

15, that the law requires that Congress enact a budget resolution. Obviously, that ain't gonna happen. However, the Republican-led Budget Committee did share a budget blueprint with the GOP leadership. Ultimately, the leadership decided that it wasn't harsh enough on families, seniors, or children to pass through a Republican majority.

A Federal budget should be a reflection of our values as a Nation, and the details of the rumored proposal of a road to ruin that the Republicans want to release are just not good. Apparently, the attempt to end the Medicare guarantee for seniors, to repeal the Affordable Care Act, and to block investments in good-paying jobs was not sufficiently brutal enough for the radicals within the Republican Party. If this version of the budget could not muster enough support to be brought to the House floor for a vote, I fear what the Republican majority will actually propose.

House Democrats should continue to press for a budget that creates jobs, grows paychecks, and invests in the future of the American people, like we always do. We believe in those values, and that is what we will continue to fight for.

MESSAGE FROM THE SENATE

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

H.R. 1670. An act to direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

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

S. 1436. An act to require the Secretary of the Interior to take land into trust for certain Indian tribes, and for other purposes.

“A REPUBLIC, MADAM, IF YOU CAN KEEP IT”

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 2015, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, on Monday, being argued before the United States Supreme Court—the eight Justices remaining—is a case of *United States v. Texas*. It will take up the President's—I started to say his “executive order,” but, actually, in the case of His Majesty's program on amnesty, there actually was no executive order that was signed by the President. Like you find in a lot of countries around the world where there is a dictator, there was a speech made and comments made by the ruler. Then the Secretary of Homeland Security—in our case, Secretary Johnson—wrote a series of memos to carry out the dicta-

tion from on high, and they overrode the laws that were duly passed by both Houses of Congress and by previous Presidents.

That is where we run into some trouble. That is where you run into trouble in doing what Benjamin Franklin suggested might be possible to undo. As we know, a lady asked him at the Constitutional Convention, “What did you give us?” and he said, “A Republic, Madam, if you can keep it.” One of the ways you do not keep representative government—self-government through the electing of Representatives to do the will of the people—is to go and have those elections and elect people who pass laws—I mean, the Founders wanted government to have gridlock.

As I mentioned before, Justice Scalia, in talking to a group of 50 or so senior citizens from my district, explained that the reason we are the freest country in history—or at least we used to be. The indicators indicate we are not the freest country anymore, but the reason we became, for a while there, the freest country in history was that the Founders did not trust government. They knew that, if it were too easy for a government to make laws or to just dictate what would happen in a country, then people would not be free.

They pledged their lives, liberty, sacred honor—they pledged everything. Many—most, actually—of the signers of the Declaration of Independence did not have very pleasant lives after the signing of that. Many lost their treasures, their fortunes. They never lost their sacred honor. They pledged it, and they never lost their sacred honor.

When you look at all of the sacrifices that were made to try to allow us to have representative, self-government—and as difficult as it is to pass a bill here in the House and have the Senate pass the same bill or a similar bill and, if they are not the same, to go to conference and try to work out a bill that is the same and get it passed in both Houses and send it to the President and get the President to sign it and have the Supreme Court say, yes, that it is consistent with the Constitution—that is very difficult.

All of those things have happened with regard to our immigration law that the President talked about, as any good ruler would; and, of course, as any good ruler, he had a Secretary of Homeland Security who did memos and said: Okay. We are going to just not pay any attention to that law. Here is the new law.

□ 1200

I was amazed to hear all of the major networks, including Fox News, talk about “Here is the new program,” “Here is the new plan” after memos were concocted that overrode the laws that were duly passed in the House and Senate and signed previously by the President, who just overrode the law and said: We are not going to do that. We have, in their opinion, the discretion to just ignore the law and do what we want.

There is a good article out of the Hoover Institution journal written by Michael McConnell. It just came out on April 15. I thought it did a good job of discussing these issues that are coming up before the Supreme Court on Monday.

Also, by way of further preface, the decision originated in the Southern District of Texas before United States District Judge Andrew Hanen, who happened to be one of the smartest people in his class and, actually, going through law school, one of the more liberal people in our class in law school, but a brilliant guy.

The more he delved into issues, the better lawyer he became. He was with one of the best firms in Houston. He has become a profoundly good arbitrator of justice as a United States judge.

So Judge Hanen wrote a very lengthy order in which he enjoined in carrying out the wishes that were dictated by the Secretary of Homeland Security because they violate the law. They say: We are ignoring the law. And the judge could see that there are massive consequences.

