

been on the floor for about 20 minutes this morning, and I have already found areas of agreement with my colleague from California. You can't just walk the walk and talk the talk. You have got to get in here and make things happen.

We have an opportunity today as we talk about jobs, as we talk about energy security in Ukraine, we have an opportunity today to move forward on the Keystone pipeline, which has languished for more than 2,000 days. The President cannot say he is interested in energy security and then thwart those very proposals that would provide it. The President cannot commit to energy security for our friends overseas, and then thwart those efforts that would provide it.

Mr. Speaker, we are blessed in this country, blessed by the Lord God Almighty with more energy resources than any other nation on the planet, and yet the President is standing between the American people and those resources.

It is about national security, Mr. Speaker, and yes, it is about jobs.

PROVIDING FOR CONSIDERATION OF H.R. 4138, EXECUTIVE NEEDS TO FAITHFULLY OBSERVE AND RESPECT CONGRESSIONAL ENACTMENTS OF THE LAW ACT OF 2014, AND PROVIDING FOR CONSIDERATION OF H.R. 3973, FAITHFUL EXECUTION OF THE LAW ACT OF 2014

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4138) to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-43. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered

only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3973) to amend section 530D of title 28, United States Code. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-42 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further 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; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Ellison of Minnesota or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. STEWART). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of the rule, H. Res. 511, which provides for a structured rule as relates to H.R. 4138, ENFORCE the Law Act, and H.R. 3973, the Faithful Execution of the Law Act. The rule gives the House an opportunity to debate a variety of amendments, all offered by Members from the other side of the aisle.

Both of the underlying bills, the ENFORCE the Law Act and the Faithful Execution of the Law Act, aim to halt an increasingly Imperial Presidency.

The Faithful Execution of the Law Act is straightforward legislation that expands reporting requirements, forcing increased disclosure and transparency when the executive branch employs a policy of nonenforcement of Federal laws.

Current law dictates that a report must be submitted to Congress when the nonenforcement policy is adopted on the grounds that a Federal law is unconstitutional. This bill would simply expand that report to include any instance in which a policy of not enforcing Federal law is established, regardless of the reason. For the self-proclaimed "most transparent administration in history," this really shouldn't be a problem.

The other piece of underlying legislation, the ENFORCE the Law Act, puts procedures in place to allow authorizations of lawsuits against the President for failure to faithfully execute the laws. It would also expedite judicial review, which is badly needed given the length of time it takes for these types of cases to be heard; mostly, they are never heard.

The fact of the matter is that we desperately need a way to ensure the executive branch is upholding its responsibility to enforce the law faithfully. Every day it seems the President is using more and more unilateral actions to achieve his agenda. I understand that Congress and the administration are going to have differences over time. Our Constitution basically guarantees there are going to be differences between the administration and the House and the Senate, but I would like to think that a President wouldn't just abandon our constitutional principles of governing because it is difficult to get what he wants.

I am sure some will argue that a legislative fix to the President's unilateral actions aren't needed. They will say the President has prosecutorial discretion and so that entitles him to make these changes in enforcement or delay certain provisions of the law.

□ 1230

But we are really not talking about individual cases, Mr. Speaker. We are not here today because we are concerned with the administration using discretion on a case-by-case basis. What we are concerned with is the President employing blanket policies of nonenforcement. In some instances, the President isn't just ignoring enforcement of the laws; he is effectively rewriting them.

Now, I understand the President isn't the first to expand executive power under his watch. He is not the first President to do that. In fact, Congress has failed to protect article I powers for decades. This House and the Senate have been in dereliction because they haven't actually protected article I powers.

The pace of expansion of power, though, should alarm every Member of this body. Take the President's recess appointments, for example. They have already been deemed unconstitutional by the D.C. circuit court in a unanimous—unanimous—decision.

The court rejected the administration's argument that the President has the discretion to determine when the Senate is in recess.

The court explained:

Allowing the President to define the scope of his own appointments power would eviscerate the Constitution's separation of powers.

Mr. Speaker, the President's actions aren't in danger of disrupting the legislative process; they already are disrupting it.

What assurances do we have that the President won't just change the law once we have passed it? What guarantees do we have that the President won't suspend parts of the law that we believe are important?

The truth is, Mr. Speaker, we don't have that assurance. The truth is, Mr. Speaker, we can't trust the President to enforce any would-be law equally and faithfully, and that is a shame.

If anyone thinks the President's unilateral actions aren't a big deal because they happen to agree with him on the policy, well then, Mr. Speaker, they have badly missed the point.

All Presidents—all Presidents—have probably pushed the limit of their power, and it is our responsibility, this House, to check that power. We are a nation of laws. We ought to fight to keep it that way. We can no longer sit by and watch Congress' constitutional role in our government eroded.

This rule is to allow us to consider legislative addressing this growing problem. This rule ensures that ideas from Members on either side of the aisle are included in consideration of the underlying legislation.

I support this rule, and I hope all my colleagues will also.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. NUGENT), my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, somehow, against all odds, the Republican leadership of this House keeps coming up with new and creative ways to waste everybody's time. This is getting to be embarrassing, quite frankly.

Last night in the Rules Committee, I joked that I picked the short straw, so I am handling the rule today. The reason why I said that is because what we are doing today really is a joke.

This is not serious legislating. Even if there was some substance to the concerns the gentleman raised, the bills that have been written are written in

such a way that they are purely political.

This is not about serious legislating, this is about political statements, this is about political press releases, and I think the American people, quite frankly, have had enough.

The Congressional Research Service says that it costs \$24 million a week to run this place. I am going to tell you that what we are doing right now is wasting taxpayers' dollars.

With all that needs to be done—with all that needs to be done, this is another politically motivated week of let's go after the President. That is the way it has been since this President has been elected, and I think people are getting tired of it.

Week after week, month after month, and year after year now, this Republican majority continues to bring bills to the floor that have no chance of passing the Senate and have no chance of being signed into law that are just, again, political press releases.

What is worse, the bills that are being brought forward do nothing—absolutely nothing—to help rebuild our economy or put people back to work. My friend, the gentleman from Florida, talks about our responsibility as Members of Congress.

Well, our responsibility as Members of Congress is to help people, is to legislate, is to deliberate, is to debate serious issues passionately. That is what we are here to do, not this. This belongs in the Republican National Committee. This is a press conference that my friend should have outside of this great building, quite frankly.

Mr. Speaker, this economy is slowly recovering, but Republicans insist on doing nothing to actually strengthen that recovery. They refuse to consider any meaningful jobs legislation. We should have a highway bill to put millions of people back to work.

Putting millions of people back to work with the increased revenue and taxes, you could actually pay down the deficit and the debt, but they don't bring anything like that to the floor. They block every attempt to increase wages for workers.

We need to raise the minimum wage in this country. It is unacceptably low. People who work full-time ought not to live in poverty; yet we can't even get a minimum wage bill scheduled on the floor of the people's House. They won't even talk about it. We can't get them to even allow us to have an amendment on the minimum wage.

