

increasing the U.S. war reserves stockpile, for Israel to access, if needed. It will also require more frequent and detailed reporting on Israel's Qualitative Military edge—a provision which is the direct result of Mr. COLLINS' good efforts—so I thank the gentleman from Georgia for his contribution. Finally, the legislation will expand our cooperation with Israel on energy research and development.

I urge all Members to support this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I'd like to thank my colleagues Ms. ROS-LEHTINEN and Mr. DEUTCH who worked on the House version of this much-needed and timely bill.

This substantive bill expands our relationship with our closest ally by formally declaring Israel a "major strategic partner" of the U.S. It provides for increased cooperation in many spheres, including homeland security, cyber security, defense and intelligence, as well as water, energy, agriculture, and alternative fuels. This will send a signal to Israel's enemies that, despite their manipulative and dishonest global campaign against Israel, the U.S.-Israel relationship continues to deepen—as it should. It is right and good for both of our countries.

Mr. Speaker, this bill is largely a response to anti-Semitism—to militant, military and terrorist, and profoundly evil expressions of anti-Semitism. That's what poisons the hearts and minds of those who launch rockets at Israel and tunnel under its borders.

As we see on a sickeningly regular basis, many governments in the Middle East (and elsewhere) propagate anti-Semitic incitement as an official or quasi-official state ideology—the hate that still kills. They do this in order to distract people from their own authoritarian rule and human rights abuses. This constant incitement is a major factor in the security situation in the Middle East. In February of last year I chaired a hearing at which we heard important testimony from Dr. Zuhdi Jasser on this subject. He made the point that it is not only Jews who suffer from this incitement, but that Muslims suffer too, as Middle-Eastern despots deploy anti-Semitism as one of their principal tools in the subjugation and impoverishment of entire Muslim peoples.

Mr. Speaker, this bill fights the evil effects of anti-Semitism. I urge my colleagues to support this outstanding bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 2673.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXECUTIVE ACTION

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

Mr. WOODALL. Mr. Speaker, I have got a heavy heart because I feel like, in just the short time you and I have been in this body, we have seen the same

story play out more than once. You would like to think that we would all learn from our mistakes in this body.

In fact, I don't fault any of my colleagues who make mistakes. I am one of the folks who is guilty of having made a mistake before, Mr. Speaker, and I am not going to put you in that same box; but, yes, I have made a mistake before. The question isn't: "Do you make mistakes?" The question is: "What do you learn from your mistakes?"

As we go down this road of executive action, this conversation that the country is having today, I feel like we have been down this road before, and I want to try to connect a couple of those dots for folks tonight, Mr. Speaker.

You can't see what I have here, but it is something that is near and dear to your heart. It is article II, section 2, of the United States Constitution.

It says:

The President shall have the power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their session.

Now, you wonder why this is important. It is just one paragraph in a relatively lengthy and really meaty Constitution. The answer is because it defines the relationship between the article I, Congress, and the article II, White House.

It says, White House, if you want to make appointments to positions of great power, of great authority, in the United States Government, you must do so with the advice and consent of the United States Senate, that the Senate must confirm all of those individuals the President wishes to place in these positions of great power.

The President back in 2012, 2011, had some folks he wanted to appoint to positions of great responsibility. One of those was to the National Labor Relations Board. You will recall this, Mr. Speaker. The President made some nominations, and the Senate said, "No, this isn't going to fly."

Now, the President could have gone back and said: "Do you know what? If you don't like these nominees, this is an important job, it is an important responsibility, I am going to appoint some different nominees. I am going to put some different names out there. I am going to work with you to try to find some folks we can agree on as the Constitution requires."

It is not what the President did. In fact, there is a pattern of that not being what the President does.

What the President did instead of working with the Senate—what the President did instead of offering some different names—what the President did instead of trying to find common ground was he went to this article II, section 2, of the United States Constitution and said: "I have the power to fill these spots without anybody else's advice or counsel, without anybody else's consent, as long as I do it during recess."

He woke up one morning, and he declared the Senate in recess, and he made these appointments. Now, that would be all well and good, Mr. Speaker, if the Senate had, in fact, been in recess, but the Senate was not in recess.

I have here on a chart, Mr. Speaker, a quote from Senate Majority Leader HARRY REID. It is November 16, 2007, when President Bush was still the President of the United States. He, too, wanted to make some nominations. The Senate then, as in 2012, disagreed with those nominations and didn't want to appoint those people.

Senate Majority Leader HARRY REID said this:

The Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments. My hope is that this will prompt the President to see that it is in our mutual interests for the nominations process to get back on track.

