able to provide, and has the potential to set our state back when it comes to economic recovery. In the most basic of terms, this is about ensuring people are fed, houses are kept, and jobs are available.

As you are aware, Nevada was the last state to emerge from the great recession. While we have made much progress since the height of the recession, our unemployment rate still remains above the national average, and our housing market has not fully recovered. And while Nevada's economy is once again expanding, a prolonged federal shutdown undermines consumer confidence and threatens economic growth nationally. Either of these outcomes endangers the tourism industry that is so important to our state.

Job creation and getting Nevadans working again has been my greatest priority since coming to office, and I know, as members of the federal delegation, it has been a priority of yours as well However, I am concerned that we may be forced to take steps backwards as the impacts of this shutdown unfold on the economy. While we do not know the extent of the impact, we know even in the best of times the economic impact of a government shutdown is felt.

I am also deeply concerned about the possibility of a disruption in services to our state's neediest. Whether it is child nutrition programs, SNAP benefits, unemployment insurance, or dozens of other programs, this disruption in service undermines the economic and nutritional security of Nevadans. Those who are struggling may go hungry or be unable to pay their rent or mortgage. These services are designed to help those who have fallen on the hardest of times. A disruption to these services will be devastating for some.

The state has the ability to cover the cost of some federally funded programs during the shutdown by temporarily allocating money that has been set aside for other purposes. However, we have no assurances that the federal government will reimburse Nevada for any costs that it assumes during the shutdown. It is difficult to make informed choices on how to proceed absent swift action from the federal government to provide clear directions regarding which programs will be made whole and which will not. At a very minimum, the federal government needs to address this uncertainty so the state can plan financially and manage its affairs responsibly.

The State of Nevada cannot be expected to assume the costs of federal programs. We built our budget in good faith with reasonable assurances regarding federal funding levels. To that end, I have included a summary of the shutdown's impact on the people of Nevada. I implore each of you to work together to resolve the issues in Washington and to honor the federal commitment to Nevada.

Thank you for your attention to this most important matter. As always, I am available to each of you should the need arise to discuss this further.

Sincere regards,

BRIAN SANDOVAL,
Governor.

RESPECT FOR OUR FALLEN HEROES

(Mr. HUDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDSON. Mr. Speaker, it has been 8 days since the government shut down. The postal service is still running. Social Security and unemployment checks are being processed. Citizens can get passports and food stamps, and certain groups that have the right ideology are even given permits to protest on our National Mall; but for some reason, our military families, including those at Fort Bragg in North Carolina, cannot receive emergency death benefits.

This is worse than excusable. It's shameful.

Last week, Congress unanimously passed the Pay Our Military Act, with the intent that all military pay and allowances will be disbursed during the government shutdown. Unfortunately, this administration has been playing political theater with the families of our war heroes who have made the ultimate sacrifice.

To make our intent crystal clear, today the House passed the Honoring the Families of Fallen Soldiers Act. Certain things should transcend politics, and it is up to the Senate and the administration. In fact, they have a moral obligation to join the efforts of the House to fix this problem and to express our deepest gratitude to the families of our heroes.

CONSTITUTIONAL DUTIES

The SPEAKER pro tempore (Mr. LAMALFA). Under the Speaker's announced policy of January 3, 2013, the gentleman from Florida (Mr. DESANTIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. DESANTIS. Mr. Speaker, I rise today to discuss an issue of increasing relevance to our national affairs and to constitutional government properly understood—and that is the requirement that the President faithfully enforce the laws of the land and the failure of the current incumbent to satisfy that obligation.

The Constitution sets out a simple yet effective structure: the major powers of government—legislative, executive, and judicial—are divided into three separate branches of government. The legislative branch—the Congress—passes laws, makes law; the executive branch—the President—enforces law; and the judicial branch—the Supreme Court and inferior courts—interprets laws.