They continue to ignore the plight of the long-term unemployed in this country. Over 1.7 million Americans are unemployed. These are people who are looking for jobs and still can't find them. The answer to them from this Republican Congress is you are on your own.

I wonder sometimes whether any of my colleagues on the other side of the aisle have ever met somebody who is unemployed or have talked to anybody who have lost their long-term unemployment benefits.

Their answer is go ask daddy for a loan or go sell some stocks, that will take care of it. They have no idea what people in this country are going through; they have no idea how hard it is to struggle in poverty.

Somehow, they find the time to take 51 votes to repeal the Affordable Care Act, 51 votes. Now, I get it, you don't like it, so you vote to repeal it once; you can vote to repeal it twice, maybe five times, okay. But 51 times that we have wasted the taxpayers' money debating a repeal of the Affordable Care Act, it is ludicrous. It is unreal. People don't understand this behavior outside of the beltway.

Mr. Speaker, they also, quite frankly, find time to waste millions of tax dollars defending an antigay marriage law that is plainly discriminatory. That is okay for them to use taxpayer dollars to do that to stop any kind of reversal of this discriminatory law.

Today's entry in the sweepstakes of useless legislation is the so-called Imperial Presidency of Barack Obama. Never mind the fact that President Obama is using the same kinds of executive authority that President Bush and others before him used.

Let me repeat that. President Obama is using the same kind of executive authority that President Bush and other presidents before him have used.

Never mind the fact that the people supporting this legislation were more than happy to let George W. Bush and Dick Cheney ignore and contravene Congress at every single opportunity.

In fact, they defended what I think is some really questionable behavior of the Bush/Cheney team, and never mind the fact that the last people on Earth who should be complaining about imperialism continue to vote for closed rules, continue to ignore regular order, and continue to shut Democrats out from the legislative process.

By the way, one of the bills that we are debating today was introduced the day before it was marked had no hearings—so much for the promise that Speaker BOEHNER made that we are going to go back to regular order—no hearings, introduced the day before, then going right to America.

Let's be honest, even if President Obama did everything in the world that the Republicans say they are asking him to do, they would still find a reason to complain. My friends on the other side of the aisle, you guys just don't like the President; I get it.

But do you know what? Get over it because, at this point in time, our job is to work with the Senate and with the President to move this country forward; instead, my Republican friends have spent every single second since this President was elected trying to obstruct every single initiative that he has put forward. Even when he puts forward initiatives that they originally proposed, they complain.

The bills that the Republicans bring before us today are likely unconstitutional, violate the separation of powers, would result in scores and scores of

frivolous lawsuits, and would be costly and impractical to apply.

They don't deserve to be on this floor, and they certainly do not deserve to pass. When you read the way they were drafted, as I said before, they are written in a very political partisan way.

Mr. Speaker, I consider myself an institutionalist. I love the House of Representatives. I am proud to serve here. It is a privilege to serve here. Our Founders created the Congress as a co-equal branch of government, and this institution should never be overlooked or sidestepped.

There is a strong argument to be made that, over the past 30 years, Congress has allowed itself to become so bogged down in gridlock that it has allowed executive power to grow far too large. That is a worthy debate for us to have.

Now, that being said, the executive branch has the authority to make certain regulations and take certain executive actions, and this President—any President—has a responsibility to lead when Congress can't get its act together and do its job.

We are elected to legislate, but time after time, instead of tackling issues like immigration reform, climate change, jobs, the minimum wage, bringing our troops home safely from Afghanistan, feeding our hungry—we have 50 million people in the richest country in the history of the world that are hungry; we all should be ashamed of that—but instead of dealing with that or issues like ending poverty or rebuilding our infrastructure or helping the long-term unemployed, this Republican majority chooses instead to bring up partisan messaging bills that will justifiably die.

Mr. Speaker, the American people deserve so much better than this. We are wasting time; we are wasting taxpayer dollars doing this kind of stuff. They deserve a Congress that tries to improve the lives of every American, instead of placating an extreme right wing.

They deserve a Congress that actually does its job. I will say to my friends: this is not doing our job. The bills before us today go exactly in the opposite direction of what we should be doing.

I urge my colleagues to defeat this rule and defeat the underlying legislation, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

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

I need to go back to when I first took the oath of office as a police officer outside of Chicago and then as a deputy sheriff in Florida and then a sheriff in Florida and then here in this body and also when I joined the military.

It was to support and defend the Constitution, not to ignore the Constitution, not to utilize it when we think it

is okay or when it is necessary, not to just skip over article I and say: Do you know what? Forget about it because our Congresses have done that.

My good friend from Massachusetts pointed that out. They have done it for 30 years, but that doesn't make it right. At some point in time, we have got to set the record straight.

Somebody has got to step up and say: Do you know what? The Constitution matters, what we do here matters, and that all of us—the three branches of government—need to work, and they are coequal, not one above the other.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise in support of the rule, as well as the underlying bills.

Mr. Speaker, the instances of executive branch overreach are numerous.

Whether it is the multiple episodes of the President of the United States unilaterally delaying and waiving aspects of his signature law, the Affordable Care Act, or the failure to enforce this Nation's immigration laws by unilaterally implementing aspects of the DREAM Act, this President has shown an appalling lack of concern for the laws which his oath demands that he enforce.

Someone who holds the office of the Presidency cannot pick and choose which laws he wants to enforce and which laws he wants to ignore.

I was astonished when, during the State of the Union speech, many in this Chamber stood and applauded when the President said that if Congress didn't act on issues which he felt were important, he would just go around Congress and act on his own.

This followed his now infamous "I've got a pen and I've got a phone" statement earlier.

□ 1245

Is that really how the legislative branch should feel about its constitutional position in the Republic?

The "pen and phone" approach to his executive duties is disastrous to the Founding Fathers' vision of liberty protected by limited government which is spread across multiple, equal branches.

Where is the President's respect for the rule of law? He expects Vladimir Putin to respect international law with respect to Ukraine while the President, himself, at the same time, continues to disregard the laws passed by the United States Congress.

The legislative branch was designed as an equal branch of government. In fact, the establishment of the executive branch was easy for the Founding Fathers, who didn't wish to see imperialism in a Presidency, and they intentionally chose to limit that branch's powers. It was the legislative branch where they spent most of their time—deliberating, designing, and enumerating the powers which we hold—and it is past time for this body to say "no" to Presidential overreach.

No, Mr. President. You cannot write laws via executive orders. No. You must enforce the laws passed by Congress or actually lead in an effort to change the laws with which you may disagree.

In 1787, when asked what form of government the Framers had given us, Ben Franklin reportedly replied, "A Republic if you can keep it."

Mr. Speaker, I am afraid we are slowly losing grip on our Republic—the government designed by this Nation's Founding Fathers that has provided over 200 years of freedom and prosperity.

It is time for the people's House to regain its constitutional authority as the sole legislative body.

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

I would urge my colleagues to remember the words "physician heal thyself." While my friends are complaining about the President of the United States, they should kind of look inward and look at the imperial Republican majority that has kind of taken over here in this House of Representatives.

