

Mr. Speaker, it is now my honor and my privilege to yield to the distinguished gentleman from the great State of Indiana, Congressman ANDRÉ CARSON, one of the mighty voices of the hip-hop generation here in the United States Congress who powerfully represents his Midwestern district.

Mr. CARSON of Indiana. I have to acknowledge my colleague, my friend, my brother, and leader, not only nationwide but internationally, but especially in Brooklyn, for his boldness, his tenacity, Mr. Speaker, his intestinal fortitude, and his ability as a sitting Member of Congress to still speak truth to power, Congressman JEFFRIES.

Mr. Speaker, I rise tonight to express my deepest condolences to the Brown family, who lost their son far too soon. As a parent, I can only imagine their pain and grief, Mr. Speaker. No parent should have to go through such an ordeal.

As a young African American man, I can relate to the frustration being felt on the streets of Ferguson and streets across our country. The history of this great Nation, Mr. Speaker, past and present, is plagued with incidents of bigotry and discrimination in our justice system. Racial injustice continues to afflict our communities, and with each incident like this one, old wounds are reopened. The feelings felt in Ferguson are real and cannot and should not be discounted.

Mr. Speaker, many right now feel abandoned by our justice system or unfairly singled out for suspicion. These are very legitimate concerns that cannot be ignored or overshadowed by those who have turned to violence.

Now, as a former police officer, Mr. Speaker, I want to say I do respect our system of justice, but I also recognize the shortcomings. We certainly have a long way to go to guarantee our country's children of color are protected equally under the law in every instance, every neighborhood, and all across this great Nation. Mr. Speaker, no community should have to doubt whether justice has prevailed when a decision like this one has been handed down.

We must not let Michael Brown's death be in vain. That would be a disgrace. That would be a tragedy. Today, our Nation is still struggling to heal. But this cannot truly happen until we honestly assess how justice is provided across our country.

This process starts with peaceful protests, yes, but it ends with lasting reforms that protect all Americans equally, Mr. Speaker. This will not be easy or quick. But what is clear is that this march toward a better, more equitable country must begin with a unified front.

Now through this tragedy we should bring about lasting change. And so tonight on that note, I want to ask, Mr. Speaker, all of my colleagues, my fellow Americans, to stand with the Congressional Black Caucus to make this dream a reality.

Mr. JEFFRIES. I thank the distinguished gentleman for his eloquent remarks.

Mr. Speaker, let me now yield to the distinguished gentleman from Maryland, the great ELIJAH CUMMINGS, for his remarks.

□ 2015

Mr. CUMMINGS. Mr. Speaker, I thank Mr. JEFFRIES for calling this Special Order tonight.

Let me say to America, whenever a law enforcement officer shoots and kills an unarmed citizen in this great country, America has a problem. I want us to be very careful that we don't become distracted and not address the issues.

I know that we in the Congressional Black Caucus make sure that we don't get involved in motion, commotion, and emotion and no results, and that is what this is all about because the things that we are talking about is trying to bring about change, not just for our young people today, but for generations yet unborn.

Let me just briefly state that I am very pleased with what the President did today. I think it is a step in the right direction, the effort to get body cameras, 50,000 of them, and to establish a task force.

Right after Ferguson happened, I, along with a hundred other leaders, wrote to the President, and we just asked for certain things, and I will name them, and then I will yield back because I know we have limited time.

We asked that DOJ develop a training for law enforcement officers to counteract racial bias, renewed focus on diversity hiring and retention among law enforcement professionals, grants to support engagement with youth in the communities these officers serve, call for the demilitarization and reduction of excessive weaponry among community police departments, call for DOJ oversight of law enforcement practices, and increased accountability through national standards for investigation into cases of inappropriate police behavior.

We in the Congressional Black Caucus will continue this fight. To the Brown family, you have our condolences, but we know that you want to make sure that change is brought about. We promise you that we are going to do everything in our power to make that happen.

Mr. JEFFRIES. I thank the distinguished gentleman from Maryland.

I now yield to one of my colleagues in the freshman class, soon to be a dynamic sophomore, the distinguished gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Mr. Speaker, it is indeed my honor to stand here not only with the members of the Congressional Black Caucus, but with you, Congressman JEFFRIES, for the work you have done.

Today, I have a heavy heart as we stand here as members of the Congressional Black Caucus on the topic of

being Black in America, what Ferguson says about where we are and where we need to go.

Mr. Speaker, I would like to start by expressing my deepest condolences to the family of Michael Brown as his death was undeniably tragic. The "Gentle Giant," as Michael was nicknamed by his family members, will not be forgotten, nor what his loss represents. Michael Brown had a promising future before his life was cut short by police gunfire by police that fateful day in August.

The SPEAKER pro tempore (Mr. ROTHFUS). The time of the gentleman has expired.

Mr. JEFFRIES. Mr. Speaker, we have come a long way. We still have a long way to go. We look forward to marching toward a more perfect Union.

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

EQUALITY FOR ALL

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

Mr. GOHMERT. Mr. Speaker, there are some Members who wanted to be heard from the prior Special Order, and they didn't have a chance, and I am glad to yield to my friend, Mr. JEFFRIES, so they may conclude.

CONGRESSIONAL BLACK CAUCUS

Mr. JEFFRIES. I thank my good friend, a very important member of the Judiciary Committee, for graciously yielding a few moments for us to close this very important Special Order.

I yield to Congresswoman JOYCE BEATTY to finish her remarks as we prepare to conclude this CBC Special Order. Again, I thank Congressman GOHMERT for graciously yielding a few moments of his time.

Mrs. BEATTY. Mr. Speaker, I thank my colleagues. Let me continue and be very brief and just say Michael Brown had a promising future before his life was cut short by police gunfire on that fateful Saturday in August.

