

a 5-year transportation bill, I and a few of my colleagues were successful in increasing by a little, teeny, tiny bit the American content on buses and light rail systems—not to 100 percent which is what I wanted, but from 60 to 70 percent. And that will be several thousand jobs over time across the United States. But we should be bold.

If, as the President-elect says, he wants to rebuild American manufacturing, make America great again—which of us doesn't want that to happen—we all do—then I would suggest, Mr. President-elect and my Republican colleagues and my Democratic colleagues, that we build into any infrastructure bill two very, very important things. The first is that American taxpayer dollars will be 100 percent spent on American-made equipment, whether that is the steel for the wheels of the Amtrak trains, the structures for the bridges, or the concrete, whatever. American-made. Your tax dollars spent on America.

So what are we going to do here? The second thing. I shouldn't forget this. There are those that would use this infrastructure legislation to further diminish the power of the American worker to stand together united and participate in achieving a fair wage.

We must not allow this effort to rebuild the American infrastructure to be an excuse for eliminating the unions in the United States. We have seen enough of that. We have seen the effect of that. The diminution of the wages for the working men and women is directly parallel to the diminution of the labor movement in California and the United States.

So, let's pay attention here. Men and women joining together, arguing and debating and standing for their rights and their wages and their working conditions is a time-honored and essential condition of the United States middle class and the working men and women, wherever they happen to be across this Nation.

As we go about this process of building America, of reinvigorating the manufacturing sector of the United States and making it in America once again, let us remember that there are key points that must be paid attention to.

There is a term that was used in the California fields by our friends from Mexico, and the term was, *Si se puede*; or, Yes, we can. We can make it in America. We can rebuild the American manufacturing sector. We can strengthen American families financially and otherwise by doing these things, but only if we use your taxpayer dollars here in America and strengthen the buy-America provisions and no further diminution in the American labor movement. Yes, we can.

Now, let's keep this in mind. It ought to be our motto. It ought to be the words by which we set our compass: to make it in America, use your tax dollars, buy American products, and strengthen the American family.

Mr. Speaker, I have talked about this issue for the last 7 years, and I have talked about this issue for about the last 17 minutes. I yield to the gentlewoman from Texas (Ms. JACKSON LEE), an incredible spokesperson for what is right in America and what is wrong.

Ms. JACKSON LEE. I thank my good friend from California, and I want to offer a consistent appreciation for an effective articulate presentation on a message that not only the American people are eager to hear, but I would imagine as we have the waning hours—I don't like to call anything lame duck—that we can rush to craft the kind of fair and just response, overdue response to the infrastructure rebuild that takes into consideration American-made products, takes into consideration and includes no diminishing of hourly wages for our hardworking union members, and, of course, begins to move across America and fix the ailing bridges, dams, highway, freeways, bridges, tunnels, and airports.

Being on the Homeland Security Committee, I definitely want to include that, particularly as I travel around the Nation and I see the hardworking people at airports, but also the infrastructure challenges.

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

EVENTS OF LAST WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for the remainder of the hour as the designee of the Minority Leader.

Ms. JACKSON LEE. Mr. Speaker, my words still count for the presentation that the gentleman from California made, and count me as one of those that will continue to join him in that.

Mr. Speaker, might I take a moment to do a number of things as I engage in a conversation on the floor with my colleagues and acknowledge the importance of the work of this body. And also, I want to speak to the last week's occurrences.

We, as Members of Congress, may have disagreements on the actions of last week, one of the most important acts that the American people engage in, so I certainly want to applaud the American people for the peaceful transfer of power. That power is not completely transferred. Everyone knows that it is the inauguration on January 20, 2017, in which we will have the opportunity to, in actuality, transfer power from President Obama to the next President of the United States that has been voted on by the people of this country.

In the course of my discussion, I will raise a number of concerns that I think are important for us to listen to. Again, these may be issues that draw a little bit of provocativeness, if you will, but I hope to be thoughtful in my words.

