

□ 1215

HONORING MARCA BRISTO

(Ms. SHALALA asked and was given permission to address the House for 1 minute.)

Ms. SHALALA. Mr. Speaker, I rise in honor of a friend, Marca Bristo, the brilliant advocate for people with disabilities. She passed away recently at the age of 66.

In 1977, she became paralyzed from the chest down after a diving accident at the age of 23. As she adjusted to life in a wheelchair, she struggled to navigate in an often deeply inaccessible world.

Before long, she founded what is now Access Living, a Chicago-based nonprofit organization focusing on service and advocacy for people with disabilities. She served as CEO until shortly before her death.

Marca helped write the Americans with Disabilities Act, landmark legislation that extended the Civil Rights Act to people with disabilities. The bill was signed into law in 1990.

Four years later, President Clinton appointed her to serve as Chair of the National Council on Disability, where she continued working to increase accessibility and to fight disability discrimination.

Her work revolutionized disability rights. She melded an unparalleled sense of legislative strategy with deep compassion for people with disabilities.

We will remember her with pride as we continue to work to expand disability rights.

AMERICA MUST LEAD ON CLIMATE CHANGE

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, this week, the United Nations is hosting its Climate Action Summit. Robust funding and sound policies are needed to ensure we effectively combat climate change.

Threatened by increasingly more frequent and extreme changes in our climate, territories like the U.S. Virgin Islands stand at the front line of this quickly escalating climate crisis.

Within the past decade, my district has reduced fossil fuel use by 20 percent and has become a regional leader in clean energy. States and territories have also passed regional and State-specific legislation to combat climate change, but we need a comprehensive, forward-looking national plan to address this threat to our children and our children's children.

While we don't yet have all the tools to address rapid climate change, we must create them through increased Federal investment in research, development, and deployment of emerging technologies.

Across the Nation, climate change is threatening our economy and our lives.

Hurricanes like Irma and Maria collectively cost \$140 billion, according to NOAA, and, most importantly, they cost thousands of lives.

America must lead the charge to preserve our planet.

END HIDDEN TRAVEL FEES

(Ms. JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. JOHNSON of Texas. Mr. Speaker, this summer, we witnessed a record number of Americans take the opportunity to travel. Unfortunately, this also meant a record number of travelers were subjected to hidden fees charged by hotels, motels, and other places of accommodation.

It is projected that, in 2019 alone, over \$3 billion in revenue will be collected from consumers due to these deceptive hidden fees.

That is why I, along with my colleague Mr. FORTENBERRY from Nebraska, have introduced H.R. 4489, the Hotel Advertising Transparency Act. This bill would require the prices regularly advertised by hotels and online travel agencies to include all mandatory fees that will be charged to a consumer, excluding taxes.

Mr. Speaker, consumers deserve full transparency when making their travel plans. They should be able to enjoy their vacations without being ripped off and financially burdened with almost twice as much as the room that had been advertised.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

HOUSE OF REPRESENTATIVES,
September 26, 2019.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,
Washington, DC.*

DEAR SPEAKER PELOSI, I write to respectfully tender my resignation as a member of the Committee on the Budget. It has been an honor to serve in this capacity.

Sincerely,
WILLIAM R. TIMMONS, IV,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and Labor:

HOUSE OF REPRESENTATIVES,
September 26, 2019.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,
Washington, DC.*

DEAR SPEAKER PELOSI: I write to respectfully tender my resignation as a member of

the Committee on Education and Labor. It has been an honor to serve in this capacity.

Sincerely,

WILLIAM R. TIMMONS, IV,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2019.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,
Washington, DC.*

DEAR SPEAKER PELOSI: I write to first thank you for allowing me the opportunity to serve in the House Committee on Science, Space and Technology for the last several months. I am pleased to have represented the people of Puerto Rico and their interests on the advancement of science and research in this capacity. However, I understood this assignment was temporary in nature. Hence, I respectfully and sadly offer my resignation as a member of this Committee. It has been an honor to serve in this role and I remain available pending any future vacancies. I look forward to collaborating with my colleagues in the Committee in other endeavors.

Sincerely,

JENNIFER GONZÁLEZ-CÓLON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF S.J. RES. 54, TERMINATION OF NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON FEBRUARY 15, 2019

Mr. MORELLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 591

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (S.J. Res. 54) relating to a national emergency declared by the President on February 15, 2019. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to commit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. MORELLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

from Georgia (Mr. WOODALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. MORELLE. Mr. Speaker, on Wednesday, the Rules Committee met and reported a rule, House Resolution 591, providing for consideration of S.J. Res. 54, relating to a national emergency declared by the President on February 15, 2019, under a closed rule.

The rule provides 1 hour of debate equally divided and controlled by the chair and ranking member of the Committee on Transportation and Infrastructure and provides one motion to commit.

Mr. Speaker, this joint resolution, pursuant to the National Emergencies Act, would terminate the national emergency declared by the President issued in July of this year. The same day that President Trump declared a state of emergency at our southern border, he, himself, said, “I didn’t need to do this.” It is now clear that statement is true.

