of marijuana to be prosecuted; sometimes you have to have more than 250 pounds of marijuana to be prosecuted. The smugglers know that.

I'm going to guess that the sector that I was in that day, the limit was, at least anticipated by the smugglers, to be 250 pounds. So they dialed it under 250 to about 240 pounds and sent their guy through, and he was caught. What we don't know is, was that a decoy so that when all converged on that smuggler, that there wasn't a straight truck through with a couple of tons of marijuana in it. I don't know that. Those are tactics that we see. That's tactics of using sometimes illegal crossings, sometimes going through the legal crossings that we have.

A lot of the border isn't marked. Across New Mexico, there's a concrete pylon from horizon to the next horizon that's just set there, and you would have to know what you were looking for to know where the border is. It's just open desert. I've flown most of that, a lot of that at night. I've also traveled—I'll say that I've traveled probably every mile of our southern border, with the exception of some of the miles along the Texas border, which zigzags quite a lot, and I haven't covered all of that.

Mr. Speaker, we can build a fence, a wall, and a fence, and we can do it with less money than we're spending today on the southern border, over \$6 million a mile on the southern border.

To put this in perspective, to build an interstate across Iowa cornfield—ex-

pensive now, today, expensive Iowa cornfield—we can buy the right-of-way, we can pay for the engineering, we can do the grading and the drainage work and the paving and the shouldering and the painting and the signage and the seeding and the fencing, all of that, and open up a four-lane interstate highway for about \$4 million a mile. We're spending \$6 million on every single mile of our southern border, and we're getting something like 25 percent or less efficiency with what we have there.

Part of it is because the President has declared, by executive edict, amnesty. Even though I think the Border Patrol is doing their job as well as they can within those limits, it's clear that ICE has been handcuffed. We have had the President of the ICE union, Chris Crane, testify before this Congress—I think he's been nine times into this city within the last year and a half or so—doing a stellar job of pointing out that the law requires the Federal immigration officers to place into removal proceedings those people that they encounter that are unlawfully present in the United States. It's their judgment on that that dictates.

Well, the President has prohibited them from doing so through the Morton Memos, the Morton Memos that have been rejected by this Congress in two ways within the last 3 weeks or so. One is a full vote in the House on the King amendment, and the other is a vote in the Judiciary Committee on the King amendment. So we have, every way that we've had the opportunity, rejected the idea that the President can simply make up immigration law out of thin air, decide that he can issue work permits, that he can legalize people that are here illegally, that he can, by executive edict, destroy the rule of law—destroy the rule of law.

I often talk about the pillars of American exceptionalism. We are a great country, Mr. Speaker. This great country that we are relies upon this America that Ronald Reagan described as the "shining city on a hill." This city is built on the beautiful marble pillars of American exceptionalism. Many of them are within the Bill of Rights:

Freedom of speech, religion, the press, and assembly, all wrapped up in the First Amendment to our Constitution;

There are property rights in the Fifth Amendment;

There is a prohibition on double jeopardy. You get to be faced by an accuser and a jury of your peers;

The States' and personal rights that are reserved in the Ninth and Tenth Amendments.

All of those are pillars of American exceptionalism. So is free enterprise capitalism.

If we had none of that, we wouldn't have the Nation we are. If you build—and I want to add to that, the core of our culture is Judeo-Christianity. We

welcome people of all religions. The foundation of the American civilization is Judeo-Christianity. Without it, we can't be the America we are either.

□ 1540

So think of this beautiful shining city on the hill—which Reagan so eloquently described for us—sitting on the beautiful marble pillars of American exceptionalism, but I can't think of that city sitting there without also thinking of an essential pillar of exceptionalism called the rule of law.

Now, if you would take a jackhammer and chisel away that marble pillar of American exceptionalism, which is freedom of speech, and destroy freedom of speech, the beautiful edifice of our shining city on the hill would crumble and fall. If you did the same thing to freedom of the press, our shining city on the hill would crumble and fall. If you took away our Second Amendment rights, which I didn't mention but which are a pillar of American exceptionalism, eventually our other freedoms would crumble and fall, and tyrants would take over. If you put people subject to double jeopardy, we wouldn't be the civilization we are, and the rule of law wouldn't mean what it does. It would crumble and fall just as it would if you destroyed the rule of law, if you have contempt for the rule of law, if the Supreme Court disregarded the rule of law, and if they ruled on interpreting their law to be their whim, their wish—not the very definition of the supreme law of the land, being our Constitution.