He was supposed to start technical college this past fall, planning to become a heating and cooling engineer one day. He hoped to start his own business. He strove to set an example for his younger siblings, teaching them to stay in school and further their education—instead, another loss.

Michael Brown fell victim to a criminal justice system that too often fails people of color. Mr. Speaker, unfortunately, he is now another Black male whose full promise and potential will never be realized because his life was taken too early by the very department created to protect and serve his community, the Ferguson Police Department.

Mr. Speaker, I think it is appropriate that the Congressional Black Caucus is on the floor today discussing being Black in America. The CBC is the conscience of the Congress and, in many

circumstances, the conscience of America on the topic of race relations, struggles, and inequities.

We are also scholars and crusaders. We are our brothers' keepers. We have marched and written civil rights laws, and today, December 1, we are celebrating the 59th anniversary of Rosa Parks maintaining her seat on a bus in Montgomery, Alabama. Her civil disobedience on this day should be celebrated.

As we see in the majority a peaceful protest in refusing to give up her seat, Rosa Parks sparked a civil rights movement that continues today; a movement highlighted by incremental progress such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, where a Nation came together with hopes of eliminating centuries of discrimination against Blacks and providing equal rights under law.

The civil rights movement is ongoing and faces significant challenges. A great distrust between local residents and law enforcement remains today. Too many young Black men have been left behind and are seen as objects of fear, and we have a school-to-prison pipeline that tears our communities of color apart, leaving them forever incomplete.

As Martin Luther King, Jr., said:

Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concerns of dedicated individuals.

Lastly, Mr. Speaker, I am, today, hopeful. I am hopeful that initiatives like the President's My Brother's Keepers, which is implementing cradle to college and career programs for young people in my district, will allow us to continue Rosa Parks' progress that she sparked 59 years ago.

Finally, should we work harder to get more people registered to vote? Should we have more get out the vote? Yes, but it takes more than that. This Congress should work with the President, and I fully support his request for some \$263 million in part to equip police officers with cameras.

Mr. JEFFRIES, Mr. Speaker, thank you.

Mr. JEFFRIES. As we prepare to conclude, let me, again, thank Mr. GOHMERT for this gracious act of bipartisanship, and I yield to the gentlewoman from Illinois (Ms. KELLY).

Ms. KELLY of Illinois. I thank Congressman JEFFRIES for his leadership and my colleague from Texas for his generosity.

As we reflect on the events in Ferguson, let me begin by offering my prayers to the family of Michael Brown and the entire Ferguson community. Tonight, we stand before the House as Representatives of our communities and as concerned citizens.

We stand here to say we, too, mourn Michael Brown. We mourn his loss and what it represents—the very real fear and frustration of Black and brown families across the Nation who worry

for their sons. We are here to speak for those who are weary after another incident of a young Black man being killed by police.

Ferguson speaks to the broader challenges we face as a Nation—race relations—but particularly the fraught relationship between the Black community and the police. Members of my family have and do serve in law enforcement, and I am fortunate that, for most of my life, I have been able to have many positive personal experiences with that community. My grandparents' grocery store in Harlem always had police officers checking in.

On the whole, I believe those who put their lives on the line for our communities are good, but that doesn't negate the fact that, in America today, we still have too many in the Black community who fear the police or feel disrespected by the police, including my son and his friends, and we still have too many police officers who fear the Black community. This is a dynamic that colors every encounter and paves the way for tragic outcomes.

Regardless of your perspectives on the events in Ferguson, we can all agree that no community should live in fear of the institutions that are charged with protecting it. We must hold our law enforcement officials to the highest professional standards and provide them with the training they need to effectively police diverse communities.

This training must address the biases and stereotypes that influence decisions in the field and that creates obstacles to mutual understanding, and in working to achieve that understanding, we can and must strive toward a justice system that treats all Americans fairly and values all American lives equally.

I am encouraged by the many peaceful, productive protests across the country from everyday citizens of all colors calling for change in the way our country views and values young Black men, but this is just the beginning and not enough. As a mother, a wife, and a Member of Congress, I believe that this change must begin today.

I encourage everyone who is outraged by Ferguson to look for ways that they can prevent a similar tragedy from happening in your community. Don't let this issue fade until the next tragedy. Get involved with your local government.

Go to your local town hall, city council, and community policing meetings. Know who represents you and who is policing your streets. Be a part of the change, and lend your voice to the discussion on the direction of your community; vote, exercise your rights, demand and expect accountability. That is how we work together toward the kind of change that makes our communities safer and honors the memory of Michael Brown.

Mr. JEFFRIES. Mr. Speaker, I thank Congresswoman KELLY. We are here

today to begin a conversation about a fair, equitable, and colorblind criminal justice system. That should be something that all Americans embrace, and that is what we are going to work toward as we move toward the next Congress in 2015.

To close, I yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank Congressman JEFFRIES for his leadership, and I thank the Speaker, I am sorry that we were walking across the floor, and we may not publicly say it, but we thank you for your clarification, and to my good friend on the Judiciary Committee, Judge GOHMERT, who has engaged in the issues of the criminal justice system. We are grateful for your knowledge on these issues.

I want to leave two points behind as we clarify how we can move forward and recognize crises, but yet not be overcome by such. Might I thank the former mayor of New York for his provocativeness, but say that I disagree with some of the interpretation of why officers are in the African American community.

A statistic does say, in fact, that over 2005 to 2012, a white police officer used deadly force against an African American person almost two times every week. That does not have to be because we know there are broader ways of addressing these questions, so let me say to you why there is such ire about what happened to Michael Brown.