We had the chairman of the Oversight Committee literally stop a member of the Democratic Party from engaging in legitimate and appropriate debate. In fact, he shut off the microphone and ended the hearing. I mean, is that what our Founding Fathers had envisioned for this Congress? Is that what upholding the Constitution is all about?

As someone who serves on the Rules Committee and who welcomed the statement by Speaker BOEHNER that we would return to regular order, I am still looking for it. We just saw the most closed session in the history of this Congress last year. We had the most closed rules in a single year, the most closed rules in a single week, the most closed rules in a single day. I mean, the Rules Committee I love to serve on because of the great history. My former boss Joe Moakley was the chairman of the Rules Committee. I have great admiration for my colleagues on the Rules Committee, but the Rules Committee is becoming the place where democracy goes to die. Serious issues are routinely cut out.

We had a Republican Member yesterday, Mr. GIBSON of New York, who had a great idea about trying to hold the Executive accountable when it comes to the War Powers Act. It is an important issue. That is actually a legitimate issue for us to discuss. It was perfectly germane. On a party line vote, the Rules Committee voted that down. They said we won't have that debate here on the House floor.

The way this place is supposed to operate is that all of us—all 435 of us—whether we are Republicans or Democrats, ought to be considered important, and we all represent the same number of constituents. I understand that the party in control gets to kind of control the agenda, but that doesn't

mean the party not in control gets shut out on a regular basis on very important issues. Yet that has become the pattern here. Not only that, but we have seen more and more instances where committees of jurisdiction are not even relevant anymore—where bills are introduced the day before there is a markup, where there are no hearings. Sometimes we have bills that just mysteriously appear in the Rules Committee.

My colleagues know that I have great difficulty with their approach to dealing with the SNAP program, formerly known as “food stamps.” They proposed a \$40 billion cut on the poorest of the poor to pay for subsidies for rich agribusinesses. I thought it was a bad thing to do. I am also on the Agriculture Committee. That bill never even went to the Agriculture Committee. We never had a hearing on it. We never had a markup on it. It mysteriously appeared in the Rules Committee, and then it came to the floor.

This is the way this place is being run. So, when you talk about “imperial” anything, look in the mirror. We need to change the way we do business here. This place would operate a lot better if you would let the people’s House work its will. If you brought the Senate-passed immigration reform bill to this floor, it would pass, but it is being blocked because a small group within the Republican caucus doesn’t want to deal with the issue of immigration reform. Important issues are routinely being denied consideration on this floor. This is a place where trivial issues get debated passionately and where important ones not at all, and people are getting fed up with it.

This politically motivated piece of legislation is politically motivated because of Minority Leader CANTOR’s memo to, I guess, Republicans after their retreat. They talked about having an Imperial Presidency week to kind of embarrass the President. I guess that is what they call serious legislating, but this really is a joke. I urge my colleagues to vote all of this stuff down.

With that, I reserve the balance of my time.

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair.

Mr. NUGENT. Mr. Speaker, all I can tell you is that I don’t take it as a joke in our defending and protecting the Constitution, which gives us the ability to serve here today. The people gave us the ability to be here based upon what the Constitution laid out for us. That is the plan.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentleman for yielding.

Mr. Speaker, I rise today on behalf of the people of Alabama’s Second Congressional District to lend my support to H.R. 4138, the ENFORCE the Law Act and, of course, to the rule that is being debated here today.

I appreciate my friend and colleague from South Carolina, TREY GOWDY, for bringing forth this very important legislation.

We are here today to answer one question, Mr. Speaker: Will we stand idly by while an imperial President ignores the rule of law and unravels the separation of powers so carefully woven into our Constitution?

The answer is “no.”

Probably, more than anything else, my constituents ask me: What are we doing to address the pattern of executive overreaches and disregard for the law by President Obama and his administration?

Good, God-fearing Americans who work hard, who pay their taxes, and who obey the law are understandably frustrated by a President who acts as though he is above the law. The abuses are well documented: selective enforcement of immigration laws, waiving compliance for “welfare to work” laws and what has become almost weekly attempts to delay, waive, or to just not enforce parts of ObamaCare because of the political implications. These are just to name a few.

Mr. Speaker, our constitutional constraints on government may not be convenient for the President or for his political or policy goals, but they are necessary for preserving the checks and balances that ensure this government still derives its authority from the people and not the other way around.

We now seek the intervention of the judicial branch to rein in the executive branch and reconstitute our proper separation of powers. I believe in our Constitution, and I believe it is worth fighting for. That is why I urge my colleagues to support the ENFORCE the Law Act and the rule and to join the fight to restore the checks and balances.

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

It is funny. Again, I love that this all of a sudden has become an issue for my colleagues.

There is a Washington Post article from July 24, 2006. Let me read the first couple of paragraphs:

A panel of legal scholars and lawyers assembled by the American Bar Association is sharply criticizing the use of “signing statements” by President Bush that assert his right to ignore or not enforce laws passed by Congress.

In a report to be issued today, the ABA task force said that Bush has lodged more challenges to provisions of laws than all previous Presidents combined.

The panel members described the development as a serious threat to the Constitution’s system of checks and balances, and they urged Congress to pass legislation permitting court review of such statements.

I can go on and on and on. The point is “silence” on the other side during all of that time. Then they said: Well, now we have got religion on this issue, and we want to hold everybody accountable. Yet, when Mr. GIBSON had his amendment yesterday to actually

bring up a legitimate focus where, I think, the Executive over the years has kind of abused its powers—and that is on the War Powers Act—he brought a germane amendment to the floor, and that was ruled out of order—we will deal with it another time—the translation of which means in this imperial Congress that it will never see the light of day.

This House is being run in the most imperial way, where anybody who has a different view is routinely shut out from debate, with more closed rules than any Congress in history. I think it is probably more avoiding regular order—never mind the closed rules—than any Congress in history. That is one of the reasons some of the stuff we bring to the floor here is so contentious. It is because it is written in such a flawed way.

I think it is a legitimate topic of discussion to talk about the appropriate powers of the Executive and the appropriate powers of the legislature, but to do that, I think, in a serious way means doing it in a bipartisan way, and there are ways for both Republicans and Democrats to come together. Again, this has never been about a serious attempt to deal with that issue. I mean this was one of their political talking points at their convention, at their retreat, that my friends had. This is not a serious attempt at anything. This is a political press release. We taxpayers spend \$24 million a week to keep this place in session here, and this is how my friends use the taxpayers’ money—to deal with these kinds of things?

The gentlelady from Alabama talked about her constituents all talking about this issue. Boy, I have got to tell you that, where I am from, what people talk about is: When are you going to pass a highway bill? They want to know when we are going to deal with the issue of jobs. My constituents and the people I meet all over the country want to know what we are going to do about raising the minimum wage. How are we going to deal with a pay equity bill so that women don’t get discriminated against and get paid less than men do for doing the same job? They talk about global warming, which is like the worst thing you could talk about here because my friends don’t even admit that it exists. They want to know what we are going to do to protect our planet and what we are going to do to help the long-term unemployed.