The President used an authority commonly used for construction at military bases in foreign countries during a time of emergency. That authority is now being used to divert \$3.6 billion away from needed military construction projects to build a wall that does not have the needed political support in the House and Senate to be funded through normal appropriations.

This emergency declaration was a politically motivated power grab seeking to undermine congressional authority to oversee Federal spending.

The executive cannot run roughshod over this constitutional principle when the President fails to gain enough support for his policies. And exaggerating the threat posed by asylum seekers at our border has not been a convincing argument.

The American people have spoken. Over 60 percent of the public opposed this emergency declaration.

What has been the result of the Presidential proclamation? Life safety violations and fire risks at dilapidated military facilities are going unaddressed. The Pentagon has been forced to defund billions of dollars from 127 different military construction projects around the Nation and the globe.

In Portsmouth, Virginia, a warehouse has life-threatening conditions, but 330 servicemembers and civilian workers will continue to work in a building without enough fire exits and without a working fire alarm or sprinkler system. That doesn’t seem to matter to President Trump, though. Fenc-

ing and barriers along the border are more important to our Commander in Chief.

In Maryland, money is being diverted from a planned childcare facility to help soldiers balance their family commitments with their service to our country.

In Kentucky, a middle school has lost out on \$66 million in construction funding.

In South Carolina, they won’t be getting the fire station approved and funded by Congress.

Our Armed Forces are also being denied a drone pilot training facility, a ballistic missile field, a submarine maintenance building, multiple training facilities, access improvements, and safety upgrades.

In my home State of New York, a \$160 million appropriation is being taken away from projects at the United States Military Academy at West Point, including a state-of-the-art engineering facility to support the Center for Innovation and Engineering.

After being promised that Mexico would be paying for this wall, we are, instead, harming military readiness, safety, and innovation in response to a politically exaggerated threat.

We, in Congress, have already done our job to put military construction dollars where they are needed most. Now it is time for Congress to do our duty again and prevent this overreach by the President.

Mr. Speaker, I urge my colleagues to vote for this rule and for the underlying resolution, and I reserve the balance of my time.

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

Mr. Speaker, I thank my friend from New York for yielding me the customary 30 minutes.

Mr. Speaker, I am usually pretty excited to be down here on the House floor talking about the rule. It is always an opportunity to set the stage for what the House is getting ready to do, and this is a body that is filled with men and women who want to get something done. The honor that Mr. MORELLE and I have to come down and always begin that conversation is a special one.

Today, unfortunately, we are not coming down here to get new business done. We are coming down here on the exact same language that we have already considered this year, the exact same language that the House has already passed this year, the exact same language that the President has already vetoed this year, and absolutely no expectation that anything different is going to happen this time.

Mr. Speaker, when we talk about emergencies, the irony is not lost on me that I do consider it to be an emergency when thousands upon thousands of unaccompanied children are crossing the southern border in need of housing, in need of healthcare, and in need of food, clothing, and care.

I do consider it an emergency when we have a southern border that is po-

rous, that is the transit point for drugs, for human trafficking, and for weapons trafficking. I do consider that an emergency.

My friends on the other side of the aisle take issue with the President and his declaration of that emergency. Again, the irony is that we had an emergency meeting in the Rules Committee last night so that we could come down here and declare this a non-emergency.

It is a bipartisan, bicameral goal to provide safety and security on every border of the United States of America. I would encourage my colleagues to take a look at what happened in this body yesterday.

Again, I thank my friend from New York for his role in it on the Rules Committee. We brought a resolution to the floor with the rule that was going to demand the production of documents from the White House. When we considered that resolution in the Rules Committee, it was full of partisan accusation after partisan accusation after partisan accusation before it got down to a request for a document.

That was going to come to the floor, and it was going to pass, but it was going to pass in a strictly partisan vote. I would argue that diminishes the institution and diminishes the cause that the majority was seeking.

To the majority’s credit, during consideration of the rule, they rescinded all of those whereases, took all the partisan material out of that resolution, brought the very same document request to the floor, and it passed unanimously.

There is so much that we have in common, Mr. Speaker, that gets overshadowed by the partisan nonsense that occurs here day in and day out.

I want to ask my friends—and I regret that I didn’t do it last night in the Rules Committee; I should have—to take a look at H.R. 1410.

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H.R. 1410 is a bipartisan bill that does what I know we both want to do as Article I Members, and that has changed the language of the National Emergencies Act so that Congress does reclaim the power from the administration.

Today, as you know, Mr. Speaker, the President gets to decide what is an emergency. We delegated that authority to him. Right or wrong, the Congress—not this Congress, but a previous Congress—delegated that opportunity.

Mr. REED from New York, again, in a bipartisan way, introduced language in February of this year, as this was unfolding the first time, to say let’s fix this language once and for all. Let’s not have ourselves in a partisan debate on the House floor about whether we like what one President or another did. Let’s reclaim Article I’s power and decide that no President is going to be able to disburse funds as he or she sees fit, that Congress is going to reclaim that responsibility.

To the best of my knowledge, Mr. Speaker, H.R. 1410 has not moved through committee. It certainly has not been considered by the Rules Committee, and it certainly is not headed to this floor.

