

The U.S. Chamber of Commerce weighed in, and they said that the House amendment to S. 488—I am talking about the JOBS 3.0 bill—would remove barriers for raising capital for America's businesses. Approximately three-fourths of financing for businesses in the United States comes from capital markets, but regulations have failed to keep up with the demands of the 21st century.

The Angel Capital Association has written: "Thank you again for your leadership in promoting American startups, capital formation, and job creation. The JOBS and Investor Confidence Act will help foster innovation and job growth."

The Biotechnology Industry Organization, known as BIO, said: "The JOBS and Investor Confidence Act of 2018, or JOBS Act 3.0, will significantly improve the ability of emerging biotech companies to access capital and invest in their potentially lifesaving research rather than unnecessary compliance costs that do not add value to investors."

There is widespread support. I am almost baffled, Mr. Speaker, why the United States Senate won't take this up. Again, this is a strongly bipartisan package. It doesn't get much stronger than 406-4.

Again, our business startups have neared a 40-year low in 2016. Our IPOs, our initial public offerings that allow our working families to invest in the American economy, are half of what they were 20 years ago.

Why? The average regulatory compliance for initial public offerings has now doubled. It has doubled in the last 25 years. It costs \$2.5 million to go public, with average compliance costs clocking in at \$1.5 million.

Sometimes, Mr. Speaker, we have to take a look at regulations that date back to the 1930s and start to ask the question: How is that going to impact the economy of the 2030s? The answer is not too well, particularly in a global economy competing with China.

So I just want to conclude by saying that I have so many friends in the United States Senate. I respect the United States Senate. I used to be a staffer of the United States Senate. But there is no excuse why they can't do what the House did and follow our leadership and work on a strong, bipartisan basis to make sure that America just doesn't have the strongest economy of today but has the strongest economy of tomorrow.

It started with men and women, Democrats and Republicans on the House Financial Services Committee, to ensure that the economy of tomorrow, once again, will be strong for all Americans.

Mr. Speaker, I urge my colleagues and my friends in the United States Senate to follow our lead, to listen to the administration, and to pass the JOBS 3.0 Act immediately.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has passed without an amendment a bill of the House of the following title:

H.R. 7187. An act to extend the National Flood Insurance Program until December 7, 2018.

GOVERNMENT REFORM

The SPEAKER pro tempore (Mr. BERGMAN). Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I do appreciate the efforts of my friend from the district that adjoins mine in Texas. He has done a yeoman's work, much of which he hasn't gotten adequate credit for. Hopefully not only the Senate, but the House will respect the work that has been done—including on flood insurance—and stop putting off what Financial Services has done to reform flood insurance.

We have extension after extension when the people whose homes are protected are begging for reforms so they can take their insurance money and build somewhere else instead of being forced to build where their house was destroyed.

Or how about people who have \$50,000 homes having to pay enough in insurance so they insure the multimillion-dollar castles that have been built? They want to make the poor folks pay for the rich folks, and it seems like today most rich folks are Democrats when you look at contributions in recent years. Regardless of what party they are a part of, it is not fair. There are just so many reforms.

Or how about if the Federal Government insurance program pays for the same house three times after it is destroyed, then they get their own insurance, not government?

There are so many brilliant, yet seem pretty basic, reforms that Chairman HENSARLING and his committee have pushed forward. None of them was my idea, but you can read them and go: Oh, that is a really good idea. It is a basic idea.

For some reason, we don't have the gumption to just go ahead and do the necessary reforms that saved a country whose spending is in trouble. Spending is putting the Nation at risk.

There is a very important purpose for government in the United States. It is not supposed to be a government that subdues its people or has the Orwellian job of monitoring them, as we hear China expects to have total monitoring of its citizens by 2020. That is not the job of the government in a free country.

The Revolution was about freedom. And I know Jefferson has taken a lot of flack for having slaves. He and Washington had hoped to free their slaves, but as I understand it, there were provisions that didn't allow what they

wanted to do. But if you look at the original draft of the Declaration of Independence, the original draft that Jefferson did, probably the biggest paragraph that listed one of the many grievances that in Jefferson's mind justified a war for independence and a Declaration of Independence was that King George III allowed slavery to ever get started in America.

That came from Jefferson's heart. He saw the problems that were creating the inequities, and he blamed King George for ever allowing it to get started. That ended up being struck from the final draft, but that was part of Jefferson's original heart.

The job of government does not include spying on its law-abiding people who have committed no crimes. It is not supposed to include telling its people where they have to live and what they have to do for a living or not do. It is supposed to be about freedom.