It is as the President so well described on March 28, 2011, before a high school here in Washington, D.C., when he was asked: Why don't you just implement the DREAM Act by executive order?

His answer was to the students who were listening: I don't have the constitutional authority to do that. You've been studying the Constitution. You students know that it's the job of the legislature to pass the laws, the job of the executive branch to enforce the laws and the job of the judicial branch to interpret the laws.

Now, that is an accurate description as should aptly come from a former adjunct professor of constitutional law at the University of Chicago. That is our President. He knew what he was talking about, and that description was consistent with his oath of office, Mr. Speaker.

The oath of office is defined within our Constitution. It's specific. It has been concluded with "so help me God" for a long time, but within that oath is also the oath to preserve and protect and defend the Constitution of the United States. In the Constitution, it requires the President of the United States—our chief executive law enforcement officer and Commander in Chief—"to take care that the laws be faithfully executed." That doesn't mean, Mr. Speaker, execute the law. That doesn't mean execute the rule of

law. That doesn't mean execute the Constitution itself. It means you take an oath, and your job is to uphold the law, to take care that the law is being faithfully executed.

The President has defied his own oath of office. He has defied the rule of law. He has defied the Constitution, and he said, I'm not going to enforce the law. I'm not going to enforce the laws that I don't like. I disagree with some of the immigration policy that has been passed by Congress and signed by one of his predecessors—in fact, signed by Bill Clinton. He is refusing to enforce those kinds of laws.

That does great damage to the Constitution, and it throws the balance of the three branches of government out of whack. Our Founding Fathers imagined that there would be competition for power and influence between the three branches of government. They envisioned it always with three branches of government—the legislative branch, the executive branch and the judicial branch.

This Congress is in article I. That means we are more the voice of the people than any other branch of government. It was the first and most important branch. They also knew that they had to have a strong chief executive—a strong President, a strong Commander in Chief. The experiences they went through in fighting a Revolutionary War with the Continental Congress told them you can't have a strong national defense without a strong Commander in Chief, so they established that. They established the balance between the legislative branch in article I and the executive branch in article II and also the balance—and, I think, to a slightly lesser degree—between the judicial branch. Think of it as a triangle.

They envisioned that each branch of government would seek to expand its power. That's human nature. You always want more power than you actually have, whether you take this thing from the Pope to the President, right on down the line to the Senators, who have a one one-hundredth of the power of the Senate Chamber, and to the House Members, who have a one four-hundred-thirty-fifth of the House Chamber. We always want to have a little more leverage, a little more influence—get your hands on a gavel or maybe become the majority leader, the minority leader, the Speaker of the House. Actually, the former Speaker of the House, Speaker PELOSI, just walked across this floor, Mr. Speaker, and she would understand that as we all do. In a family, you always want to have more influence. If the patriarch of the family is the one who writes the rules, you always grate a little bit underneath that. That's a natural thing to always try to grab a little bit more power.

They knew it was human nature, so they set up this balance between the three branches of government, but they envisioned that each branch of government would jealously protect its con-

stitutional authority and not concede it to the usurpation of some other branch of government. They envisioned that Congress would try to grow in its influence and authority, and they gave the President veto power so that he could veto the overreach, potentially, of the House and the Senate together.

They balanced the House and the Senate so that this hot cup of coffee—or hot cup of tea, they were thinking here in the House of Representatives—could be a quick reaction force when things go wrong in America. A new crop of House Members comes in with the freshest of vigor that comes from the American people, and they set about changing things. That's a 2-year election cycle. We saw that in 2010 when 87 new freshmen Republicans came into the House of Representatives—every single one of them having run for office on the promise to repeal ObamaCare, every single one. Meanwhile, while the House was being heated up, the Senate itself—which, if all of the Senators rather than roughly a third of them were up for election each cycle, I think we would have seen the majority turn over in the United States Senate, but it didn't quite do that.

So the Senate has been the cooling saucer to the hot cup of tea or coffee that is the House. Our Founding Fathers saw that, and they wanted to balance that. They wanted to have the longer view in the Senate. They wanted the quick reaction forces in the House. They wanted to blend them together, and they did. I think they did a very good job of that.

