

FAA REAUTHORIZATION IS
CRITICAL

(Mr. FASO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASO. Mr. Speaker, I rise in support of the 21st Century AIRR Act. This critical FAA reauthorization offers the best possible plan to finally modernize our antiquated air traffic control system.

I recently traveled to Ottawa, Canada, with congressional colleagues to learn firsthand how Canada's private air navigation service provider has been efficiently and safely moving 12 million aircraft each year since 1996.

This model consistently upgrades and improves air traffic control technology and isn't subject, as it is in the United States, to onerous government procurement rules. It is clear that this system works far better than its U.S. counterpart.

These reforms would also benefit the environment, as the updated technology allows for more direct routes. For instance, in Canada, over the last 20 years, this has resulted in 1.4 billion fewer gallons of fuel that have been used just in the last 10 years, and twice that amount in the last 20 years.

This needed change has widespread bipartisan support, and it would guarantee consistent funding for modernizing our air traffic safety system.

WE CANNOT REST UNTIL CAITLAN
COLEMAN AND HER FAMILY ARE
FREE

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Mr. Speaker, 5 years ago today, Caitlan Coleman, an American citizen from York County, Pennsylvania, which I am privileged to represent, was taken hostage by the Haqqani Network, an offshoot of the Taliban, while hiking near the Pakistan and Afghanistan border.

Caitlan has given birth to two boys while in captivity, boys whose only life experience has been that of a hostage and surrounded by violence and fear. I speak with Caitlan's mom and dad regularly. While my heart breaks for them, as fellow Americans, as a father with children of my own, I am crestfallen and horrified for them.

Caitlan and her family are Americans. We cannot rest until they are released and returned safely to the arms of the United States. I urge my colleagues to join me in praying for the safe return of Caitlan, her husband, and her two children, but also for her family and loved ones for whom time stopped 5 years ago.

I implore the U.S. State Department to use every resource at our disposal to bring our American citizens home.

RECENT DISASTERS THAT HAVE
BEFALLEN OUR AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, there are so many things that we need to talk about. Important events are spilling upon Americans, just cascading upon us. We could spend hours and, indeed, should spend hours talking about North Korea. We should and will spend hours talking about tax reform, or tax reductions, or serious benefits for the superwealthy in America, and we will talk about that. We will debate that.

But what is on my mind right now are the disasters that have befallen our American people. We think about what has happened over the last 11 months—floods on the East Coast, people forced out of their homes as the rivers rose in the Carolinas.

We think about California, and the massive floods, and the 200,000 people who were evacuated from their homes in my district.

We think about the recent hurricanes as they slammed into Houston, Florida, the Keys; and Hurricane Maria, as that hurricane devastated Puerto Rico and the Virgin Islands. These traumatic disasters are now in our memory, but they are also our reality.

In California today, in my district, and in my colleague MIKE THOMPSON's district, thousands of homes have been burned to the ground and people have died.

These disasters are not new to America, and, over the years, we have set up a mechanism to deal with them. That mechanism is the firefighters across this Nation who respond, the emergency plans that have been put in place.

I know during my period as insurance commissioner in California, I would often arrive at these disasters, some of which go back more than 30 or 40 years, and console people who will have lost their home and attempt to deal with their insurance issues. And I would always remind those who were in the path of these flames, or hurricanes, or tornadoes, to be prepared; that Boy Scout motto: Be Prepared.

And now, in California, the same message goes out by the first responders and, indeed, by myself here on the floor of the House of Representatives: Be prepared. Be prepared to evacuate. Think about what it is you need to take ahead of time, those important papers, those scrapbooks, those photo albums, the dog, the cat; and when the time to go arrives, when that message arrives on your cell phone, or on the loud speaker from the police car out in front, obey it. Get out. Get out because you have already prepared.

Yes, you should have had that insurance policy that you forgot, that flood

insurance program. Yes, you should have had it. And all too often, we have to rely upon the generosity of charities, and, thankfully, they are there. And we also rely upon the Federal, State and county governments.

Today, here in the House of Representatives, and in the Senate, as well as in the administration, we are beginning to gear up for yet another emergency appropriation to pay for the relief efforts that are underway. It is not going to be enough. It may take care of part of what occurred in Houston, or in Florida, or in the Keys. It is certainly not going to be enough to take care of the devastation in Puerto Rico.

And I know, as the fires continue to rage in California, the appropriations that are being discussed, the emergency money for FEMA, will not be enough.