Although right here in this very room the President said that we are not going to cover people that are illegally in the country with his ObamaCare, it turns out that that wasn't true.

We have, apparently, massive numbers who get the income tax credit, whether legally or not. I have people constantly telling me they work for different income tax services and they provide services to people that don't have Social Security numbers that are legitimate.

They all know about the earned income tax credit, and they all want it on there. They all claim it. Whether they can tell you where their kids are or not, they want that credit.

There has been some massive projections of just how much in millions or billions is being paid out. We previously had reporting about, just in one little community, how numerous people claim to live in one home and claim to have as many as 30 kids or so in that home so they could claim all those earned income tax credits so they could get a big refund.

There is massive amounts of money that is being taken from those who earned it and given to those who have come into the country illegally.

I don't have the articles in front of me. There are articles out this week talking about that, actually, by more than the current unemployment rate—even the real rate, not the one that is just made up—it doesn't include the 94 million or so who are eligible to work, have tried to find work and given up trying to find work.

But either number you care to use, we have that percentage of people who have immigrated to America. Thank God for legal immigration.

Perhaps one in six people working in America are first-generation immigrants. That is great, but the trouble is

that a huge portion of those are illegal in the country.

The President can say all he wants to: Well, they are doing jobs that Americans won't do. When wages are lower that are being paid to Americans looking for work and working, it affects their homes.

It has affected their standard of living. It has caused people to be unemployed who would be employed if they weren't competing with people that took lower wages because they are here illegally.

Of course, yesterday we learned that the IRS Commissioner, the head of the IRS, Koskinen, is an accomplice. He has been complicit in the use of stolen, illegal Social Security numbers because he says: It is okay if they use stolen Social Security numbers for a good basis. We just don't want them to use it for a bad basis.

Apparently, for him, somebody filing a perjured and fraudulent income tax return and getting a refund of money that they very well may not be entitled to at all and should not be entitled to is one of the good purposes.

He clearly needs to be impeached and removed from office as head of the Internal Revenue Service. Hopefully, that will be happening in the near future.

There has to be consequences for violating the law, for helping others violate the law, by looking the other way and announcing you are looking the other way while people violate the law.

America is in trouble. We could very well be Greece right now if it weren't for the United States having the dollars, the international currency, and having our ability to print our own money, neither of which Greece has.

This case being taken up on Monday by the Supreme Court has the ability to basically make Congress a nullity by saying: You know what—look, the President was elected 8 years ago and 4 years ago.

So if he wants to just ignore laws and do what he wants that is not according to the law, shouldn't that be okay? It is incredible how some even who have advanced degrees are so uneducated on how you keep a republic.

Well, Michael McConnell says:

“One of the most closely watched cases before the Supreme Court this term is *United States v. Texas*, the immigration case that is scheduled to be argued on April 18. The Supreme Court surprised most observers when it asked the parties in that case to address a question they did not raise in their briefs: whether President Obama's ‘Deferred Action for Parents of Americans’ (DAPA) order violates the ‘Take Care Clause’ of Article II of the Constitution. The Take Care Clause has never before been enforced by the Court and most people have probably never heard of it.”

Let me insert here: My dear friend from Florida, Congressman TED YOHO, has been advocating for some time we pass a bill that just sets out an ena-

bling statute that says what Take Care means under the Constitution and sets some requirements out so we actually have some hard requirements against which to measure a President's performance in order to determine whether he has violated the Take Care Clause and ought to be removed from office.

Before you can determine the latter, you really need to know has the Take Care Clause been violated to a level that would justify high crimes and misdemeanors.

I appreciate so much Andrew McCarthy's book regarding impeachment where he lays out, really, impeachment was intended to be a political issue.

The Founders did not want impeachment to be like a criminal case where the prosecution has to prove a case beyond a reasonable doubt.

It is a mechanism by which we avoid revolutions and military coups, which have happened in countries around the world.

Here we have not had to have ever, thank God, a military coup or another revolution since 1776. We have had massive movements for which we are grateful, like the abolitionist movement that got rid of the atrocity of slavery, led mainly by Christian churches, and the civil rights movement, of course, which the ultimate leader was Reverend Martin Luther King, Jr., an ordained Christian minister.

So these movements have not required revolution, have not required a military coup, because the Founders created something called impeachment.

According to Andrew's book—and I'm sorry I can't do it the justice it deserves—basically, impeachment is a political mechanism to allow people to remove from office someone who may not have violated a criminal statute beyond a reasonable doubt.