As I started out in my remarks about the grand jury system, it is one that raises the fact question, and if the fact question is not answered, why were his hands up? Why was he shot these many times? Then you go to a jury of your peers. It is a criminal justice system that no matter what color, creed, race, or religion you are, abiding by the Constitution, you can clearly say a question has been raised, and justice needs to answer that question.

Mr. Speaker, that is what we are asking for, a simple justice that allows everyone to stand at the table of opportunity, equality, and rightness.

So I would make the argument tonight that we have laid out a roadmap with a number of suggestions, whether it is cameras—supporting the President's request for money—whether it is legislation dealing with the utilization of tickets and citations, stopping people from moving, whether or not it is My Brother's Keeper, I believe that the Judiciary Committee, along with our colleagues, Republicans and Democrats, can raise up the specter of the Constitution and no matter who we are, we can look at those young men in St. Louis who raised their hands, applaud them for their work, applaud law enforcement officers who are engaged in community-oriented policing, and make a purposeful commitment that we will follow in the pathway of non-violence and use the tools that our Constitution has given us to make our criminal justice system work for all of

us, whether we are poor, whether we are rich, whether in unique communities, or whether we are Big Mike.

We are going to say to Mr. Brown and we are going to say to Mike's mother that justice is going to come, not respecting whether or not we stand on one side or another, one race or another, because we are going to do right.

I have faith in the Constitution, and I have faith in this Congress. For the very reason that Judge GOHMERT yielded us the time to finish our words, I know that we will be engaged, Republicans and Democrats, with the Congressional Black Caucus in a pathway forward to make America rise to our higher angels and to the Constitution that we so love.

Thank you, Mr. JEFFRIES, for your leadership.

Mr. Speaker, I thank the gentleman for yielding and for convening this very timely Special Order on one of major challenges facing our nation: how can we best rise from the ashes of the miscarriages of justice in Ferguson, Missouri and restore the trust and confidence of all Americans in the fairness and impartiality of the criminal justice system.

That trust and confidence does not exist today among large segments of our population in the wake of the killing of Michael Brown, an unarmed teenager who died after absorbing six gunshots from a Ferguson, Missouri police officer even though he posed no imminent threat, was not resisting arrest, and was observed by numerous witnesses to be holding his hands up, the universal sign of surrender.

Compounding this unreasonable and excessive use of lethal force was the failure—some might say refusal—of the local prosecutor to obtain an indictment of any kind against the officer who killed Michael Brown.

The strength and foundation of democratic government rests upon the consent and confidence of the governed. Similarly, effective enforcement of the law and administration of justice requires the confidence of the community that the law will be enforced impartially and that all persons are treated equally without regard to race or ethnicity or religion or national origin.

While most police officers take this responsibility seriously and strive to treat all persons equally and with respect, their efforts are too often undermined by some of their colleagues who abuse the enormous trust and confidence placed in them.

Remedial action should be taken with respect to officers whose conduct has been determined, after an adjudicatory proceeding, to violate applicable legal standards.

In recent months, the nation has been repeatedly shocked by the killings of unarmed African Americans, mainly young African American males, by persons claiming, despite substantial and credible evidence to the contrary, that the use of lethal force was justified. The tragic killing of Michael Brown is just one of the worst examples.

In August of this year in Staten Island, unarmed Eric Garner, an asthmatic 43-year-old father of six and grandparent, died from an unlawful chokehold administered by a New York Police Department officer who suspected Mr. Garner of selling an untaxed pack of cigarettes.

And closer to home my constituents in the 18th Congressional District of Texas and I all

remember the outrageous case involving young Robbie Tolan, who was shot and seriously injured by a white Bellaire Police Department officer while in the driveway of his home, 15 to 20 feet away from the officer, had committed no crime, and whose innocence had been affirmed to the officer by his mother and father.

Let me state at the outset that as a Member of Congress and member of the bar that I hold the rule of law sacred.

I have always supported law enforcement and have always recognized the value and importance of prosecutors seeking justice and defense attorneys fighting to protect the rights of the accused.

I also revere the grand jury process, which on the federal level at least, has been one of the bulwarks safeguarding the public and the accused since the ratification of the 5th in 1791.

I do not fault the decision to impanel a grand jury to investigate the killing of Michael Brown; on the contrary, a grand jury investigation was the proper way to proceed. Like many others, however, I have two main concerns regarding the way the grand jury investigation was conducted.

First, the failure of the St. Louis County Prosecuting Attorney, Robert McCulloch, to refuse himself and seek the appointment of a Special Counsel was a grave mistake.

Not just because his father was a St. Louis policeman killed in the line of duty by a black man when he was 12. Not just because his brother, nephew and cousin all served with the St. Louis police and that his mother worked as a clerk for the force for 20 years. And not just because Mr. McCulloch would have joined the police force too, but he lost a leg in high school due to cancer.

Mr. McCulloch's credibility and reputation for fairness has been at low ebb among African Americans in St. Louis County since his handling of the notorious "Jack-in-the-Box" shooting in June 2000, in which two officers approached a stopped car carrying two unarmed African American men from the front and fired 21 shots, killing Earl Murray and Ronald Beasley.

In the ensuing investigation, Mr. McCulloch put the case to a grand jury which declined to indict the officers, and McCulloch said he agreed with the decision.

The story presented by Mr. McCulloch's office to the grand jury was that Murray's car moved toward the two officers, who then fired out of self-defense. The two officers who shot Murray and Beasley were also invited to testify before the grand jury and both men told jurors that Murray's car was coming at them and that they feared being run over. However, a later federal investigation showed that the car had never come at the two officers: Murray never took his car out of reverse. The officers involved in the shooting did not testify truthfully to the grand jury, yet Prosecutor McCulloch stated publicly that he agreed with the decision not to indict.