They also wanted to then check an overreach of article I, the legislative branch, the Congress, by giving the President of the United States veto power. At the same time, they put constraints on the President because we can control the activities of the executive branch through the appropriations if we can actually control the appropriations here in the House of Representatives. So they granted that authority, but they expected that there would be like a tug of war for that power. They did not think that the President of the United States would take an oath of office to preserve, protect and defend the Constitution of the United States and be required to take care that the laws be faithfully executed and then go out and execute the law rather than enforce the law, but that's what has happened.

The President has with impunity defied the rule of law, and has simply canceled immigration law that existed on the books that requires ICE and Federal immigration law enforcement officers to place those individuals unlawfully here in removal proceedings. That's the law. The President suspended it.

And what has happened here in Congress?

There was an election after he did that. On March 28, 2011, he said, I don't have the power to by executive order

implement the DREAM Act. On June 15, 2012, he assumed that authority, and he simply suspended the rule of law and imposed his will, his wish, on America.

And what happened?

The people who took an oath to uphold the Constitution and the rule of law decided that they were going to honor the lawlessness. They decided that they were going to comply with the President's order because, well, their jobs were on the line, for one thing, but I say also they have an oath of office for another.

When that happens, when there is a dispute between the legislative branch and the executive branch of government, the judicial branch needs to step in to sort out that dispute. I know they don't like to do that, Mr. Speaker. In any case, I asked for a meeting and invited people to come to the table, which they did, and we discussed how we move forward to put a block on the President's unconstitutional assumption of legislative authority—a violation of the separation of powers.

□ 1550

I had been through that litigation in the past on an issue that I'll not take up here, but it had to do with a State issue and the State chief executive officer. I knew the arguments. Out of that meeting came the lawsuit of *Crane v. Napolitano*. That's Chris Crane, the president of the ICE union as the lead plaintiff. Of course, now Napolitano is the Secretary of the Department of Homeland Security, Janet Napolitano. That case went before the Northern District of Texas, the Federal court, where Judge Reed O'Connor ruled in favor of the plaintiffs—that's the ICE union and the list of plaintiffs that are there—ruled in favor of it in nine of 10 arguments and sent the other argument back to the executive branch to reword it in such a way—I'll just use my terms, Mr. Speaker—it's more intelligible so he can answer and respond on that particular point.

Generally, the decision was this: Judge Reed O'Connor essentially wrote: shall means shall, not may. If it requires that the agents put people that are unlawfully present in the United States in removal proceedings, if it says they "shall do so," then they shall do so. Shall means shall. It doesn't mean may. And there is no word in our language that is more definitive that can replace the word shall, at least as far as legal parlance is concerned. That's essentially the decision.

So it seems to be—and I'm optimistic that it's moving in the direction—that we will get a final decision in a Federal court and perhaps the administration will appeal this all the way up the line to the Supreme Court.

But in the end, I can't imagine how a judicial branch of government, how a Supreme Court could come down on the side of the President and decide that the President of the United States has

the authority to make up law as he goes along or disregard law as he goes along.

The President has argued—at least the President and his spokesmen and spokeswomen have argued—that they have prosecutorial discretion. Prosecutorial discretion means that they can't enforce the law against every person who might violate the law because they don't have the resources, so the resources need to be targeted where they do the most good. That's prosecutorial discretion.

I agree that that exists and that it's necessary that the discretion of prosecution exists. But I don't agree that the President can define broad classes of people that include hundreds of thousands in a single class and then decide that he's not going to enforce the law against any of them. That is what he has done. He's manufactured four classes of people and decided he's going to waive the law on all of these classes of people, suspend its enforcement. That turns out to be an invitation to more and more people to violate the law, even "to the extent of."

We have had illegal aliens in the halls of the congressional offices that have lobbied Members of Congress with impunity. And they will come in boldly and say, I'm exempted from the law by the President of the United States, so I can be here. And I demand that you agree with me and get me my college education. They have been inside the Judiciary Committee room. They have been introduced by the ranking member of the Judiciary Committee. That's how far this has gotten, Mr. Speaker. The contempt for the law, the contempt for the rule of law and the sense of entitlement have gone beyond the pale.