I do want to acknowledge the works or the words of my colleagues pre-

viously honoring the recognition of the Bible and say that so many of us not only find comfort in that wonderful book but we also use it for counsel.

As I begin, I hope that those who may be listening will, in fact, see in my words the kind of temperament and tone that, as I said, even if we have disagreement, we will certainly not be disagreeable. And I cite for my friends and for this body Psalm 16:7-11, but I only read chapter 16 and verse 7 at this point.

"I bless the Lord who gives me counsel; in the night also my heart instructs me."

Verse 8:

"I have set the Lord always before me; because he is at my right hand, I shall not be shaken."

That is, I think, a wonderful testimony for this Nation. It is a testimony for the structure of government. It is a testimony for this Congress as we proceed. It is a testimony for the men and women who are in faraway places who are wearing the uniform. It certainly is a testimony, I believe, for many who find themselves suffering at this moment in a variety of ways.

I do want to acknowledge and offer my deepest sympathy to the family of Gwen Ifill, someone who I have come to know over the years as one of America's award-winning journalists.

Gwen Ifill was, in fact, a journalist that perceived her work as a profession, as a calling, and I am so sad to hear of her untimely death. She had a storied career, including being the first African American female to moderate a Vice Presidential debate in 2004, and handling it some 4 years later. She brilliantly moderated the 2008 Vice Presidential debate between Vice President JOE BIDEN and Alaska Governor Sarah Palin, her steadiness as a host on the PBS NewsHour, and the wonderful family from which she has come.

I want to acknowledge her wonderful sister, who heads the NAACP Legal Defense Fund, and all of her family members to say that we celebrate her life, but we also mourn her passing.

I wanted this evening to manage to combine the things that we need to get done—as I said, the actions of last week—and I want to combine it with the First Amendment and the Bill of Rights that we all have.

I want to make it very clear that the First Amendment gives us the freedom of speech or of the press or the right for the people peaceably to assemble. So I take issue with statements that have been made by the recent elected person who sought the Presidency from New York who indicated in some early comments that he viewed the protesters as being paid and, I guess, incited by the media or caused to be protesting by the media. I take as a very sacred document that we are blessed to have as the Constitution.

I watched as throngs of young people walked past the United States Capitol just a few hours ago. I think it is important for the American people and

my colleagues to know what a beautiful sight of young, peaceful Americans who were frustrated and hurt by what they perceive as an exclusionary election that did not include them.

So, I do want to put on the record that this will be a constitutional discussion as we weave in and out of the challenges that I see that we will be having and, in essence, speak to some of the concerns that these protesters would have.

Let me first say that, with respect to military force, in a Washington Post article by Bob Woodward, it says:

"The president can select nuclear strike packages against three categories—military targets, war-supporting or economic targets and leadership targets."

It means, in the hands of any Commander in Chief, President, they will have that power.

□ 1900

Under practice, as the Commander in Chief, the President can employ U.S. military forces as he or she sees fit; and that means that the concern that many are expressing, these young people, what kind of Commander in Chief, as evidenced by words said during this very extended Presidential campaign of "I like war," or the idea that there would be, I guess, an extensive use of war powers or the powers that an individual President can use, this raises concern for a lot of people.

Let me, as well, indicate that, when you begin to think about the structures of government, you have a headline from the Associated Press that the children of this candidate could run a blind trust, and so that is certainly of concern.

When Mr. Giuliani indicated that Mr. Trump should set up some kind of blind trust, when pressed, Mr. Giuliani told CNN's "State of the Union" that Trump's unusual situation might call for more flexibility; and that is something we have never seen before, where there is at least some mixture of government and the using of a business structure and more flexibility. And then a new announcement that these individuals that would be involved in the blind trusts, or running the business, now would be called upon to—or are being sought, if you will, to have a top secret clearance, which means that the interests of business could be mixed with the security interests of the American people.

I find that quite puzzling. And as a member of—concerned about homeland security on a number of my committees, I find that of great concern. This is what happens when there are elections, maybe, with less information than we should have had.