Article II, section 3 of the Constitution imposes upon the President the duty to ''take care that the laws be faithfully executed.'' This duty has roots in Anglo American law dating back to the Glorious Revolution of 17th century Britain. In fact, the English Bill of Rights of 1689 provided that:

> The pretended power of suspending laws, or the execution of laws, by regal authority, without the consent of parliament, is illegal.

For his part, the Founder of our country, George Washington, saw the faithful execution of the law to be one of the President's core responsibilities. In a letter to Alexander Hamilton, then-President Washington explained that the Constitution's ''take care'' clause meant:

> It is my duty to see the laws executed: to permit them to be trampled with impunity would be repugnant to that duty.

The duty of the President to ''take care that the laws be faithfully executed'' is a central component not simply of the executive branch of government, but to the entire constitutional system.

□ 1445

Yet the conduct of the current incumbent has evinced a disregard for this core constitutional duty. By picking and choosing which laws to enforce, the President has undermined the constitutional order and has failed to keep faith with the basic idea that ours is a government of laws, not of men.

Now the most conspicuous vehicle for the President's disregard of the Take Care duty has been the implementation of the law that bears his name—the Patient Protection and Affordable Care Act, aka ObamaCare.

Now, it is interesting that of all the arguments that have been put forward to counter those who seek to defund, delay, or repeal this law, the one that ObamaCare supporters have embraced most frequently as of late goes like this: ObamaCare is the law of the land and has been upheld by the Supreme Court; therefore, it cannot be repealed, defunded, or delayed.

Now, this is a nonsensical argument on its face. Congress has the authority to legislate, per article I of the Constitution, and can amend, supercede, or repeal ordinary legislation as it sees fit. But this argument is particularly rich regarding ObamaCare. Because if this law is somehow sacrosanct, then why is the President not enforcing it as written? It is untenable to assert that Congress cannot change the law through legislation but that the President can delay or waive provisions of the law by executive fiat. Exhibit A for this, as it relates to ObamaCare, is the President's unilateral decision for 1 year to delay the enforcement of the so-called employer mandate, a central provision of ObamaCare requiring most businesses to provide government-sanctioned insurance to their employees.

Now, section 1513(d) of that law states that the employer mandate ''shall apply to the months beginning after December 31, 2013.'' Note the statutory command of ''shall.'' This is not discretionary, and there is no provision of the law permitting the Executive to delay it.

Incredibly, the President has not offered any coherent rationale for his actions. He was asked in an interview with The New York Times whether his critics were justified in asserting that he lacked authority to delay the mandate. He responded by saying:

> If Congress thinks that what I've done is inappropriate or wrong in some fashion, they're free to make that case. But there's not an action that I take that you don't have some folks in Congress who say that I'm usurping my authority. Some of those folks think I usurped my authority by having the gall to win the Presidency. And I don't think

that's a secret. But ultimately, I'm not concerned about their opinions—very few of them, by the way, are lawyers, much less constitutional lawyers.

In other words, the President doesn't care what Congress thinks, as elected Representatives of the people, and feels no need to justify his official conduct.

Now, a couple weeks later he was asked again about this decision to unilaterally delay the mandate, and he said, look, he ''didn't simply choose to delay this on my own'' because the decision was made ''in consultation with businesses all across the country.''

Now, I have searched the Constitution in vain for the provision allowing the President to suspend article II, section 3 of the Constitution so long as he consults with business, but I have not found it.

What is even worse, though is that the President further justified his conduct by stating:

In a normal political environment, it would have been easier for me to simply call up the Speaker and say, you know what, this is a tweak that doesn't go to the essence of the law. Let's make a technical change of the law. That would be the normal thing that I would prefer to do, but we're not in a normal atmosphere around here when it comes to ObamaCare.

That's the end of the President's quote.

Now, this is absurd. The Constitution doesn't relieve the President of his duty to faithfully enforce the law simply because the political environment is difficult. Second, the President didn't, in fact, need to call the Speaker, because a couple weeks before his comment, this House voted 264–161—with 35 Members of the other party voting ''yes''—to delay the mandate by law for 1 year. Most of us in the House actually think that, as a matter of policy, the employer mandate is bad for the economy. The President responded to our request to delay the employer mandate by threatening to veto the bill.