Those are real issues. Those are about helping people. This is politics, and I think people have had enough of it. So I would urge my colleagues on both sides of the aisle to say “no” to this stuff.

I reserve the balance of my time.

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

I just want to make a couple of things clear.

In the Judiciary Committee, they did have two hearings on this. Now, they

took some action to bring forward one of these bills based upon the hearings and the testimony that they did have.

I truly believe in the open process. We want to see that, and I think we agree on that. My good friend from Massachusetts even read an article about George W. Bush and about that Presidency and that someone said that this Congress—or that Congress back then—should actually do something to allow it to go to court. I believe that was the statement. I am paraphrasing it. That is exactly what this does. I can't help it. I wasn't here when George W. Bush was President—I wasn't here 4 years ago—but I am here today, and I am here to defend and support this Constitution.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY), a good friend of mine.

Mr. KELLY of Pennsylvania. I thank the gentleman.

Mr. Speaker, this is very clear, the purpose of today's debate. The Take Care Clause is to faithfully execute laws that are passed. This is about standing statute. In fact, this is the centerpiece of the President's whole Presidency. He is choosing what will be enforced and what will not be enforced. The Take Care Clause, known as the "Faithful Execution Clause," was actually derived from Pennsylvania's 1776 constitution, crafted by Pennsylvania's State executives during the Revolutionary War.

I want you to just let your mind drift back to when people left Europe to come to America. They got in rickety, old, wooden boats with not very good nav systems, but they came here for a reason. They set their course true north. They were coming to get away from a monarchy. They were coming to get away from an imperialist. They were coming to get away from tyrants. Why did they come here, and what did they craft? It is so carefully laid out in our Constitution. So why are we having this debate about this being silliness? This is who we are, not as Republicans and Democrats, but who we are as Americans. Why would we turn our backs on our Constitution?

□ 1300

I understand the Executive Office has great power. I also understand that the Constitution harnesses that. It does not allow it to run roughshod over the people.

Mr. DUNCAN very clearly talked about the State of the Union, when the President says to this body:

America cannot stand still, and neither will I. So whenever and whatever steps I can take with that legislation, that is what I am going to do.

That is chilling. People gave him a standing ovation—and not just a standing ovation, but from the House of Representatives, where that very power is being taken from. That is our responsibility. That is our duty.

You cannot take that pledge and then turn around and say, Well, this is

just about some kind of political maneuvering. This is not about a political maneuvering. That is about the protection of our Constitution. These things have been enshrined for us.

It is critical that we look at this. The Executive cannot make exceptions and just enforce the law as he or she wants. That is not who we are as a people. We left monarchs and tyrants to come here.

This is a government by the people, for the people, and of the people. If we ever forget that is what our job is as Members of the House of Representatives, then what are we doing here?

I would just ask my colleagues on the other side to please take a look at this. This is very chilling. You may like where the President is taking us, I may not like where the President is taking us, but there is a process that we all must follow. This is statute that is being trampled upon by an Executive that has an overreach that we have never seen before.

Can we not please return to those days and why those folks came here. What were they seeking? Freedom and liberty. What have we allowed those people to do? Turn their back and turn away from it and turn away from a Constitution that over a million people have given their lives to make sure that we could have this today.

So, Mr. Speaker, I would hope that some sense of responsibility, and not politics, comes into this House.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, just to make sure the record is correct, what I am understanding from staff is that while there were some hearings on the subject, one of the bills had no hearings. So, again, under regular order I think it would be important that the actual bill have a hearing.

The other thing, my colleague from Florida said that he would like a more open process. Let me make a suggestion: then vote for one. Because consistently in the Rules Committee, my colleagues on the other side of the aisle routinely vote for closed rules. They routinely vote against allowing amendments, including germane amendments, to be made in order, including what I think would be an amendment that has bipartisan support, the one by Mr. GIBSON on the War Powers Act that could have brought us together. That is a legitimate subject.

The reason why this legislation before us is such a waste of time is because it does not reflect deliberative process. It does not reflect any kind of bipartisan cooperation. It is a political press release. It is a waste of taxpayers' money.

I will say to the gentleman from Pennsylvania, I, too, took a pledge to uphold and defend the Constitution, and part of that pledge is to make sure that I represent all of the people, not just some of the people, not just those who give big contributions to political parties, but all of the people.

The fact that we have nearly 2 million people in this country who are cut off from unemployment benefits, what does anybody say to them when you meet people who come up and say that they are looking for a job and they can't find one? Maybe my friends don't talk to those people.

I will tell you it is heartbreaking that this Congress, the people's Congress that is supposed to represent them too, has turned their backs on them. What do you say to people who get cut off of their food benefits, who see their food benefit getting slashed, who end up at food banks trying to make ends meet to put food on the table for their families.

We sit here and debate this, a partisan bill, and we don't do anything about that?

Or, increasing the minimum wage—if you want to help people get off of food stamps, increase the minimum wage. Millions of people would automatically get off of public assistance. We can't even get a vote on that. We are not even allowed to bring that to floor.

People are asking me, When are you going to pass comprehensive immigration reform? The Senate passed it in a bipartisan way. Why can't you bring it on the floor of the House? The answer is because the imperial Republican majority in this House has declared that no, we are not going to even talk about it, and the Rules Committee, again, has been used as a place to shut off democracy and to not have these kinds of important issues brought to the floor.

So here we are debating a partisan bill that is purely partisan. You couldn't write it more partisan if my friends tried. Here we are debating this kind of bill while so many other things need to be addressed. This is a waste of time. It is a waste of taxpayer dollars. It diminishes this institution.

We are better than this. We should be talking about putting people back to work. We should be talking about helping to improve this economy at a more rapid pace. We should be talking about making sure that no one falls through the cracks; that we extend unemployment insurance benefits to people who need it.

We should be talking about those issues. We should be talking about global warming. Instead, we are doing this. Again, written in a very partisan way, which I regret very much.

Again, I urge my colleagues to reject this and reject the rule.

I reserve the balance of my time.

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

All I can say, again, is that as it relates to these bills, there was discussion in the hearings and testimony taken to the concept and the ideas behind these bills.

Mr. Speaker, we hear about, this is partisan. It doesn't say "President Barack Obama." This says "the President." It doesn't matter if it is Republican or Democrat, Mr. Speaker. It says "the President." It has nothing to do

specifically with President Obama, but it has everything to do with protecting the Constitution.

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

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

The gentleman says that this has nothing to do with President Obama. The committee report only cites President Obama, in terms of this issue, and their political document, the memorandum that came from ERIC CANTOR to the House Republicans, talks about the Imperial Presidency, and says President Obama has provided new clarity of what constitutes an Imperial Presidency. President Obama, President Obama, and on and on.

It just defies logic for anybody to think for one second that this isn't about trying to attack this President of the United States, because what we have seen time and time again from the time this President was elected has been nothing but obstructionism and attack, obstructionism and attack, obstructionism and attack. I get it. There are differences in philosophies between the two parties.

What is troubling to me is that in this imperial Republican Congress President Obama's ideas don't even get a chance to have their day on the floor, where we are routinely shut out.