We have a choice, Mr. Speaker. We can continue to find things to argue about, or we can unite around those things that we all know to be right.

I don't disagree with my friends on the other side of the aisle who want to reclaim Article I's authority. I share that goal, support that goal, and would gladly apply my vote to that goal.

What I do disagree with is a Congress that has failed to create a functioning budget process—that is functioning by continuing resolution now through November—and, instead of responding to what I think are very legitimate requests from this White House for additional resources on the southern border, has chosen again to bring a bill that may well pass this House but will not be signed by the President and will not impact the future goings on in this government, as I know we all want to do.

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

Mr. MORELLE. I yield myself such time as I may consume, and thank my colleague. Let me just point out, I will admit, when I arrived here in November, having been elected in a special election, I was somewhat curious that—I think the last emergency meeting of the Rules Committee in the 115th Congress, the last one dealt with cheese curds. So I am not exactly sure how my friend and colleague defines emergencies.

What I do know is that this section of the National Emergencies Act, really, was constructed to help the President and the country deal with emergencies that arise before the Congress can act, but it is not intended to overrule congressional action. The Congress did act on this issue—there can be no question about that—during the last appropriations process.

The other thing that the gentleman mentions, which I do want to make clear, is the reason that we are doing this now, it is different. Perhaps the resolution is not different, but we now have a complete list of all of the projects that are now being defunded in order to move dollars over to the wall.

I would also just point out that, not only was the original resolution bipartisan in the Senate, but the resolution which passed within the last few days had 11 Republican Senators support it. I think one was unavailable who had supported it in the past and indicated that he would continue to support the resolution. So it is bipartisan.

This is truly the act of Congress. I know that my friend and colleague is well-associated with Article I, Section 9, Clause 7 of the United States Constitution: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law. . . ."

So we are bound, and the Congress has acted. The Congress made the deci-

sion not to fund this. The President is using powers in a way that were not intended and diverting dollars away from much-needed, necessary projects that enhance our military readiness.

I reserve the balance of my time.

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

Mr. Speaker, I am not certain that I disagree with my friend from New York about the language being used as it was intended; what I am certain about is the language is being used as it is written. It is incumbent upon this Congress, if we don't like the way the laws were drafted—that we drafted—that we go back and we change those laws.

As the Speaker well knows, yesterday, we dealt with marijuana on the floor of the House. We didn't decide we were going to repeal the schedule I classification of marijuana. We just decided that, for those States that were ignoring Federal law, we were going to let them ignore more Federal law, too, and go ahead and get involved in the banking system as well.

It is lost upon me why it is that this body has concluded that, rather than changing things we don't like, we should just ignore those things or complain about those things. It is the United States Congress, and we have an opportunity to do things. We weren't elected to talk about it. We were elected to get it done, and I know my friend from New York shares that same passion.

Mr. Speaker, if we defeat the previous question today, we will have an opportunity to get something done together. If we defeat the previous question, I will bring up an amendment to the rule to make in order debate on S. 820, the Debbie Smith Act of 2019.

Mr. Speaker, as you know, this authorization language is set to expire at the end of this month, and it provides Federal grants to States to reduce the DNA backlog in criminal investigations.

You don't have to turn on two news stations in your district, Mr. Speaker, just turn on one. You will see the impact of what going back and testing that DNA using technologies that are available today that were not available years ago has meant, particularly in rape and sexual assault cases.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous materials, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, we have subject matter experts and almost everything in this institution, Mr. Speaker, and I would like to yield to one of our passionate advocates and experts on this issue. I yield 5 minutes to the gentlewoman from Missouri (Mrs. WAGNER).

Mrs. WAGNER. Mr. Speaker, I want to thank my friend, the gentleman

from Georgia (Mr. WOODALL), for his tremendous service and for yielding to me this time to talk about this very pressing and important issue.

Mr. Speaker, I rise today to urge my colleagues to defeat the previous question so that the House of Representatives can finally debate and vote on the Debbie Smith Reauthorization Act.

While my colleagues on the other side of the aisle play partisan games on border security and impeachment, critical programs authorizing the testing of DNA evidence across the country are set to expire in just 4 days, on September 30.

Along with my colleague CAROLYN MALONEY, I introduced and am the lead Republican sponsor on the Debbie Smith Act, with the support of the Rape, Abuse, and Incest National Network.

Debbie Smith programs provide funding to crime labs to process DNA evidence and strengthen the national DNA database that provides justice to victims.

The legislation requires that States like mine, Missouri, create plans for the reduction of backlogs and the testing of rape kits and other DNA evidence.

Since this program was created on a bipartisan basis, nearly 200,000 DNA matches have been made in criminal cases, since 2005, providing justice to the victims in cases that may otherwise have gone unsolved. The number of DNA samples collected is skyrocketing, sadly, and we need the Debbie Smith programs now more than ever.

The Senate has already unanimously sent their version of the legislation over to the House, but House leadership continues to refuse to bring it to the floor. This, Mr. Speaker, is unconscionable.

Every Member of the House Republican Conference is demanding that we bring the Debbie Smith Act to the floor, but our pleas for justice for victims of sexual violence are being ignored.

