

Cohen	Jeffries	Peters
Connolly	Johnson (GA)	Peterson
Conyers	Johnson, E. B.	Pingree
Cooper	Kaptur	Pocan
Costa	Keating	Polis
Courtney	Kelly (IL)	Price (NC)
Crowley	Kennedy	Rangel
Cuellar	Kildee	Rice (NY)
Cummings	Kilmer	Richmond
Davis (CA)	Kind	Roybal-Allard
Davis, Danny	Kuster	Ruiz
DeFazio	Langevin	Ruppersberger
DeGette	Larsen (WA)	Ryan (OH)
Delaney	Larson (CT)	Sánchez, Linda
DeLauro	Lawrence	T.
DelBene	Lee	Sarbanes
DeSaulnier	Levin	Schakowsky
Deutch	Lewis	Schiff
Dingell	Lipinski	Schrader
Doggett	Loeb sack	Scott (VA)
Doyle, Michael	Lofgren	Scott, David
F.	Lowenthal	Serrano
Duckworth	Lowey	Sewell (AL)
Edwards	Lujan Grisham	Sinema
Ellison	(NM)	Sires
Engel	Luján, Ben Ray	Slaughter
Eshoo	(NM)	Speier
Esty	Lynch	Swalwell (CA)
Farr	Maloney,	Takai
Fattah	Carolyn	Takano
Foster	Maloney, Sean	Thompson (CA)
Fudge	Matsui	Thompson (MS)
Gabbard	McCollum	Titus
Galleo	McDermott	Tonko
Garamendi	McGovern	Torres
Graham	McNerney	Tsongas
Grayson	Meeks	Van Hollen
Green, Al	Meng	Vargas
Green, Gene	Moore	Veasey
Grijalva	Moulton	Vela
Gutiérrez	Murphy (FL)	Velázquez
Hahn	Nadler	Visclosky
Hastings	Napolitano	Walz
Heck (WA)	Neal	Wasserman
Higgins	Nolan	Schultz
Himes	Norcross	Waters, Maxine
Hinojosa	O'Rourke	Watson Coleman
Honda	Pallone	Welch
Hoyer	Pascrell	Wilson (FL)
Huffman	Payne	Yarmuth
Israel	Pelosi	
Jackson Lee	Perlmutter	

## NOT VOTING—19

Buchanan	Kirkpatrick	Sherman
Comstock	Lieu, Ted	Smith (WA)
DeSantis	Quigley	Stutzman
Fincher	Rooney (FL)	Westmoreland
Frankel (FL)	Rush	Young (IN)
Graves (MO)	Sanchez, Loretta	
Jordan	Scalise	

□ 1050

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1831. An act to establish the Commission on Evidence-Based Policymaking, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 719. An act to rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

## AUTHORIZING THE SPEAKER TO APPEAR AS AMICUS CURIAE ON BEHALF OF THE HOUSE

Mr. SESSIONS. Mr. Speaker, pursuant to House Resolution 649, I call up the resolution (H. Res. 639) authorizing the Speaker to appear as amicus curiae on behalf of the House of Representatives in the matter of United States, et al. v. Texas, et al., No. 15674, and ask for its immediate consideration.

The Clerk read the title of the resolution.

## PARLIAMENTARY INQUIRIES

Mr. POLIS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The gentleman will state his parliamentary inquiry.

Mr. POLIS. Mr. Speaker, is the Speaker not already authorized by way of the Bipartisan Legal Advisory Group to offer an amicus brief with current authority without the need to pass the resolution under consideration?

The SPEAKER pro tempore. The gentleman may consult clause 8 of rule II for the role of the Bipartisan Legal Advisory Group.

Mr. GUTIÉRREZ. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his parliamentary inquiry.

Mr. GUTIÉRREZ. Is it in order to offer an amendment to amend section 2 of the resolution to make the text of any amicus brief to be filed available for all Members to review for 3 days previous to its filing?

The SPEAKER pro tempore. Pursuant to House Resolution 649, the previous question shall be considered as ordered on the resolution to its adoption without intervening motion, except for a motion to recommit.

Mr. POLIS. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Is it in order to amend section 2 of the resolution to formally include the amicus brief prepared by the gentlewoman from California (Ms. LOFGREN) and signed by more than 200 Democrats?

The SPEAKER pro tempore. As the Chair just stated, the previous question is ordered without intervening motion, except on a motion to recommit.

Mr. GUTIÉRREZ. So it is not in order?

Mr. POLIS. Is or isn't?

The SPEAKER pro tempore. No intervening motions are in order except as provided in House Resolution 649.

Mr. GUTIÉRREZ. Okay. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GUTIÉRREZ. Is it in order to offer an amendment to section 3 that would make available all names of outside counsel that will be providing

services to the Office of General Counsel; that way the American public can know who all the outside counsel is?

The SPEAKER pro tempore. The Chair's response remains the same.

Mr. POLIS. Mr. Speaker, further inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Is it in order to offer an amendment to include a CBO report on the costs of the Office of General Counsel that would occur under this resolution?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. GUTIÉRREZ. Isn't it true, Mr. Speaker, that every President since President Eisenhower and up through President Obama has used powers granted to them by Congress to set aside the deportation of certain immigrants?

The SPEAKER pro tempore. The gentleman has not stated an inquiry related to the pending proceedings.

Mr. GUTIÉRREZ. I thought I was.

Mr. POLIS. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Colorado will state his parliamentary inquiry.

Mr. POLIS. Mr. Speaker, is it true that Presidents Ronald Reagan and George Bush protected in excess of 1 million undocumented immigrants by executive action?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry related to the pending proceedings.

Mr. GUTIÉRREZ. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized.

Mr. SESSIONS. Mr. Speaker, I believe that what we are seeing here are some dilatory moves on behalf of the minority. While I respect every bit of that, we have decorum that is established in this House, and I believe the Speaker has adequately responded to the questions thereon by the gentlemen, and I ask that we move on forward.

Mr. Speaker, at this time, I ask unanimous consent—

The SPEAKER pro tempore. The gentleman will suspend. All Members will suspend.

Pursuant to House Resolution 649, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 639

*Resolved*, That the Speaker is authorized to appear as amicus curiae on behalf of the House of Representatives in the Supreme Court in the matter of United States, et al. v. Texas, et al., No. 15-674, and to file a brief in support of the position that the petitioners have acted in a manner that is not consistent with their duties under the Constitution and laws of the United States.

SEC. 2. The Speaker shall notify the House of Representatives of a decision to file one or

more briefs as *amicus curiae* pursuant to this resolution.

SEC. 3. The Office of General Counsel of the House of Representatives, at the direction of the Speaker, shall represent the House in connection with the filing of any brief as *amicus curiae* pursuant to this resolution, including supervision of any outside counsel providing services to the Speaker on a *pro bono* basis for such purpose.

The SPEAKER pro tempore. The resolution shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Rules.

The gentleman from Texas (Mr. SESSIONS) and the gentleman from Colorado (Mr. POLIS) each will control 30 minutes.

The Chair recognizes, once again, the gentleman from Texas.

#### PARLIAMENTARY INQUIRY

Ms. LOFGREN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state her parliamentary inquiry.

Ms. LOFGREN. Under the rules of the House, in order to accept volunteer efforts, one must be cleared by the Committee on Ethics. The resolution purports to seek *pro bono* assistance, but the inquiry is whether this comports with the rules of the House requiring the Committee on Ethics to preclear the acceptance of such assistance to avoid unseemly or potentially illegal assistance?

The SPEAKER pro tempore. The Chair will not interpret a pending measure. That is a matter for debate.

The gentleman from Texas is recognized.

#### GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 639, authorizing the Speaker to appear as *amicus curiae* on behalf of the House of Representatives in the matter of *United States, et al. v. Texas, et al.*

Mr. Speaker, as we have earlier stated, as we were debating and discussing the rule, over 25 States or State officials have filed suits challenging the Obama administration's expansion of DACA and the creation of DACA-like programs for aliens who are parents of U.S. citizens or lawful permanent residents.

The States allege that these administrative actions run afoul of the Take Care Clause of the Constitution. Article II, section 3 declares that the President "shall take care that the laws be faithfully executed," which requires any President to enforce all constitutional valid acts of Congress, regardless of the administration's views of the wisdom or the policy.

The States in this case that brought the case in southern Texas allege that these actions run afoul of the separation of powers set forth in the Constitution Article I, section 8, which gives Congress—not the President—the authority to establish a uniform rule of naturalization. That is directly from the Constitution.

Congress passed the Immigration and Nationality Act, which clearly specifies the limited cases in which the executive branch can suspend the removal of unlawful aliens.

Mr. Speaker, this administration has sought review on this case from the Supreme Court, which granted its petition, and that is because this administration lost in the Federal District Court in the Southern District of Texas and lost its case in the United States Court of Appeals for the Fifth Circuit.

In doing so, the Court indicated that it would also consider the plaintiffs' claims under the Take Care Clause.

I include in the RECORD the official document from the Supreme Court.

#### UNITED STATES, ET AL. V. TEXAS, ET AL.

The petition for a writ of certiorari is granted. In addition to the questions presented by the petition, the parties are directed to brief and argue the following question: "Whether the Guidance violates the Take Care Clause of the Constitution, Art. II, §3."

Mr. SESSIONS. Mr. Speaker, the questions presented in the case are really extraordinarily significant to the House of Representatives. In particular, this case raises issues related to the limits on executive discretion not to enforce laws enacted by Congress as well as the point at which the exercise of such discretion turns into lawmaking, thereby infringing on Congress' Article I legislative powers.

□ 1100

It is precisely because of these constitutional questions pending before the highest court in our land, the United States Supreme Court, that the U.S. House of Representatives—which, I believe, will present a side which we believe is important from a constitutional perspective—will consider this resolution. The House, I believe, will and must protect its Article I legislative powers on behalf of the American people and on behalf of Representatives who believe in self-governance.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today there are a lot of legal arguments and talk. I want to make sure the American people listening at home and watching at home know exactly what we are talking about here today.

I want to talk about somebody whose life is on pause, waiting for the DAPA program to clear the courts. The brief that the Republicans are seeking to file is the exact opposite. It is saying that DAPA cannot occur. And this gentleman and his family, Colorado con-

stituents of mine—just to put a human face on it—show what DAPA means for so many families across our country.