But more than half of the country—more than half of those representatives elected in the country believe that he should be removed. Then we avoid a revolution, a coup, those kinds of things.

This article from the Hoover Institute goes on:

“DAPA is a set of executive branch directives giving some four million illegal aliens who have given birth to children in the United States what the orders call ‘legal presence’ — even though they are here in violation of the law.

“This ‘legal presence’ entitles DAPA beneficiaries to work permits, a picture ID, driver's licenses, Social Security, Earned Income Tax credits, Medicaid, ObamaCare, and other social welfare benefits.

“Until the 2014 election, President Obama repeatedly and emphatically stated that he did not have authority to issue such an order without congressional action.”

Then, when he didn't like the results of the election, he went ahead and did it anyway. He had said: I am not a monarch. I can't just do these things.

And when he didn't like the result of the election, he decided to go ahead and be a monarch and do them anyway.

The article goes on:

“Twenty-six states have sued the federal government to challenge the legality of DAPA. The courts below held that the orders violate the Administrative Procedure Act because they were issued without public notice and comment, as is required for agency actions with the effect of law, and because they are in violation of the underlying statute, the Immigration and Nationality Act (INA).

“By adding the Take Care Clause to the Questions Presented, the Court is taking care that the constitutional dimensions of this case will not be swamped by the administrative law details. But for most people, including most lawyers, the Take Care Clause is a great unknown—uncharted territory. So: What is the Take Care Clause and what does it mean?

“The Take Care Clause, found in Article II of the Constitution, the Executive Power Article, is comprised of only nine words: The President ‘shall take care that the laws be faithfully executed.’

“But an understanding of those nine words requires an appreciation of their roots in English history. Like many other structural features of the United States Constitution, the Take Care Clause derives from the long struggle between Parliament and the Crown over the extent of ‘prerogative powers,’ that is, the monarch's asserted powers to create laws or otherwise to act unilaterally.

□ 1215

“Absolute monarchs rule by whim. What they say goes. Even before Parliament existed, however, the barons of England insisted that monarchs rule in accordance with law rather than mere executive whim or decree. King John, 1199–1216 AD, was a major offender against the rule of law. He arbitrarily increased taxes, abused the king's court, mustered soldiers for military misadventures foreign and domestic, and hanged innocents in Wales. Things came to a head in 1215 at Runnymede. Faced with armed insurrection, John agreed to the Great Charter, which established the principle that the king is not a law unto himself; even the king must act through settled law to bind his subjects.

“Thus began a centuries-long struggle between law and royal prerogative. The term ‘prerogative’ refers to powers invested in the executive that are not governed by law.”

John Locke, who was read by so many of our Founders and discussed during our Nation's founding, “John Locke defined the term in his *Second Treatise on Government*.” John Locke said this: “This power to act according to discretion, for the public good, without the prescription of the law, and sometimes even against it, is that which is called prerogative.” The king's

prerogative powers included the veto, the pardon, the powers of war and peace, the power to create and fill public offices, and the power to dissolve the Parliament. All these he could do without the need for statutes passed by Parliament, and statutes passed by Parliament could not touch, limit, or regulate these prerogative powers.

“Prerogative powers are not all inconsistent with constitutional government. Under the Constitution, for example, the President has certain defined prerogatives, such as the pardon power and the veto, which are committed to the President’s discretion.”

Of course, we know the prerogative of veto can be overridden by Congress, so it is not an ultimate prerogative.

“But much of constitutionalism consists of replacing prerogative with law. The Framers of the U.S. Constitution carefully reflected on the various prerogative powers claimed or exercised by the English king and granted, denied, or limited those powers when creating the Article II executive.”

Now, the early controversies over prerogative powers left that “one of the most dangerous prerogative powers asserted by English monarchs was the proclamation power. That is the power to create new law without parliamentary approval. The term modern Americans would use for proclamations is ‘executive orders.’ Disputes over the proclamation power came to the fore during the Tudor dynasty, which was 1485 to 1603.

“Henry VIII believed his royal proclamations should have the force of law, as ‘though they were made by act of Parliament.’ The great 18th century historian and philosopher David Hume later called this ‘a total subversion of the English Constitution.’ After Henry’s death, Parliament repealed the Act of Proclamations.

“The struggle over prerogative accelerated under the four Stuart kings prior to the Glorious Revolution of 1688. James I was an ardent believer in the divine right of kings; he wrote a book on the topic shortly before he ascended to the English throne called ‘The Trew Law of Free Monarchies.’ In James I’s view, kings are unrestrained by law; their authority comes from God, and therefore the king is accountable only to God—never to man or law.