Mr. Speaker, I beg of my colleagues to please join me in defeating the previous question and urge House leadership to put politics aside and reauthorize these critical programs to convict dangerous predators and help end sexual violence in our country.

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

Mr. Speaker, with all due respect, this is nothing more than smoke and mirrors. The bipartisan Debbie Smith Act was included in the Violence Against Women Act that was supported by this House and was funded in the CR which we just enacted, which I was proud to support. I am not sure all Members voted for the CR, but I did, and the funding for the Debbie Smith Act is included in that.

Obviously, to suggest that this majority in this House is not interested in supporting women and women who are victims of violence, is, frankly, reprehensible.

But let me move back to the rule of law, which is what we are actually debating here, and it relates to our authority under the Emergency Powers Act.

I do want to note, to Mr. WOODALL's point, we are not adding new law. This is a resolution, which is clearly a provision in the National Emergencies Act that allows the Congress to make the point that the emergency, if it ever existed, no longer exists and this funding is inappropriate, this shift of funding.

This is, again, a simple resolution passed by the Senate, and it indicates that, in our view, the congressional authority is where the appropriations process lies. It is articulated well in the Constitution, and the Congress has acted, has acted before and will act again.

The projects that are necessary for military construction around the globe and throughout the United States are vital, and support of this resolution and the rule would be something that I would think Mr. WOODALL and Members of the House would agree to.

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

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

Mr. Speaker, again, I enjoy working with the gentleman from New York. When I think about folks who are able to work across the aisle to get things done around here, the gentleman from New York is up at the top of that list.

If you have not tuned into the Rules Committee, Mr. Speaker, number one, shame on you. It is a vibrant discussion. It happens every Monday at 5 o'clock, at least once, if not twice, at least for an hour, if not for 5 or 6. It is rare that Mr. MORELLE is questioning witnesses up there that I don't learn something new, that I don't gain from his perspective.

He is absolutely right when he talks about the resolution that the Rules Committee is trying to send to the floor being a bipartisan resolution. When it passed the United States Senate, there were 11 Republicans who supported it along with all of the Democrats.

What Mrs. WAGNER is proposing that we replace it with isn't something that was passed by just 11 bipartisan votes; it is something that was passed unanimously, Mr. Speaker.

It is true what my friend from New York says; we included this language in the VAWA bill that passed the House earlier. That was a partisan exercise, too. That bill hasn't moved through the United States Senate.

In contrast to decades of reauthorizations here, Mr. Speaker, where this DNA testing authorization passes as a standalone bill with broad, bipartisan support, this Congress, this year, for reasons unbeknownst to me, decided to play a political game with it.

What Mrs. WAGNER is offering us the opportunity to do is to bring a bill that passed unanimously in the United States Senate to the House floor,

where it can pass unanimously here, too.

Again, my friend from New York is right. What this Congress has done is provide funding for this bill all the way through the month of November—not the entire month of November, but 3 weeks in November. That is absolutely true that Congress has done this important work for at least a month and a half.

What Mrs. WAGNER is offering us the opportunity to do is to do this important work for another 5 years, which I know my friends on the other side want to do.

To speak on this issue, I told my friend from New York that I didn't have any speakers on the underlying bill. It is true. I expect that to be another partisan exercise. But on this language, Mr. Speaker, I do have another speaker.

Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota (Mr. ARMSTRONG), one of our new Members, if he is willing.

Mr. ARMSTRONG. Mr. Speaker, I understand how CRs work, but also the set-asides go away. We have a stand-alone bill from the Senate right now. We could put it on the Consent Calendar.

Just to give a little history, the Debbie Smith Act originally passed in 2004, and in 2008, under Democrat control, the House passed the reauthorization under a suspension of the rules by voice vote. The Senate, which was under Republican control, passed the bill with an amendment by unanimous consent. The House subsequently passed the Senate amendment version, and it was signed into law by George W. Bush.

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In 2014 under Republican control, the House passed the bill under suspension by voice vote. The Democratic-controlled Senate passed it under unanimous consent. It was signed by President Barack Obama.

So the question is: Why can't we take a standalone bill?

Why, all of a sudden, in this Congress did it need to be part of a larger bill that turns into partisan gamesmanship and a fight between the two Chambers and the two parties?

In 2017 there were approximately 136,000 rapes. Only four in ten rapes even go reported. That is actually an improvement. Not so many years ago it was only two in ten. Mr. Speaker, 90,671 of those rapes are unsolved. Many of them are never charged. Out of every 1,000 sexual assaults, 995 perpetrators will go unpunished.

Just earlier this week I sat in the Rules Committee, and we argued on the repeal of forced arbitration. By the way, I agree with my Democratic colleagues. Sexual assault should never be forced into arbitration. But if we are going to make the argument of forced arbitration and deal with that in a civil proceeding or an employment pro-

ceeding or those types of issues, clearly, we can all agree that the single best way to put violent sexual predators behind bars in jail and in prison is with DNA testing.

Mr. Speaker, I said it yesterday, and I will say it again: You have the best ability to convict criminals—the worst kind of criminals—and you have the ability to do it without revictimizing the victim through a criminal process, through a deposition, through a jury trial. Many of the reasons these crimes go unreported or unconvicted, particularly child victims of sexual abuse, are because of the trauma associated with a criminal proceeding.