So I think it is important to note that protesters are rightly concerned. Certainly, there is additional information in a recent "60 Minutes" interview where the question came up about deporting undocumented individuals.

Certainly, amongst undocumented individuals are young people called

DACA, who have been given work permits and delays from deportation, who are scholars, who are in college, who are young high school students. Because the system of legal immigration that has been presented to this Congress any number of times has not been debated or passed, we have not done our job; so we have not passed a system in which those who are unstatused could legally pay fines, stand in line, and do the appropriate thing that I think Americans would care for them to do.

What we have is a system that is broken, and so, in his wisdom, the President of the United States worked to step in the gap where there was no law as it relates to these young people, and, of course, the Congress did not act. No answer from that in the "60 Minutes" interview.

There is a question, or a point, that individuals that have criminal records—gang members, drug dealers, probably about 2 million people, allegedly—would be deported, without any suggestion of how you would pay for it. I think deportation is about \$10,000 per person.

Also, criminal record is a relative question. Is that a misdemeanor? Is that a ticket? Is that a young person that is a gang member that could be rehabilitated and then, of course, have some way to access citizenship in some appropriate manner?

Let this be very clear. None of us want to coddle or to protect anyone that will do us harm here in the United States. That is not in any way the stance that I take. But I do ask the question: Is there any thought to these policies? And these policies have now caused great fear, intimidation, which generates thousands of young people and others across America taking to the peaceful protests because they are confused—and the confusion is continuing to grow.

In addition, it was said often that this is a powerful country with a wonderful democracy. That democracy means that, in the battle of campaigns, much is said. Once campaigns are over, then we move on to respect the opponent, the loyal opposition, and we move on to ensure that we do not have a punitive and—how should I say?—unfair treatment of the individual that lost.

We have repeated over and over again, Mrs. Clinton, who I think was an excellent candidate for the Presidency—as evidenced by the fact that, right now, the numbers are mounting. She has actually received more than 1 million votes over the individual that will take up the helm by inauguration in January of 2017. So the popular vote, more Americans voted for Mrs. Clinton than the person who will be inaugurated. That is a very hard pill to swallow, and I will speak about the electoral college.

With that in mind, we also know that there have been many hearings in this Congress that have looked at a number

of aspects of some of the concerns that have been raised in the battle, in the contest, and those have not evidenced any basis for moving forward.

That being said, in an inquiry for "60 Minutes," regarding Mrs. Clinton, kind words were said, of course, and I agree with them, that she proceeded in the appropriate manner to protect the peaceful transfer of government. She reached out to the American people to ask them to work with this new government. She spoke about our values and that we should continue to maintain our values. I thank her for that. And, of course, she appropriately called and conceded, and that action was called lovely.

But when the question was posed about appointing a special prosecutor, rather than performing or speaking in a Presidential manner, that wasn't the case. The response was that this action would not be ruled out, and some words that were attempting to comfort were said: "They are good people. I don't want to hurt them."

Where is the responsible response, which is: The election is over. I thank Mrs. Clinton for her service to the Nation, and we look forward to healing this Nation and working together? That did not occur.

So let me say, let us not discount the pain that my constituents and many others are feeling because there have been no words that are conciliatory; and certainly, there are no words that would seem to respect the loyal opposition, the opponent, only the words that would seem to provoke those who worked so hard on behalf of the other candidate. The newspapers are rampant with these examples of what kind of administration will we have.

So how did we get here? We got here because of the structure of the electoral college, which was in place as we began this Nation. And of course it is established in Article II, section 1 of the U.S. Constitution.

The Constitution gives each State a number of electors equal to the combined total of its Senate membership, two for each State, the House of Representatives delegation currently ranging from 1 to 52. Under the 23rd Amendment of the Constitution, the District of Columbia is allocated three electors. So the electoral college consists of 538 electors; 535 electors from the several States and 3 from the District of Columbia. None of those individuals should stand in place of the popular vote, but that is the concept that we used in that earlier point.