While we are looking at these disasters and the billions upon billions of dollars that will be needed to rebuild the infrastructure, to rebuild the schools and hospitals, to pay the bills for the emergency work that is going on, this House of Representatives, this week, is in the process of trying to figure out how to pass a massive tax cut that will take trillions of dollars of revenue away from the Federal Government.

It is estimated anywhere from \$2 trillion to \$5 trillion, depending upon the details, over the next decade, will not be available for the next disaster.

Will it be added to the deficit? Possibly.

Will those revenue reductions be balanced by cuts to Medicare? Yes. It is already being discussed. It is in the Republican budget.

Will those \$2 trillion to \$5 trillion reductions in revenue be added to the deficit, or will we cut Medicare? They tried to do it in the Affordable Care Act, now they are coming back with a budget bill that would cause it to happen again—more than \$1.5 trillion pulled out of the Medicaid program. And so there will be another disaster, a slow-building disaster of millions of Americans who will not be able to get healthcare.

So, added on top of the burden of rebuilding America, the emergency appropriations to pay for the ongoing and past disasters, we need to be aware of the inconsistency of thought that is going on here.

We are looking at an appropriation bill to pass something in the range of \$15 billion, in addition to the previous \$12 billion, which we know will not be sufficient to deal with the existing disasters; to say nothing of the billions of dollars that are owed to the counties and States for disasters going back, at least in California, 10 years, where the Federal Government has yet to reimburse the counties and State for the obligations that the Federal Government accepted, in some cases, a decade ago.

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In the face of all of that, we are going to reduce revenues to the Federal Government.

Who gets the tax breaks?

Well, here is a fact that the Vice President—excuse me, Mr. Speaker, if I might—has suggested in California: that it is the poor that will get the tax break.

Not so. They will get a little, to be sure. The middle class is likely to get a tax increase.

But the real tax break, the top 1 percent get 80 percent of those revenue reductions. Eighty percent will flow to the top 1 percent of America's wealthy. So if you are concerned about income inequality, you better be paying attention.

One must wonder: What is the logic of what is happening here? What is the logic?

In the face of disasters that have occurred, historically, but more recently within the last year—floods in California, floods in the Carolinas, hurricanes, fires, tornados in the Midwest—in the face of all of that, we are going to massively reduce the ability of the Federal Government to respond. It doesn't make much sense to me, particularly when the beneficiaries of those tax reductions are the super-wealthy.

I think it is 2,500 families in America that would benefit from the elimination of the estate tax—2,000-plus families. It is some \$6 billion to \$9 billion of revenue lost every year so that 2,000 superwealthy families don't have to pay an estate tax.

What is going on here?

600,000 low-income housing vouchers gone so that they can pass on their wealth to the next generation. Income inequality.

In the face of the disasters, we need to stop for a moment as we begin the appropriations process for the FEMA emergency appropriations. We need to stop for a moment and consider the way these two things work together.

I was in my district, Davis, California, for an event on Sunday, and I had several students—some of whom are my interns—come to me and say: What are you going to do about the student loans? There is a lot of happy talk around here that we are going to make higher education free. It is a great idea.

It used to be that way when we were building the economy, when we knew, if we educated people, we would have a strong, growing economy. But tell me, in the face of a \$2 trillion to \$5 trillion reduction in the revenues to the Federal Government so that the wealthy can get wealthier, how are we going to ever reduce the cost of education to Americans?

I don't know. Maybe somebody has the answer here. It doesn't seem clear to me that that could be happening.

I am going to introduce a bill again this week—one that I introduced in the last session—that is kind of based upon

the fact that Americans across this Nation are able to refinance their homes at a lower interest rate. It is a great idea. I have done it. I suspect many of the people who are listening, and certainly many of the Members of Congress, have refinanced their home to get a lower interest rate.

But if you have a student loan that may have been from 5 or 8 years ago, or you are about to sign a document this fall for a Federally financed student loan, you cannot refinance that.

Why?

The Federal Government—there is \$1.3 trillion of student loans out there. Nearly \$900 billion of that \$1.3 trillion is owed to the Federal Government.

Why don't we refinance those loans? What if we were to do that? What would it mean to the students out there who are paying 5, 6, 7, 8 percent interest to the Federal Government that is able to go out and borrow money for 10 years at 2 percent?

That is a pretty good margin.

Even the fat cats on Wall Street can't have a margin that big, but the Federal Government does. So these students are paying these high interest rates so that the Federal Government can literally profit on their backs. That is a fact. Let's allow those students to refinance those student loans. Let's just see what happens.