Do you know what happens in a criminal proceeding with DNA evidence?

You get guilty pleas, because you can't beat the evidence.

So conservative estimates say that the number of rape kits is around 170,000 which are untested. Every single one of those kits represents a human being, and it is somebody's mother, sister, daughter, or granddaughter. That person has gone through a horrible, terrible, and grotesque trauma, and they deserve justice.

This is easy. This is easy to do. We could do it today. We could do it tomorrow before we go home. But here's the deal: it expires in 14 days, and while we are gone for 2 weeks in recess, 5,000 more rapes will be committed.

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

Mr. Speaker, I acknowledge I am a bit of a football fan—not much of an expert, but a fan—and I know that from time to time a play will be called and a quarterback will follow all the offensive line moving to the right of the field and follow behind them and appear to be handing the ball off to a running back behind the offensive line, but actually the quarterback has the ball, turns around, and goes the other way. It is called misdirection. And that is what is happening on the floor, as we speak.

I understand why my colleagues don't want to talk about the President's actions. I understand why the Members on the other side don't want to talk about actions that we consider to be considerably outside what was intended by the national emergency powers given to the President. So I would like to get back, if I may, though, to the issue at hand.

I want to just read something.

"We will vote on a resolution to reverse the President's ill-advised national emergency declaration that funds the construction of a border wall using money that Congress has appropriated and the President has signed into law for other purposes, such as military construction...."

"By declaring a national emergency, the President's action comes into direct conflict with Congress' authority to determine the appropriation of funds—a power vested in Congress by the Framers of our Constitution in Article I, Section IX. That is why this

issue is not about strengthening our border security, a goal that I support and have voted to advance. Rather, Mr. President, it is a solemn occasion involving whether or not this body will stand up for its institutional prerogatives and will support the separation of powers enshrined in our Constitution.

“Throughout our history, the courts have consistently held that, ‘Only Congress is empowered by the Constitution to adopt laws directing moneys to be spent from the U.S. Treasury.’

“For the past 65 years, the courts have determined the boundaries of Presidential authority, vis-a-vis Congress, under the doctrine of *Youngstown Steel Sheet & Tubing*, the 1952 Supreme Court case which reversed President Truman’s seizure of U.S. steel companies during the Korean war. As Justice Robert Jackson explained in his profoundly influential concurrence in that case, the question of whether a President’s actions are constitutionally valid should be determined by examining the source of the President’s authority, and in this concurrence, the Justice goes through three scenarios in which he assesses the President’s power.

“According to Justice Jackson, when acts taken by the President are against the express or implied will of Congress, the President’s power is at its lowest ebb. Mr. President, President Trump’s declaration clearly falls in that category.

“Now, the President rests his declaration on the National Emergencies Act, and that act fails to define precisely what constitutes an emergency, but there is a commonsense rule that we can apply. It is a five-part test that was used by the Office of Management and Budget under former President George Herbert Walker Bush to determine whether or not requested funding merited an emergency designation under our budget rules. Under that test, a spending request was designated as an emergency only if the need for spending met a five-part test. It had to be necessary, sudden, urgent, unforeseen, and not permanent. Now, whether or not one agrees with President Trump that more should be done to secure our southern border—and I do agree with him on that goal—his decision to fund a border wall through a national emergency declaration would never pass all of this five-part test.

“Another concern that I have with the President’s declaration is that it shifts funding away from critical military construction projects. We don’t know which ones. We have not been able to get a list, but this could have very real national security implications. And, again, I would note that the military construction appropriations bill incorporated projects recommended by the President and his Department of Defense, was passed by both bodies and signed into law by the President.

“Let me emphasize once again that the question presented by this resolu-

tion is not whether you are for a border wall or against a border wall. It is not whether you believe that border security should be strengthened or whether it is sufficient. It is not whether or not we support or oppose President Trump. Rather, the question is a far more fundamental and significant one. The question is this: Do we want the executive branch now or in the future to hold the power of the purse—a power that the Framers deliberately entrusted to Congress?

“We must stand up and defend Congress’ institutional powers as the Framers intended that we would, even when doing so is inconvenient or goes against the outcome that we might prefer.

“I urge my colleagues to support the resolution of disapproval and our Constitution.”

Now, some might think that was authored by a Democrat, but it was not. Senator SUSAN COLLINS of Maine issued that back in March of 2019 when we considered the resolution for the first time, and, frankly, she is far more eloquent than I.

I think I will let it stand at that, Mr. Speaker, and I reserve the balance of my time.

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

I know my friend from Maine to be an eloquent speaker. I thought that was classic MORELLE there. It sounded exactly like what I would have expected my friend to say.

As you would imagine, Mr. Speaker, I don’t disagree with Senator COLLINS, and I don’t disagree with Mr. MORELLE. That is just not what this resolution does.

Whenever anybody starts talking about constitutional law—that is why I thought it was classic MORELLE, Mr. Speaker, because he knows how much the law gets me going. He is not a lawyer and makes that point regularly in the Rules Committee, but I am, and when we start talking about the foundation of self-governance in this country I get excited.