Now, with respect to the employer mandate, the emperor truly has no clothes. The unilateral delay of this mandate is not consistent with the Constitution's Take Care clause and is an abridgement of Congress' constitutional duty to make the law. The separation of powers is designed to ensure a government of laws, not of men. This President is content to be a law unto himself.

Now, the employer mandate delay is not an exception that proves the rule, unfortunately. Far from it. The entire enterprise of ObamaCare implementation has been an exercise in the administration picking and choosing which provisions to enforce and which provisions to delay or waive. Rather than implement the law as written, the President is rewriting the law as he goes along.

The following list represents a pretty impressive display of this lawlessness:

ObamaCare contains a statutory cap on out-of-pocket health costs, yet the President suspended this provision, most likely because he feared it would lead to health insurance premiums rising even more than they already are.

Second, the law requires the State-based ObamaCare health insurance exchanges to verify whether applicants for exchange subsidies qualify for subsidies based on their income level. Yet the President suspended this requirement, thereby allowing taxpayer money to be handed out based on the ''honor system''; and we know that it's going to hit the taxpayer more than if you actually enforce the regulations.

The plain text of ObamaCare also provides that subsidies can only flow through State-based exchanges, yet the President's IRS is disregarding this requirement and is allowing subsidies to flow to Federal exchanges.

So this is creating, I think, a patently unjust scenario: The law imposes substantial burdens on society as a whole, but those with political connections—employers, insurance companies, what have you—are granted delays and/or waivers from the law's burdens. This is precisely contrary to James Madison's admonition in the Federalist No. 57 that there should be ''no law which will not have its full operation on the political class and their friends, as well as on the great mass of society.''

The most egregious example, though, of political favoritism via executive branch lawlessness has got to be the illicit bailout for Members of Congress with respect to congressional health plans. Now, when the bill was being debated several years ago, the American people were told we have to pass the bill to find out what is in the bill. And sure enough, the law contained all sorts of surprises, including an interesting provision regarding health care for Members of Congress.

Now there is broad agreement among analysts who have looked at the effects of ObamaCare that the law's structures and incentives will cause millions of Americans to lose their employer-provided coverage and get pushed into these health care exchanges. The only dispute really is how many millions of Americans will suffer this fate. The Congressional Budget Office said 7 million. Other analysts have said it's going to be tens of millions of Americans.

Perhaps recognizing this possibility, one section of ObamaCare makes Congress eat its own cooking. The idea behind the provision is that, because ObamaCare will upend the health care arrangements of other Americans, Members of Congress and other political insiders should be placed in exactly the same position as their fellow citizens whom they have burdened, and thus Members of Congress must go and get insurance through these ObamaCare exchanges. No more gold-plated plans for Washington, given Washington is having a negative effect on other Americans.

Now, one can search the health care law in vain for any provision providing Members of Congress taxpayer-financed subsidies for use on these ObamaCare exchanges. It's just not there. In fact, as Politico reported, the Office of Personnel Management initially said that lawmakers and staffers couldn't receive subsidies once they went into the exchange because there was no authority to give them subsidies. This is probably also because any other American who loses their health coverage and goes into the exchanges is prohibited from getting a tax-excludable employer contribution.

This state of play didn't sit well with a lot of Members of Congress. So after being lobbied by Members of both the House and Senate, the President pledged to ''fix the issue.'' He ordered OPM to reverse course and grant unique taxpayer subsidies to Members of Congress and other Washington insiders—again, without having a statutory authority to do so.

So this is a lawlessness in service of liberating Members of Congress from having to live under the terms of the laws that they impose on others, And this is creating all sorts of problems of fairness and equity.

I think the Founding Fathers had it right when they said that the President did have a duty to take care that the laws would be faithfully executed. And that word ''faithfulness'' means something. Yes, you have discretion as an executive to enforce laws to a certain degree or not, depending on the situation. That is a natural aspect of prosecutorial discretion. But the idea that you can just supercede or delay laws by executive fiat is something that's foreign to our constitutional tradition.