In fact, Dennis Miller made an amusing comment that, if the Founders were willing to go to war and risk or sacrifice their lives in a war over a little tax on their breakfast drink, then think how upset they would be today.

Yet we see the problems and we discuss the problems here, but when the going gets tough, apparently the tough get going by heading home.

□ 2030

We have until January 3, apparently, when the new Congress is sworn in, to get things done with a Republican majority in the House and a Republican majority in the Senate. We passed a tax bill. There have been other good bills passed, as Chairman HENSARLING was talking about. But when it comes to bills that have to do with whether or not this little experiment in self-government continues, we ought to be taking those up.

It has been interesting. There have been many times since I have been here when we saw Republicans and some Democrats who were defeated in a November election and some of them threw up their hands and said: Why should I even come back? I am going to have to have a new job, come January. I have sacrificed so much time being away from my family. What is the use of my coming back in November and December?

But I was greatly gratified at our Conference yesterday to hear people, some who are coming back because they were reelected and some, surprisingly, based on past history, who have been defeated and have said, as DANA ROHRBACHER said: Look, I am not going to be back in January, but I would like to have Christmas Day with my family. But other than Christmas Day, I am willing to come back every day if we can help America protect their future.

There are some very noble people here who understand that the burden of Congress, the House and Senate, is not to impose our will on the American people. It is to protect them. We are

not supposed to be the referee, the coach, the player. The American people should really be the participants. The government is supposed to be the referee. And, yes, we have got to have criminal justice so that when the referee makes a call, it can be enforced.

As a former judge who sent no telling how many people to prison over a 10-year period, I agonized over every one of those cases when I was going to look somebody in the eye and pronounce their sentence. Sometimes juries did it, but there were far more that didn't request a jury trial. Maybe they pled guilty and sought sentencing. Sometimes there were plea agreements. It was up to the judge whether you go along with the plea agreement. Sometimes I didn't.

One of the bills that is being talked about, which is criminal justice reform, which we badly need, desperately need, is actually going to be a slap in the face of every Federal judge who has ever agonized over what is an appropriate sentence.

I think it is fine to tell judges what the rules are when they go into a sentencing so they know what kind of sentence this is really going to be, in terms of real years. But to come back after judges have already agonized, they have had the hearings, considered every possible thing, and say: You know what? We are going to change the rules. We haven't read about the cases you judges agonized over and came to a conclusion on, but we are going to change them anyway.

They don't consider the fact that in so many prosecutions, in the very few Federal cases that are simple possession, it normally has to be a pretty big deal, and that is based on my own experience. I have been a prosecutor. I have been appointed to defend criminal cases in Federal court, State court. I actually was appointed to appeal a capital murder conviction, which was successfully overturned at the highest court in Texas. So I have seen it from all angles: prosecutor, judge, and chief justice reviewing on appeal.

You don't change the rules after they are made. That is why there is a provision in the Constitution that says Congress is not supposed to enact any ex post facto laws. And, yes, that is not specifically pertaining to going back and changing sentences after the fact, but when I read that, under the bill being considered, sex offenders will be released early—or can be—there are many people that will likely be released early, including those—and it is not even considered that some really bad guys, evil people who cut a deal to rat out on people that were even more evil, if they got a deal cut under the Federal system, you can't just agree to a term of years and recommend to the judge like you can in State courts like Texas, but they agree on charges. Okay. We won't pursue the fact that you had a gun at the time and you were trying to use it. We will waive that if you help us with that. And that will

make you look like a much more innocent guy. Or, we will let you plead to simple possession and we won't even bring up all this myriad of other charges. We will just let you plead to this one and let all these others go.

Those things go into the consideration of the court and of the prosecutors when they make recommendations. They will come back after the fact and say: We are going to reform criminal justice, but not the way you, Louie, have been wanting to, you in the ACLU and The Heritage Foundation, and others have agreed on in the past, where we would require a mens rea, an intent, a guilty-mind process for most crimes.

Or, perhaps another one that is a pet peeve of mine, supposedly we have, maybe, 5,000 criminal laws in the Federal system and so many of them say it's punishable by X number of years in prison, such and such fine for any violation hereunder or any regulation hereunder, which allows bureaucrats who have never been elected; who are not necessarily carrying out the will of any American public, just their own personal feelings; that have not been ever voted on, and they pass regulations.

You have regulations, like you have the poor guy that checked the box ground only as the way he was mailing it, and he didn't know some bureaucrat had passed a regulation, put one through that says, you have got to put a stamp on it that has an airplane with a red line through the airplane. So he was hauled off to another State and had never violated the law at all.