But this isn’t a resolution about a constitutional question, Mr. Speaker. Read this resolution: Pursuant to section 202 of the National Emergencies Act—that is the act that this Congress passed in a previous Congress and a previous President signed—the national emergency declared by the finding of the President on February 15 is hereby terminated.

That is exactly one of the procedures that can be used—one of three—to end a Presidential declaration of emergency. What we are doing here today has nothing to do with reclaiming powers of Article I. We are just following the law that folks already wrote. We are just following the law that folks already have said is insufficient.

If you believe this law is insufficient, as I do, Mr. Speaker, and as I know the majority does, H.R. 1410 is the bill to bring to the floor to reclaim our power that we delegated away.

If you believe it is unconstitutional, the Court is the place to go and reclaim that power.

This resolution simply says we disagree. It is the same one we passed earlier this year. It is the same one the President vetoed earlier this year. And we are going to have that same conversation again.

I pledge to my friend on the other side of the aisle, when we get ready to reclaim constitutional power, count me in. I told my friend that in the Rules Committee 2 days ago that I wanted to support Article 1 over Article 2. I cast that vote yesterday. I will cast that vote again tomorrow.

But, Mr. Speaker, what my amendment will do if we defeat the previous question is in no way a partisan exercise. It is in no way a divisive exercise. It is not even the subject of disagreement passing unanimously out of the United States Senate and historically passing unanimously out of this House. As my good friend from North Dakota described, it has been passed by Republican Congresses and signed by Democratic Presidents; it has been passed by Democratic Congresses and signed by Republican Presidents.

We do not disagree on the need to provide these dollars to those communities to reduce that DNA backlog. I don’t understand why since May of this year when the Senate passed it unanimously this House has failed to take it up at all.

Instead of spending our time taking up a bill that was unanimously passed by the Senate and never considered here in the House, we are using our time to take up a bill that has already been passed by the House once and vetoed by the President once, so that we can pass it by the House again and have it vetoed by the President again.

I get the headlines. I understand what the press releases look like. I watch the Twitter feeds. I see the Facebook posts. I get the communications narrative of “look at us and look what we are doing.” I just grow weary of it, as I know my friends on other side of the aisle do, too.

I am ready to be out of the business of “look at what I am saying.” I am ready to get out of the business of “look at what I am passing.” I am ready to get into the business of “look at what we are doing together that is getting signed into law and actually making a difference.”

S.J. Res. 54 won’t fall into that category. It didn’t in the spring, and it doesn’t today.

But DNA testing does, Mr. Speaker. I urge my colleagues to think about what our choices are today: go down the same road we have been down already and do nothing. Or go down a road that we have traveled in a bipartisan way in every single authorization going back decades, and let’s repeat that success together today.

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

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

Mr. Speaker, I don't disagree with my colleague that we all grow weary. I never do of spending time with him on the floor. I just want to acknowledge that.

I would say a couple of things, because there is a lot to unpack here. But fundamentally this resolution should—I think he read it—say that, Pursuant to the National Emergencies Act, the emergency declaration finding is hereby terminated. That is actually in the law.

What we are doing in this resolution that was already passed by the Senate and it, hopefully, will pass—not only the rule, but the underlying resolution as well—and do exactly what the law does. There is no need to change the law.

We may disagree, and obviously we do, about whether or not the President's use of the provisions violates the Constitution. I say, yes, my learned colleague differs, but what is clear is we are using this within the context of the existing law, and so that is why we are here.

I think the one difference, however—and I apologize, I have to put my eyeglasses on to see this fine print—but one of the differences that I note is—and I may have noted this earlier, I apologize if I am repeating myself—but we now have a specific list of projects. So when I look at, for instance, in Virginia the Joint Base Langley-Eustis in January of 2020 is expected to have dollars for the construction of a cyber-ops facility. That is money that is being redirected.

If you look at in Oregon, Klamath Falls, replacing fuel facilities at the base there. If you look at—I mentioned the child development center, I believe. In Florida the Fire/Crash Rescue Station at Tyndale Air Force Base. The list goes on and on.

We now have more evidence of the fact that these projects are vitally needed by the military and by members of our Armed Forces and advance the security interests of the people of the United States and around the world.

So we have details now of, in my view, what amounts to an unconstitutional move of dollars without congressional approval. We have that. We are acting, once again, in conjunction with our colleagues in the Senate to end the national emergency declaration by the President. While we might agree or disagree as to whether or not that is really an emergency, and we might disagree or agree on whether or not the use by the President of the act in the way he did is constitutional.

What is incontrovertible is that the current law allows us to do what we are doing today to end the emergency, and that is really the question before us.

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

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Mr. WOODALL. Mr. Speaker, I am prepared to close, and I yield myself the balance of my time.

Mr. Speaker, it pleases me to see you in the chair. It has been a Northwestern day so far, but the State of Washington has a proud tradition on the Rules Committee.

A lot of folks don't understand what the Rules Committee does up there. If you look over here on this side of the aisle, Mr. Speaker, it looks like a representative sample of most of the Congress, but, really, it is a lot of folks with some Rules Committee passion. You can't get to the House floor without going through the Rules Committee.