Mr. Edin Ramos of Colorado—he is pictured there next to his three lovely kids and his wife—is a native of Honduras. He has been in the United States for over 13 years. His kids are American citizens, were born here, don't know any other country. He fled his home country to avoid persecution and extortion at the hands of local, corrupt officials and gangs.

He is married to a U.S. citizen. They have three young children together. He is a very successful business owner in my district. He and his wife employ 12 people. They make investments in our local community. We rely on them for jobs, for the services they provide. Yet the lack of any peace of mind prevents families like Edin Ramos' from reaching their full potential.

Every day his kids come home from school, and his wife worries over something as minor as a taillight being out or a speeding ticket, that Mr. Ramos could find himself in detention for an indefinite period of time, removed from his family, or even deported to another country which he doesn't have any ties to.

I would also like to talk about the case of Ms. Mercedes Garcia. Mercedes is a long-time resident of my hometown, Boulder, Colorado. Her life has been greatly affected by the arbitrariness of an immigration system that is immoral and has lacked meaningful priorities.

She has been in the United States for close to 20 years. She is the mother of three American children, U.S. citizen children. But you know what happened? Her husband was removed from the United States in 2011 over a traffic citation, forcing her to be the sole provider for her three children.

Now, Mercedes is undocumented herself, and she fears contact by immigration authorities on a daily basis. DAPA was a ray of hope for her. What DAPA would do is provide Mercedes with a meaningful level of certainty, the ability to legally seek employment, the ability to provide her family with expanded opportunities here in the U.S., and would help make her American citizen children as successful as they are able to be.

Her children are just as American as you or me, Mr. Speaker, as is anyone born in the United States. Don't they deserve to have their mother help them succeed with all the great promises that this country offers? Why can't we give that certainty to their mother?

DAPA is a legal, commonsense, lawful exercise of discretion. It is consistent with the actions of Presidents, both Democratic and Republican, for decades. It directs, very simply, with the limited amount of enforcement resources we have in the Department of Homeland Security, that we want to focus on removing undocumented immigrants who pose a threat to public safety or national security—not Mr.

Ramos, not Ms. Garcia. We want to remove those who represent a danger or a threat to our country.

To somehow misfocus those limited resources on tearing apart families instead of going after criminals would put the American people at risk. The President has acted to make the American people safer by ensuring that our limited law enforcement resources are focused where they will have the biggest impact.

These policies are very simple. They create a process for low-priority enforcement immigrants who come forward, submit to a background check, register, be able to get a provisional work permit, and work legally. It enhances our public safety and national security.

Yet we hear people from the other side saying: Well, this is something Congress should have done. I agree. This is something Congress should have done. You know what? It is not my fault Congress didn't do it.

I have talked about immigration every week and every month here on the floor of the House. I cosponsored a comprehensive bill. I signed a discharge petition last Congress to try to bring it forward. Yes, I agree.

You know what? Congress didn't do it, Mr. Speaker. And that is on the Republican majority that Congress failed to act.

So the President moved forward with the legal authority he has and that Republican and Democratic Presidents in the past have used to say that Ms. Garcia is not the same risk to this country as a dangerous criminal.

It is common sense, and it is about time that we move forward with DAPA and DACA.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time you will see that our Republican Members that will come and speak are men and women not only with extensive legal experience, grounded in the law and the Constitution of the United States but will make their arguments from a professional nature that are directly related to the law.

I yield 5 minutes to the gentleman from Texas (Mr. POE), who served as a judge in Texas, and is a member of the Judiciary Committee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, the issue before us today is whether the U.S. Constitution will be followed by the President or not. That is the issue. That is why we have this unusual situation, where the House of Representatives, by this resolution, is joining in on a legal action to let that be resolved by the judiciary branch of government.

It all started in November of 2014, when the Department of Homeland Security wrote out a memo and sent it out to the fruited plain and said that the Department of Homeland Security would no longer enforce U.S. immigration law.

The Department of Homeland Security is a branch, a portion of the administration.

This unprecedented, unilateral action by the executive branch was a nullification of immigration law of the United States. And it was not done by Congress. It was done by administrative edict that came from the White House.

Article I, section 8, clause 4 states that Congress—that is us—has the power “to establish a uniform rule of naturalization” in the United States.

So what value is the law or the Constitution if the executive, who is supposed to enforce the law—not make it, as we all learned in ninth grade civics—sends out a memo saying it will no longer enforce the law?

The law of the land is repealed by the administrative pen because the President doesn't like the law, as written.

Repealing a law is supposed to be a legislative action—that is Congress—and is not supposed to be an executive action; that is, if the Constitution is followed, which it is not under these circumstances.

This illegal executive action will place a burden on the States that the action is taking place against, such as my home State of Texas, where the amnesty proclamation by the executive branch, through its memo, has been in effect.

The Federal Government is not going to pay for the benefits of these 5 million-plus folks. The States will be forced, required, and obligated to pay for that.

So the States will pay for the driver's licenses, government benefits, and health care benefits for these newly legalized individuals. All of the money the State spends will be taken away from the ability to provide services for U.S. citizens and residents who are already legally in the U.S.

This action is in direct contravention of U.S. law. Texas, my State, will be one of the hardest-hit. That is why the Governor of the State of Texas was the first to file a lawsuit—this lawsuit—against the unconstitutional action by the executive branch of government. And that occurred in 2014.

The Constitution, to me, is very simple. It lays out an outline for democracy. Congress makes the laws; the executive branch faithfully executes the laws; and the judiciary resolves disputes between government, other entities, and between the branches of government.

So, if U.S. immigration law is going to be changed, the Constitution states that it should be changed by the U.S. Congress. That is us.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. POE of Texas. Even if the Congress doesn't act, that doesn't give the executive branch Burger King authority.

The Burger King philosophy is: the President wants it his way. He can't have it his way. He has got to follow the Constitution. He is a former con-

stitutional law professor. He ought to know better.

That is what this lawsuit is about. That is why it is a constitutional issue. And that is why we should join in with those other Governors in filing this lawsuit with an amicus brief to support the Constitution of the United States against executive memos from the executive branch.

The executive branch should take care of the Constitution, not tear up the Constitution.

That is just the way it is.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIÉRREZ), a great leader on the issue of uniting families.

Mr. GUTIÉRREZ. Mr. Speaker, the fact is, we shouldn't even be here today. This is partisan politics at its worst. And using the resources of the Federal Government and the legislative branch of government to promote a political agenda is just an affront to all Americans.

Why don't you just say it clearly? This is your: I want to deport 4 to 5 million people. I wish the majority would stop talking about the Constitution and really talk about what it is they mean to achieve here.

If you want to see people deported, why don't you all stand up and say it? Be men and women of integrity and of your word and say: I want 4 to 5 million unprotected, and amend this to say, “this is a mass deportation for 4 to 5 million people.”

You keep saying that the candidates out there on the Presidential trail do not represent your values, do not represent who you are politically, and then you come back here and stoke the fire even more.

What you are demonstrating here is that you should be doing immigration reform. What you are demonstrating here is your impotence at being able to get it done. Why don't you just say that this is what it is all about?

Because out on the campaign trail, on immigration, we get lots of demagoguery from the majority. The debate has sunk to a level where people are actually throwing punches, and worse.

Two refugees from Southeast Asia and a gentleman from Puerto Rico were shot and murdered in front of their children in Milwaukee because they didn't have the right accent in their voice.

□ 1115

Two students, a Muslim and a Latino, were attacked by a man when they encountered him beating a Black man in Kansas this week, and he turned to them and shouted racist threats and said they should just go and leave the country.

We have Go Back to Africa and Hitler salutes, and all of this is becoming more and more what we expect, the reality we see in 2016.

And now the Republicans in the House are stoking the same anti-immigrant fears and mass deportation fantasies some more. No, they are not

leading. They are not calling for calmer rhetoric, let alone more rational policies. They are playing politics with immigrants, plain and simple. Shame on them.

If Republicans are so secure in the validity of their arguments, they should write a brief and submit it, just like the 259 Democrats did last week, without politicizing and using this august body to bring about your partisan political hatred against immigrants.

The vote is a political stunt disguised as a legal brief. This is not a legal brief. This is a political stunt. The Republican majority sees a crass political opportunity to stand with the anti-immigrant wing of their party.

I guess the Speaker thinks, hey, why play it straight when you can force a purely political vote on immigration, designed to deepen the partisan line and validate the very angry people who go around showing their hatred, their bigotry, and their prejudice in the political process in America.

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I recognize that there are people in this body who are frustrated, and I have engaged a number of those people very thoughtfully, and they have tried to engage me, I think, thoughtfully.

But the essence of what today's argument is about is actually a legal exercise because, in fact, the Federal District Court in southern Texas, Judge Andy Hanen, looked at the law, and he, in a judicial sense, heard evidence that would be presented from all of the some 25 States, as well as the Federal Government; and findings of facts and conclusions of law, not upon hyper-political accusations or bombastic comments that are made to attack another side, is what actually prevailed in the case.

I am well aware that a number of our colleagues want to talk about politics, politics, politics, and make accusations. This is about the foundation of law, and it actually goes to direct words out of the Constitution of the United States.

A Federal District Court is particularly in tune with those arguments as they handle constitutional issues and questions, and the Court clearly found in favor of these States. The Fifth Circuit Court of Appeals, in reviewing that case, came to that same conclusion.

Mr. Speaker, I believe you will see that the Supreme Court will also rule on the law, not upon political sound bites that come back and forth from this body.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee, the distinguished gentleman who, I believe, represents not only thought and balance, but who is trying to work within the constitutional confines and the laws of this country.

Mr. GOODLATTE. I thank the chairperson for his leadership on this very important issue.

Mr. Speaker, without enforcement of the law, there cannot be accountability under law, and political accountability is essential to a functioning democracy. We in the House of Representatives who face re-election every 2 years, under the Constitution, are perhaps reminded of that more than others. And while there is at least one political branch willing to enforce the law, we will not fail to act through whatever means by which we can successfully avail ourselves.

When the President fails to perform his constitutional duty that he take care that the laws be faithfully executed, the Congress has appropriations and other powers over the President. But none of those powers can be exercised if a sizable Senate minority controlled by the President's own political party refuses to exercise them, or in the absence of veto-proof majorities in both Houses. Nor would the exercise of those powers solve the problem at hand because they would not actually require the President to faithfully execute the laws.

