

January 6, 2015, regarding morning-hour debate not apply on Monday next.

The SPEAKER pro tempore (Mr. MOOLENAAR). Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE. Mr. Speaker, I was unavoidably detained on November 2, 2015, through November 3, 2015. Had I been present, I would have voted as follows:

On rollcall vote No. 582, I would have voted "aye."

On rollcall vote No. 583, I would have voted "no."

On rollcall vote No. 584, I would have voted "no."

On rollcall vote No. 585, I would have voted "aye."

On rollcall vote No. 586, I would have voted "aye."

On rollcall vote No. 587, I would have voted "no."

On rollcall vote No. 588, I would have voted "no."

On rollcall vote No. 589, I would have voted "aye."

On rollcall vote No. 590, I could have voted "aye."

On rollcall vote No. 591, I would have voted "aye."

On rollcall vote No. 592, I would have voted "aye."

On rollcall vote No. 593, I would have voted "no."

WORKFORCE DEVELOPMENT PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, ensuring Americans are capable of filling the skills gap and finding quality jobs through stakeholder-led and accountable workforce development programs has been one of my highest priorities in Washington.

That is why I was so proud last Congress to see legislation I sponsored, the Workforce Innovation and Opportunity Act, or WIOA, enacted into law. WIOA was the first major workforce development legislation to be enacted in more than 15 years and included many vital provisions to modernize, streamline, and localize our workforce development system.

The highway bill that passed the House earlier today included a frontline workforce development program intended to address human resources needs in public transportation that was not subject to the reforms contained within WIOA.

In order to ensure that program is assessed consistently with other Federal workforce development programs and targeted to areas that have identified needs in public transportation as part

of their broader workforce development programs, I introduced a bipartisan amendment to the highway bill with my colleague from Washington (Ms. DELBENE) that applied WIOA's performance measures and coordination reforms to the program.

All of our Federal workforce development programs should be assessed in a consistent manner and be considered as part of an overall package tailored to State and local needs that provide stakeholders on the ground greater input and control. That is why I am also pleased the House adopted our bipartisan amendment as part of the broader transportation package and strengthened the frontline workforce development program in order to better serve the workers who learn skills through the program and those policymakers who evaluate the programs to improve its future outcomes.

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

WORKING TOGETHER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. WOODALL) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, everyone has gone back to their offices but you and me, and I appreciate you sticking around to get this hour in. It is not going to be an exciting hour. Ordinarily, I bring down charts and graphs and try to share something in a visual way that folks might not have seen before. Today, it is just words, because words matter.

Mr. Speaker, we have just finished in this Chamber this fantastic—you have heard me say it—it was a festival of democracy. Every Member who had an amendment, they brought them to the Rules Committee. We made over a hundred of them in order. It has been 3 days, Mr. Speaker, and we passed in a very bipartisan way Federal transportation policy for the first time in more than a decade. Democrats had failed to get it done. Republicans had failed to get it done.

We, as 435 individual Members representing diverse constituencies across the Nation, came together today and we got it done. They said it wouldn't be done. Chairman BILL SHUSTER said it could be done. Ranking Member PETE DEFAZIO of Oregon said it could be done, and we did it.

Something has happened, Mr. Speaker, in this town that has people identifying as Democrats or Republicans first and as Members of this body, of the Article I legislature, second. It is bad. It is bad for the country, and it is bad for the people we represent. It is a bad process.

Mr. Speaker, that is what I want to talk about today. You can't see the chart that I have here, but it is a quote from President Obama—you will remember it—back in August of 2013.

You will remember we worked together with the President. Nine different times, we repealed portions of the President's healthcare bill. We repealed them. They were unworkable. He knew it. We knew it. We came together nine times. He signed legislation into law that repealed parts of the President's healthcare bill.

It was the summer of 2013 and we were talking about how to come together on some of the bigger problems in the President's healthcare bill. You remember the mandates were getting ready to go into effect—the business mandates, the individual mandates—and the country wasn't ready. The country was not ready. We all knew it. Every Member, from left to right, Mr. Speaker, knew it.

The President held a press conference and he said this:

In a normal, political environment, it would have been easier for me to simply call up the Speaker and say: You know what? This is a tweak that doesn't go to the essence of the law. It has to do with, for example, are we able to simplify the attestation of employers to whether they are already providing health insurance or not. It looks like there may be some better ways to do this. Let's make a technical change to the law.

The President goes on to say, Mr. Speaker:

That would have been the normal thing that I would prefer to do, but we are not in a normal atmosphere around here when it comes to ObamaCare.