Hear that, Mr. Speaker? Senate Majority Leader HARRY REID said to then-President George Bush: "I don't like the folks you are trying to nominate. I disagree with you on those nominations, so I am going to keep the Senate in, in pro forma session, to prevent you from nominating those folks during a period of recess, to prevent you from using article II, section 2. I hope that will encourage you to come and work with us together to find folks who are mutually agreeable for these positions."

In November 2007, HARRY REID kept the Senate in session, these pro forma sessions, all through the Thanksgiving holiday.

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I now bring you to December 19, 2007, later that same year. Again, Senate Majority Leader HARRY REID said this: I could be a grinch. I could tell the President that I would not move any nominations, given his demand to make controversial recess appointments. But I am not going to do that tonight, Mr. President. I am not going to meet intransigence with intransigence. We will confirm those appointments this evening, and I will keep the Senate in pro forma session to block the President from doing an end run around the Senate and the Constitution with his other controversial nominees.

Hear that: Getting ready to head home for Christmas, Senator HARRY REID said to then-President George Bush: I will not let you do an end run around the Constitution by appointing individuals to these powerful positions across the government without the consent of the Senate. I will not let you do it, and I will prevent you from doing it by keeping the Senate in pro forma session during the holidays.

Pro forma session means you are in once every 3 days. That is how the law defines it. You come in once every 3 days. It doesn't count as a recess. HARRY REID knows this. It is the tool that he uses to prevent then-President

George Bush from doing, and I quote, an end run around the Senate and the Constitution.

I found it fairly persuasive, Mr. Speaker. In fact, President George Bush found it fairly persuasive. And this ended the argument because no President has a vested interest in making an end run around the Senate and the Constitution.

But President Obama didn't see things that same way. In January of 2012, faced with the exact same circumstances, Mr. Speaker, a Senate in pro forma session designed specifically to prevent recess appointments, the President woke up one morning in January and said: The Senate is, in fact, in recess. They say that they are not, but they are wrong. They, in fact, are. I am going to make four appointments today.

Now, you would think, having read what we read from Senate Majority Leader HARRY REID, that the Senate would have melted down with defenders of article I standing up and saying: Mr. President, we may agree with your politics, we may agree with your policy, but we disagree with this end run that you are making around the Senate and the United States Constitution.

It is what you would have expected. It is what you would have hoped for. But it is not what you got.

Senator TOM HARKIN, when asked about those appointments, said the President "acted responsibly" in making those appointments. He "acted responsibly."

This is the National Labor Relations Board we are talking about. So, of course, the AFL-CIO commented that President Richard Trumka said the President was "exercising his constitutional authority to ensure that crucially important agencies protecting workers and consumers are not shut down."

The Labor Secretary is one of those Members that had to be confirmed by the United States Senate. Then-Labor Secretary Hilda Solis said: "We can't afford to not move on very important issues that affect working class people." We cannot afford not to move. We cannot afford to allow the Constitution to get in the way of those things that we would like to do.

This isn't sour grapes from a Republican in the U.S. House of Representatives, Mr. Speaker. This case went to the Supreme Court. This case went to the Supreme Court. And on that Court, of course, sit two Obama appointees; two Clinton appointees sit there. Mr. Speaker, 2½ years later, 9-0 was the ruling from the Supreme Court that what the President did was patently unconstitutional. Unconstitutional.

Now, this isn't a surprise to anyone. You will remember the words of HARRY REID when he implemented these sessions to prevent recess appointments. He said: I am not going to let the President do "an end run around the Constitution." The Constitution has these requirements. HARRY REID knew

it. President Bush knew it. HARRY REID knew it again in 2012. President Obama knew it in 2012, and he did it anyway, as then-Labor Secretary Hilda Solis said: because we have important things that we need to do, and we can't let things get in the way.

Quoting from that 9-0 decision, Mr. Speaker, Justice Breyer wrote the majority opinion. He said: "The recess appointments clause is not designed to overcome serious institutional friction. Friction between the branches is an inevitable consequence of our constitutional structure."

That bears repeating, Mr. Speaker. The "clause is not designed to overcome serious institutional friction. Friction between the branches is an inevitable consequence of our constitutional structure."

I don't even know if that captures it, Mr. Speaker. It is not really an inevitable consequence. It is there by design. It is not an accident that we have this friction. It is there by design.

This isn't the ranting of a sour grapes conservative Republican. This is the unanimous decision of a Supreme Court that is as divided as any Court we have seen in my lifetime.