I'm going to yield in a second to the gentleman from Oklahoma, but think about this: Had Mitt Romney won the 2012 election and he came in and started delaying or waiving parts of ObamaCare with impunity and with no congressional authorization, can you imagine the uproar that we would be hearing from the press and from our friends on the other side of the aisle? I think it would be very loud in here if that were the case.

At this time, I thank my friend from Oklahoma for coming, and I yield to him.

Mr. BRIDENSTINE. Well, I really appreciate it.

I would like to thank the gentleman from Florida (Mr. DESANTIS), who has been such a great leader on constitutional issues in this body. And I'd like to say that, here you have a gentleman who went to Yale undergraduate and he played baseball. He got a law degree from Harvard, and then he decided to join the United States Navy. He has served bravely in the United States Navy as a JAG officer, and now he's serving in the United States Congress. So if there is anybody in this body who has the credibility to discuss these constitutional issues, it is my good friend from Florida, RON DESANTIS. And I appreciate your leadership on these issues.

When you think about the constitutional process, Mr. Speaker, there is one particular issue that is near and dear to me, that is near and dear to my constituents, that we have seen this body go through earlier this year, and that is the issue of gun control. I think it was back in April. The President had an agenda and HARRY REID had an agenda, and their agenda was to outlaw certain types of guns. These guns didn't operate any differently than other types of guns; they just looked scary, so they wanted to ban them.

Interestingly, that effort died in the Senate and it never came to the House of Representatives. So then they started another effort, and that effort was for what would eventually be a national gun registry. They called it ''universal background checks,'' but ultimately it would be a national gun registry, and that effort died in the Senate.

Now, the constitutional process, if the President wants his agenda enacted, he needs to go to the United States Senate or the House of Representatives and pass a law, in a bicameral process, and eventually it needs to go to his White House for signing. Ultimately, this bill did not have the will of the American people. This bill did not have the desire of the Members in this body to pass that bill. So what the President did recently—which I believe is egregious—is he decided to enter the United States of America into an international treaty to accomplish the very objectives that the House of Representatives and the Senate had rejected, and that's the United Nations Arms Trade Treaty.

Under this treaty, anybody who purchases a gun internationally—if a gun comes from another country, maybe a Glock from Austria—well, then you have to enter into an international database. You have to enter your name and your address and your phone number. There will be an international database of anybody who buys a gun that was ultimately produced in a country other than the United States.

And let me be clear about this, because I've talked to a lot of gun manufacturers. Many parts of many guns are not made in the United States. You could have a handle that's made in China. You could have a trigger that's made in Mexico. If you look at most of the guns that are made in the United States, major parts of them are made elsewhere, which means that we are going to have a national gun registry that will have an international body overseeing our national gun registry per the United Nations Arms Trade Treaty.

Now, for the President of the United States to have an agenda item that doesn't get through the Senate, that doesn't get through the House of Representatives, that never comes to his desk for signing, that he is ideologically committed to this—which is a violation of the Second Amendment of the United States Constitution—for him to then enter into a treaty, an international treaty where there will be an international body responsible for overseeing this treaty, to me, is an egregious lack of leadership and certainly violates the intention of the Constitution. The President knows full well that the Senate will never ratify this treaty.

And this is another important point, I think. The President has had other agenda items. He wanted to sign us up for other treaties—the United Nations Convention for the Rights of Children, the United Nations Convention for the Rights of Women, the United Nations Convention for the Rights of the Disabled. There are all these conventions, and they're all seemingly very good conventions; but what I would say is this: The United States of America has laws, and those laws are far more stringent than these treaties.

□ 1500

For what purpose would we sign on to a treaty when our laws themselves are stronger at adhering to the principles that these treaties are trying to promote? Why would we sign on? Why would we turn over our sovereignty to an international body? I personally don't understand it.