On November 6, 2012, Mr. Trump tweeted that the electoral college is a disaster for democracy. I think many of us in America totally agree.

Most States require that all electoral votes go to the candidate that received the plurality in that State; and so, in some sense, it is connected to that State and has some basis to it.

It was amended in the 12th Amendment—I think that was in 1804—which provides what happens if the electoral

college fails to elect a President or Vice President. Here lies the very crux of the reason why a popular vote should now be the standard.

Let me say also that I could not read the minds of our Founding Fathers. They managed to put in a system of democracy that has now lasted for a very, very, very long period of time. They are to be commended. This was through the Constitutional Convention that met in Philadelphia in 1787. This was an important acknowledgment, and there were a variety of processes upon which they suggested there be a Presidential selection.

A committee formed to work out various details, including the mode of election of the President, recommended that the election be decided by a group of people apportioned among the States. I would offer to say that that did not go forward. There were fears of intrigue if the President was chosen by a small group of men.

At the time, as you are well aware, slaves were not counted as a full person, and slaves were in the United States. Women were not allowed to vote, and there were other prohibitions against voting. Concerns for the independence of the President if he was elected by the Congress was also part of the mix in terms of how you would discern and vote, and the electoral college was being developed.

In Federalist Paper No. 39, James Madison explained the Constitution was designed to be a mixture of State-based and population-based government. Alexander Hamilton defended the electoral college on the grounds that the electors were chosen directly by the people.

All of that, trying to get it right, I think, speaks volumes—volumes—to the idea of moving forward beyond this idea of the electoral college and to begin to look at other options; and so I am going to be asking our committees—in particular, the Judiciary Committee—to hold hearings on the electoral college.

I think it is extremely appropriate for the American people to be able to understand the crux of how this works but, more importantly, how this impacts the leadership of this country.

Five times a candidate has won the popular vote but not the electoral college: Andrew Jackson in 1824, Samuel Tilden in 1876—we remember that compromise—Grover Cleveland in 1888, Al Gore in 2000, and, certainly, Hillary Clinton in 2016. I would suggest that this is an appropriate time to review this.

We tried to do an electoral college review from 1969 to 1971. H.J. Res. 681 proposed the direct election of a President and Vice President, requiring a runoff when no candidate received more than 40 percent of the vote. The resolution did pass the House in 1969 but failed to pass the Senate.

So, I think it is important that we look at this in a manner that can be reviewed, and there are ways of doing so.

I believe there is a national popular vote, which I will find in just a moment, that has already worked with 13 States to devise another approach, or which is the popular vote, and to make sure that the bar that we have that deals with the electoral college and bars the count of the popular vote to the extent that one person, one vote, I think, has to be reviewed. There has to be a congressional review of this. There is too much at stake and too much emphasis on the right to a vote that we cannot let Americans vote for their President.

And I say that some of the discussions around the idea of the electoral college were that maybe the voters were not informed enough, maybe they were not at a level of education that we should entrust to them the idea of the situation dealing with the popular vote. So I think the issue is that we need to make sure that the one vote, one person counts. We talk about it all the time, and we don't seem to act on it. Let's hold hearings. That is important.

Let me quickly go to the aftermath of these elections that has really disturbed many of us. The Southern Poverty Law Center reports more than 201 incidents of election-related harassment and intimidation across the country as of November 11, 5 p.m. They range from anti-Black to antiwoman, to anti-LGBT incidents.

People are hurting. There were many examples of vandalism and epithets directed at individuals. Oftentimes, the types of harassment overlapped, and many incidents, though not all, involved direct references to the Trump campaign.

□ 1915

Let me give you some examples. This is an example from the Southern Poverty Law Center: My 12-year-old daughter is an African American. A boy approached her and said, "Now that Trump is President, I am going to shoot you and all the Blacks I can find." We reported it to the school, who followed up with my daughter and the boy appropriately.

Another at this time in the college setting: The day after the presidential election, my friend, a Black female freshman in a Boston-area college heard a White female student say, "This is their punishment for 8 years of Black people." When she turned around to see who said it, the White student laughed at her.