Of course, the most powerful and always available means of solving the problem at hand is to vote out of office a President who abuses his power. In the meantime, however, the need to pursue the establishment of clear principles of political accountability is of the essence.

So today we consider a resolution to authorize the Speaker to file on behalf of the House in litigation brought by a majority of the States challenging the constitutionality of the President's unilateral immigration amnesty program.

Earlier this year, the Supreme Court agreed to hear that constitutional challenge to the President's immigration plan, which the people's legislative representatives never approved.

So far, a Federal judge in Texas has issued a preliminary injunction in the case blocking the enforcement of the President's unilateral immigration amnesty. The Fifth Circuit Court of Appeals upheld that injunction.

Importantly, the Supreme Court granted certiorari in the case and, rather than limiting the issue the way President Obama requested, it took the State's suggestion and requested briefing on the following question: "whether the President's action violates the Take Care Clause of the Constitution, Article II, section 3."

That clause of the Constitution requires the President to take care that the laws be faithfully executed.

The Founders would have expected Members of the House of Representatives, known as the people's House for its most direct connection to the will of the people, to aggressively guard their role in the constitutional legislative process. The resolution before us today will provide another means of doing just that.

The stakes of inaction are high. The lawsuit challenges the President's failure to enforce key provisions of the immigration laws.

We should all support this resolution today as it aims to help deliver a simple message: Congress writes the laws, under Article I, section 1, the very first sentence of the United States Constitution.

We should all support this resolution today. Our own constitutionally required oath to support the Constitution of the United States requires no less.

What is required of the President of the United States is found in Article II, section 3, which says, "he shall take care that the laws be faithfully executed." That is the issue before us.

For the Court to pay attention to this institution's concern, the Court requires that the Congress take a vote, and that is what we should do today in order to let the Court know that this brief is not just a collection of a group of Members; this is an actual vote of the United States House of Representatives to ask the Court to consider our very well-founded concerns and protect the people's House, protect the people's rights under the Constitution, protect the Constitution itself, and Article I, section 1, which said very simply, "All legislative powers herein granted shall be vested in a Congress of the United States."

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a lot of Latin used on the other side. But the plain English is this vote is about ripping apart the families of my constituents, Mr. Ramos, Ms. Garcia, countless others, millions across the country. And this vote would weigh in from the House of Representatives that the House of Representatives, those who vote for this, want those families ripped apart.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BECERRA), the chairman of the Democratic Caucus.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

So last week, 186 Members of this House and 39 Senators from the Senate filed an amicus brief. We filed it before the Supreme Court in this very case that is being discussed, *United States v. Texas*. But we filed it without using taxpayer dollars. We filed it individually, separately from our official duties.

The brief that we submitted supports the actions which President Obama took because he is our Nation's chief executive and he has the right to try to make our laws work as best as possible.

In the case of our immigration laws, everyone agrees that they are broken, they are fractured, and it is a system that does not work coherently. There are more than 4 million people who will be impacted by the decision that the Supreme Court reaches in the case of *United States v. Texas*. President

Obama took his actions exercising his authority under the Constitution to execute and implement the laws of the land.

So here we are today. Speaker RYAN and my colleagues on the House side, on the Republican side, will force this House to vote on a resolution authorizing the House to file a similar type of amicus brief, albeit in this case opposing the President's position in the case of *United States v. Texas*.

But there is a big difference between the amicus brief that was filed by 186 Members of this House and 39 Members in the Senate and what the Republican majority in the House is intending to do today—a big difference. They are looking to use taxpayer money to push forward their political partisan agenda and their position in this case of *United States v. Texas*; so they are injecting every American who pays taxes into this fight, even though most Americans support a comprehensive fix to our immigration system.

Why would we want to use taxpayer dollars to go litigate? These days it seems that my Republican colleagues in Congress spend more time and taxpayer money filing partisan lawsuits and legal briefs than working to pass the country's must-do legislation. We have got a budget to do. We should be passing jobs legislation, and, yes, we should be fixing a broken immigration system by passing comprehensive immigration reform.

Congress doesn't need to file a legal brief lobbying the Supreme Court to fix our broken laws. Most Americans know from their high school civics classes that the Constitution vests the Congress with the power to make or change any law without having to hope or wait for the Supreme Court to bail out Congress for not doing its work.

In fact, today, Speaker RYAN said: "The legislative branch of government needs to be the branch making our laws, not the executive." He is absolutely right. So rather than doing legislation to file a lawsuit, let's do our job, which is to make the laws.

This Republican Congress, unfortunately, is completely out of step with the interests and expectations of the American people. It is time to legislate, not to litigate.

Mr. SESSIONS. Mr. Speaker, consistent with the Republican message today, one of our other senior Members who is a former chairman of the Judiciary Committee now serves as the chairman of the Science, Space, and Technology Committee. He is a gentleman who has devoted himself and his life to the rule of law, a gentleman who is in the thick of the understanding of the immigration issue, being from San Antonio, Texas. He has seen for a long time the need and the desire for not just Congress to work with the executive branch, but the rule of law. He has believed in that in his years of service to the Judiciary Committee. He stands as a testament to his belief in constitutional law—including Federal court

and Supreme Court decisions—and how important they are. I want you to know, Mr. Speaker, that this gentleman has, for a long time, spoken with balance and credibility on the issue, not just to rule of law, but also about this Nation and how we do treat those who come to this country with dignity and respect.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), the young chairman from Texas.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank the chairman of the Rules Committee and my Texas colleague for yielding me time and also for his very generous comments.

Mr. Speaker, I support this resolution authorizing the Speaker to submit an amicus brief to the Supreme Court in support of the Texas-led lawsuit challenging the President's amnesty policies.

It is critical that the House of Representatives defend the Constitution, which specifically gives Congress, not the President, the power to enact immigration laws.

Regrettably, the President's policies have ignored laws, undermined laws, and changed immigration laws. The President's policies have led to a surge of tens of thousands of illegal immigrants across our borders, allowed unlawful immigrants to compete with unemployed Americans for scarce jobs, and established sanctuary cities that release dangerous criminal immigrants into our neighborhoods where many go on to commit other crimes.

The House of Representatives must reinforce the rule of law and protect the lives and livelihoods of the American people. Mr. Speaker, that is why I support this resolution.

□ 1130

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, happy St. Patrick's Day to you. What a way House Republicans have chosen to celebrate St. Patrick's Day.

Today we pay tribute to the contributions of generations of Irish immigrants and their descendants to the fabric of America. Today we are reminded that ours is truly a nation of immigrants—that immigrants have truly made America more American with their optimism, their hope, and their courage to come to America, and to make a future better for their families. That is what America is all about, and that is what immigrants have strengthened.

We have spent this entire week with our Irish friends celebrating the heritage of immigrants in America. The Taoiseach—that would be the Prime Minister of Ireland—was here in the Capitol earlier in the week. He spoke about immigration last night at the dinner. In the letter that was read by the Irish Ambassador from the

Taoiseach, he talked about immigration. Here on the floor of the House, we are talking about immigration in a totally negative way.

Why would House Republicans want to spend St. Patrick's Day in this insulting manner to Irish immigrants?

House Republicans have brought forward a resolution authorizing the Speaker to file an anti-immigrant amicus brief with the Supreme Court, but they won't tell the House or the American people what they are planning to say in it. Given Republicans' past positions and rhetoric, that raises serious questions:

Will the Republicans yet again call for tearing apart families?

Will they call for deporting DREAMers?

Will they yet again suggest a religious test for prospective immigrants?

Will they ask the Court to explore ending birthright American citizenship, as they did in their Immigration and Border Security Subcommittee hearing?

Sadly, there is not much difference between the rhetoric of the Republican candidate for President and House Republicans when it comes to a record of appalling anti-immigrant statements—an agenda of discrimination.

Furthermore, Republicans have denied House Democrats the opportunity to have a meaningful vote on our alternative amicus brief in support of the President's immigration executive actions, which we filed with the Court last week, 225 House and Senate Democrats.

The fact is the President's immigration actions fall within the legal and constitutional precedent established by every administration, Republican and Democrat, since President Eisenhower.

The fact is the President has the right to take these administrative actions under the law, and he also is following in the precedents of former Presidents to do so.

I don't know if the Republicans were silent or didn't know what was going on when President Reagan went further in his administrative actions on immigration in terms of affecting a higher percentage of immigrants than President Obama's actions have affected.

The President is acting because Congress has refused to act to pass comprehensive immigration reform. Even when the Republicans in the Senate had a bipartisan bill, it did not get the chance to have a vote in this House. So the President has acted.

President Reagan, to his credit, acted even after Congress acted, and he signed their bill into law, and then he said back to Congress that you didn't go far enough to protect families. So he initiated, by executive action, Family Fairness. That was carried on by President George Herbert Walker Bush, and the spirit of all of that was carried on by President George W. Bush, all of those, including President Clinton in between and President Obama, were

strong, strong advocates for comprehensive immigration reform and respecting the role that immigrants play as a consistent reinvigoration of America.

So, by law, legal authority and by precedent, legal authority, the President has the right to do this. If it was okay when President Reagan did it and President George Herbert Walker Bush did it, why isn't it okay when President Obama takes these same administration acts and, as I said, affecting a smaller percentage of people than President Reagan did?

So here we go. It is long past time for us to have comprehensive immigration reform that honors our heritage and our history. Immigration has always been the reinvigoration of America. Each wave of immigrants brings their hopes, their aspirations, their faith, their work ethic, and their determination to succeed to our shores.

Let us not tear families apart and deport young DREAMers and their parents. Let us oppose this radical, narrow-minded, anti-immigrant resolution. This St. Patrick's Day, let us recognize the immense contributions that immigrants of all cultures and all creeds have made to the past, to the present, and to the greatness of America.

Happy St. Patrick's Day.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, consistent with what we have seen for the last 8 years by a White House and administration, so we see here on the floor of the House of Representatives a denial of trying to follow the law but, rather, to blame people, including using the word "discriminatory" and trying to attach that to a party.