So this rule of law, which must be reconstructed now, because the verbal and keyboard jackhammers of the left have chiseled away at that beautiful marble pillar of American exceptionalism called the rule of law. And because they have done that, we must reconstruct it. And if we can't hold the rule of law together, if we can't restore it, if we can't reconstruct it, then it crumbles. If the rule of law, according to the Gang of Eight's bill in the Senate, according to some of what seems to be moving here in the House, destroys the rule of law at least with regard to immigration, it destroys it.

There would be no enforcement of the rule of law with regard to immigration unless you committed a felony. You're here unlawfully, you commit a felony or you commit a combination of three mysterious misdemeanors, that happens to qualify you for removal proceedings. Those are exemptions that are part of it. They claim that they will enforce the law on that.

The balance of it is if you cross the border illegally and come into the United States, that is a crime, Mr. Speaker. If you overstay your visa, which is about, let's say, a number that approaches 40 percent of those who are

unlawfully present in the United States, that's a civil misdemeanor, not a crime, at least today. If you do either one of those things only, they're not going to put you in removal proceedings. And if you come across into the United States and you defraud your employer and you come up with fraudulent documents and you use that in order to get a job, this administration isn't going to enforce document fraud, which is a felony against you.

Essentially it said if you can get into the United States legally or illegally, if you can stay in the United States, you can cheat to get a job, you can lie to your employer, you can use document fraud and there won't be a penalty to any of these things. Essentially, nonviolent, peaceful crimes are not going to be a problem. But if you get engaged in some of the serious things like maybe drug smuggling or the crimes of violence that we all know about or the threat of violence even, then it makes the administration uncomfortable, and they might decide to send you back and put you in the condition that you were in before you broke the law.

But peaceful people have been granted amnesty by the President of the United States. And this Congress has sat here almost placidly and accepted it as if he has that constitutional authority, and he does not. That's why the lawsuit of *Crane v. Napolitano* was filed, and it's a clear understanding from my standpoint. But the confusion seems to be that too many Members that take an oath of office to preserve, protect, and defend this Constitution, as well, don't have a clear enough understanding of the brighter line between article I and article II.

Our job is to legislate, write the laws. The President's job is to enforce them. It's that simple. Yet there was an interpretation that came out to us on the morning of November 7. Wednesday morning, November 7, Mr. Speaker—and a lot of people will understand and remember what that date was. That was the day after the election.

I was engaged in this election as much as I've been engaged in any election. And as a Member of Congress from Iowa, I was also engaged in the Presidential nomination and election process. I was engaged in the debate. And I've done events that have to do with Presidential candidates on a relatively regular basis. I think I understood what the debate was about for the election for President of the United States.

As I listened to that, it was about jobs and the economy. If you would put jobs and the economy in quotes and then put Barack Obama's name in the search engine of Google, or if you would put jobs and the economy in quotes and then put Romney or Mitt there in the search engine of Google and send that off, you're going to get hundreds of thousands of hits altogether because that was the topic of the election last November 6, jobs and

the economy. I told the Romney people I've heard "jobs and the economy" so many times it puts me to sleep. Don't you think you're putting the American people to sleep by beating the same drum over and over again?

But remembering the mantra jobs and the economy until we were just drubbed into numbness with it also reminds us that the election was not, Mr. Speaker, about the immigration issue. I don't remember a debate between Barack Obama and Mitt Romney that went into any depth or substance on the immigration issue. Yet before the sun came up on November 7, some of the leading pundits and experts concluded that Mitt Romney would be President-elect by now before the sun came up on November 7 if he just hadn't said the two words "self-deport," or if he had not been such a defender of the rule of law on immigration.

That was a surprise to me. I wish he'd have talked about it more. Well, he didn't. The election wasn't about immigration, but talking heads and, let me say, erroneously pragmatic individuals in my party who decided that they would contribute to this argument that came from both parties. And they drove the argument to the point where some people were convinced the election really was about immigration when it was not. And they argued that Mitt Romney would be President-elect if he had just gotten a larger percentage of the Hispanic vote.

He would not, Mr. Speaker. If he had won the majority of the Hispanic vote in the swing States, he still would not have won the Presidency. If he had won 70 percent, he might have; but that didn't happen. And no one really thinks that's going to happen in the near future. So they came to a conclusion and thought they could support it with facts. They've learned now that they can't support their conclusion with facts, but they're determined to go forward with granting amnesty to initially—they think—11 million people that are here in this country unlawfully while providing the emptiest and most vacuous of promises that one day they're going to get around to putting a plan together, and if the plan happens to be implemented they might secure the border.