The President says:

We did have the executive authority to do so, and we did so.

Mr. Speaker, this was from that very contentious time trying to solve problems for the American people, again, problems the White House knew existed and problems the Congress knew existed.

The President says:

You know what? If it was ordinary times like any time in the past 225 years, I would have called the United States Congress and I would have said: "Listen, the Constitution gives you Article I powers to legislate, and I need a legislative change made because the law is not working."

He didn't, and he said he didn't, and he said he wasn't going to. He said he was going to go it alone. The disappointment in that decision, in this body, was very partisan, Mr. Speaker. It was very partisan.

I don't know how we get past the allegiance to the President because he is from our party. Republicans did this when George Bush was in office. Democrats are doing this when President Obama is in office. It is not about who the President is. It is about what the President does.

What the President does is implement the laws that we pass. He doesn't change the laws. And every time we fail on behalf of our constituents to stand together as 435 Representatives of the people and instead become Representatives of the Republican Party or the Democratic Party, we fail America.

Mr. Speaker, what I have here is the chart of the Supreme Court decision in

the NLRB v. Noel Canning case. You may remember that one. I had just gotten to Congress, Mr. Speaker. I had just gotten to Congress.

The President was talking about making appointments. As you know, the Advice and Consent Clause of the Constitution says the President can make appointments, but he needs to get the consent of the Senate to do so. Well, the Senate wouldn't give him consent.

So while the Senate was away for a day, the President went into the Recess Appointments Clause of the Constitution. In fact, we got a big letter from the legal department there at the White House that said he had the powers to pretend that the Senate had adjourned for the session and to go ahead and make appointments anyway.

□ 1245

The protest, Mr. Speaker, of the President usurping congressional authority was partisan. Republicans said no. Democrats said: Ah, he probably has the right to do it anyway.

We didn't stand up for the people we represent. We didn't stand up for the Constitution we swore to uphold, Mr. Speaker. We divided ourselves by party instead of uniting ourselves on principle.

We had to go to the Supreme Court, Mr. Speaker. The Supreme Court can't decide on anything unanimously, Mr. Speaker. If the question is: What time are we going to meet today to talk about cases?, it is a 5-4 decision. You know this to be true.

But the Supreme Court came together in Noel Canning and said: That's crazy. That's crazy. The President of the United States can't just pretend he is king. He is not the king.

I am paraphrasing when I say that, Mr. Speaker, but to quote the Supreme Court decision, they said this:

Regardless, the recess appointments clause is not designed to overcome serious institutional friction. It provides a subsidiary method for appointing officials when the Senate is away during a recess. Here, as in other contexts, friction between the branches is an inevitable consequence of our constitutional structure.

Friction between the branches, Mr. Speaker, is an inevitable consequence of our constitutional structure. That makes me feel good. It makes me feel good because, Mr. Speaker, I go back home all the time and constituents say: ROB, why can't you get more done? Why can't you get more done?

Well, it turns out it is because of this. It is because of this Constitution that says, listen, if Congress is at work, your liberties and your freedoms may be under attack. Right?

What we do here isn't generally to give freedoms back to people. Generally what we do is to restrict freedoms a little bit here. We want it to be slow. Here in the House, we are a little faster. There in the Senate, they are supposed to be a little slower, Mr.

Speaker. But it is supposed to be hard. It is supposed to be the inevitable consequence of our constitutional structure.

But, Mr. Speaker, this body—not Republicans in this body, not Democrats in this body—collectively was silent as power flowed down Pennsylvania Avenue, away from the Article I legislature down to the Article II executive. It took the Article III courts, Mr. Speaker, to right our constitutional framework. Shame on us. Shame on us, collectively, for not standing up.

Mr. Speaker, my constituents are frustrated by the pace of progress in this town. They are frustrated by what looks like the politics that are being played here, Mr. Speaker, when policy should be our focus.

I think it is up to us to educate folks, to proudly say it is the inevitable consequence of our constitutional structure, but when we stand together—as we have this week on this transportation bill—there is still more that unites us as a country than that divides us.

Environmental leadership, Mr. Speaker, is one of those areas of overreach that this particular White House is aggressively engaged in. Again, the pushback has been partisan pushback. It has not been Article I legislative pushback, as it should.

I want to go back to some prior Presidents, Mr. Speaker. I will look at Republican Presidents. I am a Republican. I will look at what it looked like when Republicans were running the show in the White House.