Mr. Speaker, in fact, this issue is far different. This is based upon rule of law. In the Federal District Court in the Southern District of Texas, during the trial, there was a determination that was being pushed about whether DACA would be characterized as an exercise of prosecutorial discretion. In fact, when challenged, because this was a claim that the administration made, that Federal district court examined the operation of the DACA process, and despite the claim or the reason why the President had this authority, that DACA was applied on a case-by-case basis, the administration could not provide one piece of evidence in the Federal district court, no examples of DACA applicants who would meet the program's criteria.

Mr. Speaker, it does matter why you do something, how you do something, and, if you are going to be a professional, how you sustain that which you have done, in a Federal district court, when asked directly to sustain what the assertions are, could not even sustain their answers.

This is why we are talking about rule of law, Mr. Speaker, and to come here and ascribe insults to a party, to a Presidential process, or to a rule, a

body that operates under rule of law, I believe misses the point.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. GOWDY) in order to further this example of why Republicans are on the floor at this time, and he will so adequately explain our case.

Mr. GOWDY. Mr. Speaker, the issue in this case actually implicates the very existence of the House. The law is the reason we exist. We do not exist to pass ideas or to pass suggestions. We make law with the corresponding expectation that that law will be enforced, respected, and executed.

We do so because the law is the thread that holds the tapestry of this country together. It is the most unifying, equalizing force that we have. It makes the rich respect the poor, and it allows the powerless to challenge the powerful. Attempts to undermine the law, Mr. Speaker, regardless of the motivation, are detrimental to the social order.

In 2014, President Obama declared unilaterally that almost 5 million unlawful immigrants would receive deferred action under some tortured definition of "prosecutorial discretion."

I can't help but note the word "discretion" means sometimes you say yes, and sometimes you say no. But, of course, the administration has never said no. The Court found not a single time has the administration said no. So that is not prosecutorial discretion, Mr. Speaker. That is lawlessness.

You may like what the President did. I take it from some of the speakers that they do, and you may actually wish what the President did was actually law. You may wish—Mr. Speaker, you may wish that when Democrats controlled the House, the Senate, and the White House for 2 years that they had lifted a finger to do a single, solitary thing about what they are talking about this morning. You may wish that. You may wish that all these grandiose policies that we are talking about this morning on the other side, that they cared enough about them to actually make law when they had a chance, but they did not.

They know now that one person doesn't make the law in a republic. You may want to live in a country where one person makes the law, but that would not be this country. You would have to look for another one.

The President knows this because, more than 20 times, Mr. Speaker, he said he could not do the very thing that he eventually did. His power didn't change. The law didn't change. The politics is all that changed.

We should have seen this coming, Mr. Speaker. He warned us. On this very floor, he warned us that he didn't need the people's House. He said he would do it with or without Congress. Many of you cheered when he said that. Many of you cheered because you benefit from the nonenforcement of the law today.

But tomorrow will be different. Tomorrow is coming, and tomorrow will

be different. Tomorrow you will cry out for the enforcement of the law. Tomorrow you will want others to follow the law.

We are here, Mr. Speaker, because this administration violated one law in its haste to allow others to violate yet another law. The administration lost, and then they appealed. So here we are before the Supreme Court.

For too long, Mr. Speaker, Congress has let the executive branch engage in constitutional adverse possession. Today it is immigration. Tomorrow it will be some other law. One day, I say to my friends on the other side of the aisle, one day your party may not control the gears of enforcement. One day a Republican President might decide that he or she doesn't like a law and is going to ignore it and fail to enforce it.

For more than two centuries, Mr. Speaker, the law has been more important than any political issue. It has been more important than any election, and it has been more important, frankly, than any one of us. It binds us together, and it embodies the virtues that we cherish like fairness, equality, justice, and mercy.

We symbolize our devotion to the law with this blindfolded woman holding a set of scales and a sword. That blindfold keeps her focus on the law. But I want you to understand this, Mr. Speaker: once that blindfold slips off, it is gone forever. You can want to put it back on, but it is gone forever, because once you weaken the law, good luck putting it back together.

So once you decide that some laws are worth enforcing and some are not, once you decide that some laws are worth following and others are not, then you have weakened this thing we call the law, and you have weakened it forever.

Let me just say this. I will say this, Mr. Speaker. It doesn't take any courage to follow a law you like. That doesn't take any courage, following a law you like? What takes courage, which makes us different, is we follow laws even that we don't like, and then we strive to change them—legally. That is the power and the fragility of the law. But once it is abandoned, it is weakened in the eyes of those we expect to follow it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 2 minutes.

Mr. GOWDY. I will say this, Mr. Speaker. In conclusion, in the oath of citizenship that we require new citizens to take—and I am sure the Speaker already knows this, and perhaps some of my colleagues on the other side may know this as well—but in that oath, it references the law five separate times, five separate references to this thing we call the law—in the very oath that we want new citizens to take, five times in a single paragraph.

Mr. Speaker, good luck explaining why new citizens should follow the law when those in power do not have to.

Good luck explaining the difference between anarchy and the wholesale failure to enforce the law simply because you do not like it. Good luck stopping the next President from ignoring a law that he or she does not like.

If the President can pick and choose which laws he likes, then so can the rest of us, and you have undermined the very thing that binds us together. So be careful what you do today. Tomorrow is coming.

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CASTRO).

□ 1145

Mr. CASTRO of Texas. Mr. Speaker, 50 years ago, even 100 years ago, if you asked somebody who was living in Asia or Latin America or Europe where on Earth they would want to go if they were going to leave their home country, the answer was very clearly the United States of America.

We proudly say, as Americans, that we are a Nation of immigrants, yet throughout the generations, immigrants from different corners of the world have encountered resentment and scapegoating here in our land.

Today we celebrate St. Patrick's Day for the Irish. When the Irish came in the 1800s, they were greeted by signs that said "No Irish need apply" in cities like New York and Boston. The Chinese, for many decades, were excluded from admission into the United States. The Japanese and Germans were interned through World War II.

There was an operation called "Operation Wetback" in the Eisenhower administration that rounded up and deported thousands, if not over a million, Mexicans and Mexican Americans back to Mexico.

The latest iteration of those politics, the latest attempt to relive our worst mistakes started when a man—who may become President—called Mexican immigrants rapists and murderers.

There are times in our Nation's history when our politics become a race to the bottom, and it takes people of good faith, of different political stripes and beliefs, to stand up and put the brakes on it. Sometimes we have, and sometimes we have fail to do that. But make no mistake that we are in one of those eras now, and this resolution represents just the beginning.

My colleague from Illinois (Mr. GUTIÉRREZ), about 45 minutes ago referenced talk of mass deportations. That is not just talk. That is coming from the leading Republican frontrunners for President.

Do you know what that means? That means that you are going to go pull 2- and 3- and 4-year-old kids out of homes, from their parents forcibly, and send them out of here. It means that you are going to take parents and drag them away from their kids, leaving them alone.

I know that there are people of very good faith who disagree with Democrats on this issue. In fact, many have spoken today, and I respect their opinions. But I would ask all of us, as Americans, to ask ourselves whether this represents the very best of our Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman from Texas an additional 1 minute.

Mr. CASTRO of Texas. The fact is we are a Nation of immigrants, we have always been a Nation of immigrants, and we will always be a Nation of immigrants. It is what has made us strong, it is what has made us powerful around the world, it is what has earned us friends, and it is what has made us the envy of the world.

All of us have to make sure, in governing, that 50 years from now, when somebody in Europe or Latin America or Asia is asked where on Earth they would want to move, if they were going to leaving their home country, that the answer is still the United States of America.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for his courtesy.

And to my fellow Texan who is managing on the other side, the chairman of the Rules Committee, it is a moment in history that we are speaking of, and it is powerful to follow my fellow Texan on the moment in history that we have.

Earlier today, I said that as my friends on the other side were debating about the will of the House, I indicated that it is a divided House, and that is not the will of the American people. It is evidenced in the rules.

So to go and suggest that any brief that would wish to overcome, if you will, the President's constitutional authority is bogus; it is not true. If this was a consensus, the brief would be prepared, and all Members would sign onto the brief. That is not the case.

As I come from Texas, let me say that much of what is being done is out of fear. You don't understand it. You don't understand DREAMers.

We do in Texas. We have a State law that allows our DREAMers to go to college, and they are making good. I see them in my office. And I know their parents, of whom we are speaking about, because some of their parents' children are, obviously, children who are citizens and who are able then at a point in time to be able to be under the DACA and the DAPA.

So let me reinforce the fact that the President has acted under executive orders that squarely fall under the Take Care Clause, as ensuring Presidential control over those who execute and enforce the laws. You can rely on *Arizona v. United States*, *Bowsher v. Synar*,

*Buckley v. Valeo*, *Printz v. United States*, and *Free Enterprise Fund v. PCAOB*.

The enforcement agencies, including the U.S. Department of Homeland Security, properly may exercise their discretion to devise and implement policies specific to laws they are charged with enforcing, the population they serve, and the problems they face so that they can prioritize our Nation's resources.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentlewoman from Texas an additional 1 minute.

Ms. JACKSON LEE. Are we to kick out children who are on their way to success and then their parents?

And the reason why I want to dispel this myth of fear: These parents are working. Maybe they are working in positions that others would not have; maybe they are working alongside of fellow Americans. I don't adhere to in any way to think of people displacing Americans looking for jobs. That is not this issue.

A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter—we have prioritized criminals and those who would do us harm.

But we are operating out of fear, just as was earlier said. When someone who—the world does not know whether he is a Presidential candidate or whether he is a spokesman for America—blocks and puts his hand up to stop all Muslims from coming in. Who will be next? Would it have been the Irish in the 1800s? Would it have been the Italians in the 1900s?

America has to get back to reasonable lawmaking, pass a comprehensive immigration reform bill, and make a difference.

Finally, Mr. Speaker, I want to close by saying I don't want the next victim of domestic violence to be thrown out. Vote against this resolution.

Mr. Speaker, I rise in strong opposition to both the rule (governing debate of H. Res. 639, and the underlying resolution, which authorizes the Speaker to appear as *Amicus Curiae* on behalf of the House of Representatives in the matter of *United States, et al. v. Texas*, et al., No. 15-674.

I oppose the resolution because it is nothing more than the Republican majority's latest partisan attack on the President and another diversionary tactic to avoid addressing the challenge posed by the nation's broken immigration system.