□ 1600

That's what's going on. And I don't know how in the world they can say this to the American people with a straight face and believe that there's going to be border security in exchange for law enforcement. It's not going to happen, Mr. Speaker. It didn't happen in 1986, one of only two times that Ronald Reagan let me down.

But in 1986, the promise was this:

We had about a million people in the country illegally. Actually, it started at 700,000 to 800,000. That sounds like a minuscule number today. So roughly a million people, and debate raged in the House and the Senate. I believed all



along that good sense would prevail. I believed that people who gave their oath to uphold the Constitution in the House and in the Senate would understand that they were undermining the rule of law if they granted amnesty to people who came into America illegally. I believed all along that they would understand that if they grant amnesty, they would get more lawbreakers, more illegal border crossers, a less manageable situation than the one that they had in 1986.

But the argument for clemency, for amnesty prevailed in the House and the Senate. But I believe that Ronald Reagan would understand the principles of rule of law clearly enough and the long-term implications of such an act of amnesty in 1986 clearly enough that he would take the authority that was vested in him and the United States Congress to veto that legislation and require the Congress to pass amnesty by a two-thirds majority in the House and Senate and overturn his veto. I don't believe they could have done that in 1986.

I believed Ronald Reagan would veto the Amnesty Act in 1986. Instead, to my great disappointment, he signed it. The calculation at the time was, if we just grant amnesty to these million people, we're going to get full cooperation to enforce the border and never again will there be another Amnesty Act—never again. This was the Amnesty Act to end all Amnesty Acts. It was going to be law enforcement from that point forward. The border was going to be secured. There would be a clear prohibition on hiring illegal employees. They were going to shut off the jobs magnet, and they created the I-9 form, the I-9 form which requires an employer to fill out the form, make sure that you have the documentation, the identification, and make sure that you have all of the "I's" dotted and the "T's" crossed on the I-9 form because a Federal agent is going to come inspect your paperwork. An INS agent would come and inspect your paperwork.

I did all of those things as carefully as I could. I had a fear that I would slip up and not meet the standard, Mr. Speaker. And so we very carefully documented our job applicants in my construction company to make sure that we were in compliance with the law, all the while expecting that that INS agent was just around the corner taking a look at the paperwork of our competition or our neighboring business. Of course, they never showed up to check my paperwork. I'm not disappointed by that. I'm disappointed that they didn't show up to check the paperwork of thousands of employers with millions of employees.

The enforcement didn't really happen. It didn't happen in shutting off the jobs magnet. The litigation began. The ACLU began litigating, as did other organizations. They began to argue, You're requiring an employer to make a judgment call when he looks at the documents and the picture and the

face of the person that's applying. And you cannot require an employer to make a judgment call because it makes them liable for the lawsuit that we're going to sue them with.

So the litigation of immigration turned it into a mess, intentionally, I believe, so that they could provide for open borders, which was the intention of the Teddy Kennedys and others at the time. They undermined the enforcement effort politically. And they undermined it in the courts, and they undermined it culturally, and they began to convert the people who came here illegally into a victims' group.

If you understand the politics of victimology, you understand that there is a certain amount of sainthood that gets attached to these victims, for people that are in victims' groups. That conversion has been taking place since probably before 1986, but I remember it from that point forward.

What Ronald Reagan learned and what today his Attorney General at the time, Attorney General Ed Meese knows and has three times written about, and what another member of the Reagan administration, Gary Bauer, knows and has spoken openly of is that if you grant amnesty, if you suspend the rule of law and you tell people, We're not going to enforce the law against you, continue to break it, you'll get more law breakers.

More law breakers means more lawlessness, and more lawlessness erodes the rule of law. And when they bring a bill to the Senate that legalizes, aside from the felons, the three mysterious misdemeanor committers, aside from that, it legalizes everybody here in the United States that's here illegally. Not only that, they send an invitation by the bill out to anybody that has been deported in the past that says: Re-apply. Come back into the United States. We really didn't mean it.

They say if you came here after December 31, 2011, you're not going to be exempted by this Amnesty Act that is coming through the Senate, so presumably they are going to enforce the law against those who came here after December 31, 2011.