The second major flaw was that the manner in which the grand jury investigation was conducted impeded rather than facilitated the search for truth that is the province of a petit jury.

The purpose of a grand jury is two-fold: to make the threshold determination as to whether probable cause exists to believe that a crime has been committed and that the ac-

cused is the person who committed it. Once this minimal showing has been made, it is for the petit jury to determine whether the evidence presented at trial is sufficient to prove beyond reasonable doubt each essential element of the offense.

In discharging its duty, the grand jury looks to, and is dependent upon, the prosecutor for an orderly and coherent presentation of evidence establishing probable cause and for guidance as to the law and in making sense of the evidence and testimony.

That did not happen in this case. Instead, the prosecution did not present any indictment that the grand jury could evaluate against the evidence to determine whether to return a "true bill" and did not make any recommendation regarding charges that could or should be lodged.

It is common wisdom that a grand jury historically has functioned as a tool of the prosecution, so much so that is frequently noted that a prosecutor could persuade a grand jury to "indict a ham sandwich."

This is not an exaggeration. According to the Bureau of Justice Statistics, U.S. attorneys prosecuted 162,000 federal cases in 2010, the most recent year for which we have data. Grand juries declined to return an indictment in only 11 cases.

So the failure of the Ferguson Grand Jury to return an indictment exacerbated the lack of public confidence in the criminal justice system, especially among African Americans, not just in Ferguson, Missouri but all across the country because to many it sends the signal that the lives of African American males have less value than do others.

It should be noted that according to the FBI's most recent accounts of "justifiable homicide," in the seven years between 2005 and 2012, a white police officer used deadly force against an African American person almost two times every week.

Of those African American persons killed, 18 percent, or nearly one in every five, was under 21 years of age. In contrast, only 8.7 percent of white persons killed by police officers were younger than 21.

In 2012, Houston had an African American population of 23.7 percent. That same year, African Americans accounted for 48 percent of victims killed by the police.

Chicago was even worse with a whopping 91 percent of police killings involving an African American victim, nearly three times their percentage of the city's population.

For New York, the comparable figures were 87 percent and 28.36 percent. Across the country, in 2012 there were 739 justifiable homicide shootings by police and citizens and of these, 313 of the victims (42.35 percent) were African American.

This cannot and must not continue. That is why I am renewing my request to Attorney General Holder that the Justice Department consider bringing federal charges so that those responsible for the killing of Michael Brown are held accountable.

I am also calling upon the Department of Justice to exercise the authority conferred by the 1994 Violent Crime Control and Law Enforcement Act, which gives the Department's Civil Rights Division authority to investigate state and local law enforcement agencies that it believes have unconstitutional policies or engage in unconstitutional patterns or practices of conduct. The law is intended to address

systemic issues, rather than individual complaints.

As Americans we must demand that the law is applied fairly and equally to all persons in the courtroom and on the street.

Achieving this goal is the best way to honor the memory of Michael Brown.

Mr. JEFFRIES. Mr. Speaker, I thank Congresswoman JACKSON LEE, and I thank Congressman GOHMERT for the time.

□ 2030

Mr. GOHMERT. I thank Mr. JEFFRIES, my colleague and friend. I knew that words that were going to be spoken were from the heart, and I am glad to be able to facilitate that. Thank you.

And it does take me back again. I was just a little kid, a little bitty kid, when Martin Luther King, Jr., was standing up for civil rights for all people. We have heard over and over: Well, he did wonderful things for African Americans. But I happen to know as a little White Christian boy growing up in east Texas that the work he did and the life he gave actually enabled me as a little White boy to treat my brothers and sisters like brothers and sisters. That is the ultimate goal, as Dr. King said: we judge each other by the content of the character and not by the color of the skin. That is a goal to shoot for.

It also meant that when I was quarterback and captain for the JV, junior varsity, team in our high school, it meant I got to have Coach Williams as my head coach. I just loved Coach Williams. But it was tough when he put both hands on your shoulder pads and got right in your face. You knew you were in for a lesson. But he was imminently fair. We had no race problems. He was just a fair man.

Although I didn't vote for President Obama and certainly might have had other people in mind for Attorney General, I had hoped that there would be a piece that would come out with Eric Holder as Attorney General the way I experienced with Coach Williams, an African American, but great coach, very winning season, and he made football fun—a great leader, a great teacher. I just loved having him for a coach.

I had hoped that that might be true across the country, but we have seen so many people hurt around Jefferson. I was reading about minority business owners who had their businesses burned. I so hope that the words that my friend Ms. JACKSON LEE was saying will ultimately come through where protests will be nonviolent so people don't lose their stores and lose their homes or lose their lives.

Just before coming over, I was hearing about a Bosnian man that was beat to death with a hammer. It is senseless, just senseless. I don't even know the cause of his being killed there in Missouri.

Peaceful protests are what Dr. King knew would do the greatest good for the greatest number of people, and he certainly did a great deal of good. But basically most people what they want is to make sure that they get fair treatment. That is it: be treated fairly.

Now, we do have some that want to engage in crony capitalism and want to have all kinds of advantages. We saw that with TARP. People wanted to have their cake, and then when they finish with that have your cake, too. That was very unfortunate. But overall, most Americans just want to be treated fairly. They want everyone to be treated equally and fairly under the law, which brings me to the subject I wanted to take up tonight.

We know that the President, before Thanksgiving, announced that since Congress hadn't passed or hadn't changed the law as he wanted them to, he indicated he waited long enough. He waited for Congress to change the law, and since Congress had not changed the law, he decided to do it for Congress. The trouble is that is not equal and fair under the law.