Mr. Speaker, H. Res. 639, if adopted, would vest in the Speaker alone the power to file on behalf of the full House an *amicus* brief with the Supreme Court supporting the constitutionally untenable position of 26 Republican-controlled states in the matter of *United States, et al. v. Texas, et al.*, No. 15-674.

Lying at the heart of the plaintiffs' misguided and wholly partisan complaint is the specious claim that President Obama lacked the constitutional and statutory authority to take executive actions to implement Administration policy regard to Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents

of American Citizens and Lawful Permanent Residents, the creation of (DAPA).

This frivolous and partisan lawsuit seeks to have DACA and DAPA declared invalid and to permanently enjoin the Obama Administration from implementing these salutary policies, both of which are intended to keep law-abiding and peace loving immigrant families together.

The purely partisan nature of the resolution before is revealed by its text, which authorizes the Speaker to waste precious taxpayer funds and file on behalf of every Member of the House an amicus brief that no Member has seen in support of a position opposed by virtually every member of the Democratic Caucus.

Mr. Speaker, let me briefly discuss why the executive actions taken by President Obama are reasonable, responsible, and within his constitutional authority.

Pursuant to Article II, Section 3 of the Constitution, the President, the nation's Chief Executive, "shall take Care that the Laws be faithfully executed."

In addition to establishing the President's obligation to execute the law, the Supreme Court has consistently interpreted the "Take Care" Clause as ensuring presidential control over those who execute and enforce the law and the authority to decide how best to enforce the laws. See, e.g., *Arizona v. United States*; *Bowsher v. Synar*; *Buckley v. Valeo*; *Printz v. United States*; *Free Enterprise Fund v. PCAOB*.

Every law enforcement agency, including the agencies that enforce immigration laws, has "prosecutorial discretion," the inherent power to decide whom to investigate, arrest, detain, charge, and prosecute.

Thus, enforcement agencies, including the U.S. Department of Homeland Security (DHS), properly may exercise their discretion to devise and implement policies specific to the laws they are charged with enforcing, the population they serve, and the problems they face so that they can prioritize our nation's resources to meet mission critical enforcement goals.

Mr. Speaker, to see the utter lack of merit in the legal position to be supported by the amicus brief permitted by H. Res. 639, one need take note of the fact that deferred action has been utilized in our nation for decades by Administrations headed by presidents of both parties without controversy or challenge.

In fact, as far back as 1976, INS and DHS leaders have issued at least 11 different memoranda providing guidance on the use of similar forms of prosecutorial discretion.

Executive authority to take action is thus "fairly wide," and the federal government's discretion is extremely "broad" as the Supreme Court held in the recent case of *Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012), an opinion written Justice Kennedy and joined by Chief Justice Roberts:

"Congress has specified which aliens may be removed from the United States and the procedures for doing so. Aliens may be removed if they were inadmissible at the time of entry, have been convicted of certain crimes, or meet other criteria set by federal law. Removal is a civil, not criminal, matter. A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all. If removal proceedings com-

mence, aliens may seek asylum and other discretionary relief allowing them to remain in the country or at least to leave without formal removal." (emphasis added) (citations omitted).

The Court's decision in *Arizona v. United States*, also strongly suggests that the executive branch's discretion in matters of deportation may be exercised on an individual basis, or it may be used to protect entire classes of individuals such as "[u]nauthorized workers trying to support their families" or immigrants who originate from countries torn apart by internal conflicts:

"Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service.

Some discretionary decisions involve policy choices that bear on this Nation's international relations. Returning an alien to his own country may be deemed inappropriate even where he has committed a removable offense or fails to meet the criteria for admission. The foreign state may be mired in civil war, complicit in political persecution, or enduring conditions that create a real risk that the alien or his family will be harmed upon return.

The dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation's foreign policy with respect to these and other realities."

Exercising thoughtful discretion in the enforcement of the nation's immigration law saves scarce taxpayer funds, optimizes limited resources, and produces results that are more humane and consistent with America's reputation as the most compassionate nation on earth.

Mr. Speaker, a DREAMER (an undocumented student) seeking to earn her college degree and aspiring to attend medical school to better herself and her new community is not a threat to the nation's security.

Law abiding but unauthorized immigrants doing honest work to support their families pose far less danger to society than human traffickers, drug smugglers, or those who have committed a serious crime.

The President was correct in concluding that exercising his discretion regarding the implementation of DACA and DAPA policies enhances the safety of all members of the public, serves national security interests, and furthers the public interest in keeping families together.

Mr. Speaker, according to numerous studies conducted by the Congressional Budget Office, Social Security Administration, and Council of Economic Advisors, the President's DACA and DAPA directives generate substantial economic benefits to our nation.

For example, unfreezing DAPA and expanded DACA is estimated to increase GDP by \$230 billion and create an average of 28,814 jobs per year over the next 10 years.

That is a lot of jobs.

Mr. Speaker, in exercising his broad discretion in the area of removal proceedings, President Obama has acted responsibly and reasonably in determining the circumstances in which it makes sense to pursue removal and when it does not.

In exercising this broad discretion, President Obama not done anything that is novel or unprecedented.

Let me cite a just a few examples of executive action taken by American presidents, both Republican and Democratic, on issues affecting immigrants over the past 35 years:

1. In 1987, President Ronald Reagan used executive action in 1987 to allow 200,000 Nicaraguans facing deportation to apply for relief from expulsion and work authorization.

2. In 1980, President Jimmy Carter exercised parole authority to allow Cubans to enter the U.S., and about 123,000 "Mariel Cubans" were paroled into the U.S. by 1981.

3. In 1990, President George H.W. Bush issued an executive order that granted Deferred Enforced Departure (DED) to certain nationals of the People's Republic of China who were in the United States.

4. In 1992, the Bush administration granted DED to certain nationals of El Salvador.

5. In 1997, President Bill Clinton issued an executive order granting DED to certain Haitians who had arrived in the United States before Dec. 31, 1995.

6. In 2010, the Obama Administration began a policy of granting parole to the spouses, parents, and children of military members.

Mr. Speaker, because of the President's leadership and visionary executive action, 594,000 undocumented immigrants in my home state of Texas are eligible for deferred action.

If these immigrants are able to remain united with their families and receive a temporary work permit, it would lead to a \$338 million increase in tax revenues, over five years.

Finally, Mr. Speaker, let me note that the President's laudable executive actions are a welcome development but not a substitute for undertaking the comprehensive reform and modernization of the nation's immigration laws supported by the American people.

Only Congress can do that.

America's borders are dynamic, with constantly evolving security challenges.

Border security must be undertaken in a manner that allows actors to use pragmatism and common sense.

Comprehensive immigration reform is desperately needed to ensure that Lady Liberty's lamp remains the symbol of a land that welcomes immigrants to a community of immigrants and does so in a manner that secures our borders and protects our homeland.

Instead of wasting time debating divisive and mean spirited measures like H. Res. 639, we should instead seize the opportunity to pass legislation that secures our borders, preserves America's character as the most open and welcoming country in the history of the world, and will yield hundreds of billions of dollars in economic growth.

I urge all Members to join me in voting against H. Res. 639.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), the ranking member of the Judiciary Subcommittee on Immigration and Border Security.

Ms. LOFGREN. Mr. Speaker, we have heard some very eloquent comments



today. I was particularly taken by my colleague from South Carolina (Mr. GOWDY), the chairman of the committee, his passionate speech about the rule of law. In fact, we all do agree about the importance of the rule of law in American life and in the vitality of our country.

Unfortunately, the facts of this case have nothing to do with the speech given by Mr. GOWDY.

On November 20, 2014, a number of memoranda were issued by the Secretary of Homeland Security. One of them is titled: "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants." That was pursuant to the 2002 action of this Congress, creating the Department of Homeland Security and directing the Secretary to establish priorities for removal. And it is worth pointing out that this memorandum has not been enjoined. Nobody sued to stop it. It is in effect. Nobody has challenged its legality. It is what is happening right now.

In fact, the only things that have been enjoined temporarily are the DAPA, the relief for parents, and the expansion of relief for children.

My colleague, who I respect and like, the gentleman from Texas (Mr. POE), did mention that the deferred action provides benefits, health care, and education. In fact, the deferred action provides no such benefits. It is not a legal status. It is a deferral of deportation. It is revocable at any time.

Here is what the memorandum establishing this said:

"This memorandum confers no substantive right, immigration status or pathway to citizenship. Only an act of Congress can confer these rights. It remains within the authority of the executive branch, however, to set forth policy for the exercise of prosecutorial discretion and deferred action within the framework of existing law. This memoranda is an exercise of that authority."

In fact, the exercise of that authority is nothing new. We have mentioned earlier that President Reagan deferred action on the deportation of the wives and children of those who got relief through the 1986 IRCA Act that Congress passed, despite the fact that Congress told him not to do it, because he had the authority to do it.

We have also had instances where wives of American soldiers were going to be deported. Do you know what? The President gave them deferral from deportation because it was unconscionable to us that a soldier fighting in Iraq or Afghanistan would have his wife deported while he is over in the battlefield.

We have private bills that we take up, egregious cases. Do you know what? If we ask for a report from the Department about that bill, the Department defers action on it. They defer deportation for the person who is the subject of that bill.

We, on the committee, thank them for doing that. We know that they do

that, and we agree and like that they do that.

I mentioned earlier that the Congress, after Tiananmen Square, passed a bill to prevent the deportation of Chinese students who had been murdered, some of them, in Tiananmen Square. President Bush vetoed that bill. Why did he veto it? He vetoed it so he could give deferred deportation to the students because it was his position—and no one challenged that—it was the President's authority to do that.

I want to raise another issue. My friend, the Chairman of the Rules Committee, mentioned earlier this morning that the House had received a request to brief this issue. I was very surprised by that. It was the first I had heard of it. It is my understanding from the paper submitted that what he was referring to was the Petition for Writ of Certiorari, which was granted. This is what it says:

"In addition to the questions presented by the petition, the parties are directed to brief and argue the following question—"

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. LOFGREN. I know that Mr. SESSIONS is not a lawyer and I would not suggest he intended to mislead this House. But the comment was, in fact, misleading because that is not a requirement for the House to brief that point. It is simply directed to the parties in the litigation, which we are not.

This is about whether we deport kids or not, but it is also about whether we engage in rhetoric that is injurious to the public because it distorts the actual facts of this case.

I urge my colleagues to vote against this resolution.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. I yield myself 2 minutes.