“In 1610 James I issued a royal proclamation prohibiting ‘new buildings in and around London’ and ‘the making of starch of wheat.’ The legality of these orders was tested in Case of Proclamations. Lord Ellesmere, the royalist jurist, argued that the courts should ‘maintain the power and prerogative of the king’ and that ‘in cases in which there is no authority and precedent,’ the judges should ‘leave it to the king to order it according to his wisdom.’ Chief Justice Coke—whose whiggish constitutionalism later informed the views of American Framers—held that the king could not lawfully ‘change any part of the common law, nor create any offense by his proclamation, which

was not an offense before, without Parliament.’ Coke concluded, ‘the law of England is divided into three parts: common law, statute law, and custom; but the king’s proclamation is none of them.’

“Chief Justice Coke reiterated the point in the Case of Non Obstante, or Dispensing Power. Coke observed that the king does have some prerogative powers. For example, a royal pardon grants mercy notwithstanding—or, as English lawyers said at the time, non obstante—the lawful conviction. But Coke insisted that the king’s non obstante, or dispensing, power never can be used to annul statutes. If the king attempted to dispense with a statute, Coke held, the king’s effort would be ‘void,’ for ‘an act of Parliament may absolutely bind the king.’”

Parenthetically, of course, since our laws were derived through this knowledge of what was done here, the Framers believed that the law would absolutely bind the king that lives in the White House.

“The principles of the Case of Proclamations and the Case of Non Obstante are part of the American constitutional tradition. The Steel Seizure Case of 1952, our Supreme Court’s foundational separation-of-powers decision, held that the President cannot make law; that is exclusively Congress’ job. In other words, executive orders have the force of law only when implementing statutes, treaties, and the Constitution . . . Notably, many if not all of these controversies over the reach of royal prerogative arose when the king took a precedent that prior monarchs had used in modest and relatively uncontroversial ways—as Elizabeth had funded defense against the Spanish Armada—and stretched it to cover significant usurpations of power in ways contrary to the will of Parliament. That has continued to be the pattern in American separation of powers struggles, including the one over DAPA.”

It is a very good article that goes on and discusses other concepts, but Dan Stein had a good article regarding why *United States v. Texas* is the most important case the Court will decide this year.

According to Stein: “The Supreme Court has decided to review certain elements in *United States v. Texas*.” He goes further than that. He says: “The most dramatic of these actions were two programs designed to grant de facto amnesty and work authorization to an estimated 4.7 million illegal aliens. The first of these amnesties was an expansion of Deferred Action for Childhood Arrivals, or DACA—a 2012 executive action that has thus far benefited some 800,000 illegal aliens who arrived in the U.S. when they were under the age of 16”—or, at least I will add parenthetically, based on what I have observed at the border who said they were under 16. I have been there all hours of the day and night on the border and have been astonished be-

yond mildly, being amused that people who clearly could grow full beards would claim to be under 16. I have seen them in the middle of the night when a group of them would have to go through being processed by the Border Patrol reading their little pieces of paper they had and exchanging, and then each of them showing, this is what I have for identification purposes. I was amused how their identities seemed to be interchangeable because they could pass them among each other and decide which identity each wanted to take.

But this article points out that “U.S. District Judge Andrew Hanen issued a temporary injunction halting implementation. That injunction was subsequently upheld by the U.S. Court of Appeals for the Fifth Circuit. The Obama administration appealed that decision to the Supreme Court,” and they will hear arguments. That will be on Monday. “While Hanen’s injunction was based on the government’s failure to comply with the requirements of the Administrative Procedure Act, the High Court has indicated that it will also consider whether the executive amnesty programs violate the Take Care Clause of the Constitution.”

I also want to insert here, since I know the intellectual integrity and brilliance of Judge Andrew Hanen—I have not talked to him in a number of years, but when I read the order that he drafted, he could have just had a one-page, one-paragraph order implementing in the injunction, but it was lengthy and thorough, and I knew what Judge Hanen was doing, having been a judge and chief justice. I understood exactly.

There are times when you don’t want the lawyers, as smart as they may be, to misinterpret the actions you have taken, and you know that you are capable of writing a good law review article, as Judge Hanen was more than capable and by himself has won an award for a law review article. I knew, as a judge, what I suspected Judge Hanen felt in this case, this could end up before the Supreme Court, and I don’t want any misunderstanding or some court coming back down the way that says, oh, I probably meant this or I intended to do that when that was not my meaning and it was not my intent.