The EPA was signed into law by Richard Nixon, Mr. Speaker. On the creation of the EPA, President Nixon said this:

The reorganizations which I am here proposing afford both the Congress and the executive branch an opportunity to reevaluate the adequacy of the existing program authorities involved in these consolidations. I look forward to working with the Congress in this task. The Congress, the administration, and the public all share a profound commitment to the rescue of our natural environment.

Richard Nixon had a calling when it comes to the environment, Mr. Speaker. He had a calling. He didn't say:

I am the President of the United States. I am just going to rewrite the entire environmental code and dictate that it is the law of the land.

He came to Congress and said:

Protecting our natural resources is a shared American value. It is a shared American value. I am going to go to Congress. I am going to win the votes. We are going to change the law, and we are going to make it so.

The Clean Air Act, Mr. Speaker, was signed into law in 1990 by President George H.W. Bush. He said this:

Today I am signing S. 1630, a bill to amend the Clean Air Act. I take great pleasure in signing it as a demonstration to the American people of my determination that each and every American shall breathe clean air. Passage of this bill is an indication that the Congress shares my commitment to a strong Clean Air Act.

How do you know, Mr. Speaker, if Congress shares your commitment if you don't bring the language to Congress to have Congress ratify it? The President can propose all the legislation he wants to. We still have to pass it. If our frustration about results allows us to let folks shortcut the constitutional process, we will all—330 million of us—suffer.

I remember when President Reagan was trying to raise the gas tax, Mr. Speaker. I talk about that because we were talking about the transportation bill this week and transportation funding this week. He stood on the lawn, Mr. Speaker, there beside the Rose Garden, and he says:

We deserve a world class infrastructure in America, and I propose that we double the gas tax.

Yes, this is conservative Ronald Reagan talking about doubling taxes in order to build America. America didn't agree with him; yet, he went out there and sold it.

How did we get fundamental tax reform in this country, Mr. Speaker, in 1986? The country wasn't ready for fundamental tax reform. The Congress couldn't agree on fundamental tax reform. Ronald Reagan took it out there and sold it every single day until he got it done. That is what is supposed to happen. We work together to accomplish these priorities. Past Presidents have done exactly that.

Mr. Speaker, it hasn't been 2 weeks ago we were in here talking about the President's overreach on the Department of Labor fiduciary rule. You remember that bill. We had it here on the floor of the House, Mr. Speaker, where the President just decided, through the Department of Labor, that long-standing investment law, as determined by the SEC, was no longer going to be the law of the land, that the Department of Labor was going to take on some new rulemaking authorities in this area.

The President wanted to make some changes. Congress didn't want to make changes. The President said this:

What I won't accept is the notion that there is nothing we can do. So we are going to keep pushing for this rule.

Keep pushing, Mr. Speaker, didn't mean come to Congress to sell you and to sell me. Pushing didn't mean go to the United States Senate to build a coalition. Pushing meant ignoring the Congress and going straightaway.

Now, I point this out as a success, Mr. Speaker. I point this out as a success because our opposition to this wasn't partisan. Our opposition to this, Mr. Speaker, was bipartisan.

I have here a letter from September, Mr. Speaker, signed by 90 Democrats that said:

Mr. President, don't do this. Don't do this. This is not the proper path forward.

The plurality of the Democratic Caucus here said:

Mr. President, don't go forward. The President drove forward anyway.

Mr. Speaker, the times that I have seen the President change his mind in

my 4½ years in Congress have not been because of my persuasive oratory or even by the strength of this institution. It has been because the American people have spoken.

When the American people speak, the President is a good listener. What the President is hearing today is the ends justify the means. I need results. And so however you get those results, Mr. President, I will be behind you.

We are starting to turn that corner, Mr. Speaker, because I promise you, whatever is good for Democrats today is going to be bad for Democrats tomorrow. Whatever is bad for Republicans today is going to be good for Republicans tomorrow.

The parties will change. The political environment will change. But when you short-circuit the process, the short-circuiting lasts forever. We change expectations of the American people. We change expectations of what the Constitution means, Mr. Speaker. I applaud 90 of my Democratic colleagues standing with this Congress saying:

Mr. President, don't go it alone.

Mr. Speaker, this isn't something that I am just coming up with out of thin air. When the President wasn't President Obama, when he was Senator Obama, he had these same concerns.

He spoke out time and time again about overreaches of President George Bush. Oftentimes he spoke out alone. Republicans weren't standing with him to speak out because it was a Republican President.