Some have said, well, they don't think there is a way that Congress can defund this illegal executive order that provides amnesty. And actually, the law is clear. I mean, if you are illegally in the country, you are not allowed to work in the country; and the President, regardless of whether or not he has the power to provide amnesty or a pardon in a single case, there is no law, there is no authority, constitutional or legislative, that allows a President to provide benefits across the board that are illegal and not authorized under the law. You just can't do that.

So what do we do about that?

Some have said we can't defund the President's illegal actions. An article here in Breitbart by Matthew Boyle, 26 November, and this is a quote to start the article:

"In light of Congress's constitutional power over the purse, the Supreme Court has recognized that 'Congress may always circumscribe agency discretion to allocate resources by putting restrictions in the operative statutes,'" the CRS, a legislative authority on Capitol Hill, wrote in a report sent to incoming Senate Budget Committee Chairman Senator Jeff Sessions of Alabama. "Where Congress has done so, 'an agency is not free simply to disregard statutory responsibilities.' Therefore, if a statute were enacted which prohibited appropriated funds from being used for some specified purposes, then the relevant funds would be unavailable to be obligated or expended for those purposes."

Sessions' team provided the CRS report—which is not made public unless Members of Congress who request such reports decide to make them so—exclusively to Breitbart News.

Rogers, last week—

And apparently it is talking about House Appropriations Committee Chairman Representative ROGERS.

Rogers, last week, argued that Congress could not block funding for Obama's executive amnesty because the agency that will be printing the work authorization and other documents for illegal aliens—U.S. Citizenship and Immigration Services (USCIS)—operates primarily on fees it collects rather than from tax revenue collected by the Federal Government.

So, as I understand it, the Appropriations Committee was concerned that since the Citizenship and Immigration Services, or CIS, gets a great deal of their funds from fees, perhaps we

couldn't defund them. But the CIS report goes on to say this:

A fee-funded agency or activity typically refers to one in which the amounts appropriated by Congress for that agency or activity are derived from fees collected from some external source. Importantly, amounts received as fees by Federal agencies must still be appropriated by Congress to that agency in order to be available for obligation or expenditure by the agency. In some cases, this appropriation is provided through the annual appropriations process. In other instances, it is an appropriation that has been enacted independently of the annual appropriations process, such as a permanent appropriation in an authorizing act. In either case, the funds available to the agency through fee collections would be subject to the same potential restrictions imposed by Congress on the use of its appropriations as any other type of appropriated funds.

Now, Mr. Speaker, I know that is a long quote from CRS, but the bottom line is right there at the end: It doesn't matter whether revenue is generated through fees or whether it is a direct appropriation. Congress has the authority to restrict how that money is spent.

Anyway, that is a very helpful CRS opinion, and Matthew Boyle did a good job of covering that.

But I also noticed an article by the Twitchy Staff—that would be my dear friend Michelle Malkin. She has a series of tweets that people have sent out in response to the amnesty that this President is going to provide and the illegal right to work that is going to be legalized by fiat by the President. This is from November 20.

One tweet says:

Excellent point made on @TalkRadio1210. Will all the immigrants who came here legally get a refund from Obama for the fees they had to pay?

Of course, the Labor Secretary Tom Perez, previously with the Justice Department when we saw racial relations deteriorate dramatically, but Tom Perez said in his tweet:

This is a moral imperative, a national security imperative and an economic imperative.

He is talking about the need for the President to act like a king and just dictate new law and allow people who are not allowed to work here legally to work here legally, though it is against the law.

Tony Pelz says:

@LaborSec are you going to refund all the money I spent doing it legally? Huh? Huh?

Ben Shapiro says:

Our nanny is from Guatemala. She arrived legally 5 years ago. Tomorrow, she takes her citizenship oath. Boy, did she waste her time.

Shar Vilorio says:

Hey @BarackObama I want a refund of all my legal fees plus 10 years' worth of interest. I have all the receipts. I came here legally.

Another tweet says:

My family has paid fees to the U.S. immigration system and followed the law. I'd like a refund, please.

Another says:

So, who's gonna refund the \$18,000 I spent to bring my wife here legally? @BarackObama? @NancyPelosi?

There is another invoice apparently. They are seeking a refund for all the money they were out.

Another says:

Hey, you gonna chip in for my refund, for doing it legally?

Another said:

Lots of dollars for husband to immigrate to U.S. legally: attorney, mounds of paperwork, interview, et cetera. Do we get a refund now?

Another said:

So 5 million illegal immigrants get short-cut visas. Do I get a refund of the \$50,000 I spent over 14 years legally becoming a citizen?

A different person tweets:

My wife came here legally. If #ObamaAmnesty happens, can we get a refund for all the money we spent on her green card application?

□ 2045

Another says:

Does this act refund all the filing fees of those legally at this time? Does it relieve us sponsors of our legal obligations?

There are a lot of people that are upset about this—and understandably—because they went about becoming citizens the right way.

My office continues to help people. One worked for 7 years in order to get admitted legally. We have had people work for 10 years to get here legally and be authorized legally. And the message that is sent when a President just by speaking new law into existence because he is not happy that Congress didn't do what he told them to, that sends a message to those who abide by the law, just as these tweets indicate, that America, which has tried to be fair across the board, fought against the worst blot on American history—slavery—fought for civil rights, and now we are fighting to have the law completely disregarded so that it is an encouragement to people coming illegally.

The word I was getting today from law enforcement friends on the border in Texas who are seeing the numbers and the President's promise of an illegal amnesty is, once again, creating a lure to people to come rushing illegally into the United States. And I know there are those that say, "No, we have got to make sure you have been here 5 years." How about that? Isn't that amazing?

The message of the President basically is, if you are really good at violating the law and you have been doing it over 5 years, so you are a pro at violating our immigration law, we want you to stay. We want you to work. You are good at violating the law. On the other hand, if you are new at violating the law, we don't want you here working.