In this imperial Republican Congress we cannot bring to the floor a bill to increase the minimum wage. We cannot bring to the floor a bill to extend unemployment benefits for those over 2 million long-term employed. We cannot bring to the floor a jobs bill. We cannot bring to the floor the bipartisan Senate-passed comprehensive immigration reform bill, which would do the right thing on behalf of a number of immigrants in this country, but would also, by the way, we are told, reduce our deficit.

We can't even bring those things to the floor for debate. Under this imperial Republican leadership, our hands are tied. So we try procedural motions. We are trying discharge petitions. We are trying whatever we can to try to be heard.

I think it is important for the American people to know where people stand. So if my friends on the other side of the aisle don't believe the American people deserve a raise, if they don't believe we should increase the minimum wage, vote against it. Go on record. Let the American people see where you stand. On immigration reform, if you don't want to reform the immigration system, fine. Vote against it when it comes to the floor.

When my friends on the other side of the aisle routinely and regularly deny us the opportunity to even consider these things, that hurts our democracy. It diminishes this institution.

If you want to talk about imperialism, what is that?

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

Mr. NUGENT. Mr. Speaker, I am ready to close.

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

Mr. Speaker, I am urging my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 4209, Mr. JOHN TIERNEY's bill that contains the historic bipartisan, bicameral agreement on a permanent fix to the sustainable growth rate of Medicare, which will ensure fairness to doctors and strengthen Medicare.

My colleagues on both sides of the aisle have heard from the medical community on this issue. My Republican friends, unfortunately, have proposed a "poison pill" amendment that would kill this bipartisan agreement with an offset attacking the Affordable Care Act.

Mr. TIERNEY's bill instead includes a commonsense pay-for that finances the bipartisan doc fix by putting limits on our spending on wars overseas. We already have these sorts of caps on spending for almost everything else in the budget, and it is time we capped our war spending as well.

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

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

There was no objection.

Mr. MCGOVERN. This amendment simply caps the OCO. We give the administration 1 more year of the Overseas Contingency Operations spending without any contingencies, but beginning in 2016, OCO is subject to budget caps just like everything else.

Funding the war in Afghanistan is not emergency spending. We have been there for over a decade. We all know what the costs entail. The OCO is a so-called emergency account to keep the war in Afghanistan funded.

I don't know about you, Mr. Speaker, but the fact that we have troops in Afghanistan is no longer a surprise and is no longer an unexpected development.

In addition, the OCO has become a slush fund for Congress and the Pentagon to stick in goodies for procurement and operations and maintenance that it couldn't find room for in the Pentagon's half-trillion dollar base budget.

Now that Afghanistan President Karzai has made it perfectly clear that he doesn't want the United States or its military in Afghanistan, we should, at a minimum, cap the OCO and bring our troops home now.

So if we can find billions and billions of dollars to fund a war that nobody wants in a country where the government insults our troops every single day, then we can use those moneys to fund real needs right at home, like permanently fixing the SGR once and for all.

We talk about trying to find common ground. I think there is a lot of com-

mon ground on this issue amongst Democrats and Republicans. I think there are a lot of Republicans who are just as sick of this endless war and this over-the-top, unaccounted for spending in these wars as Democrats are.

So I think this is a sensible offset, and I would urge my colleagues to support our initiative.

I urge my colleagues to vote "no" and to defeat the previous question, and vote "no" on the underlying bills for all the reasons I said before. We should be using the taxpayer dollars to do things to help people on this House floor, not to advance political agendas.

With that, I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume. I agree with much of what my colleague from Massachusetts said, particularly as it relates to our involvement in Afghanistan and the Karzai regime.

Let me read you some quotes, Mr. Speaker, and let's see who we thought said these quotes:

The power of what has begun to be termed the Imperial Presidency grows, and the ability of our Democratic institutions, especially the Federal legislative branch to constrain it, seems more uncertain.

The next quote:

We are a coequal branch of government, and if our system of checks and balances is going to operate, it is imperative that we understand how the executive branch is enforcing or ignoring the bills that are signed into law.

And:

We are talking about a systematic extra-constitutional mode of conduct by the White House. The conduct threatens to deprive the American people of one of the basic rights of any democracy, the right to elect Representatives who determine what the law is, subject only to the President's veto. That does not mean having a President sign those laws but then say he is free to carry them out or not as only he sees fit.

Another quote:

I believe it is in all of our interests to work together to rein in any excesses of the executive branch, whether it is in Democratic, Republican, or even Libertarian hands.

Lastly, I will suggest to you that all those quotes I just read were from a highly respected Democrat, Mr. CONYERS, talking about the George W. Bush Presidency.

□ 1315

What has changed? That is what we are talking about today.

This isn't about Republicans or Democrats. Even Mr. CONYERS said that that is a problem, that we are giving up what we are supposed to be doing here in the legislative branch, legislating.

The President has a right to veto, but when he signs it into law, he has an obligation to faithfully execute the laws that he signs, he signs into law.

Mr. Speaker, in an interview with The New York Times last July, the President was asked whether or not he had the legal constitutional authority to delay the employer mandates, and

the President's response was this, Mr. Speaker, speaking about Members of Congress: "I am not concerned about their opinions. Very few of them, by the way, are lawyers, much less constitutional lawyers."

Well, Mr. Speaker, he is right in one regard. Most of us aren't constitutional lawyers, and I am certainly glad the President is proud of his academic achievements.

It doesn't take a constitutional lawyer to understand that we have separation of powers in this country, and that is what makes us unique. It doesn't take a constitutional lawyer to understand that the President can't just pick and choose which laws to enforce and which ones, don't worry about; we don't have to enforce it. Any eighth-grade civics student can tell you that.

Our Constitution explicitly states, the President shall take care that the laws be faithfully executed. It is even in the oath of office. It doesn't say if I disagree with them that means I don't have to worry about that. It is in the oath of office that he is supposed to do that.

Mr. Speaker, I take that oath to support and defend the Constitution very seriously. I did it when I raised my hand at 18 years old when I went into the Air Force. I did it when I was 21 years old when I became a police officer outside of Chicago. I did it again when I was a deputy sheriff. I did it again when I was sheriff, and I did it when I got elected to Congress, now, a second time. I take that oath personal.

I have three sons that serve this country today. They have all raised their hand to support and defend this Constitution, not when it is convenient, not when it meets what I need out of it. It says you do it.

That is the law. That is the Constitution, and we kind of forget that. We say it is just a document. It is a dusty document.

That is not the case, Mr. Speaker. It talks about how we conduct ourselves as a government of the people and by the people, not because of who we are.

I am concerned, on quite a few instances now, this President clearly hasn't faithfully executed those laws. Just recently, the President yet again announced a delay in the implementation of ObamaCare. The administration says they will continue to allow insurance companies to offer plans that don't meet ObamaCare's coverage requirements.

How many delays does that make, Mr. Speaker?

I have no idea. I have lost count. I haven't kept track. There have been a lot of them because they all hit the front page, most of them hit the front page of the papers.