Mr. Speaker, they're not going to do that. If they were going to do that, you would see a news story about somebody who was put back and the condition they were in before they broke the law that came here after December 31, 2011. No, ICE is prohibited from enforcing the law against people who fit these definitions, and I asked that specific question of the president of the ICE union before the Judiciary Committee under oath. And he said, If they're in jail, I can't put them in removal proceedings.

Even if they're in jail, he can't go into jail and say, Listen, I'm required to put you in removal proceedings. I'm going to take you back to the port of entry. He can't do that.

Who's in handcuffs now? ICE, the Border Patrol, in handcuffs today. They can't enforce the law the way it's

written in even the 1986 Amnesty Act, let alone the 1996 Immigration Reform Act of which LAMAR SMITH of Texas had such a huge role in. Good legislation; glad they did it. 1986 was flawed; it should have never been passed.

But if ICE can't enforce the law today, even if someone is in jail, and they are essentially handcuffed from doing their job, and there is a legalization of the people that came into the United States before December 31, 2011, and an invitation to those who have since been removed to come back again, and no prospect that they're going to enforce the law against those who come in after December 31, 2011, that makes it, Mr. Speaker, the always is, always was, and always will be Amnesty Act.

I use a little bit of, let me say, license here to speak of it this way: always is, always was, and always will be. If you is in America, you gets to stay. If you was in America, you gets to come back. And if you will be in America, you also get to stay.

This is the perpetual and retroactive Amnesty Act. It's perpetual; it goes on forever. You could never enforce immigration law again. You could never say to people, Well, you came here after our deadline; now we're going to enforce the law.

Not after you flow 11 million or 22 million or 33 million people into this country, or a number that results from this that may perhaps be over 50 million people over time. Numbers USA's number is 33 million people that get legalized as an effect of the legislation in the Senate.

Robert Rector's study at the Heritage Foundation—and both of them, by the way, did stellar work yesterday. His study only contemplates 11.5 million, which is the lowest number, the reduced number, the boiled-down number of those we know are here that essentially reflects off the United States census. That's the people that admit they're here when you ask them, Are you here illegally? A number approaching 11 million said, Yes, I am. I confess.

We know that in the '86 Amnesty Act that was roughly a million people anticipated. It became over 3 million people. So use the three-to-one multiplier. That does reflect pretty close. It's not the formula used by Numbers USA. That formula is a careful formula that calculates family unification and the record we have of human activity on how they react to the legislative changes that take place.

But if the formula was 1 million in '86, it became 3 million because of document fraud and other reasons. Those who gamed the system, those who came in before the Amnesty Act was signed, or even after the Amnesty Act was signed, to take part in that and lied about when they came here, the 1 million became 3 million. It doesn't stretch my imagination to see the 11 million become 33 million. That seems to me to match up in two different types of formulas.

□ 1610

So do we really want to legalize 33 million people, or even 11 million people?

Do we want to give them access to all of the government benefits that we have?

Do we want to let them have access immediately to, I'd say, at least to and their children to the systems that we have, the health care system, the education system we have, the public security systems we have?

Do we want to put them in a place where their tax return makes them eligible for the Earned Income Tax Credit, so that all of their children that may not live in the United States even at the time, they get a check from the Federal Treasury for that?

Do we want to see this pour out to where the number that came from Robert Rector's study is that, on average, the people that would be included in this amnesty act in the Senate, over the course of the time they would live in the United States, the average comes in at 34 years old, and a 34-year old, by the time they reach that age, will live to the age of about 84. That's 50 years in the United States. That's a net cost to the taxpayer of \$580,000 per person.

Do we want to really write a check or borrow the money from the Chinese to fund that?

Do we need that many more people in the United States doing the work they say Americans won't do, for a price of \$580,000 per person?

Do we want to rent cheap labor for the price of \$12,000 a year? That's what the math works out to. I think it's \$11,600 a year.

Do we really want to—do the taxpayers care that much about having somebody to cut the grass and somebody to weed the garden and somebody to do all this work that they claim Americans won't do?

By the way, I don't think anybody in this Congress can find work that I haven't been willing to do, and I think my sons would certainly reinforce that statement. They remind me that they've been out in 126-degree heat index and poured concrete on these days, and they've been driving sheet piling across the swamp at 60 below wind chill. They tell me that's a 186 degrees temperature change, and no species on the planet could survive what they went through growing up in our family. And I say, well, no species other than my sons. And I remind them that, and me too, guys.