The United States is a leader in the world. We can lead the world by example, but signing over our sovereignty so that there will be an international body that comes in and inspects our country because the President has an ideology that he couldn't get through the House, that he couldn't get through the Senate, that ultimately these treaties were not going to be ratified by the Senate, I think it is egregious.

Certainly the Second Amendment of the United States is, quite frankly, not up to debate by foreigners, and it is not up to debate by foreign bodies. Foreign governments cannot come into the United States and force us to overturn our own constitutional amendment—the Second Amendment.

That is, I think, another example of where this President has overreached beyond his constitutional authority in certainly passing laws—not actually passing laws, but creating treaties because he can't get his laws passed—that would violate our Constitution.

Mr. DESANTIS. I thank the gentleman from Oklahoma. Thank you for those comments, and thank you for the service that you have given to the country, here in the Congress, but particularly as a naval aviator flying more than one platform—the E–2D Hawkeye and then also the F–18 Super Hornet.

You have been deployed in harm's way numerous times, and you speak with a great deal of authority, not only on these issues, but on issues related to national security. I think it has been great that the gentleman and I have had a mutual pact to be supporting our blue-water Navy because there is no other weapon in the world like it when you can move a carrier 90 miles off somebody's coast and project power.

With that, I would like to recognize another one of my colleagues, the gentleman from Oklahoma (Mr. SALMON), a guy who has been here before, he has walked the walk, and one of the few guys who will tell you what his principles are and will come here and will actually put those principles into action. He did it in the '90s and he is doing it again.

Mr. SALMON. Thank you very much.

First of all, I want to say what an honor it is to be sharing the dais with two such distinguished gentlemen who have given up their careers and sacrificed countless hours with their families to come to this body and not, as has been done before, be willing to ''kick the can down the road''; coming to make real change; coming to try to get our arms around the real problems that are confronting our society and us as a Nation.

I would like to say that it is just a debt crisis, that it is just funding for our government. But I think we all know it is much more than that. It is about the freedoms that we hold. It is about everything that we hold dear—everything that every military person for the last 240 years has fought to defend—and that is the freedoms that our Founding Fathers envisioned when they started this great experiment. We don't want to let that experiment die.

I am so honored to be able to serve with two gentlemen that take this seriously and are willing to do more than be politicians and risk those political careers to actually do what is right. What a novel idea for Washington, D.C.

I would like to talk just a little bit about the genesis of the President's health care law when we talk about the constitutionality. They cooked this thing up at a time when they knew that time was running short. A new Senator had just been elected from Massachusetts, so they had to act very, very quickly, or they wouldn't be able to get by the cloture vote. That is why NANCY PELOSI ended up saying, we have to pass it before we know what is in it and then we can read it afterwards, because virtually none of those Senators actually read it.

That is why I understand Wolf Blitzer just came on today and said: Mr. President, why don't you postpone ObamaCare for a year?

Why? Because we have seen over the last week it is a failure. Its roll-out has been catastrophic. We want to stop the hemorrhage and help the American people.

How did the bill eventually become a law? It happened because they did a ''strike all'' on a bill that was originated in the House. But they did a ''strike all'' with language that had nothing to do with the original language.

Why is that important? Because in the Constitution there is a provision called the origination clause. That stipulates that any revenue bill has to originate in the House of Representatives. It has to. That is a requirement

for the Constitution, but this bill actually started in the Senate—ObamaCare started in the Senate. So constitutionally from day one it started out on shaky footing. They violated the Constitution right out of the shoot.

Now, let's fast-forward to where we are today. Congressman DESANTIS, you have done a marvelous job describing some of the inconsistencies and the breaches of the Constitution that this President has done in actually changing his own law. We say it is his own law—it is Congress' law. It is a law that a President can't enact in and of itself and he can't change in and of himself. We don't have a line-item veto anywhere. The President can only change the law if it goes through Congress first. So like you said, Congressman DESANTIS, he arbitrarily changed the date in the law from one year to the next, and you can't do that.

