

In 1912, Juliette Gordon Low founded the first Girl Scout troop, with 18 girls, in Savannah, Georgia. 106 years later, more than 50 million women are Girl Scout alums, and the program reaches nearly 2 million girls. Today, Girl Scout alums launch rockets into space, serve as CEOs of international companies, sit on academic boards, and more.

As we celebrate the Girl Scouts' 106th birthday this week and Women's History Month, I applaud the Girl Scout councils that serve girls in my State for building girls of courage, confidence, and character, who make the world a better place.

I am proud that this program was founded in the First Congressional District of Georgia and in my hometown of Savannah, Georgia.

#### TERMINALLY ILL PATIENTS DESERVE THE RIGHT TO TRY

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

Mr. LAMALFA. Mr. Speaker, I rise today to voice my displeasure that the House was unable to pass the Right to Try Act this week. This bill would have allowed very sick or terminally ill patients to request access to drugs and treatments that have yet to be approved by the FDA.

For any patient dealing with a serious, life-threatening illness, a sliver of hope can go a long way. Yet, for some reason, even after the Senate, of all places, passed this proposal nearly unanimously, some of my colleagues on the other side of the aisle blocked this measure from passing.

Sick patients deserve the right to utilize every possible tool at their disposal, even if it is still experimental. The government really has no business telling a terminally ill patient they cannot pursue a certain avenue of treatment, and, as its name suggests, this legislation gives them the right to try.

I thank Mr. RUTHERFORD for his work on this legislation. I urge the House to bring this back to the floor and pass it as quickly as possible.

#### THE PARALYSIS THAT BESETS THE UNITED STATES CONGRESS

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

Mr. RASKIN. Mr. Speaker, I am delighted to have the opportunity to share some thoughts with you during this Special Order hour at the request of the minority leader.

I am a professor of constitutional law, as those of you who watch our proceedings here may know by now, and I would like to talk about the Constitution, and I will get there before this is over.

But I want to start, Mr. Speaker, with a basic question of political science, which is: Why does it seem as if it is so hard for us to get the people's business done in Congress these days?

Why does it seem so difficult that, even when we have a vast consensus on what to do about a particular issue, we still can't get it done?

Why is it that the approval rating of our institution, according to the most recent Rasmussen poll, is at 15 percent, which I think most people would agree is a pretty dismal showing for the people's Congress and here in the people's House.

Well, I want to talk about this problem in some historical and constitutional perspective, and I hope that it opens up some roots of thinking and feeling that might enable us to transcend some of the paralysis that now besets the United States Congress.

Of course, the simple explanation that is often given colloquially is that everybody in Washington is just fighting, and you have got the two parties at each others' throats, and everybody is so divided that nothing happens.

This explanation, although it turns out to be wrong, of course, has a long lineage to it. In fact, the Founders wrote very widely at the time our Constitution was adopted about the problem of faction, and they said, if you look at James Madison in *Federalist* No. 10, for example, he identifies faction as the central problem in the political life of a democracy. But he says that the latent causes of faction are sewn in the nature of man, and we see them everywhere.

Madison cites a zeal for different opinions concerning religion, concerning government, and many other points, as well as speculation as a practice. He cites, also, an attachment to different leaders ambitiously contending for preeminence and power; and he invokes the human passions that have divided mankind into parties, inflaming them with mutual animosity.

So strong is this propensity of mankind to fall into mutual animosities, Madison writes, "that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and incite their most violent conflicts."

□ 1645

In other words, even when there is not something real and big to be fighting about, people will find something small, trivial, and petulant to fight about. And those of you with little brothers and sisters might agree that is just the way it is. Sometimes it is in human nature for people to fight.

But the Founders understood that faction was something that would arise in a democratic society where people have the liberty of thought and expression. In fact, Madison said one of the ways that you could deal with the problem of faction is to destroy the lib-

erty that gives rise to faction, but that, of course, plunges us into authoritarianism, monarchy dictatorship. One way you get rid of all the different views is you go to one party. You create a one-party state like they have got in North Korea, and then there is no conflicts because everybody does what the one party says.