Republicans said:

You know what. I want to support my President. So even if he is coloring outside the lines a little bit, it is probably important to the country that he do so. That is a failure. That is a failure because our primary job here is not to be Republicans and Democrats. Our primary job here is to be Article I Representatives of the American people.

The President said this on immigration. He's talking at a Univision townhall meeting in 2011, Mr. Speaker. He said:

This does not mean, though, we can't make decisions, for example, to emphasize enforcement on those who have engaged in criminal activity.

This was the beginning of his program.

But he goes on to say:

It also doesn't mean that we can't strongly advocate and propose legislation that would change the law.

Time and time again, folks would ask him to do what he could as the executive to change immigration law, and he would say:

Listen, I'm not the king. I am the President. The Congress has to change the laws. I can only enforce the laws.

He was right. He was right each and every time that he said that. The administration can propose, but we have to implement.

Fast-forward to about this time last year, Mr. Speaker, and the President says this:

And to those Members of Congress who question my authority to make our immi-

gration system work better or question the wisdom of my acting where Congress has failed, I have but one answer: Pass a bill.

Pass a bill, he says.

In the meantime, I am just going to do things the way I want to do things.

That is the opposite of the "I am just a bill sitting here on Capitol Hill" song that we all learned as children, Mr. Speaker. The bill comes first. The law change comes last. After the President signs the bill, it becomes the law. We have to propose it first.

How many meetings have you had with the President, Mr. Speaker, where he is pushing his immigration agenda, trying to get you to buy in to his bill? The answer is zero because he doesn't have a bill and he hasn't been knocking on any of our doors. And my Democratic friends would say the same.

How many meetings with the President have you had, Mr. Speaker, where the President is trying to persuade you about his fiduciary rule and why that change is important for America and why we should move that bill forward? The answer is zero because he has never come to Capitol Hill to make that pitch. He is not making it to Democrats, and he is not making it to Republicans. He is going it alone.

How many times has the President come and knocked on your door, Mr. Speaker, to try to sell you on his ozone regulations or his clean energy plan and on and on and on? And the answer is he hasn't. And we have been complicit in allowing that unilateral action. It is bad for America. It is not the process that our Framers envisioned.

This is what the President said on immigration. It is that same Univision townhall meeting. The question was:

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

Mr. Speaker, I am not down here talking about immigration policy today. I am not. Our immigration system is broken. I represent constituents, Mr. Speaker, who have had family members on the list not for 5 years, not for 10 years, not for 15 years, but for 20 years, and more are standing in line waiting for their chance to come to America. Our system is broken.

I have employers who want to build in our district. They can't get the people they need from their home countries to come and manage those operations. Our system is broken. We all know it. We have a chance to fix it.

But when the President goes around the Congress, he doesn't fix it. He breaks it further. He says this:

With respect to the notion that I can just suspend deportations through executive order, that is just not the case because there are laws on the books that Congress has passed. And I know that everybody here at Bell is studying hard. So you know that we have got three branches of government. Congress passes the law. The executive branch's job is to enforce and implement those laws. And then the judiciary has to interpret the laws.

□ 1300

The President says:

There are enough laws on the books by Congress, the President says, "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."

Mr. Speaker, the words of President Obama:

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 constitutional mandates would not conform with my appropriate role as President.

That was March 2011. You wouldn't know that is what he believed in November of 2015.

Mr. Speaker, what happened in those 4 years? I will tell you. What has happened is we have been silent as a body. We have been vocal as Republicans, we have been vocal as Democrats, but we have been silent as a representative body.

Article I of the Constitution says it is our job to legislate and it is our job to rein in those Presidents who would legislate on our behalf.

What our Framers feared, Mr. Speaker, was an all-powerful executive. That is what they had come from. That is what we should fear today, not a Republican President, not a Democratic President, but an all-powerful President. Congress passes the law. The President enforces them.

Mr. Speaker, if you want to know the outcome of that overreach, if you want to know where Congress is, again, the President is not on Capitol Hill selling those priorities. He is simply down in the executive branch with a phone and a pen implementing those priorities. But if you want to know what the other two branches of government think, the judiciary said no and the Congress said no.

There is no confusion about where the different branches of government are. We have one branch that is saying yes. That is the executive, who has no lawmaking authority whatsoever. We have two branches saying no, the branch that makes the law, which is the legislative branch, and the branch that interprets the law, which is the judiciary branch.

We are united in the noes, but what we are not united on is the yeses.