In Louisiana, a woman was harassed by White men in a passing car, which was a frequently reported venue of harassment since election day: I was standing at a red light waiting to cross the street. A black truck with three White men pulled up to the red light. One of them yelled something inappropriate. The other two began to laugh. One began to chant "Trump" as they drove away.

I have an employee who happens to be Hispanic who was coming to work in

my own hometown and was told, "Wet-back in a suit, go home."

"Death to diversity" was written on a banner displayed on our library—this happened, I think, in Colorado—for people to see, as well as written on posters across the campus, as well as White males going up to women saying unfortunate things about grabbing unfortunate things.

This is from Austin, Texas: Harassment, today a young Latino man in his 20s and a coworker of mine were walking into work as a truck slowed down and two White men threw a bag of garbage onto him and yelled, "You are going back to where you came from."

There are, obviously, many such instances. When asked about this, to his credit, Mr. Trump said to stop it. That is not going to be enough. That will not answer the thousands upon thousands of those who are protesting and the thousands upon thousands of those who are looking for leadership to be able to suggest that we are, in fact, a nation that represents all people.

Now, it is the prerogative of the person who got elected and who will be honored to serve as the President of the United States, it will be their privilege to select persons that will lead. We do know that there is discussion about an individual for the Secretary of State, and I choose to cite this as an individual who is now possibly being looked at for the many conflicts of interest that they will have.

This is the highest office in the land. There must be a responsible ordering of those who are actually able to do the job. It is important to reward your friends. But these are important governmental positions that will either be the face—the Secretary of State—of the United States internationally or the Attorney General who will be the chief law enforcement officer or in the White House staff will likewise be the face of the President of the United States.

In the last week, an individual has now been selected who was in the campaign as the chief strategist—that is the face of the White House—that has given a signal to White supremacists that they will be represented at the highest levels. It is clearly documented of the kinds of actions that this individual has been engaged in. The ex-wife indicated in a court document that he didn't want the girls going to school with Jews. He said that he doesn't like Jews.

Heading up a periodical that deals with the alt-right movement which has been known to deal with skinheads and various issues that are just completely untoward in a country that is 21st century and that is so diverse.

So I believe that having joined my colleagues and asked for reconsideration, you have the right to choose your cabinet. You have the right to choose your various aids that you will have. But I don't believe in this Nation that you have the right to deal with this question of these issues where people feel divided.

There is a picture here. We know that there is the burning of a church. This is the Hopewell Missionary Baptist Church in Greenville, Mississippi, that has written on the outside of the sacred place. I began my message or my statement on the floor with a word from Psalms. And here is written, "Vote Trump."

Now, we know that there are people that may want to provoke or not provoke, but what I think is important is that one candidate got more of the popular vote. We need to review the electoral college. Out of this election has come great concerns from the words that have been offered during the campaign that cannot be pulled back. The words that cannot be pulled back now have generated not only actions by individuals not in the government, children being maligned and attacked, individuals being attacked on the street, people feel frightened. Churches are being burned, which we passed a law some years back that it is a Federal crime to burn a church. Then to have an individual who has been associated with the kind of propaganda that, in essence, is discriminatory against so many of us as women, African Americans, Hispanics, and certainly people who have differences. Certainly we have seen potential of the KKK marching in North Carolina, been denounced by the Republican and Democratic State party chair in North Carolina; and we thank them for that.

So what does that mean for all of us?

We have work to do. We have work to do. As Justice Learned Hand observed, if we are to keep our democracy, there must be one command: Thou shalt not ration justice.

We have criminal justice reform to deal with. We have to address the individuals that have been incarcerated unfairly. We must give them a second chance. This is not myself speaking, this is religious groups speaking. This is Republicans and Democrats speaking about the importance of criminal justice reform. We have not heard any discussion on that, but we do know that there has been over 200 hateful acts in the election aftermath. That is a problem.

We also know that the electoral college has now, again, selected an individual that did not get the most votes from the American people.