But they unanimously said: President Obama, your goals are not what we are litigating today. The process that you are using to achieve your goals is unconstitutional. Why? Because Congress got in your way. And instead of working with Congress, you went around Congress, and the law doesn't allow for that.

Sound familiar, Mr. Speaker? Sound familiar? It took 2½ years to litigate that case. It took 2½ years to get an answer from the Supreme Court. In those 2½ years, over 400 cases were decided by the National Labor Relations Board, now all invalidated by this Supreme Court decision, lives thrown into turmoil.

Not one Senator, not one Democratic Senator, not one Senator from the leadership spoke out to say: Mr. President, I may agree with your politics, I may agree with your policies, but the way you are getting them done is unconstitutional.

And every one of them knew it, just like the Supreme Court did, 9-0, when they ruled 2½ years later.

Now fast-forward to today, Mr. Speaker. We are talking about immigration. And we are not talking about good immigration policy, because that is what we talk about in the Judiciary Committee. We are not talking about immigration law in this country, because that is what is decided in the House and the Senate. What we are talking about is the President taking action on his own in an end run around the Senate, an end run around the House, an end run around the Constitution and implementing immigration policy all by himself.

He was asked about that in a Univision town hall, Mr. Speaker. It was March of 2011, and the question that was put to the President was:

"Mr. President, my question will be as follows: With an executive order, could you be able to stop deportations of the students?"

Fair question. Fair question. A lot of folks out there have this issue on their mind.

It was March of 2011, and this is what President Barack Obama said in answer to the question: Mr. President, can't you just stop deportations by executive order? The President said this: "With respect to the notion that I can just suspend deportations with executive order, that's just not the case because there are laws on the books that Congress has passed."

The President was right on that day in March.

"I can't just do this by executive order," he told the questioner, "because there are laws on the books that Congress has passed." He says: "Congress passes the law. The executive branch's job is to enforce and implement those laws. Then the judiciary has to interpret those laws. There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as President."

Those are not my words, Mr. Speaker. Those are President Barack Obama's words. "There are enough laws on the books by Congress that are very clear"—very clear—"in terms of how we have to enforce our immigration system that for me to simply, through executive order, ignore those congressional mandates would not conform with my responsibilities as President."

Now, that is powerful, Mr. Speaker; but that is not even the most interesting part of that response. He went on in that question and said this:

That doesn't mean that we can't make decisions to emphasize enforcement. It doesn't mean that we can't strongly advocate and propose legislation that would change the law in order to make it fair or more just and ultimately would help young people who are here trying to do the right thing and whose talents we want to embrace in order to succeed as a country. It doesn't mean that we can't work hard to change the law. It just means that I, as President, don't have the ability to do it by myself. The Constitution requires a team effort between Congress and the White House.

Mr. Speaker, this wasn't just a one-time thing. This wasn't just a quote that I pulled out of thin air. I am not trying to mischaracterize the President's feelings.

November 2013, he is being heckled. He is giving a speech, and he is being heckled by protesters who want him to do more in terms of changing immigration law. You have just heard his last quote, where he said, I can't do this by myself. Congress has to lead in this

area. He is being heckled; and he says this:

“What you need to know, when I’m speaking as President of the United States and I come to this community, is that if, in fact, I could solve all these problems without passing laws in Congress, then I would do so.”

That is what he says to the heckler. He said: Sir, what you need to know is, if I could, I would. If I could change these laws without Congress, I would. But the Constitution doesn’t allow for it.

President Obama went on to say:

“We’re also a nation of laws. That’s part of our tradition. And so the easy way out is to try to yell and pretend like I can do something by violating our laws. And what I’m proposing is the harder path, which is to use our democratic processes to achieve the same goal that you want to achieve. But it won’t be as easy as just shouting. It requires us lobbying and getting it done.”

Wow, Mr. Speaker. He is being heckled for his position on immigration policy, and he says to the heckler: If I could do something about it, I would, but I can’t because America’s tradition is a tradition of laws. He says: It is not as easy as just one man deciding that he is going to ignore the law or change the law. What it takes is hard work, working with Congress, lobbying in Congress, working through legislation and changing the laws. It is not as easy as one man deciding he doesn’t like the law, because our tradition is a tradition of law.

He goes on to that heckler, Mr. Speaker, and he says to him: If you are serious about making that happen—that change happen, changing the law—if you are serious about making that happen, then I am willing to work with you, but it is going to require work.

He says: It is not simply a matter of us just saying we are going to violate the law. That is not our tradition. The great thing about this country, President Obama said, is we have this wonderful process of democracy. And sometimes it is messy, and sometimes it is hard, but ultimately, justice and truth win out. That has always been the case in this country, and that is going to continue to be the case today.