We talk about bipartisan in this Chamber, Mr. Speaker. It is always striking to me that what is bipartisan is the opposition to the Presidential overreach. That is what is bipartisan.

Sometimes the support for it is partisan, with a minority of folks supporting the President on that. It is bipartisan in its—disdain is too strong of a word, Mr. Speaker, but in some ways, it is not strong enough. It is that we owe our constituents better. It is that we owe them better.

My voting card has my name on it, Mr. Speaker, but it is not mine. It is borrowed from the Seventh District of Georgia. It doesn't belong to me. It belongs to 700,000 folks back home who

didn't send me here to satisfy my priorities. They sent me here to satisfy their priorities.

I don't believe that, as a Nation, Mr. Speaker, we believe the ends justify the means. I hope that we don't. I hope that we have not fallen so far, Mr. Speaker, that we now believe the Constitution, the rule book for America, is less important than what the results are.

Anybody involved in manufacturing, Mr. Speaker, knows that, if you have a flawed process, you are going to produce a flawed product. Only with a good process can you produce a good product. The Constitution gives us a good process. When we ignore it, we have a flawed process and a flawed product.

I will go to the President's environmental policies, Mr. Speaker.

I want to make it clear: I represent a district that plays outside, I would argue, more than any other district in the country. If you want folks that love clean air and clean water, come down to my part of the world. If you want folks who are stewards of Mother Earth, come down to my part of the world. If want folks who love green space, who love parks, national trailways and bikeways, come down to my part of the world. We love being outside. We will ride a bike. We will push a stroller. We don't care. We just want to be outside.

And so, if the President came to me and said: "ROB, Mother Earth is in peril. I need you to work with me to solve that problem," I would be the best listener you could imagine. But that is not the way the process is working in the 4½ years I have been in Congress, Mr. Speaker.

The President's Clean Power Plan is shutting down power plants in the great State of Georgia, Mr. Speaker. It is the position of the administration to protect Mother Earth. We are going to close down the power plants that we have just spent billions of dollars improving to meet the last round of environmental regulation. And then, with those power plants closed down, we are now going to spend billions more to build brand-new facilities to generate electricity.

I promise you that is not going to result in fewer emissions in the atmosphere than if we let these plants run out their useful life with all of the improvements that have gone upon them. But we didn't get to vote on that, Mr. Speaker. We didn't get to vote on that. That was an executive decree.

We have the Waters of the U.S., Mr. Speaker. Well, when it was a bill, we rejected it. It is the initiative from the White House that said the framework we have had in this country for 100 years of the Federal Government controlling navigable waterways and the State governments controlling the other waterways is gone.

If a drop of water falls, it is now the Federal Government's responsibility to regulate. Why? Because, apparently, we

can't be trusted back in Georgia to take good care of our natural resources. Nonsense.

Mr. Speaker, my district sits on a continental divide. We have built a billion-dollar water treatment plant where we are putting the water back into our local lake cleaner than we took it out. While half the district's on the other side of the continental divide, we know that the Chattahoochee River Basin is in a water deficit. So we spend beaucoup money pumping the water back up from one side of the continental divide so that we can let it go in the basin that needs the water so badly.

We are stewards, Mr. Speaker. We are not stewards with your money. We are not spending somebody else's money on these projects. We are spending our money on these projects because we believe in taking care of America's natural resources.

The President, not through selling it to Congress, not through selling it to the American people, but with a pen and the phone federalized water across the board. Where was the bipartisan outcry? It was lacking.

And, finally, the revised Ozone Air Quality Standards, Mr. Speaker. If you are confused, it is that we never got the last round of ozone standards implemented. Those still haven't gone into effect yet. The President has dropped a new round of ozone standards on America not because Congress worked on it—we didn't—not because Congress passed something—we didn't—but because the President thought it was important and he wrote the law for himself.

How does Congress feel about this? Well, it turns out Members of this body said:

If this is the direction the President wants it to go, let me make this pitch to Congress and see if the Congress agrees with the President.

Carbon emissions, cap-and-trade, Clean Power Plan: Rejected. Waters of the U.S.: Rejected. Ozone standards: Rejected.

It is not that Congress hasn't spoken on these issues. We have, Mr. Speaker. We have. It is not that the President doesn't know what the Article I Congress wants. He does.

He just doesn't like what the Article I Congress decided. And so he has decided to do it himself. And we have been complicit in allowing that to happen. It is not even we, the 435 of us, Mr. Speaker. It is we, the 320 million of us. And there is going to be a price to pay for that.