So the question arises: If someone is willing to break United States law to come here illegally for whatever rea-

son, whether it is a desire for a job, a desire for benefits, a desire to come here and hurt us, whatever their desire they are willing to break the U.S. law to come for, does anybody seriously think that people that would break the law—at least some of them—would not be willing to sign a paper that says they have been here for 5 years when they haven't, if they are told, "You sign this paper whether you know what is on it or not." Some don't speak English.

I have been out there, as you know, Mr. Speaker, all hours of the day and night on our border around the Rio Grande. I have seen people come across and look at the Xerox copy with some mention of a country they are from. They look at each other and say, "Oh, here," and they switch papers. They don't come with identification cards. They don't come with a government driver's license. They come with no legitimate identification.

So as someone pointed out there in a holding facility near the border, "Gee, that guy says he's a teenager," but you rarely see beards that well developed on somebody that is 15. So they can lie about their age and there is no question—some of them have—because they have got no identification.

Of course, why would this administration want to require any kind of real identification to come into the U.S.? We have the right to vote. This administration has been fighting tooth and nail, spending massive amounts of money to fight any State that wanted to just make sure that people were voting legally, lawfully, and they were the person that they were representing they were.

And some say, "Well, it's just ridiculous to think there's any fraud," and then you find out there are still people in Louisiana telling Democrats to go out and vote again. And that is why I have, somewhat tongue-in-cheek, urged my Republican friends that there is no group, no matter that they vote traditionally well over 90 percent for Democrats, we can't just assume they should always vote Democrats. We need to be going after the deceased vote. Just because dead people may vote Republican, they shouldn't always vote Democrat after they pass away. Republicans should have a share of those.

I know that people don't always get sarcasm around this town, but the fact is there are plenty of people that cheat the system, whether it is at voting, whether it is at legalization, and that is certainly going to happen when people have nothing but their word to say that they have been here for 5 years so that the President, under the new law he spoke into existence, can feel comforted that: Gee, they've been here 5 years. I'm comfortable they're good at violating the law, so I want them to stay.

There is an article written by Bryan Preston. It recommends watching a clip from President Obama's State of the Union address in 2009. He says Rep-

resentative JOE WILSON was finally vindicated. But he points out:

Secretary of Health and Human Services Secretary Sylvia Mathews Burwell held an online chat with Latino bloggers on November 11, 2014. The bloggers asked Burwell about ObamaCare benefits for "mixed families"—families in which some are present in the United States legally, while others are not.

Burwell said that so-called "DREAMers," people brought to the United States illegally when they were children, are not eligible, but she indicated that she and President Obama would like to change that. Surely another executive order cannot be far off.

But then she said "mixed families should come . . . Everyone should come on, and folks should not be scared. No questions will be asked, and it is not about an immigration issue."

So if you come to get medical benefits, the Secretary of Health and Human Services is saying "no questions will be asked." How in the world are they going to avoid violating the law by providing medical care? Not medical care—that is required for anybody legally or illegally here—but insurance that the rest of America is paying for.

This article points out that, despite Secretary Burwell saying that:

"No questions will be asked, and it is not about an immigration issue."

It is an immigration issue, and it's a fiscal issue, it's a rule of law issue and a constitutional order issue, but deeper than that, it is an honesty issue.

American taxpayers, a majority of whom never supported ObamaCare in the first place, will now be forced to subsidize health care for millions who are not even in the country legally.

As part of my alternative health care proposal I offered before ObamaCare ever passed and became law, one of the requirements would be to provide temporary work visas when we need temporary workers to harvest crops, whatever, but that doesn't mean that the rest of America should subsidize their health care. In other words, if someone wants to bring in people temporarily under a temporary work visa, they ought to be required to make sure that they have health care. So either the employer buys an umbrella health insurance policy for those while they are temporarily here or the individuals have to.

Some nations have started requiring that before you can get a visa to come in their country, since they are not wealthy countries and they can't afford to be providing everybody in the world free health care, if you want to come into their country on a visa, you have to show that you will be covered by health insurance so they don't have to pick up the tab. That continues to be a problem here, however.

An article from National Review Online, November 26, Peter Kirsanow, says:

You've been working hard to support your family, paying taxes—including Social Security and Medicare taxes—for nearly 20 years. Now you find out that 5 million illegal aliens the President legalized with a stroke of a pen will be eligible for Social Security, Medicare, and disability benefits—you know, the

programs you've been supporting with your tax dollars your entire working life.

The plant you've been working at most of your career is considering layoffs and benefit cuts due to the cost of new regulations imposed by bureaucrats who've never run so much as a pop stand, and who know absolutely nothing about your business. So your employer is forced to hire cheaper labor and is interviewing formerly illegal aliens to replace some of your coworkers, and maybe you, because the company won't have to pay the \$3,000 ObamaCare penalty on such illegal aliens for not providing health care coverage.

So, to keep your job, you try to make yourself more valuable to the company by getting additional training and skills at the nearby college. But the school, supported by your tax dollars, rejects your application in favor of an illegal alien under the admission office's affirmative action program that makes it 170 times more likely a preferred minority will be admitted over you. He'll even get in-state tuition rates, as well as a grant funded, in part, by your tax dollars. And so what if that may be unconstitutional? Indeed, you feel a bit chastened when one of the school's professors suggests you might be racist for thinking this is all somewhat unfair.

You thought that, if push came to shove, you could always get a job at your brother-in-law's tool and die shop over on West Plymouth. But it got burned down when the elected officials—to whom you've remitted tens of thousands in tax dollars to protect property, as well as dictate your toilet's water flow, failed to deploy sufficient law enforcement personnel to control the rioters the very same elected officials elected to inflame.