Just because the President's health care law isn't working doesn't mean the President can just change it on the fly. I understand it is what he wants. It is the implementation of a law, but don't say you can just change it willy-nilly. The President is literally making it up as he goes along.

Delaying the consequences of ObamaCare, however, does not fix them. Perhaps our colleagues are facing frustrated constituents that just aren't quite ready to defend the law yet. Maybe that is the case.

Perhaps it is themselves that these delays are really meant for. I don't know.

Nevertheless, I don't object to delaying ObamaCare, just the President's desire not to have come to Congress to do it. Congress enacted it. Congress has a right, then, to modify it, not the President.

The fact is, a lot of these plans are good fits for consumers. Cancellations they face, the higher premiums and deductibles, are a real hardship. That doesn't change the fact that the means through which the President changed the policy is wrong, and we all know it.

It is time for this body to come together to prevent our constitutional role from disintegrating further. It matters not what has occurred in the last 40 years, it matters what occurs today. It matters to the people I represent that I faithfully support and defend the Constitution.

It is time this body pushed back against any Presidency that would assert itself, whether it was Mr. CONYERS speaking of the prior Presidents or it is us speaking about this current President.

I am confident that the underlying legislation, the rule that it provides for, will start the process, and I urge my colleagues, if you care about protecting our three-branch system of government, support this rule and support the underlying legislation.

Ms. JACKSON LEE. Mr. Speaker, I rise in opposition to the rule for H.R. 4138, The ENFORCE The Law Act of 2014 and the underlying bill.

H.R. 4138 purports to provide a mechanism for one House of Congress to enforce the "take care" clause in article II, section 3 of the United States Constitution, which requires the President to "take Care that the Laws be faithfully executed."

The bill authorizes either chamber of Congress to bring a civil action against the executive branch for failure to faithfully execute existing laws.

My colleagues on the other side argue that lawsuits by Congress to force the administration to enforce federal laws will prevent the president from exceeding his constitutional authority,

But the Supreme Court has constantly held that the exercise of executive discretion being taken by President Obama is within the president's powers under the Constitution.

That is why I offered an amendment to the bill that simply protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

It is hard to believe that I would even need an amendment which instructs the Executive Branch that it is okay to—ENFORCE THE LAW.

If separation-of-powers principles require anything, it is that each branch must respect its constitutional role.

When a court issues a decision interpreting the Constitution or a federal law, the other branches must abide by the decision.

The Executive Branch's ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill.

Basic respect for separation of powers requires adoption of this amendment.

In our constitutional democracy, taking care that the laws are executed faithfully is a multifaceted notion.

And it is a well-settled principle that our Constitution imposes restrictions on Congress' legislative authority, so that the faithful execution of the Laws may present occasions where the President declines to enforce a congressionally enacted law because he must enforce the Constitution—which is the law of the land.

Additionally, H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law. Any such decision would be reviewable only by the Supreme Court.

These are critical problems. First, Congress is unlikely to be able to satisfy the requirements of Article III standing, which the Supreme Court has held that the party bringing suit have been personally injured by the challenged conduct.

In the wide array of circumstances in which the bill would authorize a House of Congress to sue the president, that House would not have suffered any personal injury sufficient to satisfy Article III's standing requirement in the absence of a complete nullification of any legislator's votes.

I ask my colleagues to reject this legislation.

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

AN AMENDMENT TO H. RES. 511 OFFERED BY  
MR. MCGOVERN OF MASSACHUSETTS

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4209) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the

House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

Sec. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4209.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. 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. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 190, not voting 13, as follows:

[Roll No. 118]

YEAS—227

|               |                 |               |
|---------------|-----------------|---------------|
| Aderholt      | Gibson          | Miller (FL)   |
| Amash         | Gingrey (GA)    | Miller (MI)   |
| Bachmann      | Gohmert         | Mullin        |
| Bachus        | Goodlatte       | Mulvaney      |
| Barletta      | Barletta        | Murphy (PA)   |
| Barr          | Granger         | Neugebauer    |
| Benishek      | Graves (GA)     | Noem          |
| Bentivolio    | Graves (MO)     | Nugent        |
| Bilirakis     | Griffin (AR)    | Nunes         |
| Bishop (UT)   | Griffith (VA)   | Nunnelee      |
| Black         | Grimm           | Olson         |
| Blackburn     | Guthrie         | Palazzo       |
| Boustany      | Hall            | Paulsen       |
| Brady (TX)    | Hanna           | Pearce        |
| Bridenstine   | Harper          | Perry         |
| Brooks (AL)   | Harris          | Petri         |
| Brooks (IN)   | Hartzler        | Pittenger     |
| Broun (GA)    | Hastings (WA)   | Pitts         |
| Buchanan      | Heck (NV)       | Poe (TX)      |
| Bucshon       | Hensarling      | Pompeo        |
| Burgess       | Herrera Beutler | Posey         |
| Byrne         | Holding         | Price (GA)    |
| Calvert       | Hudson          | Reed          |
| Camp          | Huelskamp       | Reichert      |
| Campbell      | Huizenga (MI)   | Renacci       |
| Cantor        | Hultgren        | Ribble        |
| Capito        | Hunter          | Rice (SC)     |
| Carter        | Hurt            | Rigell        |
| Cassidy       | Issa            | Roby          |
| Chabot        | Jenkins         | Roe (TN)      |
| Chaffetz      | Johnson (OH)    | Rogers (AL)   |
| Coble         | Johnson, Sam    | Rogers (KY)   |
| Coffman       | Jones           | Rogers (MI)   |
| Cole          | Jordan          | Rohrabacher   |
| Collins (GA)  | Joyce           | Rokita        |
| Collins (NY)  | Kelly (PA)      | Rooney        |
| Conaway       | King (IA)       | Ros-Lehtinen  |
| Cook          | King (NY)       | Roskam        |
| Cotton        | Kingston        | Ross          |
| Cramer        | Kinzinger (IL)  | Rothfus       |
| Crawford      | Kline           | Royce         |
| Crenshaw      | Labrador        | Runyan        |
| Culberson     | LaMalfa         | Ryan (WI)     |
| Daines        | Lamborn         | Salmon        |
| Davis, Rodney | Lance           | Sanford       |
| Denham        | Lankford        | Scalise       |
| Dent          | Latham          | Schock        |
| DeSantis      | Latta           | Schweikert    |
| DesJarlais    | LoBiondo        | Scott, Austin |
| Diaz-Balart   | Long            | Sensenbrenner |
| Duffy         | Lucas           | Sessions      |
| Duncan (SC)   | Luetkemeyer     | Shimkus       |
| Duncan (TN)   | Lummis          | Shuster       |
| Ellmers       | Marchant        | Simpson       |
| Farenthold    | Marino          | Smith (MO)    |
| Fincher       | Massie          | Smith (NE)    |
| Fitzpatrick   | McAllister      | Smith (NJ)    |
| Fleischmann   | McCarthy (CA)   | Smith (TX)    |
| Fleming       | McCaul          | Southerland   |
| Flores        | McClintock      | Stewart       |
| Forbes        | McHenry         | Stivers       |
| Fortenberry   | McKeon          | Stockman      |
| Fox           | McKinley        | Stutzman      |
| Franks (AZ)   | McMorris        | Terry         |
| Frelinghuysen | Rodgers         | Thompson (PA) |
| Gardner       | Meadows         | Thornberry    |
| Garrett       | Meehan          | Tiberi        |
| Gerlach       | Messer          | Tipton        |
| Gibbs         | Mica            | Turner        |

|            |              |            |
|------------|--------------|------------|
| Upton      | Webster (FL) | Wolf       |
| Valadao    | Wenstrup     | Womack     |
| Wagner     | Westmoreland | Woodall    |
| Walberg    | Whitfield    | Yoder      |
| Walden     | Williams     | Yoho       |
| Walorski   | Wilson (SC)  | Young (AK) |
| Weber (TX) | Wittman      | Young (IN) |