I have heard from the Democratic Party time and time again—the folks on the other side—that they can't support this pathway that we have been going through in the last week of putting bills up on funding various aspects of government, like funding for NIH and kids with cancer or funding our veterans or funding our national parks. They say that that is a process of creating winners and losers, and they can't have any part of that.

Well, what is President Obama doing when he is giving breaks to Big Business and to Congress, but he is not giving them to every other American when it comes to ObamaCare? Isn't that creating winners and losers? I think it is a tad hypocritical of them to even raise that specter.

But I want to talk for a little bit about what has happened in the last week and a half. Because while the President is very willing to exceed his constitutional authority to do certain things, when he does have the constitutional authority to do something, he doesn't do it.

What am I talking about? I am talking about what has happened over the last few days with the bill that we passed last Saturday before the shutdown funding our military, the Pay Our Military Act. It was clear in that bill, that very succinct bill, that they had the power to pay all of our military folks, including all of our civilians, and that they could go ahead and take care of the death benefits for these widows who have lost their loved ones in war. That was very, very clear. They had that ability all along.

So what does the President do? He wants to use this for political leverage and make this as painful as he possibly can. So what do they do? They furlough several hundred thousand civilian workers within the military, just so they could ratchet up the pain and make it a little bit tougher on the Republicans.

Then what happens? About a week later Chuck Hagel, the Secretary of Defense, comes out and says, Oops, my bad. I guess we had the power all along.

Wasn't that what we have been telling them all along? You have the power to go ahead and keep these people at work and not disrupt, but they did that for political gain so that he could make it as painful as possible.

One other example: in my own State, in Arizona, we have one of the greatest national parks, the Grand Canyon. It is not only a wonder for the entire world, but it is also a wonder for our economy. We have folks that are doing river raft trips, folks that do excursions and hikes down through the Grand Canyon; but they run into a closed park.

Well, let me tell you something: I was here during 1995 when we had that last government shutdown. And guess what? We had a Democratic President. His name was Bill Clinton. We had a Republican Governor, just like we do in Arizona right now. His name was Fife Symington. What happened with the government shutdown? President Clinton worked with our Republican Governor, Fife Symington, to allow them to use private and State resources to keep the park open.

So our Governor, Governor Brewer, writes a letter to President Obama thinking that he might be somewhat similar in nature to President Clinton as far as being willing to negotiate. I mean, these are people's lives on the line. What did they get? A big fat zero—no way, you can't open it.

We have seen that time and time again. We have seen it on the National Mall that when certain groups of people want to come and take a look at the monuments or go into the National Mall that, no, the government is shut down, you can't come in, everything is shut.

But yesterday, what happened in the National Mall? Fifteen thousand people came for a protest on immigration reform, and they opened up the National Mall.

It is a disturbing pattern. If you agree with the President and his policies, we are going to do everything within our power to use government to help you get where you need to be. If you disagree with me, we are going to use our government to bludgeon you and use it as a tool to further our political agenda.

That has happened with the IRS when it comes to the nonprofit status of various organizations. It happened with our Capital Mall and our Capital monuments.

All I am saying is that I find it so incredulous that the President is willing to overstep his boundaries and unconstitutionally do things through executive order, and yet when he has the power and we have given him the power he is not willing to do it. I find those inconsistencies extremely disturbing and a little bit Machiavellian.

I would hope that the President would look at what we are trying to do through this process. We have a responsibility to the people that elected us to make the laws as good as we possibly can.

The last proposal that we put on the table was that we would delay the individual mandate so that every American—as you said, Mr. DESANTIS—every American could get the same deal that Big Business with their great lobbyists here in Washington, D.C., got and that Members of Congress got. They would get the same consideration.

The other part was that we would make sure that Congress lived under the same laws everybody else has to. A pretty commonsense approach, so much so that multiple Democrats agreed with us and voted with us to pass that and send it to the President. But what did HARRY REID do? He shoved it in his draw at the behest of President Obama.