Well, no worries. You're pretty sure that, much like your preternaturally serene neighbor Julia, who never seems to have worked a job in her entire life, you'll be able to access a variety of social benefits to keep your family afloat. At least for a while. Admittedly, you became a little nervous upon learning that the newly "legal" immigrants could drain the Treasury of nearly \$2 trillion. But hey, all the smart people in academia, Hollywood, and Washington say this is all good for America. The fundamentally transformed States of America.

Happy Thanksgiving.

And it is quite an interesting point that my friends, my colleagues here have been talking about the tremendous problems in Missouri. I have talked to too many minorities that have had a tough time finding a job, a tough time finding employment that will pay them so they can live, help a family live, and now they are going to be competing with 5 million people who didn't even come into the country legally.

But the national Chamber of Commerce wanted this. The superrich in the country who, at least in the first 5 years of this administration—we haven't seen the number for the 6 years—for the first 5 years of this President's administration set a record. Never before in the history of the country has 95 percent of all income in America gone to the top 1 percent.

□ 2100

Under President Obama and his policies, that happened.

People in this administration can talk about the disparity between the

poor and the rich and the unfairness to the middle class. There just can't be much more unfair to the middle class, more devastating to the middle class, more devastating to the Nation's poor than to suddenly announce, you are now going to compete with 5 million people that are here illegally, that are going to take jobs cheaper than you would be willing to.

It is not that there are that many jobs Americans won't do, as we are told. Under a free market system, it costs the market whatever it takes to get the legal workers to come work for a living wage.

You wouldn't have to have legislation about minimum wage if you weren't bringing in millions of people illegally and causing them to compete with people that are trying desperately to find jobs, doing everything they can to find jobs.

But we also know that for the first time since President Carter, over 92 million people who could work, who are over 16, could work, they have totally given up working. They are not looking anymore.

With this new 5 million people that the President has, all of a sudden, with the stroke of his wand, taken from illegal status to legal status, and here are your work papers—all that is illegal, but he has done it, which should ultimately drive another 5 million people out of work, and either onto food stamps, onto welfare.

So if the President has been upset about being tied so much of this year with Jimmy Carter's numbers, over 92 million people that are not even looking for work anymore, they have given up hope, he won't have to worry about that. He will be in a league all his own once he puts an additional 5 million working Americans out of work as they are displaced by people that are illegally here willing to work cheaper. Very, very tragic.

An article from Victor Davis Hanson: "For Obama, inconvenient law is irrelevant law."

He says:

There is a humane, transparent, truthful, and constitutional way to address illegal immigration. Unfortunately, President Obama's unilateral plan to exempt millions of residents from Federal immigration law is none of those things. President Obama has said he had to move now because of a dawdling Congress. He forgot to mention that there were Democratic majorities in Congress in 2009 and 2010, yet he did nothing, in fear of punishment at the polls.

Nor did Obama push amnesty in 2011 or 2012, afraid of hurting his own reelection chances. Worries over sabotaging Democratic chances in the 2014 midterm explain his inaction from 2012 until now. He certainly wouldn't have waited until 2015 to act because Republicans will then control Congress.

Given that he has no more elections and can claim no more lasting achievements, Obama now sees amnesty as his last desperate chance at establishing some sort of legacy.

Obama cited empathy for undocumented immigrants.

Well, I have got that. I mean, most of us do:

But he expressed no such worry about the hundreds of thousands of applicants who wait for years in line, rather than simply illegally crossing the border.

Any would-be immigrant would have been wiser to have broken rather than abided by Federal laws. Citizens who knowingly offer false information on Federal affidavits or provide false Social Security numbers would not receive the sort of amnesties likely to be given to undocumented immigrants.

Obama has downplayed Americans' worries about social costs and competition for jobs, but studies show illegal immigration has depressed the wages of entry-level American workers while making social services costly for States and burdensome for U.S. citizens.

Obama says he has the legal authority to rewrite immigration law without working with Congress, yet, on more than 20 occasions when it was politically inexpedient to grant amnesties, Obama insisted he would not, or that such a move was prohibited by the Constitution.

President Obama not long ago warned us about the dangers of granting amnesties by fiat. This is President Obama: "The problem is that I am President of the United States. I am not the emperor of the United States."

On another occasion, he lamented: "Believe me, the idea of doing things on my own is very tempting, but that is not how our system works. That is not how our democracy functions. That is not how our Constitution is written."

By setting aside settled immigration policy and ignoring statutes he finds inconvenient, President Obama has set a new precedent that a President can arbitrarily declare what is valid and what is not valid immigration law.

Should his successors make up their own versions of any Federal statutes that they choose, in areas ranging from abortion and gun control to drug enforcement, environmental protection?

And I would also add, heck, why not throw in income tax? Just declare that all the people that are going to vote for you don't have to pay income tax.

Why not?

All you have to do is say, I waited and waited and Congress wouldn't allow my supporters to get away with not paying income tax, so I waited long enough. Here is the new law. My supporters don't pay income tax.

Then here's another article from Steve Dinan, in The Washington Times from November 25:

Under the President's new amnesty, businesses will have a \$3,000-per-employee incentive to hire illegal aliens over native-born workers because of a quirk of ObamaCare.

President Obama's temporary amnesty, which lasts 3 years, declares up to 5 million illegal immigrants to be lawfully in the country and eligible for work permits, but it still deems them ineligible for public benefits such as buying insurance on ObamaCare's health care exchanges.

Under the Affordable Care Act, that means businesses who hire them won't have to pay a penalty for not providing them health coverage, making them \$3,000 more attractive than a similar, native-born worker, whom the business, by law, would have to cover.