As I think back on folks who have served, I certainly think about Doc Hastings as being in that category that labored on the Rules Committee year after year.

Mr. NEWHOUSE labored on the Rules Committee, and I appreciate him being down here to bring us to a close.

It is important what we do on the Rules Committee. We bring two kinds of bills to this floor, Mr. Speaker.

We bring things that are worked through the process. They are collaborative; they are agreeable. We get everybody on board, and we bring those under the suspension calendar. That is that calendar for things that we have already sorted out.

Then there are those bills that we hadn't quite sorted out, those things that might be a little controversial. In fact, when we bring a rule to the floor, almost every rule vote is an entirely partisan vote because of disagreements about the way the underlying process was structured.

I have an amendment and a motion in a defeating of the previous question and amending the rule that has passed this House through that suspension process, through that collaborative process, that is undisputed in the way that it is going to help families and communities across this community—again, passed the Senate unanimously in May of this year.

In the alternative, we are going to bring a resolution that has already passed this institution, only to be vetoed. It will pass this institution again, only to be vetoed.

We often talk about how many legislative days we have left on the calendar. We often talk about what it is that we can get done together. In fact, I just came from a hearing on civility in the Select Committee on the Modernization of Congress with folks bemoaning how partisanship gets in the way of productivity.

Candidly, I don't see that in most of my day. The men and women on both sides of the aisle that I have the honor of working with day in and day out, Mr. Speaker, prioritize productivity over partisanship across the board.

But as the gentleman from New York (Mr. MORELLE), my friend, observed in his football analogy, there is a quarterback who calls the plays in this institution. That quarterback calls the plays, and one team runs with the quarterback, and the other team runs against them.

This happened for decade upon decade upon decade. Occasionally, Mr. Speaker, we have an opportunity to get outside of that “who is going to score, who is going to win, who is going to lose.” We have an opportunity for us all to win.

Support the previous question today, and we are going to have another opportunity for one side to claim victory, one side to claim defeat, and nothing to get done for the American people. But defeat the previous question, have my amendment added to the rule, and then pass that rule, and we have an opportunity to do something that I say with no doubt every single Member of this institution believes needs to be done.

The choice is with the Members as they vote here in just a few minutes. Defeat this previous question, and then let's pass the rule.

In the absence of that, Mr. Speaker, if the previous question is not defeated, then we are going to have to defeat this rule, lest we go through the same partisan exercise that this House has already gone through time and time again this year.

Mr. Speaker, I again thank the gentleman from New York (Mr. MORELLE), my friend, both for his friendship and for his mentorship. He says he never gets tired of visiting with me on the House floor, Mr. Speaker, but inevitably, he only yields me 30 minutes and keeps the rest of the time for himself. I don't fault him for that. I am actually grateful for that.

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

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

First of all, I should note that I probably shouldn't get into a football argument with the distinguished gentleman from Georgia, with its long history of that sport. I also shouldn't do it because if my wife is watching, she will be very unhappy that I used a sports analogy, which she decidedly does not like.

But just to torture the analogy a little more, because Mr. WOODALL raised it, misdirection does have a quarterback, but the whole point is to fool the opposition.

I think that is what, frankly, some of my colleagues here today were trying to do, is to fool the American public about what this resolution before us is all about. I think that is unfortunate because the resolution on the floor is critically important.

Before I close, I want to compliment my friend. I do enjoy this. I know this is a serious topic—and no one should see it as anything else—but I always appreciate his passion, his intellect, his eloquence. It is always a joy to be with him in the Rules Committee and here on the floor, and I so appreciate that.

Mr. Speaker, I do want to thank all of my colleagues in the Rules Committee for their support of S.J. Res. 54, relating to a national emergency declared by the President on February 15,

2019, and I urge a “yes” vote on the rule and a “yes” vote on the previous question.

The material previously referred to by Mr. WOODALL is as follows:

At the end of the resolution, add the following:

SEC. 2. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (S. 820) to strengthen programs authorized under the Debbie Smith Act of 2004. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of S. 820.

Mr. MORELLE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HECK). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

STEM OPPORTUNITIES ACT OF 2019

Ms. JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2528) to direct the Director of the Office of Science and Technology Policy to carry out programs and activities to ensure that Federal science agencies and institutions of higher education receiving Federal research and development funding are fully engaging their entire talent pool, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “STEM Opportunities Act of 2019”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents; findings.
- Sec. 2. Purposes.
- Sec. 3. Federal science agency policies for caregivers.
- Sec. 4. Collection and reporting of data on Federal research grants.
- Sec. 5. Policies for review of Federal research grants.
- Sec. 6. Collection of data on demographics of faculty.
- Sec. 7. Cultural and institutional barriers to expanding the academic and Federal STEM workforce.
- Sec. 8. Research and dissemination at the National Science Foundation.
- Sec. 9. Research and related activities to expand STEM opportunities.
- Sec. 10. Tribal Colleges and Universities Program.
- Sec. 11. Report to Congress.
- Sec. 12. Merit review.
- Sec. 13. Definitions.