Mr. Speaker, Congress has repeatedly and explicitly passed laws delegating enforcement authority to the executive branch in the immigration context.

Through DAPA and the expansion of DACA, the Secretary of Homeland Security is simply enforcing these existing laws that have previously been passed.

□ 1200

Do you know what, Mr. Speaker? Words matter.

In talking about the families, like Ms. Garcia's from my district, we really know that, especially during a campaign season or when there is rhetoric on the floor, the words that those of us in elected office say matter. I found that out firsthand as I talked to some of the families in my district who have mixed status children who turn on to VTV and see some of our national politicians rail against them.

I asked permission to use stories from some of our families here today. In the past, it has always been very customary that they have said, "Yes. If

it will help to share my story, please share it with the American people. The American people will understand that I want to be with my child. What is more family oriented than that?"

Those are the values of the people. Yet, when I asked over the last few days and when my staff asked, there were many families who said no to having their stories told on the House floor.

Why? Because major, national political figures, like Donald Trump, are running for higher office and are trying to win votes by promising that they will do everything in their power to break up families like Ms. Garcia's. They promise to do everything in their power to rip apart our communities at the core, to separate American children from one or both parents. By any means necessary, they say, we will deport mothers and fathers of American children.

We are better than that, Mr. Speaker. We are better than that. DAPA and DACA are an enormous step forward.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield myself an additional 1 minute.

I find it so annoying that they argue this is Congress' job; yet the very people arguing that it is Congress' job are the people who are preventing Congress from doing its job. Thank goodness the President used his executive authority, which already exists, to move forward in prioritizing immigration cases just as President Reagan did, just as President Bush did.

If those on the other side believe that Congress should solve this, let them stop standing in the way.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. Mr. Speaker, four really quick points.

I would say to my friend from Colorado, through the Speaker, that one reason Congress may not enact new laws is that we have absolutely zero confidence they will actually be enforced. Maybe if this President enforced current law, we would be more willing to embark on new ones.

Secondly, I think Judge POE was right. I do think part of the opinion deals with the conferring of benefits, but I would invite people to read it for themselves.

Thirdly, on this issue of prosecutorial discretion, Mr. Speaker, all law enforcement agencies have limited resources, but they don't hold press conferences ahead of time and announce "you are not going to be prosecuted or investigated if you just steal 'this' amount of money. You are not going to be prosecuted or investigated if you just possess 'this' amount of controlled substances." This is not prosecutorial discretion. This is a political decision to not enforce the law.

Lastly, I want to say—and she is my friend—I have great respect for Ms.

LOFGREN, and I am actually not including her in what I am getting ready to say because I will bet you, in 2008, she was ready, Mr. Speaker, to move on comprehensive immigration reform when nobody else was. From 2008 to 2010, when they had all the gears of government, they didn't lift a finger Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 1 minute.

Mr. GOWDY. Mr. Speaker, they did not lift a finger. So with all of the ideas I hear my friends talking about, it just makes me wonder: Where were you when you had the House? Where were you when you had the Senate? Where were you when you had the White House? You had all three of them, and you didn't do any of the things you are talking about doing this morning.

In conclusion, yes, you are right. It is Congress' job to pass the law. As soon as you show us that you are willing to enforce it, maybe we will be willing to pass some new ones; but asking us to trust an administration, Mr. Speaker, that is deciding, wholesale, certain categories not to enforce, we may not be smart, but we are smarter than that.

In the final analysis, Mr. Speaker, this is an issue about the constitutional equilibrium. The House needs to speak up for itself, and I applaud Speaker RYAN for doing exactly that.

The SPEAKER pro tempore. The Chair will remind Members, once again, to please direct their remarks to the Chair.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. I thank my friend from Colorado.

Where we were were doing a lot of business unlike we are doing now.

Mr. Speaker, I rise in strong opposition to this resolution.

I say to my friends across the aisle, who are so passionate about Congress having a role in this case: where was that enthusiasm when Congress had ample opportunity to prevent this case by doing its job and enacting real, bipartisan comprehensive immigration reform?

The only reason this case exists is that Congress did not do its job, and then President Obama had no choice but to act in the limited capacity that he could under the law. He acted within his legal authority—something I am confident the Court will affirm. He acted because it would have been inhumane not to do anything while families were being torn apart by our broken immigration policies and this Congress' failure to act.

The Democratic-controlled Senate passed a comprehensive immigration reform bill in June of 2013, and House Republicans did nothing for more than 500 days before President Obama resorted to the power of his pen. Now to

authorize the Speaker to file an amicus brief opposing the President's actions rather than acting through the office known as the Bipartisan Legal Advisory Group is a break from the usual procedure by which the House weighs in on a matter before the courts in which it may have an interest.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 20 seconds.

Mr. HOYER. In other words, this is not regular order, as is so often the cry of my Republican colleagues. This is regular disorder. I am a member of the Bipartisan Legal Advisory Group. It was never brought to us. We never considered it.

Mr. Speaker, we ought to oppose this resolution.

Mr. Speaker, I rise in strong opposition to this resolution.

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This amicus brief, which no one has even yet seen, reflects this majority's policy of opposing the administration's legal, policy determinations to help immigrant families after having earlier abandoned its responsibility to do so through statute.

I was proud to be one of 225 Democratic members of the House and Senate to sign our own amicus brief last week supporting the administration's position.

I'm also among the Democratic members of the House proud to cosponsor a resolution today in support of the President's executive actions and offering our amicus brief as an alternative to the one Republicans are putting forward to represent the views of the House.

And I will continue to work toward the goal of comprehensive immigration reform legislation that offers an earned pathway to citizenship, keeps families together, and makes it easier to recruit and retain talented innovators and entrepreneurs from abroad to contribute to our economy and create jobs here in America.

I urge my colleagues to defeat this resolution.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining. The gentleman from Colorado has 1 minute remaining.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

This discussion is about my constituents, Mr. Ramos and his family. It is about keeping them together. As Mr. Gowdy says, it is about Congress not doing its job, Democrats and Republicans. In the absence of Congress doing its job, thank goodness this President or any President has used his executive authority that exists under the law, most recently in the form of DAPA and DACA, to provide some certainty to Mr. Ramos and his family so that his American kids come home from school to a loving family and so that those 12 jobs Mr. Ramos and his wife have created in our community are protected and preserved and their business is given every ability to expand.

Rather than doing the right thing by debating how to fix our broken immigration system, this Chamber is working, once again, to undermine the only significant progress that has been achieved in recent years.

I urge my colleagues to oppose this resolution, to support the families of Ms. Garcia, of Mr. Ramos, and of so many others who are scared to be named, and to reject this approach we see today.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleagues on the other side of the aisle. I believe what happened up in the Rules Committee was going through regular order—regular order to hear the original jurisdiction and regular order as we were discussing, debating, and voting on the rule. Going through regular order here on the floor of the House of Representatives is important, and I appreciate the American people and the Speaker in understanding what we are attempting to accomplish.

I also reiterate that this resolution is not about policy. It is about the law. It is about the Constitution of the United States. It is about the fabric of our democracy and the checks and balances which are demanded by every single Member of not only this House of Representatives, but also by the American people. It is about our American Constitution.

The House, I believe, must speak, will speak, and will defend its Article I legislative powers on behalf of the American people. Today you have watched Republicans argue thoughtfully and carefully on behalf of this, and I urge my colleagues to join me and the Speaker in support of this important resolution.

While we have consulted with the Committee on Ethics and been advised that this

resolution complies with its guidance in the House Ethics Manual, section 3 of the resolution provides further authorization for the Speaker to accept pro bono assistance so there is no question as to its propriety.

Mr. Speaker, the relevant portion of the House Ethics Manual states:

“[A]s detailed below, Members and staff may accept pro bono legal assistance for certain purposes without Committee permission.

“As to pro bono legal assistance, a Member, officer, or employee may accept such assistance without limit for the following purposes:

“To file an amicus brief in his or her capacity as a Member of Congress;”

I yield back the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I wish to express my support for the President's executive actions on immigration to expand the Deferred Action for Childhood Arrivals (DACA) program and the creation of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program.

Soon, the Supreme Court will consider U.S. v. Texas, the case concerning President Obama's executive actions on immigration to extend temporary relief from deportation for undocumented immigrants who arrived in the U.S. when they were children and eligible parents of American citizens or legal permanent residents. These crucial programs have been halted as this litigation continues and our families, our businesses, and our economy hang in the balance.

Today, the House Republicans brought a polarizing resolution to the floor authorizing the Speaker to file an anti-immigrant amicus brief with the Supreme Court opposing these executive actions. I am disappointed that House Republicans are attempting to block the President's executive actions on immigration from taking effect.

The President acted to keep hard-working immigrant families together and to ensure that DREAMERS can continue to live in the only country they've ever known. As co-chair of the Congressional Hispanic Caucus' Immigration Task Force, I'm hopeful that the Supreme Court will recognize the legality and importance of President Obama's executive actions for our immigrant families. We compromise our nation's family values when we tear apart families and instill fear and mistrust among communities.

With so much at stake, we can't rely on the courts to correct this injustice. America deserves a fair and just immigration system, and our hard-working immigrant families have waited long enough. It's time for Congress to do its job and pass comprehensive immigration reform immediately.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise today in opposition to H. Res. 639, a misguided resolution forced on all Members of the House of Representatives in an attempt to block President Obama's executive action on immigration. This is yet another partisan effort by House Republicans to tear families apart and separate children from their parents.

This amicus brief that Speaker RYAN will file on behalf of the entire House of Representatives not only goes against well-established Constitutional precedents but also against our economic interest. The Congressional Budget Office and numerous other researchers have

found that immigration raises average wages for U.S. born workers and grows our economy by billions of dollars. In my State of California alone, the President's Executive action will generate 130,000 jobs and lift 40,000 Californian children out of poverty.

The actions taken by the President on the subject of immigration are within authority of the executive branch. I am proud to join 186 of my House colleagues in support of the President's immigration executive actions.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to House Resolution 639, which would allow the Speaker to file an amicus brief on behalf of the entire House of Representatives in United States v. Texas.

This case deals with critical executive actions implementing immigration initiatives that will strengthen our communities, protect the dignity of families, enhance public safety and national security, raise average wages for U.S.-born workers, and grow our economy by tens of billions of dollars.