So Judge Hanen issued a very eloquent and lengthy order so that even some of the normal majority of the U.S. Supreme Court would have to really twist and abuse his words in order to get the wrong meaning of what he was doing. He laid out his legal basis. He laid out the facts, and he made very clear that both the law and the facts supported what he did and the reasons for which he did them.

So it should be a lesson. I know, as a judge, often it is easier when a litigant, prevailing litigant—the way it usually goes, they supply an order with their motion, with their petition for injunction. Here is the order. And it is a lot easier for a judge just to sign that and go on.

But on important matters, I hope other judges who truly appreciate the Constitution the way Judge Hanen does, will take the time to write their own order, as he did, and scrupulously so. And I certainly hope, Mr. Speaker, that come Monday, during and after oral arguments in this case, the Justices on the Supreme Court, some of whom may not be quite as smart as Judge Hanen intellectually, will at least give credence to the trouble that he endured in order to write his own order and make sure his legal reasoning was as clear as Judge Hanen made it.

Well done, good and faithful Judge Hanen.

□ 1230

This article says: “Under these two newly announced programs”—talking about DAPA and DACA—“nearly 40 percent of the Nation’s estimated 12 million illegal aliens would be granted legal presence and permission to work in the U.S. According to an analysis by the Migration Policy Institute, an organization that is generally supportive of President Obama’s immigration policies, combined with the 40 percent of illegal aliens covered by DACA, DACA+, and DAPA, the other policy directives issued by Secretary Johnson would have exempted 87 percent of all illegal aliens from enforcement actions.”

That is extraordinary. If the President doesn’t like the law, he says: I have the power to exclude certain people from prosecution and, hey, I can issue pardons in specific cases. So I am specifically making 87 percent of those illegally in the country legal.

We might as well pronounce the next President king or queen if they are going to have this kind of power.

Further down in the article, Mr. Stein says: “To the contrary, Congress has taken explicit actions to limit the discretionary authority of the executive in the area of immigration enforcement. In the Illegal Immigration Reform and Relief Act of 1996, which Congress passed and President Clinton signed, Congress indisputably intended ‘to prevent delay in the removal of illegal aliens.’

“Under the INA, Congress has enumerated two mandatory statutory responsibilities to the Secretary of Homeland Security: the ‘power and duty,’ to administer and enforce all laws relating to immigration, and the mandatory duty to guard against the illegal entry of aliens.

“Under the Obama administration, neither Secretary Johnson nor his predecessor, Janet Napolitano, have faithfully complied with these statutory responsibilities. In fact, through his acts of November 20, 2014, the Secretary has affirmatively shirked those responsibilities and blatantly attempted to substitute Presidential policies in the place of a comprehensive system of constitutionally enacted Federal laws that define who may

enter and remain in the United States and under what conditions.

“Needless to say, when the Supreme Court delivers its ruling in June, the implications for U.S. immigration policy will be profound. What is at stake is nothing less than the entire premise of more than a century of immigration policy: namely, the legitimacy of laws that restrict immigration in order to protect the social, economic, and security interests of the American people.”

Let me insert here. Let’s look at who is most harmed by these vast amnesty programs of millions of millions of people to compete with people legally in America for the jobs. You have got over 94 million Americans that are so tired of looking for work and being turned down for jobs, they quit looking. Perhaps some of those 94 million should be given the chance to have those jobs.

And, of course, knowing the way free markets are supposed to work, labor is paid what the free market would require. But you convolute the free market by bringing people in. And I do say bringing them in, because Homeland Security, as Border Patrolmen have told me, are called logistics by the drug cartels because they get them across the river, and then Homeland Security becomes logistics and ships them wherever they want to go in the United States. Or they may be so callous as to just give them a notice, whether they are a killer, as has happened here lately, and say: By the way, come back to court some time in the future, for which they, of course, do not return.

But in any event, the article concludes: “Even those Justices of the court who might agree with the President’s views on immigration policy generally should appreciate the precedent-setting decision they would be making by allowing the President to run roughshod over the constitutional separation-of-powers doctrine.

“Those who support granting amnesty to illegal aliens should recognize that a ruling in favor of his vast new claims to power to change the law would be a Pyrrhic victory. It would emasculate the abilities of Congress to set immigration limits and standards, and it would render the courts irrelevant in ensuring the enforcement of the very same.”