Mr. Speaker, Congress is active on these issues. It is not as if folks in this body don't care. They care deeply.

We passed the REINS Act, Mr. Speaker, to say:

Listen, if the President is going to start doing some rules on his own, we need to come back and review those after the fact in Congress.

It passed 243–165.

We had the Regulatory Integrity Protection Act for those jurisdictions like

mine where the local governments are taking such good care of our natural resources, trying to protect their right to continue to protect our local natural resources. It passed 261–155.

The Ratepayer Protection Act said:

For Pete's sake, it hasn't been 5 years since you told us to spend billions to make these power plants workable for the next generation. Now you are telling us we have to close these power plants.

That can't possibly be the right way for America to get clean energy. It can't possibly be the right way to be stewards of taxpayer dollars. We passed that bill 247–180.

The EPA Science Advisory Board Act said:

We have got to get together on the science. If we can't figure out what the facts are, we are never going to agree on what the solution is. So let's have a standard for what good science looks like that we can all rally together around.

It passed here in the House.

Mr. Speaker, folks aren't confused about where the Congress is on this issue. The President is not confused about where the Congress is on this issue. The President believes the ends justify the means.

Article I: Congress passes the law. Article II: The White House enforces the law. Article II: The judiciary interprets the law.

Well, the judiciary had a chance to do a little interpreting. It had a chance to look at the Waters of the U.S. and the clean water issue, and the court said this. This is the Sixth Circuit Court of Appeals:

What is of greater concern to us in balancing the harms is the burden potentially visited nationwide on governmental bodies, State and Federal, as well as on private parties, and the impact on the public in general implicated by the rule's redrawing of jurisdictional lines over certain of the Nation's waters.

The court says:

Wait a minute. We are worried about the impact on America.

I don't want the court to be worried about the impact on America. I want the court to be worried about what the law of the land is. I want the Congress to be worried about the impact on America. I want the President to be listening to Congress and enforcing the laws that Congress passed.

It has taken the courts to say:

Mr. President, you have gone a bit too far.

The court goes on and says:

The sheer breadth of the ripple effect caused by this rule's definitional changes counsel strongly in favor of maintaining the status quo for the time being.

It is still being litigated. The court says the detrimental impact of this new rule that Congress has never seen, except in the form that we rejected it, the damage to America is so severe, we are going to issue an injunction to prevent the President from going forward.

Mr. Speaker, it gives me no pride to have nine Justices in robes running the United States of America. Americans

elected a President to implement the law and they elected a Congress to write the law. We should be doing that together. We found ourselves powerless in doing that, asking the courts to solve that issue instead.

The courts go on:

But neither is there any indication that the integrity of the Nation's waters will suffer imminent injury if a new scheme is not immediately implemented.

They said:

I don't know what it is the President is trying to solve here, but there is no harm coming. There is time to sort this out.

Now, they mean time to sort it out in the courts. What about time to sort it out in the Congress, Mr. Speaker?

Who is it who loves the Waters of the U.S. bill? If they do, they should come and make their pitch. The President should come and make his pitch. When was the last time you saw him on the TV selling the Waters of the U.S. bill, Mr. Speaker? The answer is that you haven't seen him on TV selling it. He is not selling it. He is just doing it.

When have you seen him selling the ozone standards? The answer is that he is not selling it. He is just doing it. And the list goes on.

Mr. Speaker, we have to ask him to get out there and sell it. Your job as President isn't just to do it. Your job as President is to get the Congress to allow you to do it, to sell the American people, who will sell the Congress, who will change the law of the land.

Mr. Speaker, I don't know if you know Laurence Tribe. He is a Harvard law professor. In fact, he was President Obama's constitutional law professor. I would not call him a conservative by any stretch of the word, at least not in political terms, but perhaps constitutionally.

Laurence Tribe says this about the President's Clean Power Plan. He says:

To justify the Clean Power Plan, the EPA has brazenly rewritten the history of an obscure section of the 1970 Clean Air Act. Frustration with congressional inaction cannot justify throwing the Constitution overboard to rescue this lawless EPA proposal.

Mr. Speaker, I want you to follow that rationale. This isn't something that has snuck up on us here in the past few weeks, here in the past few months, here in the past few years.

The President dug deep into a 45-year-old law and said:

It appears to me we have misunderstood this law for the past 45 years.

□ 1315

We have misunderstood it. And apparently, 45 years ago, we absolutely made an effort, through Congress and the White House, to give the President the authority, in fact, the obligation, to rewrite America's energy laws in this fashion.