The loophole was confirmed by congressional aides and drew condemnation from those who said it put illegal immigrants ahead of Americans in the job market.

"If it is true that the President's actions give employers a \$3,000 incentive to hire those who came here illegally, he has added insult to injury."

That is a quote from Representative LAMAR SMITH.

"The President's actions would have just moved those who came here illegally to the front of the line, ahead of unemployed and underemployed Americans."

A Department of Homeland Security official confirmed that the newly legalized immigrants won't have access to ObamaCare, which opens up the loophole for employers looking to avoid that penalty.

Then Breitbart has an article regarding Robert Rector, our friend at Heritage Foundation. "Amnestied Illegal Immigrants Could Cost Taxpayers \$2 Trillion Over Their Lifetime." It is dated 24 November.

Well, we do have this report from CRS, Congressional Research Service, and it looks like Congress should be able, without any problem, to pass a law that defunds any actions carrying out the President's illegal fiat that he dictated.

I pulled language here—I have got a great staff, very helpful—I got them to pull this language from the law in 1974. This was in the bill that limited the funds that kept military in Vietnam, and this was on a continuing resolution. This was kind of what we are doing right here.

But in 1974, the post-Watergate, Democratic majority in both houses just decided, you know what?

We are going to stop Vietnam on a dime. Never mind that there are people who have been our allies that will be murdered as soon as we pulled out. Time to pull out.

No plan for a slow withdrawal. No plan about leaving a stable government. We are just pulling out all of a sudden, and a million, 2 million people, it is estimated, died.

This is how they do it. Section 108 of this continuing resolution, in 1974, simply said:

Notwithstanding any other provision of law on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance, directly or indirectly, combat activities by United States military forces in or over, or from off the shores of North Vietnam, South Vietnam, Laos, and Cambodia.

Boom, that stopped Vietnam. We can do the same thing with the President's illegal law that he pronounced into being.

And then, in 1984, we had a Democratic-controlled House and Senate. They just decided they didn't want anybody providing funds to the Contras that were fighting Communists just south of the United States in Nicaragua, so here is the language, and I am quoting. This was in the bill that was signed October 12, 1984:

During fiscal year 1985, no funds available to the Central Intelligence Agency, Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

So we just take our language directly from what the Democratic House and

Senate did in 1974, what they did in 1985, and do that to address what the President has done, otherwise, fund things I wouldn't normally at all be in favor of funding. But I think this is such an important principle to saving this little experiment in a democratic Republic, it is worth doing.

Then I couldn't help but note Kenric Ward's article, November 25:

More than a year after Watchdog reported the IRS sent thousands of refunds to the tiny town of Parksley, Virginia, a woman has pleaded guilty to conspiracy and mail fraud.

Linda Avila admitted to obtaining more than \$7.2 million in refunds by exploiting the Federal Government's child tax credit program. Avila filed more than 1,700 tax returns with stolen identifications used by illegal immigrants, mainly from Mexico.

The Virginian-Pilot reported that Avila, 50, operated a landscaping and cleaning business in Parksley. Investigators found copies of refund checks in amounts from \$4,000 to more than \$7,000. The tax returns frequently cited foreign dependents, which increased the refund amounts.

Avila had the refunds mailed to various post office boxes on the Eastern Shore and in Delaware, according to court records. The workers cashed the checks, turned over most of the money to Avila, keeping a small fee for themselves.

Avila, who remains free pending sentencing in U.S. District Court on February 17, could not be reached for comment.

□ 2115

There is a good chance that has been going on in more than one place.

Then there is this article from Neil Munro, today, December 1, entitled, "Obama: Fund My Amnesty or I'll Shut Down the Government." It basically talks about that that is, indeed, what the President is threatening to do, "You fund my illegal action when I spoke new law into being and overrode laws that were duly passed by the House and Senate and passed by the Congress and sent to the President."

The President signed it. He overrode it just by himself. In essence, he is saying, "If you don't give me every dime I want, along with funding my illegal actions, I am going to shut down the government."

We have heard MITCH MCCONNELL say it and JOHN BOEHNER say it. They don't want a shutdown. We don't want a shutdown. We also don't want to fund illegal activity.

We hope that the President is not going to throw a hissy fit and shut down the government because this is about the Constitution. It is about fairness under the law. It is about fairness to people who came legally. It is about fairness to the minorities who have an unemployment rate through the roof, and now, we are adding 5 million people who are going to get to compete with people who can't find jobs or who are underemployed as it is.

It is up to Congress to do the moral, the legal thing, and force this President to work with Congress instead of dictating to it.

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

The SPEAKER pro tempore. The Chair will remind Members to refrain

from engaging in personalities toward the President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADERHOLT (at the request of Mr. MCCARTHY of California) for today on account of a family illness.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. THORNBERRY, on November 21, 2014.

H.R. 4067. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2014.

H.R. 5441. An act to amend the Federal charter of the Veterans of Foreign Wars of the United States to reflect the service of women in the Armed Forces of the United States.

H.R. 5728. An act to amend the Communications Act of 1934 and title 17, United States Code, to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.

H.J. Res. 129. Joint resolution appointing the day for the convening of the first session of the One Hundred Fourteenth Congress.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 24, 2014, she presented to the President of the United States, for his approval, the following bills and joint resolution:

H.R. 5441. To amend the Federal charter of the Veterans of Foreign Wars of the United States to reflect the service of women in the Armed Forces of the United States.

H.R. 5728. To amend the Communications Act of 1934 and title 17, United States Code, to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.

H.J. Res. 129. Appointing the day for the convening of the first session of the One Hundred Fourteenth Congress.

H.R. 4067. To provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2014.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 2, 2014, at 10 a.m. for morning-hour debate.