So I would offer to say that, among the work that we have to do working to rebuild America and put America first, I certainly join in that. We have some healing to do, and we should be doing this in a corrective manner. We should be doing our job and looking at some of the constitutional fractures that occurred.

Let me close on one last point that I want to make sure that, as I speak, I offer a great respect for the individuals who have offered to serve in this government. But I would be remiss if I did not cite a shocking episode that occurred on October 28, 2016, in the midst of the Presidential election. It is im-

portant for the American people to know whether they agree or disagree.

My colleagues, there lies another opportunity for an investigation because there is no more storied an agency in law enforcement than the FBI. I have the greatest respect—I have worked with them as a young lawyer, as a staffer in this body. I have been on a committee that has worked with the FBI.

What was that committee?

I served on the committee as a staffer to investigate the assassinations of Dr. Martin Luther King and John F. Kennedy when we opened it again where Chairman Gonzalez and Chairman Stokes served as chairpersons of that committee. We worked with then-FBI agents who were willing to provide information on how things happened during that timeframe. We have always looked to them to investigate and to be the armor of investigation to find the truth. But no protocol ever suggested that any announcement about an unknown situation, unrelated to anything, could be announced and blatantly interfere in a Presidential election.

We must find out why that determination was made and what leaks were forthcoming. Many have written to determine if that is the case. So I am looking forward to a thorough investigation in the altering of the campaign landscape that occurred historically on October 28, 2016, and it did have a damaging and drastic impact statistically in a 1-to-2-point measure. That was an impact that was not the making of the American people. It was not something that was life or death.

Factually, the ultimate determination is that the announcement was irrelevant. It had nothing to do with or did not generate any new information on the particular incident that was being addressed at that time.

So I came to the floor today because I believe that we should not let things last and fester, and we in the Congress can be factfinders in an evenhanded and unbiased way. Our Judiciary Committee set up a task force dealing with overregulation. We have done it on antitrust and we have done it on criminal justice. Right now, the Constitution is being challenged, and aspects of the Constitution, the electoral college, is being challenged.

The interference of a democratic process of the election occurred no matter what good intentions were behind it. So the American people deserve many a factfinding situation—not in any way a targeting, not in any way a finger pointing, but a pure factfinding. This has to be corrected. Those who are charged with the responsibility of serving this Nation must do it in the context in which they do it. Investigations go on until you find the resolve of that investigation and the prosecutor, the Attorney General, makes the announcement that they will proceed to prosecute or they may not proceed to prosecute.

So I am very grateful to live in a nation that cherishes the Constitution and cherishes our Bill of Rights. I beg that we appreciate those who have sought to protest, and we appreciate those who have voted because it is a process of democracy. I will accept that. But I will also say that the voices of those who are being raised should be heard, and we as factfinders should do our job.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS (at the request of Ms. PELOSI) for today and November 16.

ADJOURNMENT

Ms. JACKSON LEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 16, 2016, at 10 a.m. for morning-hour debate.

NOTICE OF ADOPTED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,

Washington, DC, November 15, 2016.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Section 303 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1383, requires that, with regard to the amendment of the rules governing the procedures of the Office, the Executive Director "shall, subject to the approval of the Board [of Directors], adopt rules governing the procedures of the Office . . ." and "[u]pon adopting rules . . . shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal."

Having published a general notice of proposed rulemaking in the Congressional Record on September 9, 2014, provided a comment period of at least 30 days after publication of such notice, and obtained the approval of the Board of Directors for the adoption of these rules as required by Section 303(a) and (b) of the CAA, 2 U.S.C. 1383(a) and (b), I am transmitting the attached Amendments to the Procedural Rules of the Office of Compliance to the Speaker of the United States House of Representatives for publication in the House section of the Congressional Record on the first day on which both Houses are in session following the receipt of this transmittal. In accordance with Section 303(b) of the CAA, these amendments to the Procedural Rules shall be considered issued by the Executive Director and in effect as of the date on which they are published in the Congressional Record.

Any inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room