The Federal Government can borrow money at less than right around 2 percent—maybe a little less right now; add a percent for management fees, 3 percent; reduce all of the student loans, \$800 billion, \$900 billion of student loans. The government would go out and borrow it at 2 percent for 10 years and tell the students and those who are no longer in school: We are going to allow you to refinance. Take an interest rate that may be half of what you are getting now.

By the way, why are we charging a fee to these students so that they could borrow money? Don't we want them to get an education? Don't we want them to be able to improve themselves?

Yet we require a fee. So let's eliminate the origination fees.

It is as though the Federal Government were some sharks out there dealing with home mortgages. No. We are dealing with students and their lives. If we can do this, maybe it is a couple of thousand dollars over the life of that loan that that student can then invest in their life and in their family.

These are things that are possible. These are things that we ought to be doing. There is just a lot of happy talk around here: Oh, we are going to make education free.

It would be good if we could. We could if we don't cut the Federal revenues by \$2 trillion to \$5 trillion over the next decade. Eliminate origination fees. Save low-income borrowing. It is all possible. The art of the possible ought to be what we are doing, not the art of enhancing those who are so wealthy already.

I am going to paraphrase a fellow that is pretty important in American

history. FDR said something like this: The measure of our success is not that we do more for those who have much, but, rather, that we do for those who have little.

So what of this tax cut that we are going to spend this week and next week, this next month, and, according to our Treasury Secretary, we will be done by the end of the year? So what does it mean?

It means maybe a small tax break for the working men and women of America. It means a huge tax benefit for those who are already wealthy; the elimination of the estate tax.

It has been estimated by The New York Times that based upon our President's tax returns of a decade ago—by the way, he won't show us his present tax returns—that he could benefit to the tune of \$1 billion with his proposed tax program.

Not bad if you can have it. But is that good public policy?

I don't think so. I don't think so; not in the face of the needs of America. We have enormous defense needs. We have been fighting wars in the Middle East for almost three decades now. There are other needs that we have for our military.

You only need to listen to the Secretary of Defense and others as they talk about the need to rebuild much of the American military. The admiral responsible for the Pacific Theater says that he needs something rather important: munitions.

Munitions. Wow.

Yes, we have needs. We have students who are paying interest rates far higher than is necessary, unable to refinance their Federal student loans because the law doesn't allow it. But it is possible. In fact, it would make a lot of economic sense. These young men and women might actually start a family; might actually be able to buy a home or a car, start a new business, start a small business. There are a lot of possibilities.

But the superwealthy need another tax break?

I don't think so. I don't think so at all. And I don't quite understand the happy talk by our leaders of this administration who like to say: Not to worry. You are going to get to deduct the first \$25,000.

Well, yes. And then what?

Oh, by the way, there is this 20 percent increase in the bottom tax rate, from 10 percent to 12 percent. That is a 20 percent increase. At the top tax rate, it goes from 35, unless you are able to maneuver into their little scheme where you can actually reduce your tax rate to 15 percent by being an LLC—a limited liability corporation—or a subchapter S corporation.

Well, if you have the money to hire a good accountant and a lawyer, there are a lot of ways you can scheme and scam. And if you are a corporation, some of our largest corporations are able to hire the lawyers and the accountants and duck their taxes entirely.

The list is long. The list is actually rather maddening. Apple, GE, AT&T, and others, the big ones, their tax rates are down in the zero or in the less than 10 percent range, and they want more.

So Puerto Rico is devastated. My counties in California are facing ram-paging fires, and perhaps as many as 2,000 homes have already burned. There will be another tornado and another hurricane.

The question for us is: Will there be the money for the Federal Government to provide the support that we should do to help Americans rebuild?

That is a fundamental question.

I know that there is a better way. I know that in the proposal that our Republicans have put forth there will be less money for infrastructure. I know that if you want good-paying jobs, the construction industry has good-paying jobs. I know that for every dollar we spend on infrastructure, the economy will grow by \$2 or more and have a foundation for future economic growth.

I know that when we rebuild the infrastructure of our communities that have been devastated by hurricanes, tornados, floods, and fires, that the communities can come back strong and the economies for those communities can flourish. I know that it takes a strong American Government to make that happen.

Mr. Speaker, as we enter this week, my heart and thoughts go out to those millions of Americans who have been devastated by the hurricanes, floods, and fires; those people in my district who have lost their homes, and those who have lost their lives.

I come here to the floor to say: Let us think seriously about what our obligation is to Americans, to those who have little, to those who have lost everything. What is our obligation to them?

FDR was correct: The measure of our success is not that we do more for those who have much, but, rather, that we do for those who have little.