Nonsense. Nonsense. The President is a constitutional law professor. Frustration with congressional inaction cannot justify throwing the Constitution overboard to rescue this lawless EPA proposal.

I get the frustration with congressional inaction. Mr. Speaker, I get it. If we had frustration meters around here, mine would be ticking up near the top. But my experience is, the way to address that frustration isn't to take my toys and go home. The way to address that frustration is to find somebody on the other side of the aisle who I think I can trust, who I think I can talk to, who I think I can listen to, and to work together to find an answer, to work together to find a solution.

What is absent in all of these proposals that I have listed, Mr. Speaker, is anyone working together to make this proposal the law of the land. The only working together that is happening, Mr. Speaker, are folks working together to prevent these proposals from being the law of the land.

Process matters. Process matters.

Mr. Speaker, I am going to finish close to where I began. I was a new Congressman, had just been elected, 700,000 people in the great State of Georgia counting on me to be their voice, counting on me to succeed on their priorities.

Right out of the gate, the President says:

You know what? I have been trying to get the people I want appointed to a board, and the Senate won't do what I want them to do; and because the Senate won't do what I want them to do, I am going to do it by myself.

When did that become okay, Mr. Speaker?

We suffer from a little of that here. The House won't do what I want it to do, so I am going to take my toys and go home. The House won't do what I want it to do, so I am going to gum up the works and shut down the process. The House won't do what I want it to.

Well, guess what? In a representative democracy, nobody does what you want him to do, Mr. Speaker. You have got to go out and find 51 percent of America to agree with you, and that is when you get things done.

I do not fault the President for his policies, though I disagree with him on them. I fault him for implementing those policies unilaterally, unconstitutionally, instead of going out and selling America on them.

That is what is so great about this institution, Mr. Speaker. If you have the votes, you don't have to fuss about it.

Folks come down to the House floor, gnashing of teeth, tearing of clothes, self-flagellation going on here on the floor on a regular basis. If you have the votes, you don't have to make a scene. You have just got to go out and win the votes. You just have to go out and win the argument. If you win the argument, the law will change.

Mr. Speaker, America works. America works. The Constitution works. You just have to follow it. You just have to believe in it. You have to believe in the Constitution. You have to believe in the American people that it governs.

So, 9-0, the Supreme Court told the White House and its entire legal team

that crafted a too-cute-by-half explanation of why this was all going to be okay and roses and sunshine, hunkydory, 9-0 the Court said no. No, that is not what the President does. That is not what the White House does. That is not what you are allowed to do in America. Regardless, the Supreme Court says the Recess Appointments Clause is not designed to overcome serious institutional friction.

Mr. Speaker, we have serious institutional friction. I don't bemoan this. I celebrate it. I think friction was part of the process. It turns out the Court agrees with me.

They go on to say it simply provides a subsidiary method for appointing officials when the Senate is away during a recess; hence, the term "Recess Appointments Clause."

Here, as in other contexts—in other contexts, Mr. Speaker—are all of these other issues the Court now has on their plate from executive overreach. Here, as in another contexts, friction between the branches is an inevitable consequence of our constitutional structure.

Mr. Speaker, I am just one vote in a 435-Member institution, but my constituents would place that one vote on the side of being the Article I legislature rather than on the side of being the best Republican America has ever seen. My constituents would ask me to place that vote on the side of being the legislative branch, that institution from which the ideas percolate, that part of the U.S. House that is closest to the American people. They would ask me to pledge to be a part of this institution, not the Republican National Committee, not the National Republican Congressional Committee, not the Democratic Congressional Campaign Committee, not the Democratic National Committee.

Mr. Speaker, we have an amazing opportunity and a solemn obligation in this institution. My commitment is to be a good listener to all the policy concerns my colleagues have on the other side of the aisle.

Mr. Speaker, I will be a good listener. I may not agree with you, but I will give you a chance to sell me.

But we have to be united on behalf of all of our constituents back home in saying that the Constitution gives only one branch the ability to write the law, and that is the Article I legislature.

When we ignore the President, Mr. Speaker, we do so at our own peril, at our institutional peril. When the President ignores the Congress, he does so at his own peril, at executive branch institutional peril.

I was on the elevator with one of the great leaders of this institution, Mr. Speaker, Mr. John Dingell out of Michigan, and he was on the elevator. A young Democrat climbed on the elevator with him. The young Democrat was complaining that he didn't have a personal relationship with the President. He said: I don't get to see enough of the President. The President is not on Capitol Hill enough.