NAYS—190

|               |                |                  |
|---------------|----------------|------------------|
| Barber        | Grijalva       | O'Rourke         |
| Barrow (GA)   | Gutiérrez      | Owens            |
| Bass          | Hahn           | Pallone          |
| Beatty        | Hanabusa       | Pascarell        |
| Becerra       | Hastings (FL)  | Pastor (AZ)      |
| Bera (CA)     | Heck (WA)      | Payne            |
| Bishop (GA)   | Higgins        | Pelosi           |
| Bishop (NY)   | Himes          | Perlmutter       |
| Blumenauer    | Hinojosa       | Peters (CA)      |
| Bonamici      | Holt           | Peters (MI)      |
| Brady (PA)    | Honda          | Peterson         |
| Braley (IA)   | Horsford       | Pingree (ME)     |
| Brown (FL)    | Hoyer          | Pocan            |
| Brownley (CA) | Huffman        | Polis            |
| Bustos        | Israel         | Price (NC)       |
| Butterfield   | Jeffries       | Quigley          |
| Capps         | Johnson (GA)   | Rahall           |
| Capuano       | Johnson, E. B. | Rangel           |
| Carney        | Kaptur         | Richmond         |
| Carson (IN)   | Keating        | Roybal-Allard    |
| Cartwright    | Kelly (IL)     | Ruiz             |
| Castor (FL)   | Kennedy        | Ruppersberger    |
| Castro (TX)   | Kildee         | Ryan (OH)        |
| Chu           | Kilmer         | Sánchez, Linda   |
| Cicilline     | Kind           | T.               |
| Clark (MA)    | Kirkpatrick    | Sanchez, Loretta |
| Clarke (NY)   | Kuster         | Sarbanes         |
| Clay          | Langevin       | Schakowsky       |
| Cleaver       | Larsen (WA)    | Schiff           |
| Clyburn       | Larson (CT)    | Schneider        |
| Cohen         | Lee (CA)       | Schrader         |
| Connolly      | Levin          | Schwartz         |
| Conyers       | Lipinski       | Scott (VA)       |
| Cooper        | Loeb           | Scott, David     |
| Costa         | Lofgren        | Serrano          |
| Courtney      | Lowenthal      | Sewell (AL)      |
| Crowley       | Lujan Grisham  | Shea-Porter      |
| Cuellar       | (NM)           | Sherman          |
| Cummings      | Lujan, Ben Ray | Sinema           |
| Davis (CA)    | (NM)           | Sires            |
| Davis, Danny  | Lynch          | Slaughter        |
| DeFazio       | Maffei         | Smith (WA)       |
| DeGette       | Maloney,       | Speier           |
| Delaney       | Carolyn        | Swalwell (CA)    |
| DeLauro       | Maloney, Sean  | Takano           |
| DelBene       | Matheson       | Thompson (CA)    |
| Deutch        | Matsui         | Thompson (MS)    |
| Doggett       | McCarthy (NY)  | Tierney          |
| Doyle         | McCollum       | Titus            |
| Duckworth     | McDermott      | Tonko            |
| Edwards       | McGovern       | Tsongas          |
| Enyart        | McIntyre       | Van Hollen       |
| Eshoo         | McNerney       | Vargas           |
| Esty          | Meeks          | Veasey           |
| Farr          | Meng           | Vela             |
| Fattah        | Michaud        | Velázquez        |
| Foster        | Miller, George | Visclosky        |
| Frankel (FL)  | Moore          | Walz             |
| Fudge         | Moran          | Wasserman        |
| Gallego       | Murphy (FL)    | Schultz          |
| Garamendi     | Nadler         | Waters           |
| Garcia        | Napolitano     | Waxman           |
| Grayson       | Neal           | Welch            |
| Green, Al     | Negrete McLeod | Wilson (FL)      |
| Green, Gene   | Nolan          | Yarmuth          |

NOT VOTING—13

□ 1346

Mr. RANGEL, Ms. MENG, and Mr. CLEAVER changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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



RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 192, not voting 9, as follows:

[Roll No. 119]

AYES—229

|               |                 |               |
|---------------|-----------------|---------------|
| Aderholt      | Graves (MO)     | Petri         |
| Amash         | Griffin (AR)    | Pittenger     |
| Bachmann      | Griffith (VA)   | Pitts         |
| Bachus        | Grimm           | Poe (TX)      |
| Barber        | Guthrie         | Pompeo        |
| Barletta      | Hall            | Posey         |
| Barr          | Hanna           | Price (GA)    |
| Benishek      | Harper          | Rahall        |
| Bentivolio    | Harris          | Reed          |
| Bilirakis     | Hartzler        | Reichert      |
| Bishop (UT)   | Hastings (WA)   | Renacci       |
| Black         | Heck (NV)       | Ribble        |
| Blackburn     | Hensarling      | Rice (SC)     |
| Boustany      | Herrera Beutler | Rigell        |
| Brady (TX)    | Holding         | Roby          |
| Bridenstine   | Hudson          | Roe (TN)      |
| Brooks (AL)   | Huelskamp       | Rogers (AL)   |
| Brooks (IN)   | Huitzenga (MI)  | Rogers (KY)   |
| Brown (GA)    | Hultgren        | Rogers (MI)   |
| Buchanan      | Hunter          | Rohrabacher   |
| Bucshon       | Hurt            | Rokita        |
| Burgess       | Issa            | Rooney        |
| Byrne         | Jenkins         | Ros-Lehtinen  |
| Calvert       | Johnson (OH)    | Roskam        |
| Camp          | Johnson, Sam    | Ross          |
| Campbell      | Jones           | Rothfus       |
| Cantor        | Jordan          | Royce         |
| Capito        | Joyce           | Runyan        |
| Carter        | Kelly (PA)      | Ryan (WI)     |
| Cassidy       | King (IA)       | Salmon        |
| Chabot        | King (NY)       | Sanford       |
| Chaffetz      | Kingston        | Scalise       |
| Coble         | Kinzinger (IL)  | Schock        |
| Coffman       | Kline           | Schweikert    |
| Cole          | Labrador        | Scott, Austin |
| Collins (GA)  | LaMalfa         | Sensenbrenner |
| Collins (NY)  | Lamborn         | Sessions      |
| Conaway       | Lance           | Shimkus       |
| Cook          | Lankford        | Shuster       |
| Cotton        | Latham          | Simpson       |
| Cramer        | Latta           | Smith (MO)    |
| Crawford      | LoBiondo        | Smith (NE)    |
| Crenshaw      | Long            | Smith (NJ)    |
| Culberson     | Lucas           | Smith (TX)    |
| Daines        | Luetkemeyer     | Southerland   |
| Davis, Rodney | Lummis          | Stewart       |
| Denham        | Marchant        | Stivers       |
| Dent          | Marino          | Stockman      |
| DeSantis      | Massie          | Stutzman      |
| DesJarlais    | McAllister      | Terry         |
| Diaz-Balart   | McCarthy (CA)   | Thompson (PA) |
| Duffy         | McCaul          | Thornberry    |
| Duncan (SC)   | McClintock      | Tiberi        |
| Duncan (TN)   | McHenry         | Tipton        |
| Ellmers       | McKeon          | Turner        |
| Farenthold    | McKinley        | Upton         |
| Fincher       | McMorris        | Valadao       |
| Fitzpatrick   | Rodgers         | Wagner        |
| Fleischmann   | Meadows         | Walberg       |
| Fleming       | Meehan          | Walden        |
| Flores        | Messer          | Walorski      |
| Forbes        | Mica            | Weber (TX)    |
| Fortenberry   | Miller (FL)     | Webster (FL)  |
| Foxx          | Miller (MI)     | Wenstrup      |
| Franks (AZ)   | Mullin          | Westmoreland  |
| Frelinghuysen | Mulvaney        | Whitfield     |
| Gardner       | Murphy (PA)     | Williams      |
| Garrett       | Neugebauer      | Wilson (SC)   |
| Gerlach       | Noem            | Wittman       |
| Gibbs         | Nugent          | Wolf          |
| Gibson        | Nunes           | Womack        |
| Gingrey (GA)  | Nunnelee        | Woodall       |
| Gohmert       | Olson           | Yoder         |
| Goodlatte     | Palazzo         | Yoho          |
| Gowdy         | Paulsen         | Young (AK)    |
| Granger       | Pearce          | Young (IN)    |
| Graves (GA)   | Perry           |               |