(c) FINDINGS.—The Congress finds the following:

(1) Many reports over the past decade have found that it is critical to our Nation’s economic leadership and global competitiveness that the United States educates and trains more scientists and engineers.

(2) Research shows that women and minorities who are interested in STEM careers are disproportionately lost at nearly every educational transition and at every career milestone.

(3) The National Center for Science and Engineering Statistics at the National Science Foundation collects, compiles, analyzes, and publishes data on the demographics of STEM degrees and STEM jobs in the United States.

(4) Women now earn nearly 37 percent of all STEM bachelor’s degrees, but major variations persist among fields. In 2017, women earned only 20 percent of all bachelor’s degrees awarded in engineering and 19 percent of bachelor’s degrees awarded in computer sciences. Based on Bureau of Labor Statistics data, jobs in computing occupations are expected to account for nearly 60 percent of the projected annual growth of newly created STEM job openings from 2016 to 2026.

(5) In 2017, underrepresented minority groups comprised 39 percent of the college-age population of the United States, but only 18 percent of students who earned bachelor’s degrees in STEM fields. The Higher Education Research Institute at the University of California, Los Angeles, found that, while freshmen from underrepresented minority groups express an interest in pursuing a STEM undergraduate degree at the same rate as all other freshmen, only 22.1 percent of Latino students, 18.4 percent of African-American students, and 18.8 percent of Native American students studying in STEM fields complete their degree within 5 years, compared to approximately 33 percent of White students and 42 percent of Asian students who complete their degree within 5 years.

(6) In some STEM fields, including the computer sciences, women persist at about the same rate through doctorate degrees. In other STEM fields, women persist through doctorate degrees at a lower rate. In mathematics, women earn just 26 percent of doctorate degrees compared with 42 percent of undergraduate degrees. Overall, women earned 38 percent of STEM doctorate degrees in 2016. The rate of minority students earning STEM doctorate degrees in physics is 9 percent, compared with 15 percent for bachelor’s degree. Students from underrepresented minority groups accounted for only 11.5 percent of STEM doctorate degrees awarded in 2016.

(7) The representation of women in STEM drops significantly from the doctorate degree level to the faculty level. Overall, women hold only 26 percent of all tenured and tenure-track positions and 27 percent of full professor posi-

tions in STEM fields in our Nation’s universities and 4-year colleges. Black and Hispanic faculty together hold about 6.8 percent of all tenured and tenure-track positions and 7.5 percent of full professor positions. Many of the numbers in the American Indian or Alaskan Native and Native Hawaiian or Other Pacific Islander categories for different faculty ranks were too small for the National Science Foundation to report publicly without potentially compromising confidential information about the individuals being surveyed.

(8) The representation of women is especially low at our Nation’s top research universities. Even in the biological sciences, in which women now earn more than 50 percent of the doctorates and passed the 25 percent level 37 years ago, women make up only 25 percent of the full professors at the approximately 100 most research-intensive universities in the United States. In the physical sciences and mathematics, women make up only 11 percent of full professors, in computer sciences only 10 percent, and across engineering fields only 7 percent. The data suggest that approximately 6 percent of all tenure-track STEM faculty members at the most research-intensive universities are from underrepresented minority groups, but in some fields the numbers are too small to report publicly.

(9) By 2050, underrepresented minorities will comprise 52 percent of the college-age population of the United States. If the percentage of female students and students from underrepresented minority groups earning bachelor’s degrees in STEM fields does not significantly increase, the United States will face an acute shortfall in the overall number of students who earn degrees in STEM fields just as United States companies are increasingly seeking students with those skills. With this impending shortfall, the United States will almost certainly lose its competitive edge in the 21st century global economy.

(10) According to a 2014 Association for Women in Science survey of over 4,000 scientists across the globe, 70 percent of whom were men, STEM researchers face significant challenges in work-life integration. Researchers in the United States were among the most likely to experience a conflict between work and their personal life at least weekly. One-third of researchers surveyed said that ensuring good work-life integration has negatively impacted their careers, and, of researchers intending to leave their current job within the next year, 9 percent indicated it was because they were unable to balance work and life demands.

(11) Female students and students from underrepresented minority groups at institutions of higher education who see few others “like themselves” among faculty and student populations often do not experience the social integration that is necessary for success in all disciplines, including STEM.

(12) One in five children in the United States attend school in a rural community. The data shows that rural students are at a disadvantage with respect to STEM readiness. Among STEM-interested students, 17 percent of students in rural high schools and 18 percent of students in town-located high schools meet the ACT STEM Benchmark, compared with 33 percent of students in suburban high schools and 27 percent of students in urban high schools.

(13) A substantial body of evidence establishes that most people hold implicit biases. Decades of cognitive psychology research reveal that most people carry prejudices of which they are unaware but that nonetheless play a large role in evaluations of people and their work. Unintentional biases and outmoded institutional structures are hindering the access and advancement of women, minorities, and other groups historically underrepresented in STEM.

(14) Workshops held to educate faculty about unintentional biases have demonstrated success in raising awareness of such biases.

(15) In 2012, the Office of Diversity and Equal Opportunity of the National Aeronautics and