So Madison dismisses that and says that is not going to work. We are not going to be able to remove the sources of faction, but why don't we try to control the effects of faction. And the way you do that, he said, is that if—in order to control the effects of a majority tyranny is you have a bill of rights that defends the rights of the minority so that people in the majority can implement their policy preferences, but they can't extinguish the rights of the minority, the right to speak, the right of press, the right to dissent, the right to vote, and so on.

But also, Madison said, if you extend the size of the republic, if you create a big country, then even if you get a majority on one particular issue, the majorities are shifting because then you will have a different majority on another issue and a different majority on another issue and so on.

But what happens, he says, if you have a faction that is tyrannizing the society, but it is not a majority faction, it is a minority faction? What if you have a small group that is able to hijack the process and prevent the majority from having its way? Well, he thought, there, democratic processes and Republican government would take care of it.

He says this: "If a faction consists of less than a majority"—a minority of people—"relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote."

The minority "may clog the administration, it may convulse the society, but it will be unable to execute and mask its violence under the forms of the Constitution."

In other words, Madison is assuming that, when it comes to public policy, the majority will eventually get its way if the governmental process is working correctly.

Now, let's fast-forward to 2018. I am taking three issues where the vast majority of the American people agree as to what should be done to deal with this serious, serious public policy problem.

Let's start with the problem of high prescription drug prices. Now, Congress passed a law saying that the government could not negotiate for lower prescription drug prices in the Medicare program with the big pharmaceutical companies, and it will not surprise you to learn that the big pharmaceutical companies who invest a lot of money and campaign contributions also paid for a lot of lobbyists to go and lobby for that provision to be put into the law.

So the Federal Government can negotiate for lower prescription drug prices

in the Medicaid program, it can negotiate for lower prescription drug prices in the VA program, but for Medicare, because this provision got slipped into the law, we can't negotiate; and it is costing the taxpayers \$25 billion to \$30 billion a year, and, of course, driving up everybody's prescription drug prices. The majority of Americans have at least one prescription drug, and one-fifth of Americans have four or more prescription drugs.

Well, 92 percent of Americans support allowing the Federal Government to negotiate free-market style with the prescription drug companies for lower prices in Medicare—92 percent of Americans support that. All right. So that is case number one. Hold that in mind.

Case number two. This is something that should be familiar to you, in the wake of the discussion about the Parkland massacre that took place. I tried not to lapse into calling it a tragedy. Romeo and Juliet, that is a tragedy. Hamlet, that is a tragedy. Macbeth, that is a tragedy. What happened in Parkland, Florida, was a massacre. It was terrorism that took place in a public school. It was a preventable public policy debacle that that young man could walk into a gun store and purchase an AR-15 and that AR-15s are so available that people can get them even when they are not qualified to possess even a handgun.

In any event, after Parkland and after the Pulse massacre, and after the Las Vegas massacre, and after the San Bernardino County massacre, and after the Sandy Hook massacre, and after the Virginia Tech massacre, guess what, 95 percent of American voters—95 percent support a universal criminal and mental background check on all firearm purchases in the United States. That is more than 9 out of 10 Americans—19 out of 20 Americans.

If you include the margin of error, it might be 98 percent. It might be almost everybody except for the leadership of the NRA and the CEOs of gun manufacturers who support a universal background check.

If you go to a licensed gun dealer and you can't purchase a gun because you failed the background check, why should you be able to go to a gun show and buy one? Why should you be able to go to the internet or the parking lot of a 7-Eleven and buy one? It doesn't make any sense.

So the common sense of the American people, 95 percent of American voters favor universal background checks, yet nothing is happening. Just like with giving the government the power to lower prescription drug prices, despite the fact that more than, you know, 9 out of 10 Americans support it. The President of the United States, President Trump, called for it in both of his two State of the Union Addresses. I think the vast majority of the Members of Congress would vote for it if it were brought up for vote, yet nothing happening. So that is case number two.

Let's look at case number three. Another thing that has been very much on the mind of the public and in the public policy debate, 83 percent of Americans favor continuing the DACA program and passing the Dream Act and allowing the Dreamers a path to citizenship in the United States. These, of course, are 800,000 young people who were brought to America with their families when they were kids, grew up here, know this as their country, are in the armed services, are working here, are in school. And we have 83 percent of the American people who say, quite logically, exercising their common sense, let's create a pathway for those people if they are in school, if they are working, if they are in the armed services, to stay here and to become American citizens, yet, again, nothing happening in Congress. Okay.