Mr. Dingell said: Well, son, be careful what you wish for. Remember LBJ. We had LBJ over at the Library of Congress, a book study just this week.

Different Presidents handle their relationship with Congress in different ways. Some are involved too much, some are involved not enough, but everyone is involved.

Mr. Speaker, this is supposed to be a battle of ideas, not a battle of ideologies. This is supposed to be a battle of policy, not a battle of partisans.

This is supposed to be an opportunity to succeed on behalf of folks back home; and I will tell you, it is an opportunity that we are losing when we unite ourselves based on red and blue as opposed to uniting ourselves based on Article I and Article II.

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

THE RETURN TO PRUDENT BANKING ACT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I rise to encourage you to join with me and 69 of our colleagues, a total of 70 already, who have signed on to cosponsor H.R. 381, the Return to Prudent Banking Act. This bipartisan bill would restore the provisions of the Glass-Steagall banking law that separated prudent banking from wild speculation in the financial realm.

Yesterday marked the 16th year, to the day, that Congress repealed the Glass-Steagall Act in 1999, bestowing on financial institutions and investment firms the ability to put the life savings and deposits of the American people at greater risk.

I was one of the 57 Members of this Congress who voted against that repeal of Glass-Steagall. At that time, my colleagues and I were told by Wall Street that the banks were strangled by outdated restrictions, that the repeal was a modern experiment in deregulation; so Congress repealed this bedrock law, over our objections.

Look where that decision took America. We witnessed a terrible market crash in 2008; now, slow growth and the outrageous enormous accumulation of banking assets in a handful of institutions like JP Morgan Chase, Goldman Sachs, Bank of America. They are raking in record-shattering profits while paying depositors almost nothing on their interest or on certificates of deposit as wages for working-class Americans continue to flatline.

The original Glass-Steagall Act served our country well. It laid the foundation for an unprecedented half century without financial panics or crises. Just as important, it contributed to a right-sized banking system focused on serving our economy and society as a whole rather than enriching itself at everyone else's expense.

This Congress must reinstate the regulatory prudence of the Glass-Steagall

Act. Without these proper safeguards, it is only a matter of time before Wall Street's greedy operatives once again steer the American economy over the precipice.

Therefore, I urge my colleagues to cosponsor H.R. 381, the Return to Prudent Banking Act of 2015. Help restore prudence, discipline, and sanity to our financial system and, in turn, real economic growth to America.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. WOODALL. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 92

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, November 5, 2015, through Thursday, November 12, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, November 16, 2015, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Tuesday, November 10, 2015, through Friday, November 13, 2015, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 16, 2015, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT FROM THURSDAY, NOVEMBER 5, 2015, TO MONDAY, NOVEMBER 9, 2015

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that when the

House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 3 p.m. on Monday, November 9, 2015, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 92, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. POLIQUIN). Is there objection to the request of the gentleman from Georgia?

There was no objection.

MESSAGES THE AMERICAN PEOPLE NEED TO HEAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I do want to commend my friend from Georgia. He speaks eloquently.

I hated to lose dear friend, John Linder, from here in this body. He was a brilliant man, with great class. But since he is gone, I am delighted to have ROB WOODALL here in his stead—just clear-thinking, articulate, and makes the case that the American people need to hear.

□ 1330

Speaking of messages, Mr. Speaker, the American people need to hear, this is November 5, 2015. It was November 5, 2009, when a major in the United States Army at Fort Hood, Texas, killed Americans.

He had given plenty of warning signs that he was a ticking time bomb who was going to kill Americans, particularly American soldiers, especially if he were ordered to go overseas because he would much prefer to kill American soldiers than he would go overseas and risk killing a fellow Muslim.

Having heard about people in the United States Army, as I was in for 4 years, who had to deal with Major Hasan, it is appalling that political correctness led to this man's being allowed to remain in the military, ever being promoted, and being assigned to counsel troubled soldiers. Incredible. But political correctness has become more and more prominent.

It was November 5, 2009. President Obama had been in office since January of that year. Major Hasan had been in the military during the Bush administration. He should never have been promoted.

There were warning signs that we heard about after the fact, but nobody wanted to be the one to stand up and say: "This man is a threat. He is a radical Islamist. He is a threat not only to the good order and discipline of the United States military, he is a threat to the very lives of our military members."

Mr. Speaker, our military let those victims down at Fort Hood, Texas, before the shooting ever occurred. That is almost unbearable. But what becomes