Unfortunately, the majority opposes these initiatives and now seeks to influence this pending appeal before the Supreme Court.

I oppose this resolution for several reasons.

First, it is entirely unnecessary. Earlier this month, 185 of my colleagues and I filed an amicus brief in this case with the Supreme Court.

And other individual Members of this body are already free to file their own amicus briefs as well.

The Speaker, however, has chosen to expend legislative time on this measure instead of focusing on what Americans truly care about. Americans are worried about jobs, about overwhelming student loan debt, and in my State, the safety of the drinking water.

Another problem with this resolution is that it authorizes the filing of an amicus brief on behalf of the entire House of Representatives in United States v. Texas when in fact it would not reflect the views of the entire legislative body.

The amicus brief authorized pursuant to House Resolution 639 would represent the views of only the Republican majority.

The majority should not be able to bind the minority to this ill-conceived and misleading undertaking.

Finally, we have already thoroughly debated the constitutionality of the President's executive actions and it is clear that the Deferred Action for Parents of Americans and expanded Deferred Action for Childhood Arrivals immigration programs are lawful exercises of executive discretion.

Presidents from both parties, including George H.W. Bush and Ronald Reagan, have routinely used similar deferred deportation policies to promote family unity in our immigration system.

These programs are commonsense solutions to our broken immigration system that has divided families for decades.

The Supreme Court is the proper venue to resolve this issue, and I am confident the Court will find these actions consistent with the law and the Constitution.

Accordingly, I urge my colleagues to oppose this ill conceived and wasteful resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong opposition to this resolution. H. Res. 639 is an unprecedented measure by the House Majority to make its opposition to deferred action the official policy of the United States House of Representatives.

A resolution offering the full House to file an amicus has never been done before. Last week, I proudly joined 222 congressional colleagues in sending a amicus brief to the Supreme Court in support of immigrant communities and deferred action. House Republicans are welcome to do the very same. However, to send a brief in the name of the full House and the American people is unprecedented and unwarranted.

DAPA, Deferred Action for Parental Accountability, and expanded DACA, Deferred Action for Childhood Arrivals, created by the President's 2014 Executive Order, would give over 5 million immigrants living in our country today—including an estimated 182,000 immigrants living in Harris County, Texas—the opportunity to no longer live in fear and a shot at the American Dream.

The President's Executive Order that created DAPA and expands DACA is entirely within the Department of Homeland Security's legal authority to grant or deny applications for deferred action. Congress has explicitly passed laws delegating broad immigration enforcement authority to the Executive Branch.

There is a strong historical precedent for DAPA: During the administrations of President Ronald Reagan and George H.W. Bush, deferred action was granted to hundreds of thousands of immigrants in the 1980's and early 1990's.

All of this would be completely unnecessary, Mr. Speaker, if the House Majority had stood with the American people in the last Congress and passed comprehensive immigration reform. Instead, we will be voting on an unprecedented resolution that has little, if anything, to do with fixing our nation's broken immigration system and everything to do with the political season.

I sincerely hope my colleagues on the other side of the aisle, many of whom I have worked with for years and consider good friends, will not allow the People's House, or their party, to adopt the anti-immigrant views of Donald Trump. Mr. Trump's demagoguery and fearmongering against immigrants who came to this country for a better life—just like our forefathers and foremothers before us—must not be allowed to become the sanctioned policy of Congress.

I urge my colleagues on both sides of the aisle to stand with me and vote against this needless and unprecedented resolution.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to H. Res. 639. This bill would allow Speaker RYAN, on behalf of the House, to file an amicus brief in the Supreme Court case on expanded Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). An amicus brief submitted by the House of Representatives should convey the sentiments of the entire House and not just those of the Republican party—a party whose frontrunner in the presidential campaign has maligned our immigrant communities with hateful and demeaning rhetoric. The Speaker and his party do not speak for the whole House on this matter, and they certainly do not speak for me.

I support the president's executive actions to expand DACA and implement DAPA. Every president for more than fifty years, regardless of party, has taken executive action on immigration, including Presidents Ronald Reagan and George H.W. Bush. President Obama's

actions are a step forward in allowing more people to come out of the shadows to participate more fully in our communities.

If Speaker RYAN and House Republicans are serious about reforming our broken immigration system, they should not waste time and taxpayer money on partisan political stunts. Instead, I call on the Speaker to bring his caucus to the table to help negotiate a sensible, bipartisan immigration reform package that will enhance our national security, protect the dignity of families, grow our economy, and put millions of immigrants on a path to citizenship.

Mr. FARR. Mr. Speaker, I rise today to express frustration and disappointment in my Republican colleagues' obstinate and insulting discussion about President Obama's Executive Action on Immigration. We are a nation built on the shoulders of immigrants. For most of us, our family trees will reflect a history with roots in other nations—making us the sons and daughters of immigrants ourselves. It has become profoundly clear, however, that many of us today have forgotten this.

The arguments being made on the House floor today not only disrespect the legacy of the immigrants who helped shape this nation, but it undermines the authorities we entrust to our nations President. Simply put, the Executive Action taken to address the immigration crisis in this country fall wholly and legally into his executive authority. DACA and DAPA are necessary in approaching our immigration policy in a compassionate and humane way. We are not prepared to rip babies from the arms of their mothers and deport them. We do not support destroying the families of hardworking men and women who came here looking for a better life. We are better than that. America is better than that.

We all recognize that the President is responsible for upholding and executing the laws passed by this Congress. The actions taken on immigration policy are not only legal but necessary, yet my friends on the other side of the aisle appear to ignorantly and vehemently disagree. So to them I ask, if this approach to immigration reform does not sit well with you, why don't you instead do your job and bring forward legislation on comprehensive immigration reform and let us vote on it in this House? You've made it clear in this discussion today that you understand that it is Congress' job to create immigration law and yet, all I see is a Party content to sit on its hands and scream at the administration for taking the action that they refuse to take themselves. This nation is ready for comprehensive immigration reform. Our constituents deserve answers, our hardworking immigrant families deserve relief and our undocumented guests, who work tirelessly to contribute to the economy of this country, deserve a clear and fair pathway to citizenship.

I support comprehensive immigration reform. I do not support this ill conceived resolution. I urge a no vote.

Mrs. KIRKPATRICK. Mr. Speaker, today, the House is taking up H. Res. 639, authorizing the Speaker to appear as amicus curiae on behalf of the House of Representatives in the matter of United States v. Texas concerning the creation of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program and the expansion of the Deferred Action for Childhood Arrivals (DACA) program. I adamantly oppose H. Res.

639. Congress needs to prioritize and pass comprehensive immigration reform instead of wasting precious time with partisan, backwards legislation like H. Res. 639.

For over a decade, Democrats and Republicans in both houses have been trying to pass immigration reform. My colleagues and I have voted repeatedly against Republican attempts to defund DACA and have signed a discharge petition requesting a vote on comprehensive immigration reform. Because Arizona is a border state, we have suffered from years of federal inaction to fix our broken system. It's time for leadership to stop trying to obstruct programs like DAPA and DACA, which are keeping Arizona families together, and pass comprehensive immigration reform to address border security in our state, offer a fair but tough pathway to citizenship and provide an effective system to meet Arizona's and the country's labor needs.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 649, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 186, not voting 14, as follows:

[Roll No. 129]

YEAS—234

Abraham	Culberson	Herrera Beutler
Aderholt	Davis, Rodney	Hice, Jody B.
Allen	Denham	Hill
Amash	Dent	Holding
Amodei	DeSantis	Hudson
Babin	DesJarlais	Huelskamp
Barletta	Donovan	Huizenga (MI)
Barr	Duffy	Hultgren
Barton	Duncan (SC)	Hunter
Benishek	Duncan (TN)	Hurd (TX)
Bilirakis	Ellmers (NC)	Hurt (VA)
Bishop (MI)	Emmer (MN)	Issa
Bishop (UT)	Farenthold	Jenkins (KS)
Black	Fitzpatrick	Jenkins (WV)
Blackburn	Fleischmann	Johnson (OH)
Blum	Fleming	Johnson, Sam
Bost	Flores	Jolly
Boustany	Forbes	Jones
Brady (TX)	Fortenberry	Joyce
Brat	Fox	Katko
Bridenstine	Franks (AZ)	Kelly (MS)
Brooks (AL)	Frelinghuysen	Kelly (PA)
Brooks (IN)	Garrett	King (IA)
Buck	Gibbs	King (NY)
Bucshon	Gibson	Kinzinger (IL)
Burgess	Gohmert	Kline
Byrne	Goodlatte	Knight
Calvert	Gosar	Labrador
Carter (GA)	Gowdy	LaHood
Carter (TX)	Granger	LaMalfa
Chabot	Graves (GA)	Lamborn
Clawson (FL)	Graves (LA)	Lance
Coffman	Griffith	Latta
Cole	Grothman	LoBiondo
Collins (GA)	Guinta	Long
Collins (NY)	Guthrie	Loudermilk
Conaway	Hardy	Love
Cook	Harper	Lucas
Costello (PA)	Harris	Luetkemeyer
Cramer	Hartzler	Lummis
Crawford	Heck (NV)	MacArthur
Crenshaw	Hensarling	Marchant

Marino	Posey	Stewart
Massie	Price, Tom	Stivers
McCarthy	Ratcliffe	Stutzman
McCaul	Reed	Thompson (PA)
McClintock	Reichert	Thornberry
McHenry	Renacci	Tiberi
McKinley	Ribble	Tipton
McMorris	Rice (SC)	Trott
Rodgers	Rigell	Turner
McSally	Roby	Upton
Meadows	Roe (TN)	Valadao
Meehan	Rogers (AL)	Wagner
Messer	Rogers (KY)	Walberg
Mica	Rohrabacher	Walden
Miller (FL)	Rokita	Walker
Miller (MI)	Rooney (FL)	Walorski
Moolenaar	Roskam	Walters, Mimi
Mooney (WV)	Ross	Weber (TX)
Mullin	Rothfus	Webster (FL)
Mulvaney	Rouzer	Wenstrup
Murphy (PA)	Royce	Westerman
Neugebauer	Russell	Westmoreland
Newhouse	Ryan (WI)	Whitfield
Noem	Salmon	Williams
Nugent	Sanford	Wilson (SC)
Nunes	Schweikert	Wittman
Olson	Scott, Austin	Womack
Palazzo	Sensenbrenner	Sessions
Palmer	Shimkus	Woodall
Paulsen	Shuster	Yoder
Pearce	Simpson	Yoho
Perry	Smith (MO)	Young (AK)
Pittenger	Smith (NE)	Young (IA)
Pitts	Smith (NJ)	Young (IN)
Poe (TX)	Smith (TX)	Zeldin
Poliquin	Stefanik	Zinke
Pompeo		