So this is a big case coming up. The Supreme Court also has heard oral arguments on whether or not the President can order the violation of deeply held religious Christian convictions and order folks like the Little Sisters of the Poor, who have dedicated their lives to poverty and helping those less fortunate.

If they want them to violate their religious convictions, as was made clear during oral argument, then the administration ought to be able to order any American, including churches, according to them, to violate their Christian beliefs. Because after all, they are the government. They work for the President.

Sure, they can order people to violate their Christian beliefs. For heaven’s sake, these people have no sense of history. They don’t even know that one of the things that just infuriated Americans and caused a revolution was a king believing that he could just order people to violate their religious convictions. That is why religion is the first thing mentioned in our Bill of Rights.

It has been so misconstrued, but the government was to never do what the King of England did when he ordered a new church. The Church of England is the official church. They never saw it as a problem to have different denominations agree to pray in the name of Jesus and to have the same type of prayers begin each day in the Congress and then, again, when we started our first congresses under the Constitution. That was never a problem. They knew they were not violating the First Amendment, because many of them helped craft it. We are not establishing a religion and we are not going to prohibit the free exercise thereof.

So the Court has this before it, with eight Justices sitting, after the untimely death of a real American hero, who has no doubt already heard, as John Quincy Adams said when he stood downstairs before the Supreme Court and prayed that the Justices of the Supreme Court that have already deceased would have already heard those words: Well done, good and faithful servant. Enter now into the joy of the Lord.

That is what John Quincy Adams said specifically before the Supreme Court in the hearing on the Amistad case downstairs when the Supreme Court was here in this building. I have no doubt Justice Scalia has already heard that. He has been a very faithful servant, standing up for religious liberty.

So we will see what the other eight Justices, do, and then we will see whether or not politics has become so extraordinarily the purpose of the Supreme Court rather than the Constitution. Because, clearly, there is information that is passed and gotten to the Supreme Court. Apparently it occurred during the decision on whether or not to extend the 24-hour hold on the bankruptcy order that violated the Constitution.

And God bless Justice Ginsburg when she put that 24-hour hold on an unconstitutional, illegal order. According to what one of the Justices told me—without going into detail—the White House submitted information *ex parte*, behind the scenes, that if they left that 24-hour hold in place, everybody that had any kind of job that related to the automobile industry would lose their job. And it would all be the Supreme Court’s fault if they left the 24-hour hold in place.

It certainly appears they got information that affected Chief Justice Roberts. It looked like he changed a dissenting opinion into a majority opinion in the ObamaCare case. This is

serious. And this will determine whether or not we are going to follow the Constitution.

I am so pleased to be here on the House floor with my friend from South Carolina (Mr. SANFORD), the former Governor.

Mr. SANFORD. I just want to borrow maybe 5 minutes worth of your time just to talk about this issue of Puerto Rico. You have touched on it in different ways. You were talking about constitutional issues just a moment ago, and I want to follow up on that thought because I think that what is occurring here has far bigger consequences than we may realize.

I would say that at a couple different levels. One is, Charles Dickens once talked about Christmas past, Christmas present, Christmas still to come. I think that this is a snapshot of Christmas to come if we don't watch out here in the United States.

As my colleague from Texas well knows, we are at a financial tipping point, the likes of which our civilization has never seen before. We have never before been at this level of indebtedness in a peacetime situation. We are, again, about to find ourselves between a rock and a hard place, which is very much the story of Puerto Rico, as it relates to their financial situation.

So you think about the number of 2025. In basically less than 10 years, we are only going to have enough money to pay for interest and entitlements and nothing else. You think about the way in which interest payments—by congressional budget numbers—are expected to balloon from around \$200 billion a year to \$800 billion a year and the fact that we are going to spend more on interest payments than we will on defense.

You can walk through a lot of different numbers that say that we are about to be at a profound, bad spot, which is, again, the way in which Puerto Rico, I think, is foretelling. It really talks about the fact that they went out, spent too much, obligated themselves too much, made promises they couldn't deliver on. And so we find ourselves in this pickle.

I would also say this. This is an exercise in free markets. If you think about the notion of free markets and what that means, what we would agree on as conservatives is that there are certain absolutes. On the rule of law and private property rights and market-based principles, Thomas Friedman talks about a flat world and how a kid in Texas or in South Carolina competes with kids in Shanghai or New Delhi in ways that they never did before.

So if you have a corporate rate that is too high, not surprisingly, corporations aren't going to come to your island. If you have a minimum wage that doesn't fit with the prevailing wage rate of that area, corporations or businesses, local and small, may not be able to start up and compete. If you think about so many of the different

building blocks that make for a vibrant economy, this is, again, a reminder of how important those things are.