We did work like that in the heat, in the cold, in the rain and the snow. We did work underground. We do the sanitary sewer work. We do earth work. We do all kinds of things. We do demolition. All of the work that they say Americans won't do, we've done a whole lot of that and will do more.

No one's too proud to do work in this country. We're just sometimes not willing to do work for the price that's offered. And we know that free enter-

prise capitalism takes us to this. The value of anything, including labor, is determined by the supply and demand in the marketplace.

Corn prices go up and down, depending on how much there is, how much corn there is, the supply, and how many customers there are to buy it, the demand. That's true for gold and oil and platinum and soybeans and labor.

And because we have an oversupply of unskilled labor, and underskilled labor is why we have such low wages and benefits at low- and unskilled labor. The highest unemployment's in the lowest of skills.

And yet people in this Congress think you have to expand the low-skilled labor numbers, bring people in, low- and unskilled, Senate version of the bill, seven unskilled people and under-educated people, for every one that's going to be able to pay their going rate on what it costs to sustain them in society.

For every person that would come in under the Senate bill, that would pay as much or more in taxes as they draw down in government benefits, there are seven who will not be able to do that.

The universe of those in the 11 million people cannot sustain themselves in this society that we have, not in a single year of their projected existence in this culture, in this society, in this economy. So why would we do that?

Why, if we need more people to pull on the oars, would we allow 100 million Americans, that are of working age and simply not in the work force, to sit up there in steerage, while we bring people on board to pull the oars and wait on the people sitting in steerage?

That defies any kind of rational logic, Mr. Speaker.

So to destroy the rule of law, to, I'll say, subsidize a non-work ethic, and now it turns into three generations of Americans that are drawing down some of the 80 different means-tested welfare programs, it is foolish for us to consider such a proposal. And I'm hopeful that the good sense of the American people can do something about the spell that has been cast over too many Republicans in the House and the Senate.

And so, Mr. Speaker, I urge the American people to save this Congress from themselves and restore the rule of law.

I yield back the balance of my time.

#### CLIMATE CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. WAXMAN) for 30 minutes.

Mr. WAXMAN. Mr. Speaker, today the Speaker of the House, not the presiding officer at the moment, but the Speaker of the House, JOHN BOEHNER, made some irresponsible remarks about climate change. He was asked about the reports that the President is

prepared to act to protect the planet and future generations from climate change impacts.

And here's what the Speaker had to say:

I think this is absolutely crazy. Why would you want to increase the cost of energy and kill more American jobs at a time when the American people are still asking, where are the jobs? Clear enough.

Well, I could not disagree more strongly with Speaker BOEHNER. Presidential action to protect the climate and future generations is absolutely essential. The House is controlled by leaders who deny the science and are recklessly ignoring the risks of a rapidly changing climate.

The House has become the last refuge of the Flat Earth Society. That is why the President must act, using his existing authorities under the law.

The Speaker's assertion that acting to reduce emissions will hurt the economy is absolutely wrong. We need to act to lead the world in the clean energy economy of the future. If we don't act, initiative, leadership, and economic growth will go to countries that do.

Now, I've been in Congress for over three decades. I worked on the Clean Air Act reauthorization of 1990. I remember the testimony we received in the 1980s about how, if we tried to do more in the environmental area, we would lose our jobs and our economy would be set back. We would face another depression.

Well, on a bipartisan basis, we adopted the Clean Air Act. We had the bill sponsored and signed by President George H.W. Bush, and that legislation led to accomplishments of reducing air pollution in some of our heavily polluted urban areas, including my own home of Los Angeles.

We were able to stop the ravages of acid rain, which were causing destruction of our forests and rivers and ponds in the Northeast and in Canada. We were able to do something about toxic pollution, which was causing birth defects and cancer in large numbers of people who lived near industrial facilities. And we were able to get legislation passed and moved forward to stop the destruction of the upper ozone of our planet.

We accomplished these goals because we didn't pay attention to the naysayers who told us our economy would be ruined, we would lose jobs, we should forget about a healthy environment, we should forget about pristine air in our national parks.

Luckily, we had leadership, from Republicans and Democrats, to do something, and we can now talk about the great accomplishments that we achieved. And at the same time, we created more jobs. We created more industries. We created new technological developments.

But let me talk about why the President needs to act on this question of climate change. On Monday, the International Energy Agency, IEA, released