

legislation similar to it is advanced for the purposes of reaffirming the constitutional grant of sovereignty—the sovereignty of those who preceded us in the country.

TRIBUTE TO BRIAN PERKINS

Mr. MORAN. Mr. President, on a different topic, just for a moment I would like to indicate that it is time, unfortunately, for me to say good-bye to one of my long-time employees, Brian Perkins of Wichita, KS. A Kansan through and through is departing our staff at the end of the year.

Brian came to our office when I was a House Member in 2009 and followed me here to the U.S. Senate. Among the issues that I consider most important as we try to care and work on behalf of Kansans and Americans are issues related to health care and issues related to education. Brian has been front and center in our office, day in and day out, on these issues.

I have many wonderful and qualified staff members, but I think Brian is the role model for all of them, including for me. We have seen Brian time and again step up and act above and beyond the norm. In every setting he is genuine, he is sincere, and he demonstrates his care for Kansans in each and every circumstance. He is intelligent and knows the details of health care and education law, but the compelling factor about Brian is that he cares so much about getting it right and doing things for the right reasons.

I understand there is sometimes a lack of appreciation by Americans across the country for the people who work here. I would exclude me and other Members of Congress from this statement, but I would think that almost without exception all of our staffs are worthy; those who work in the Senate, who work in our offices, and who work in committees are worthy of esteem and respect. These are people who work hard every day for a good and worthy cause. Most of them have an interest in policy or an interest in politics and decided that Washington, DC, the Nation's Capital was a place where they could do something for the good of their country. Brian exemplifies that.

It is not easy to say good-bye to Brian. As Senators, we spend a lot of time with our staff. I want to express my gratitude to him on behalf of my family and me. I wish him and his family, Beth and their children, all the best as they move closer to family. It is another attribute of Brian; I think he has the sense that he hates to leave, but he knows he has a responsibility to his family. That is something Kansans also admire and respect.

Brian, thank you very much for all the hours, days, weeks, months, and years in which you have advanced the good cause of government for the people of our State and the people of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Thank you, Mr. President.

Mr. INHOFE. Will the Senator yield?

Mr. SASSE. Yes.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator of Nebraska and the Senator of Georgia that I be recognized along with the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE OVERREACH AND THE SEPARATION OF POWERS

Mr. SASSE. Mr. President, today I would like to propose a thought experiment. Imagine if President Trump has been propelled into the White House with 300 electoral votes, having won mainly by the force of his personality, by calling BS on this town, and by his promise to “get things done” by acting unilaterally.

The first 100 days are huge. He signs an order to turn the Peace Corps into stone masons to build a southern wall. He shuts the Department of Education, and by Executive order, he turns the Department of Interior into the classiest oil company the world has ever known.

What happens next? Would those who have stayed silent about Executive overreach over the last 7 years suddenly find religion? After years of legislative atrophy, would Congress spring into action and remember its supposed power of the purse?

And what about the Republicans? After having raged against a supposedly lawless President, would they suddenly find that they are OK with a strongman President, so long as he is wearing the same color jersey they are? He may be a lawless son of a gun, some would say, but he is our lawless son of a gun. Would the end justify the means?

The way Congress thinks and talks about Executive power over the last few years has almost been this sophomoric. It has been based overwhelmingly on the party tag of whoever happens to sit in the Oval Office at any given moment. Republicans, Democrats, us versus them—these are the political trenches, and the no man's land lies somewhere between this Chamber and 1600 Pennsylvania Avenue, NW. When your highest objective is advancing partisan lines on a map, it is easy to forgive a President who oversteps his authority, so long as he is your guy and the one with authority is in your party.

This Senator suggests that this is the entirely wrong way to think about this issue. The problem of a weak Congress—which we are—and the growth of the unchecked Executive should be bad news to all of us. But more importantly than us, this should be bad news for every constituent who casts their

votes for us under the impression that the Congress actually makes decisions and doesn't just offer whiny suggestions.

The shrinking of the legislature in the age of Obama should be bad news for all of us for three reasons. First, we have taken an oath to defend the Constitution, and the Constitution invests the legislature with the legislative powers.

Second, the Founders' design of checks and balances actually was and is a good idea. They were struggling to preserve the freedom of the individual and especially of the vulnerable against the powerful—against those who could afford to hire the well-connected lobbyists. The Founders were equally afraid of the unchecked consolidation of power in a king or in the passions of a mob. They understood that human nature means that those in power will almost always try to grab more power, and that base reality hasn't changed over the last 230 years.

Third, under the system that is now emerging, the public is growing more and more frustrated. They think that most of us will be reelected no matter what, and they think that the executive agencies that daily substitute rulemaking for legislating will promulgate whatever rules they want, no matter what, and that the people have no control. People grow more cynical in a world where the legislators who can be fired—that is what elections are for—have little actual power and a world where bureaucrats, who have most of the actual power, cannot be fired. It is basically impossible for the people who are supposed to be in charge of our system to figure out how they would throw the bums out. They ask: Where is the accountability in the present arrangement?

Allow me to be clear about two issues up front. First, this Senator believes that the weakness of the Congress is not just undesirable; it is actually dangerous for America and her future. Second, this Senator thinks so not because I am a Republican and we have a Democrat in the White House; rather, I think this because of my oath of office to a constitutional system, and I will continue to hold this view, having taken this oath, the next time a Republican President tries to reach beyond his or her constitutional powers. Despite these two strongly held views, though, in this series of addresses on the growth of the administrative State and more broadly on the unbalanced nature of executive and legislative branch relations in our time, my goal will not be primarily to advocate. My first goal is just to do some history together.

My goal is primarily to describe how the executive branch has grown and how Presidents of both parties are guilty of it. But it isn't just that Republicans and Democrats are guilty of trying to consolidate more power when they have the Presidency, although that is true; it is a one-way ratchet. It