It is time to stop these reckless games. Mr. President, you have already shown that you are very willing to use your executive powers far beyond your scope of authority given you in the Constitution. Is it unreasonable for us to ask you to use your powers when you are given them to do the right thing?

Mr. DESANTIS. I thank the gentleman from Arizona for those great comments.

I think he brings up a great point about the funding bill that was sent the day before the fiscal year ended was not demanding that the President fully repeal the health care law; it basically had two very reasonable policy asks:

One, that Members of Congress live under the exact terms of the law that they passed and not get any type of special unauthorized treatment; and then

Two, that individuals be given the same courtesy that the President gave to Big Business.

That was very reasonable. The press hasn't really reported that. That is not really the way they framed it. I am not surprised at that. But that is a vote—by standing beside the Senate majority leader, all those Senators who did that—that is going to be a vote that is going to reverberate into the future.

I think it is interesting because when we are talking about the proper constitutional authority of the President, our primary means to check the President is the power of the purse. That is basically what we are doing in terms of we are sending the funding bill, but we are saying, look, we cannot afford to continue going with this disparate treatment throughout society. You have got to treat everybody the same.

Mr. BRIDENSTINE. Will the gentleman yield?

Mr. DESANTIS. I yield to the gentleman from Oklahoma.

Mr. BRIDENSTINE. I just wanted to ask you a quick question, which is, when you consider the fact that the media reporting is very different from what I have perceived in this body as a Member of Congress, I am more astonished every day at how the media reports the story. But the very last ask that we made before the government

shutdown was about 1 o'clock in the morning, so I guess technically the government had been shut down for about an hour. That very last ask was simply a meeting. It was simply a conference so that people on their side and people on our side could come together and discuss ObamaCare and some of the problems that we have with it.

Now, when you talk about the Constitution and the constitutional process that we have and you have divided government—I would like to ask the gentleman from Florida—is that not a perfectly reasonable adult way of handling disputes?

□ 1515

Mr. DESANTIS. I thank the gentleman for the question. That is not only an adult way, that is exactly the way that the Founding Fathers envisioned it. James Madison, when he wrote about the different branches of separation of power, checks and balances, he said:

> Ambition must be made to counteract ambition.

So you have an executive that gets beyond their scope, he expected the legislature to check that. So in this instance, we are saying, Wait a minute, you can't unilaterally delay the law for business, but then leave the rest of the American people holding the bag. You can't let Congress, the people who are imposing this law upon others, get out from under the exact text of the law. So in that sense, that's exactly the way the system is supposed to work.

Now he has a different view of, basically, the Congress needs to do what he decrees, and then he will grant Congress the courtesy of actually discussing issues with them. That would probably not have gone over very well with the Founding Fathers.

I want to just make another point because the gentleman from Arizona brought up how ObamaCare was passed and kind of the genesis of it. Some of our friends on the other side of the aisle that say, How can you guys be talking about this, it's the law, move on, not giving any credence to the 50 to 55 percent of Americans who are being negatively affected by it. But if you compare how that law was passed compared to any other major piece of legislation, I pulled some interesting numbers. Social Security in 1935, in the House of Representatives, 96 percent of the Democrats voted for it, 81 percent of the Republicans voted for it. The interstate highway system under Eisenhower, 93 percent in this body voted for it, 98 percent of the Republicans in this body voted for it. The Civil Rights Act of 1964, maybe the most important piece of legislation in the 20th century, 61 percent of the Democrats in the House voted for that piece of legislation, 80 percent of the Republicans in the House voted for that piece of legislation.

Even 1981, the Reagan economic program, in the Senate, 78 percent of the Democrats voted for Reaganomics, and 98 percent of Republicans voted for Reaganomics. When the gentleman from Arizona was here when they did welfare reform, you had a unified Republican Party joining with a number of Democrats and a Democratic President. So when you have this bill that never received any support from the other party and that rests on all these broken promises about your health care is going to decline by $2,500 a family, you can keep your plan, keep your doctor, we know none of that is going to be true.