NAYS—186

Adams	Engel	McCollum
Aguilar	Eshoo	McDermott
Ashford	Esty	McGovern
Beatty	Farr	McNerney
Becerra	Fattah	Meeks
Bera	Foster	Meng
Beyer	Fudge	Moore
Bishop (GA)	Gabbard	Moulton
Blumenauer	Gallego	Murphy (FL)
Bonamici	Garamendi	Nadler
Boyle, Brendan F.	Graham	Napolitano
Brady (PA)	Grayson	Neal
Brown (FL)	Green, Al	Nolan
Brownley (CA)	Green, Gene	Norcross
Bustos	Grijalva	O'Rourke
Butterfield	Gutiérrez	Pallone
Capps	Hahn	Pascarell
Capuano	Hanna	Payne
Cárdenas	Hastings	Pelosi
Cerney	Heck (WA)	Perlmutter
Carson (IN)	Higgins	Peters
Cartwright	Himes	Peterson
Castor (FL)	Hinojosa	Pingree
Castro (TX)	Honda	Pocan
Chu, Judy	Hoyer	Polis
Ciilline	Huffman	Price (NC)
Clark (MA)	Israel	Quigley
Clarke (NY)	Jackson Lee	Rangel
Clay	Jeffries	Rice (NY)
Cleaver	Johnson (GA)	Richmond
Clyburn	Johnson, E. B.	Ros-Lehtinen
Cohen	Kaptur	Royal-Allard
Connolly	Keating	Ruiz
Conyers	Kelly (IL)	Ruppersberger
Cooper	Kennedy	Ryan (OH)
Costa	Kildee	Sánchez, Linda T.
Courtney	Kilmer	Sarbanes
Crowley	Kind	Schakowsky
Cuellar	Kuster	Schiff
Cummings	Langevin	Schrader
Curbelo (FL)	Larsen (WA)	Scott (VA)
Davis (CA)	Larson (CT)	Scott, David
Davis, Danny	Lawrence	Serrano
DeFazio	Lee	Sewell (AL)
DeGette	Levin	Sherman
Delaney	Lewis	Sinema
DeLauro	Lipinski	Sires
DelBene	Loeb	Slaughter
DeSaulnier	Loeb	Speier
Deutch	Lofgren	Swalwell (CA)
Diaz-Balart	Lowenthal	Takai
Dingell	Lowey	Takano
Doggett	Lujan Grisham (NM)	Thompson (CA)
Dold	Lujan, Ben Ray (NM)	Thompson (MS)
Doyle, Michael F.	Lynch	Titus
Duckworth	Maloney	Tonko
Edwards	Maloney, Sean	Torres
Ellison	Matsui	Tsongas
		Van Hollen

Vargas	Walz	Welch
Veasey	Wasserman	Wilson (FL)
Vela	Schultz	Yarmuth
Velázquez	Waters, Maxine	
Visclosky	Watson Coleman	

## NOT VOTING—14

Bass	Frankel (FL)	Rush
Buchanan	Graves (MO)	Sanchez, Loretta
Chaffetz	Jordan	Scalise
Comstock	Kirkpatrick	Smith (WA)
Fincher	Lieu, Ted	

□ 1233

Ms. BROWN of Florida changed her vote from “yea” to “nay.”

Mrs. WALORSKI changed her vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SMITH of Washington. Mr. Speaker, on Monday, March 14; Tuesday, March 15; Wednesday, March 16; and Thursday, March 17, 2016, I was on medical leave while recovering from hip replacement surgery and unable to be present for recorded votes. Had I been present, I would have voted:

“Yes” on rollcall vote No. 111 (on the motion to suspend the rules and pass S. 2426).

“Yes” on rollcall vote No. 112 (on the motion to suspend the rules and pass H. Con. Res. 75, as amended).

“Yes” on rollcall vote No. 113 (on the motion to suspend the rules and pass H. Con. Res. 121, as amended).

“No” on rollcall vote No. 114 (on ordering the previous question on H. Res. 640).

“No” on rollcall vote No. 115 (on agreeing to the resolution H. Res. 640).

“Yes” on rollcall vote No. 116 (on the motion to suspend the rules and pass H.R. 2081).

“Yes” on rollcall vote No. 117 (on the motion to suspend the rules and pass H.R. 3447, as amended).

“Yes” on rollcall vote No. 118 (on agreeing to the Pallone Amendment No. 1 to H.R. 3797).

“Yes” on rollcall vote No. 119 (on agreeing to the Pallone Amendment No. 2 to H.R. 3797).

“Yes” on rollcall vote No. 120 (on agreeing to the Bera Amendment to H.R. 3797).

“Yes” on rollcall vote No. 121 (on agreeing to the Veasey Amendment to H.R. 3797).

“Yes” on rollcall vote No. 122 (on the motion to recommit H.R. 3797, with instructions).

“No” on rollcall vote No. 123 (on passage of H.R. 3797).

“Yes” on rollcall vote No. 124 (on passage of H.R. 4596).

“Yes” on rollcall vote No. 125 (on the motion to suspend the rules and pass H.R. 4416).

“Yes” on rollcall vote No. 126 (on the motion to suspend the rules and pass H.R. 4434).

“No” on rollcall vote No. 127 (on ordering the previous question on H. Res. 649).

“No” on rollcall vote No. 128 (on agreeing to the resolution H. Res. 649).

“No” on rollcall vote No. 129 (on agreeing to the resolution H. Res. 639).

## PERSONAL EXPLANATION

Mrs. COMSTOCK. Mr. Speaker, on rollcall No. 127, 128, 129, I was unable to vote, as I

was attending a funeral service for a close family friend. Roll No. 127 was ordering the previous question; Roll No. 128 was H. Res. 649, providing for consideration of the resolution H. Res. 639, which authorizes the Speaker to appear as amicus curiae on behalf of the House of Representatives in the matter of U.S., et al. v. Texas, et al., No. 15–674; and Roll No. 129 was agreeing to that resolution, H. Res. 639. Had I been present, I would have voted “yea” on all three rollcall votes.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## EVIDENCE-BASED POLICYMAKING COMMISSION ACT OF 2015

Mr. HURD of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 1831) to establish the Commission on Evidence-Based Policymaking, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Evidence-Based Policymaking Commission Act of 2016”.*

**SEC. 2. ESTABLISHMENT.**

*There is established in the executive branch a commission to be known as the “Commission on Evidence-Based Policymaking” (in this Act referred to as the “Commission”).*

**SEC. 3. MEMBERS OF THE COMMISSION.**

*(a) NUMBER AND APPOINTMENT.—The Commission shall be comprised of 15 members as follows:*

*(1) Three shall be appointed by the President, of whom—*

*(A) one shall be an academic researcher, data expert, or have experience in administering programs;*

*(B) one shall be an expert in protecting personally-identifiable information and data minimization; and*

*(C) one shall be the Director of the Office of Management and Budget (or the Director’s designee).*

*(2) Three shall be appointed by the Speaker of the House of Representatives, of whom—*

*(A) two shall be academic researchers, data experts, or have experience in administering programs; and*

*(B) one shall be an expert in protecting personally-identifiable information and data minimization.*

*(3) Three shall be appointed by the Minority Leader of the House of Representatives, of whom—*

*(A) two shall be academic researchers, data experts, or have experience in administering programs; and*

*(B) one shall be an expert in protecting personally-identifiable information and data minimization.*

*(4) Three shall be appointed by the Majority Leader of the Senate, of whom—*

*(A) two shall be academic researchers, data experts, or have experience in administering programs; and*

*(B) one shall be an expert in protecting personally-identifiable information and data minimization.*

*(5) Three shall be appointed by the Minority Leader of the Senate, of whom—*

*(A) two shall be academic researchers, data experts, or have experience in administering programs; and*

*(B) one shall be an expert in protecting personally-identifiable information and data minimization.*

*(b) EXPERTISE.—In making appointments under this section, consideration should be given to individuals with expertise in economics, statistics, program evaluation, data security, confidentiality, or database management.*

*(c) CHAIRPERSON AND CO-CHAIRPERSON.—The President shall select the chairperson of the Commission and the Speaker of the House of Representatives shall select the co-chairperson.*

*(d) TIMING OF APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.*

*(e) TERMS; VACANCIES.—Each member shall be appointed for the duration of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.*

*(f) COMPENSATION.—Members of the Commission shall serve without pay.*

*(g) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.*

**SEC. 4. DUTIES OF THE COMMISSION.**

*(a) STUDY OF DATA.—The Commission shall conduct a comprehensive study of the data inventory, data infrastructure, database security, and statistical protocols related to Federal policymaking and the agencies responsible for maintaining that data to—*

*(1) determine the optimal arrangement for which administrative data on Federal programs and tax expenditures, survey data, and related statistical data series may be integrated and made available to facilitate program evaluation, continuous improvement, policy-relevant research, and cost-benefit analyses by qualified researchers and institutions while weighing how integration might lead to the intentional or unintentional access, breach, or release of personally-identifiable information or records;*

*(2) make recommendations on how data infrastructure, database security, and statistical protocols should be modified to best fulfill the objectives identified in paragraph (1); and*

*(3) make recommendations on how best to incorporate outcomes measurement, institutionalize randomized controlled trials, and rigorous impact analysis into program design.*

*(b) CLEARINGHOUSE.—In undertaking the study required by subsection (a), the Commission shall—*

*(1) consider whether a clearinghouse for program and survey data should be established and how to create such a clearinghouse; and*

*(2) evaluate—*

*(A) what administrative data and survey data are relevant for program evaluation and Federal policy-making and should be included in a potential clearinghouse;*

*(B) which survey data the administrative data identified in subparagraph (A) may be linked to, in addition to linkages across administrative data series, including the effect such linkages may have on the security of those data;*

*(C) what are the legal and administrative barriers to including or linking these data series;*