Mr. Speaker, that was a year ago. That was a year ago that President Obama said to the heckler wanting him to do unilateral immigration action, he said it is not just a matter of us saying we are going to violate the law. He said we have got this wonderful process, this crazy, crazy process called democracy, where we go to the House and we go to the Senate and we work to change the law. He says it is hard. He says it is a hard process. It is a messy process. But ultimately, truth and justice win out. And he is so right. He is so right.

Justice Breyer in that 9-0 decision, rebuking the President for violating the Constitution, said: “Friction be-

tween the branches is an inevitable consequence of our constitutional structure.”

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We have been down this road before.

Mr. Speaker, I represent a community of immigrants, a vibrant, wonderful, wonderful community of immigrants, folks who have stood in line and paid their money, folks who have relatives overseas who have been waiting in line 5 years, or 10 years, or 20 years, and I welcome the opportunity to work with my colleagues to change the law to bring fairness and justice to them. Oh, Mr. Speaker, I have got folks in my district with big brains, big minds, strong work ethics, but the visas they are here under don’t allow them to go to work.

The President has proposed offering 4 million new work permits to folks who have done it the wrong way. I have got folks in my district who have done it the right way, waiting in line without the ability to work.

Are there things on which we can agree? There absolutely are. But isn’t the first of those things that the President cannot unilaterally change the law from 1600 Pennsylvania Avenue? He knew that was true in 2012. He knew that was true in 2013. What has changed about our 250-year-old Constitution today that suddenly makes it okay? The silence in this town is deafening from folks who know the right way, who know the right way to pass a law, to change a law, to implement a law, and to enforce a law in the America that you and I love, the America that we inherited from patriots before us.

The President says it is sometimes messy and it is sometimes hard, but the great thing about this country is we have this wonderful process called democracy. Justice Breyer says, “Mr. President you might have forgotten a little bit about that democracy.” And 9-0 the Supreme Court says the Constitution was thrown by the wayside in the President’s zeal to implement his policies, in the President’s zeal to do, as HARRY REID described it, an end run around the Senate, and the President’s zeal to do, as Mr. REID described it, an end run around the Constitution.

Mr. Speaker, I welcome a policy debate with the President. I welcome a partnership with the President to fix a muddled immigration process that we have in this country today. We are a land of immigrants. We always have been, and we always will be. And I thrive on that. I celebrate that. But we are also a land of laws, a sentiment the President has acknowledged and celebrated in years past and a sentiment that just days after the last election the President threw out the window in the spirit of the ends justifying the means.

I don’t think the American people are going to let that stand, Mr. Speaker. And I call on folks from the left and the right to be a part of that chorus of

voices. We are not having a debate tonight. We are not having a debate tomorrow about policies of immigration reform. The discussion we are having is about process. The discussion we are having is about whether or not the Constitution matters. The discussion we are having is, who writes the laws? Does Congress craft the laws and the President signs them? Or does the President craft the laws and the President signs them?

“It is not simply a matter of our saying we are going to violate the law,” the President said. “The easy way is to yell and scream and pretend that I can do something by violating our laws, but the better path is the harder path,” the President says. “With respect to the notion that I can just suspend deportation through executive order, that is just not the case because there are laws on the books that Congress has passed,” the President says. “There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President,” President Obama says.

Nine to zero in defense of the Constitution the last time the President decided he was going to go it alone, an end run around the Senate, as HARRY REID says, an end run around the Congress, as HARRY REID says. But it took 2½ years for the Supreme Court to sort that out.

I think America deserves better, I think those trying to immigrate to this country deserve better, I think those fighting for work back home deserve better, and perhaps worst, Mr. Speaker, I think the President knows better and has chosen the path he has chosen anyway. There is still time to turn back on that decision, Mr. Speaker.

There is still time to engage in that partnership, to engage in that messy, that hard, but that oh so rewarding process as the President has described it that is the Constitution-defined democracy that we live in today.

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

#### NO INDICTMENT IN ERIC GARNER’S CHOKE HOLD CASE

The SPEAKER pro tempore (Mr. BRAT). Under the Speaker’s announced policy of January 3, 2013, the Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 30 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise tonight, ladies and gentlemen, with a heavy heart because today we had a secret grand jury finding in New York that resulted in no charges against the police officer who killed an unarmed man named Eric Garner, a man whom they accused of trying to sell some cigarettes. That man was approached by law enforcement on the streets of New York, and when approached, he said that he had not done