There are so many injustices in our Federal system, so many things that need fixing. Some have pointed out the inequity in years, like, back in the eighties when laws were passed that actually made it tougher on sentencing for having crack cocaine than having real powder cocaine—I was a member on the Judiciary Committee when this debate came up—and how it was really a racist law that made it a tougher penalty for having crack cocaine, which more African Americans had, than the powdered cocaine, which was worse, which was more often possessed by Anglo Americans.

Dan corrected the record and I went back and did some digging and found out, wow, he is right. That there were people, like Charlie Rangel and others, who were members of the Congressional Black Caucus who had said anybody that didn't vote for a tougher penalty on crack cocaine than on powder cocaine was a racist, because crack cocaine was destroying African American communities and we needed tougher laws.

But over a 30-year period, or so, people forgot why the punishment for powder cocaine was not as tough a punishment as for crack cocaine. It was passed, as Dan pointed out. People didn't want to be called racists and they were told by some in the Congressional Black Caucus that you would be

a racist if you don't make it a tougher penalty on crack cocaine. They didn't want to be called racist, so they voted and agreed to make it tougher penalties for having crack cocaine.

There is a lot of criminal justice that needs reform and there really shouldn't have been a difference between crack cocaine and powder cocaine. These are things we can debate, we can work out well, and not have a reform shoved through that is going to release people prematurely that should not be released. There is time to work that out.

Some of us were surprised to see the ACLU, the Heritage Foundation, BOBBY SCOTT, and LOUIE GOHMERT working together to try to work on reform. There are things we can work together, even when Republicans lose the majority in January.

So that is not as critical to get that done right now. When we do criminal justice reform, let's make sure we get it right and don't get people killed because we rushed through something that sounded good, but when you got down to the finer points, it created problems.

I was pleased to hear that Jared Kushner was interested in talking to people and talked to some friends of mine about problems they had with that bill. Well, we need to work those out. We don't need to spend time here rushing a bill like that through.

But the President won his election in 2016, and the most memorable promise that he made, he knew he was going to need the help of Congress, and he has been begging for the help of Congress, and he has been told over and over for the last, nearly, 2 years: Okay. We will get to that. We will get to that. We can't get it in this bill, but we will get to that.

As I have told our Conference more than once, the voters are going to come out in 2020, those who voted for Donald Trump, and probably mostly all of them will vote for him again, because he really has been trying to do what he said.

We said we were going to help, and we haven't helped him. The number one most memorable thing voters recall is the promise for a wall. As President Trump has said, we don't need 2,000 miles of wall, but there are places where we desperately need it. We are told: Well, it's just too hard to get the votes in the Senate. You would have to have 60 votes.

Well, I have had some good ideas over the years. Sometimes I have asked colleagues to be the lead sponsor on legislation I have come up with that was part of the committee of jurisdiction so they have a better chance of getting it through. Regardless, I know a good bill when I see it. And BRAD BYRNE has a good bill, H.R. 7073—and I love its title—the 50 Votes for the Wall Act. It eliminates the need for the 60 votes in the Senate. I know we have some House leadership that think it is just going to be too hard to get those votes in the Senate, so why even waste the House's time.

□ 2045

Well, it is because we have a chance to fix something that is terribly broken that exposes Americans to loss of life, loss of property, all kinds of losses, including the loss of a free United States of America. It is that desperate of a situation.

And the Border Patrol, most of the ones I know and have talked to, say: If you allow some of this big—whether you call it a caravan or call it what it really is, an attempted invasion, there are going to be bigger and bigger caravans and invasions. Some of them will end up being so big, you will not be able to stop them, not with troops. It would require all-out war.

The time to stop it is now.

We have seen the photographs of some walled fences where people want to thumb their noses at United States sovereignty. We take an oath. We are supposed to protect the Constitution.

Our number one obligation is to protect the American people. Going back to, metaphorically, the referee-coach-player situation, we are supposed to make sure that the players have a venue where they can safely pursue the free enjoyment of their activity.

And we know—we have heard it from the Mexican officials—there are hundreds of known criminals. Just in the invasive caravan they have seen so far, we know there is MS-13. We know there are people who are going to do terrible damage, cause loss of life, limb, and property.

If we are going to carry out our obligation to the American people, we need to protect them. We need to make sure people come in orderly.

People can slam the American people and raise issues about: Oh, gosh, you guys are such xenophobes and, oh, you have so much hate.

No. We have a love for the American people.