Now, why not? What is it that is going on? So we go back to the problem of faction. Obviously, people are going to have different views. That is the oxygen of democracy. There is nothing wrong with that. We are not ashamed of that. We have different political parties here. It is much better to have two parties or more than that, than to have one party, a one-party system.

You know, Thomas Jefferson, in his first inaugural address, said: "We are all republicans, we are all federalists." Lincoln tried to strike the same note when he first took office, and Lincoln said: "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

So our greatest Presidents and our greatest leaders have understood we fight like cats and dogs in elections. That is how it works in a democratic society. There is a political contest. But once we are in, we try to stand for the whole public, the whole common good. We try to remember that we are not just here to represent one party.

Washington reminded people that the word "party" comes from the French word "fete", a part, one part of the whole. You represent a party. You are just representing a part of the whole. We have got to try to aspire to represent everybody. Yet, given the human condition, given the nature of political passions and moral passions that Madison discusses in Federalist 10, we know that parties are inevitable.

Okay. We accept that in a democratic society. We cherish the fact that people can form political parties that articulate different agendas and different values. So that is not the problem. So what is the problem? Why is it the case that the United States Congress cannot even bring to a vote three measures that have overwhelming public support: to allow the government to negotiate for lower prescription drug prices; to pass a universal criminal and mental background check; and to pass the Dream Act to help deal with the crisis of these young people who have been thrown into a limbo because of President Trump's action last year? Why can't we do it?

Well, there are a couple of reasons I want to identify, and then I want to call on all of us in Congress to try to take us to a higher ground. The young people who are protesting about the nightmare of gun violence, which makes America an absolute outlier state—in terms of industrialized countries, our rate of homicide and suicide by gun violence is simply off the charts when you compare it to other industrialized countries like the United Kingdom or Canada or France or Japan. It is not even close. We are losing tens of thousands of people a year.

The point I was making here is that we have this puzzlement about why we can have massive popular agreement and consensus, political consensus as to what to do, yet a bottleneck in Congress where we get this paralysis and this inaction.

The young people who have ignited a revolution across the country against political complacency with respect to gun massacres in public places like schools and movie theaters and concerts and churches and so on, they are focused very heavily on the problem of money and politics, and I think that the vast majority of the American people exercising their common sense would agree that money and politics distorts the public agenda.

We know that the NRA has put tens of millions of dollars into our politics, just as we know the prescription drug manufacturers have put tens of millions of dollars into our politics, so I think the right to identify that is one strand of the problem.

But even with that, I think here, in Congress, there is a major failure of political leadership, Mr. Speaker, and I think it goes to something that, at least, used to be called the Hastert Rule. Well, the former speaker has been discredited, but the rule, unfortunately, is still operational. And the Hastert Rule is a rule that has been adopted by the majority caucus, which says that no legislation will be brought to the floor of the House of Representatives unless it passes the Republican caucus first.

Now, think about what that means. If you have got legislation like the Dream Act or like a universal criminal/mental background check act, which has unanimous support by the Democrats and substantial support by the Republicans, such that it would pass overwhelmingly in this body, it never sees the light of day on the floor of the House of Representatives because their rule is they won't bring it out of the GOP caucus to the floor for a vote unless it can get a majority within the caucus.

This means that the majority will, not just of the country, but the majority will of this body is thwarted and frustrated by the Hastert Rule, which I wish Speaker Hastert had taken with him when he left the House of Representatives, because it is fundamentally undemocratic, and we are seeing right now the cost of this rule, which

enshrines minority preferences and minority control against majority public opinion.

Now, I hasten to say, of course, we have got a bill of rights, so what we are talking about is not allowing the majority to trample the constitutional rights of the minority. What is happening here is that a political minority is trampling the policy rights of the majority so that the majority policy preferences of the American people and of Congress are being stymied by virtue of minority control in this body.

□ 1700

Now, this is something that our distinguished and thoughtful colleagues on the other side of the aisle can fix. They can say they are no longer going to abide by that rule. They will allow us to have a hearing on a universal criminal background check. They will allow us to have a hearing on whether the government can negotiate for lower prescription drug prices. They will allow us to have a hearing on the Dream Act, and they will allow us to have a vote on it.