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

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THE RULE OF LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my privilege to be recognized to address you here on the floor of the United States House of Representatives and to discuss the topics that are on my mind. Hopefully, you will consider these arguments as well, Mr. Speaker. I know that people across this floor and across the country have a lot of these same considerations in mind.

I want to come to the floor and address the DACA situation and take you through a little bit of the history of the Deferred Action for Childhood Ar-

rivals which was implemented by Barack Obama in an unconstitutional fashion. He knew it, and all of America knew it. We know that Barack Obama, 22 times, said that he didn't have the constitutional authority to implement a program that granted the equivalent of amnesty—at least temporary amnesty—let alone a work permit which he added to the program by executive edict, fiat, or order. Instead, it requires legislation in order to enable such a policy.

A President can't grant amnesty. A President can have prosecutorial discretion. Prosecutorial discretion is a legal term for what the Justice Department does when they are determining whether the resources they have to prosecute crimes are adequate to enforce against the most serious offenders. Barack Obama, President Obama, did implement some of those relatively prudent policies with prosecutorial discretion. He prioritized the most violent and evil criminals that he could identify, at least by policy. He turned a lot of them loose too, by the way, onto the streets of America in the course of all that. So it was a very confusing policy that emerged without consistency under President Obama. However, he exercised a legal prosecutorial discretion when they looked at each case on an individual basis.

But I recall when his Secretary of Homeland Security, Janet Napolitano, came before the Judiciary Committee to testify about this program on DACA, the Deferred Action for Childhood Arrivals—or some might say the deferred action for children of aliens. Her testimony and the memos that came down, the Morton memos, set up four different categories of people who would be granted a quasi-amnesty underneath the President's policy.

There, Secretary Napolitano testified over and over again, and it reflected the document itself which, seven times, referenced on an individual basis only—on an individual basis only—seven times. I can repeat it for the RECORD, Mr. Speaker, but that is what was going on, which told me, as I listened to her testimony and had read the documents prior to the testimony, that they knew what the law said. They knew it required—that it required—an individual basis only and a prioritization of applying the law to bring about the best effect of the utilization of the resources of the Justice Department.

Yet Barack Obama, President Obama, around the country multiple times, in the 1½ or 2 years building up to his implementation of the DACA policy, multiple times he said that he didn't have the constitutional authority to implement the Deferred Action for Childhood Arrivals. Multiple times. It turned out to be at least 22 that we have a videotape on.

The most recent that I recall was in a high school just outside of the Capitol here in Washington, D.C., where he was speaking to a high school group.

He said: You are smart students. You know that there is a separation of powers. I don't have the authority to grant this legal status to people who are here illegally even if their parents did bring them in or even if they came in on their own under the age of 18. I don't have the authority to do that. That is Congress that has the authority.

I should remind everyone, Mr. Speaker, that President Obama taught constitutional law. He was an adjunct professor teaching constitutional law at the University of Chicago. The University of Chicago has a good reputation for understanding the Constitution, and Barack Obama demonstrated that when he said: You are smart students, and you know that we have three branches of government, a separation of powers. Congress is Article I. They make the laws.

He said: I am Article II, the executive branch. My job is to enforce the laws. And Article III is the judicial branch of government. They interpret the laws.

So when the courts interpret the laws that Congress writes, the executive's job is to carry them out. He knew he was violating the separation of powers because he defined that to America multiple times. But he did anyway.

I believe that President Obama made a calculation, a political calculation. The political calculation, in my estimation, was that he could get away with it. He wanted the policy, but Congress wouldn't pass the policy because we have great respect for the rule of law, and we don't want to reward lawbreakers. That happened in 1986, and we are paying the price for that amnesty act of 1986. He couldn't get the DREAMers legislation through Congress, so he calculated that he could get away with implementing that as a policy even though he knew it was unconstitutional.

So some of us went to work to initiate lawsuits to have the courts strike down the executive edicts of Barack Obama that was the foundation for DACA, Deferred Action for Childhood Arrivals.

As it wandered through the courts. The lead in the primary case was Chris Crane, the president of the ICE, Immigration Custom Enforcement, union. His name was on the case first. It was Crane, et al. v. Napolitano, et al. in the beginning. It went through the courts, and by the time you follow it through a circuitous route, you find out that Crane, et al. v. Napolitano, et al. got shifted off to the side. It was declared to be a decision that had to do with the administrative rules that if he had a grievance, he had to take that grievance through the administrative rules process rather than through the courts to address the policy itself. So it got parked off on a side rail, so to speak.

Then we saw a parallel case come forward, the DAPA case, the Deferred Action on Parents of Americans was how the President described it. I would have said parents of aliens myself. But that