And so I look at this and I am perplexed. I am really struggling with this issue.

I looked just a little while ago. Puerto Rican bonds are still trading between 65 and 70 cents on the dollar, even though we have a pure math trap, which is to say financial markets are still betting that, in some form or another, those bondholders are going to get bailed out.

So that is on the one hand. On the other hand, you look at the plight of the people in Puerto Rico, you look at what might come next. I empathize with leadership of how do you deal with this issue. But I want to go back to one thing that I think is central to both of us, and that is the rule of law.

I actually pulled up a general obligation bond. This was a 2012 issue, Public Improvement Refunding Bonds, Commonwealth of Puerto Rico, \$400 million in size. It says on the first page: "The bonds are general obligations of the Commonwealth. The good faith, credit, and taxing power of the Commonwealth are irrevocably pledged for the prompt payment of the principal and interest on the bonds. The Constitution of Puerto Rico provides that public debt of the Commonwealth, which includes bonds," whatnot, whatnot, whatnot. This on the front page.

□ 1245

The issue of what is occurring in Puerto Rico has everything to do with the sanctity of the rule of law in this country. It has far-reaching implications well beyond the 3½ million people that make up the Island of Puerto Rico but, really, the whole of the United States.

We have a municipal market in this country of about \$2.7 trillion in size. What comes next? Because, if they can change it in the front page of what was a \$400 million issue for Puerto Rico, can they change it for Illinois? Can they change it for California?

Obviously, territories and States are very different, but I do worry about the degree of precedent it sets, because what we are worried about is a public exodus from Puerto Rico. We are worried about a lot of different ramifications. Is that not true if Illinois was to end up in a real problem spot financially, in terms of what comes next?

So I think it has real implications there. I think it is a reminder of how important it is that we look at the ingredients of growth.

One of my problems with this bill is it is asymmetrical. The cram-down provision, section 3, is absolute and certain. The certainty of economic reforms on that island are not certain. It is asymmetrical in that form.

So I look at the Jones Act. I was in a transportation hearing yesterday, and it was pointed out that the cost of delivering a 20-foot container from the East Coast of the United States is dou-

ble the cost of what it would be to deliver that same container to the Dominican Republic or to Haiti.

I look at the corporate tax there. They used to have a very competitive corporate tax rate on the island of Puerto Rico. That Federal clause lapsed, and now they are not so competitive.

But why don't we have it in this bill? In other words, if we are going to have a cram-down provision, which really deals with the sanctity of law, general obligation bonds, what they do or don't mean, why wouldn't we have incorporated, as well, other provisions that could make the island more competitive, whether that deals with the Jones Act corporate tax—or, for instance, we have a bill on the minimum wage.

If you look at what has happened in American Samoa, or if you look in the Northern Mariana Islands, other territories of the United States, what we did as a Congress is to say: You know what? The prevailing wage of that region of the Pacific is not the same as what you would see in the domestic United States. Therefore, let's give them discretion in how they set their minimum wage.

Our bill says that same thing. The prevailing wage of the Caribbean Basin is not the same as you would see in the domestic United States. Why not give them that same option so that they can become more competitive as they compete with Haiti and the Dominican Republic and other neighboring islands down that way?

So I am going to continue to study this issue, but I am genuinely concerned about what it could mean.

I just want to take one second—can I take one more second—to read the cram-down provision because, in the bill, under title III, it incorporates 1129(b) of the Federal Code. Let me just read that so it is on the record.

"Notwithstanding section 510(a) of this title, if all of the applicable requirements of subsection (a) of this section other than the paragraph (8) are met with respect to a plan, the court, on request of the proponent of the plan, shall confirm the plan notwithstanding the requirements of such paragraph if the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under . . . the plan."

I could go on. It is Greek. It is written in legalese. But the point is this bill has an absolute cram-down provision, which is to open up new territory with regard to how territories handle debt, and I think we need to be very, very, very wary of that provision; and, at minimum, if we are going to include something like that, include whole-scale changes that would make the island more competitive so that they can, in fact, pay off their debts because, if you don't do anything to improve the economy, we are going to end up back in this same problem, whether it is 12 months from now or 12 years from now.

Mr. GOHMERT. The gentleman is exactly right. It seems like the big push is to resolve the issue of what is owed to the bondholders who invested money; and, apparently, they are the ones running commercials in some people's districts about, oh, don't do a bailout, because they want to get their full money on what they invested. I sure understand that.