NOES—192

|             |             |               |
|-------------|-------------|---------------|
| Barrow (GA) | Bishop (GA) | Bralley (IA)  |
| Bass        | Bishop (NY) | Brown (FL)    |
| Beatty      | Blumenauer  | Brownley (CA) |
| Becerra     | Bonamici    | Bustos        |
| Bera (CA)   | Brady (PA)  | Butterfield   |

|               |                |                  |
|---------------|----------------|------------------|
| Capps         | Holt           | Pastor (AZ)      |
| Capuano       | Honda          | Payne            |
| Cardenas      | Horsford       | Pelosi           |
| Carney        | Hoyer          | Perlmutter       |
| Carson (IN)   | Huffman        | Peters (CA)      |
| Cartwright    | Israel         | Peters (MI)      |
| Castor (FL)   | Jackson Lee    | Peterson         |
| Castro (TX)   | Jeffries       | Pingree (ME)     |
| Chu           | Johnson (GA)   | Pocan            |
| Cicilline     | Johnson, E. B. | Polis            |
| Clark (MA)    | Kaptur         | Price (NC)       |
| Clarke (NY)   | Keating        | Quigley          |
| Clay          | Kelly (IL)     | Rangel           |
| Cleaver       | Kennedy        | Richmond         |
| Clyburn       | Kildee         | Roybal-Allard    |
| Cohen         | Kilmer         | Ruiz             |
| Connolly      | Kind           | Ruppersberger    |
| Conyers       | Kirkpatrick    | Ryan (OH)        |
| Cooper        | Langevin       | Sanchez, Linda   |
| Costa         | Larsen (WA)    | T.               |
| Courtney      | Larson (CT)    | Sanchez, Loretta |
| Crowley       | Lee (CA)       | Sarbanes         |
| Cuellar       | Levin          | Schakowsky       |
| Cummings      | Lipinski       | Schiff           |
| Davis (CA)    | Loebsack       | Schneider        |
| Davis, Danny  | Lofgren        | Schrader         |
| DeFazio       | Lowenthal      | Schwartz         |
| DeGette       | Lowe           | Scott (VA)       |
| Delaney       | Lujan Grisham  | Scott, David     |
| DeLauro       | (NM)           | Serrano          |
| DeBene        | Lujan, Ben Ray | Sewell (AL)      |
| Deutch        | (NM)           | Shea-Porter      |
| Doggett       | Lynch          | Sherman          |
| Doyle         | Maffei         | Sinema           |
| Duckworth     | Maloney,       | Sires            |
| Edwards       | Carolyn        | Slaughter        |
| Ellison       | Maloney, Sean  | Smith (WA)       |
| Enyart        | Matheson       | Speier           |
| Eshoo         | Matsui         | Swalwell (CA)    |
| Esty          | McCarthy (NY)  | Takano           |
| Farr          | McCollum       | Thompson (CA)    |
| Fattah        | McDermott      | Thompson (MS)    |
| Foyce         | Foster         | Tierney          |
| Frankel (FL)  | McIntyre       | Titus            |
| Fudge         | McNerney       | Tonko            |
| Gabbard       | Meeks          | Tsongas          |
| Gallego       | Meng           | Van Hollen       |
| Garamendi     | Michaud        | Vargas           |
| Garcia        | Miller, George | Veasey           |
| Grayson       | Moore          | Vela             |
| Green, Al     | Moran          | Velázquez        |
| Green, Gene   | Murphy (FL)    | Visclosky        |
| Grijalva      | Nader          | Walz             |
| Gutiérrez     | Napolitano     | Wasserman        |
| Hahn          | Neal           | Schultz          |
| Hanabusa      | Negrete McLeod | Waters           |
| Hastings (FL) | Nolan          | Waxman           |
| Heck (WA)     | O'Rourke       | Welch            |
| Higgins       | Owens          | Wilson (FL)      |
| Himes         | Pallone        | Yarmuth          |
| Hinojosa      | Pascrell       |                  |

NOT VOTING—9

□ 1353

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:  
Ms. KUSTER. Mr. Speaker, on rollcall No. 119, had I been present, I would have voted "no."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 12, 2014.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 12, 2014 at 10:52 a.m.:

That the Senate agreed to S.J. Res. 32.  
With best wishes, I am  
Sincerely,

KAREN L. HAAS.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.J. RES. 43

Ms. SPEIER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.J. Res. 43, removing the deadline for the ratification of the equal rights amendment, a bill originally introduced by Representative Robert Andrews of New Jersey, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

EXECUTIVE NEEDS TO FAITHFULLY OBSERVE AND RESPECT CONGRESSIONAL ENACTMENTS OF THE LAW ACT OF 2014

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4138.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 511 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4138.

The Chair appoints the gentleman from Pennsylvania (Mr. THOMPSON) to preside over the Committee of the Whole.

□ 1457

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4138) to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes, with Mr. THOMPSON of Pennsylvania in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.