We are not saying everybody has got to agree. They have got the right to vote against it. But doesn't the minority at least have a right to a vote on those issues which reflect the massive policy preferences of the American people?

Don't we think that has got something to do with the very low esteem within which we are held by the American people today? That, when it is very clear what almost all Americans want, we cannot legislate their preferences into law?

Mr. Speaker, in Federalist Paper No. 10, Madison told us that the problem of democracy is the problem of faction. And right now we have got a tiny minority faction driving the entire train of government, and there is not enough space, there is not enough room, for the will of the people to govern.

That is why America is disenchanted with the leadership of Congress and what is happening here. We are seeing it in election results around the country. We are seeing it in public opinion polls. We are seeing it in marches and rallies and walkouts all over the country, and that is good.

Because in their wisdom, the Founders also gave us the First Amendment, which gave the people a right to petition for redress of grievances, a right to assemble, as the young people assembled yesterday on the lawn of the Capitol building and in front of the White House.

It gives us the right of free press so we can write about what is actually taking place here in Congress. It gives us a right against establishment of religion and for free exercise of religion. It gives everybody the right of free speech so we can talk about what is going on.

The Founders never guaranteed us perfection. Madison said, if people were perfect, we wouldn't need government

in the first place. But they gave us a structure within which we could improve things, reform things, and make things better.

Yet, the Members of Congress who are now in charge, in the driver's seat, are blocking off the hall. They are thwarting progress across the board on everything from prescription drug prices to the ban on assault weapons and a universal criminal/mental background check, and to the Dreamers. The American people are increasingly unsatisfied and frustrated with this situation.

So I come back, finally, to the responsibility of each one of us who has been entrusted with the high honor and responsibility of coming to Congress.

Madam Speaker, the original democratic philosophers distinguished between sovereignty and government. Government is just the people who go to do the job. Sovereignty belongs always with the people. We the people.

That is why the right of free speech and protest and assembly are so critical. That is where the people come together and tell us what they want; the right to come to the town meetings, to call us up, to email us, and so on.

But we have got a high responsibility. Those of us who aspire and attain to public office are nothing but the servants of the people. There are no kings here. There are no queens here. There are no titles of nobility in the United States of America. It is in the Constitution. We have no slaves here. We have no serfs here. Just equal citizens, all of us. Those of us who get into public office are acting as the servants of those people we are sent here to represent.

Madam Speaker, our people want us to get past all of the procedural obstacles and choke holds that have been put up here at the behest of big money and big special interests, and they want us to get a job done.

Let us start with these three things, which the vast overwhelming majority of the American people—Democrats, Republicans, Independents alike, everybody—agree we need:

A universal criminal/mental background check on firearm purchases in America. We need to give the government the power to negotiate in Medicare for lower drug prices for our people so our mothers and fathers and grandparents can get the prescription drugs they need at affordable prices. We need to pass a Dream Act so we can deal with the crisis situation of hundreds of thousands of young people whose lives have been thrown into limbo over the last year.

We can do those things. We can make that happen.

Madam Speaker, I would invite you or any other Member of Congress to respond. I reach out in a spirit of openness, affection, and, as much as possible, transpartisanship to say: We have got to get America moving in the right direction again.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Lasky, 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. 3210. An act to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes.

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

S. 1869. An act to reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1177. An act to direct the Secretary of Agriculture to release on behalf of the United States the condition that certain lands conveyed to the City of Old Town, Maine, be used for a municipal airport, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 188. An act to amend title 31, United States Code, to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government, and for other purposes.

S. 324. An act to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on March 13, 2018, she presented to the President of the United States, for his approval, the following bills.

H.R. 3893. To designate the facility of the United States Postal Service located at 100 Mathe Avenue in Interlachen, Florida, as the "Robert H. Jenkins, Jr. Post Office".

H.R. 4042. To designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the "Borinqueneers Post Office Building".

H.R. 4285. To designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building".

H.R. 3821. To designate the facility of the United States Postal Service located at 430 Main Street in Clermont, Georgia, as the "Zack T. Addington Post Office".

H.R. 3638. To designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building".

H.R. 3655. To designate the facility of the United States Postal Service located at 1300