If a parent sees somebody trying to break into their home who is suffering from an illness that will likely be caught by others who are lawfully in the home, that parent would have an obligation, morally, legally. You are supposed to protect your children. Some go to jail for not protecting their children.

In that scenario, which we know there are people with illnesses trying to barge into America, and obviously there are people who have come into America with illnesses we thought we had gotten rid of in the United States, they are bringing them back in.

That is why there was an Ellis Island. That is why democratic presidents and Congresses had gone to such extremes to make sure people were properly vetted, so that the people to whom they answered could live more safely, freely, without fear of an invasion.

We have that obligation to make sure the American people are protected.

BRAD BYRNE's bill gets around the 60-vote requirement in the Senate. We have one of the smartest Speakers we have ever had in PAUL RYAN. He has

been former chair of the Budget Committee. He knows exactly how to go about getting a reconciliation effort accomplished.

Under the process known as reconciliation, all that they would need to do is bring up a 2019 budget resolution that would alter reconciliation instructions. Under BRAD's bill, it would provide \$25 billion for a border wall that would be placed in mandatory spending, and that would be as instructed by the Homeland Security Committee.

It is a majority vote to make that budget change. It is a budget resolution. That is what it would take. Once that is done, then the money could be placed into this trust account that is being set up under the Byrne bill.

I know, back a year and a half ago, we heard all kinds of threats: Oh, we can't really repeal ObamaCare because of the Byrd rule. Can't do it under reconciliation. Oh, the Byrd rule. Oh, we can't.

We had Republican leaders in the House and Senate telling us: Well, no, the Byrd rule won't let that happen. Sorry. It won't let it happen.

Nobody bothered to go check with the Parliamentarian. The Parliamentarian is not even the last word. Parliamentarians—I am very sorry to say this, but it is true—sometimes are wrong.

I don't know of a time when our current Parliamentarian was wrong, but I certainly know of a prior occasion when a predecessor, since I have been here, was totally wrong.

The Parliamentarian doesn't make decisions. The Parliamentarian gives advice. The decision comes from the Chair.

So, MIKE LEE, Senator LEE, went and asked the Parliamentarian: Do you think this will violate the Byrd rule?

Well, I can't give a preliminary opinion, but I don't see anything there that would violate the Byrd rule. No, I don't think it would be a problem.

Wow.

We had been told for a month that we couldn't do that, that we couldn't repeal ObamaCare, because the Byrd rule wouldn't let it happen under reconciliation. Turned out, nobody checked, and they were wrong. It could have been done. It should have been done.

The first bill, thank God we didn't pass that, but we passed the second one. As I was talking with some colleagues today, if the Senate had joined us, it would have materially helped the American people.

I know there are those who say: Look, the Senate doesn't have the votes.

Well, they could get 50 votes, because we could pass it with 50 votes. I know MIKE PENCE, our Vice President, would help support President Trump and break a tie.

We could get this done. But the Senate will have no pressure until this body passes a budget resolution with reconciliation instructions. And the Senate will need to do that, but they

are not going to feel any pressure until we do it here.

There are House Members, Republican House Members, some returning, some not returning next year, and they are willing to do the work to try to save American lives in this little experiment in self-government.

We have had so many people that have been miseducated to think that: You know, gee, socialism is a good way to go. It would be great for America.

We are seeing the polls reflect that more and more often. Well, let me make clear, anybody that will study history knows socialism, number one, always fails. Number two, you can't have socialism or communism or progressivism, whichever one you want to call it, unless you have a very powerful, totalitarian type government that takes from people who don't want to give it up and gives it to people who do want to give it up.

You don't have a middle class. That was one thing Karl Marx did not foresee, the strong middle class that would grow in America that set us apart from most anywhere else. That is why we did not become communist back when there were communists trying to push us there, because we had a strong middle class.

But in socialism, communism, progressivism, you will have a ruling class, and that is why there are so many billionaires now pushing to try to get us to socialism. They know, or at least they believe, people are too stupid to know how to live, so us ultra-rich billionaires, we will fund socialist-type candidates, because we know, if we get to socialism, you have a ruling class and you have a ruled class, and there is no middle class. You give up so much of your freedom.

It has to stop, and it is going to be stopped only if we will go ahead and push through a reconciliation bill that allows us to give the money to President Trump so we can get a wall built where we need it and secure the American people.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANNY K. DAVIS of Illinois (at the request of Ms. PELOSI) for today and the balance of the week on account of family medical emergency.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1074. An act to repeal the Act entitled "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation".

H.R. 2422. An act to amend the Public Health Service Act to improve essential oral