But as my friend has pointed out, we can't be sure that there will be any reforms. I know some of our friends, we think, well, there is such massive unemployment. Well, one cure in some places to help with massive unemployment is to lower the minimum wage and get more people to work, and that is being suggested; but in Puerto Rico, I was reading that, for a typical family of three, if someone works a 40-hour-per-week minimum wage job, at the current minimum wage before it is lowered like some people are advocating, the take-home is under \$1,200. However, the welfare payments they would be entitled to, typically, on average, would be about \$1,800 a month; so sometimes lowering the minimum wage would be a solution.

In Puerto Rico, where—and of course I think it is totally appropriate and fair, as the Founders said: If they don't elect one representative to the body that makes taxes, then they have no right to make taxes on us. So, in Puerto Rico, which is also true of Guam, Samoa, the Mariana Islands, any territory where they elect a delegate or they don't elect a full voting Representative, because those come from the several States, they don't pay any Federal income tax.

So I had in my mind that, wow, Puerto Rico could be the American Hong Kong. They have all the Federal benefits. I read one estimate that 20 percent of all of the income made by people in Puerto Rico is actually welfare benefits, paid by people of the 50 States.

But some of the towns—I saw a chart—I think the highest was right at 46 percent of the local community work for government. And, you know, you have got communities, 28,000, 35,000, where 40 percent of the whole population works for the government. Something has to be done about that.

Our friend, fellow Republican Luis Fortuño, got elected Governor, and he could see the handwriting on the wall. We have got to get our government down and under control because, if we are going to expect anybody to help us at all, we have got to show we are able to take care of our own problems. He was promptly fired at the next election for trying to get the massive government bureaucracy under control. That hasn't been dealt with. There is no indication it will actually be dealt with.

President Obama will make all the appointments of the board we are talking about that will have oversight, but those will come from recommendations from Minority Leader PELOSI, Speaker RYAN, Majority Leader MCCONNELL, and Minority Leader REID; and the

President will make what will be the deciding vote on close calls. So there are no assurances that there is going to be reform in these areas.

As my friend, Senator INHOFE from Oklahoma, has pointed out, Puerto Rico had the only area, he was telling me, in the world where all of our military branches could come together and do tactical exercises, you know, storm the beach type of things. And that was taken away; and that land, 17,000 or so acres, is owned by the Department of the Interior.

Puerto Rico, apparently, is part of this deal. They don't want to sell any Puerto Rican land, but they are willing to let the Department of the Interior sell their land and give that money to Puerto Rico. So we are not giving them direct payments, but the Department of the Interior, part of this deal is going to be selling things.

Mr. SANFORD. If the gentleman would yield, and then I will leave it to you.

You hit on Luis Fortuño, and I do want to shout out, I worked with him in a former role in government, and you are absolutely correct. What he tried to do, I think, was brave in political terms, courageous, and he paid a price for it in the political world; but I think that the record will show that he was trying to do the right thing on that front.

I think also, what has happened here is a reminder of how, if everybody is in charge, nobody is in charge. And too much of what we see, again, I absolutely empathize with the plight that leadership finds themselves in in terms of: How do you manage these competitive interests of the need to have financial stability on an island like Puerto Rico, and how do you manage that with the precedent that it might set for other States and other territories and the overall notion of financial responsibility?

I see your time is about to wind up, so I am going to stop for you since it was your time. Thank you for letting me borrow a few minutes of it.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. MCCARTHY) for today on account of personal reasons.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, April 18, 2016, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5045. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerances [EPA-HQ-OPP-2015-0382; FRL-9944-34] received April 13, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New York; Update to Materials Incorporated by Reference [EPA-R02-2015-NY2; FRL-9935-51-Region 2] received April 13, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5047. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard [NAAQS]; Correction [EPA-HQ-OAR-2016-0098; FRL-9944-88-OAR] received April 13, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5048. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-088, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5049. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-148, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5050. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-107, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5051. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-061, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a memorandum of justification, pursuant to Foreign Assistance Act of 1961, Secs. 614(a)(3) and 652; Public Law 111-117, div. F, Sec. 7009(d); to the Committee on Foreign Affairs.

5053. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-133, pursuant to 22 U.S.C. 2776(d)(1); Public Law 90-629, Sec. 36(d) (as added by Public Law 94-329, Sec. 211(a)); (90 Stat. 740); to the Committee on Foreign Affairs.

5054. A letter from the Assistant Secretary, Legislative Affairs, Department of State,