I just want to ask the gentleman from Oklahoma, yield to him because he and I had been discussing the idea of the President's responsibility to enforce border security and enforce laws related to immigration. I yield so you can discuss that.

Mr. BRIDENSTINE. I appreciate that, and it is perfectly appropriate that we have the gentleman from Arizona here as well. The gentleman from Arizona, and when you serve in this body, you get to meet a lot of very interesting people that have done amazing things in their lives. The gentleman from Arizona who we heard from earlier had an opportunity to serve in this body back in the 1990s, and then he left. He had a term limit pledge. He honored his term limit pledge. And then he came back recently as a newly elected freshman with the rest of us, and it is an honor to serve with him. But in that hiatus when he was back in Arizona, he ran for the governorship of Arizona, and he darn near won. Interestingly, he ran against the person who won, who was Janet Napolitano, who became the Secretary of Homeland Security here in the Obama administration.

I would like to discuss some things about why it is so important for me personally. I am a Navy pilot, as the gentleman from Florida said, and I have flown combat. But interestingly, I have also flown counterdrug missions in Central and South America. And I can tell you without a doubt that the drug cartels that we fight down in Central and South America, they don't try to get the drugs into the United States of America anymore. Their only objective is to get the drugs to northern Mexico, where they are vertically integrated with gangs and other cartels who bring the drugs across the border without a hitch. Now, because we have these drug wars in northern Mexico—and, by the way, there are over 100,000 people who have been killed in the last 7 years in these drug wars in northern Mexico, but that exists because we have an open border policy on the south side of the United States.

So if you were to hand a 16-year-old kid a backpack with $1 million worth of cocaine and you say to him, Hey, go across this border and get to that point, you're going to be very well rewarded. A 16-year-old kid will do that in many cases in these impoverished areas in northern Mexico. Interestingly, another 16-year-old kid will see that backpack and want it for himself, and the next thing you know, you've got one killing the other, and then you get a third killing the second. And then you have these gangs form, and this is how you get to a point where you have cartels and gangs that are killing not only each other, 100,000 people, but they are also killing judges. They are killing police officers. They are killing politicians. And on top of it all, they are not just transporting cocaine, they are transporting young girls in the slave trade. And they are transporting weapons. This is happening in northern Mexico just south of our border. Mexico is on the brink of a failed state because of this, and it is the direct result of an open border policy.

Now the Secretary of Homeland Security, former Secretary of Homeland Security Janet Napolitano has been on record. What does she say? She says that the border is secure. That's what she says. I have just got to tell you that I know firsthand that it's not. And the people who live in Arizona know that it's not. The people who live in Texas know that it's not. The border is not secure.

But here's what we have done in this body. We have passed laws to secure the border. Has the border become secure? No. Have thousands of people died since those laws have been passed because we haven't secured the border? Yes.

The President's job per the Constitution is to faithfully execute the laws, not pick and choose which laws he wants to follow based on political preference, which is what he has been doing.

So if it is all right, I would like to yield to the gentleman from Arizona. You have been near and dear to this for a very long time. If you have some comments, I would love to have you share them.

Mr. SALMON. I thank the gentleman from Oklahoma. Yes, it has been something that we have been dealing with in a very up close and personal way.

As a matter of fact, about a month and a half ago, I had the good fortune to meet with Arizona's adjunct general. He's over the National Guard for Arizona. He was finishing up his term in office, and I said, Sir, what is your biggest concern when it comes to possible terrorist activity here in Arizona? We don't have a lot of the national weather pattern problems like they do in other parts of the country, like hurricanes and tornadoes. We have some dust storms every now and then, and we have had some terrible fires. But I was truly interested, and I wasn't trying to lead him in any direction. But he said, without a doubt, the thing that keeps me up at night, the thing that worries me more than anything is the porousness of our border, and the fact that about 15 percent of the people that we apprehended last year were not from Mexico. Many of those people were from the Middle East. What I worry about is because it is so lax and

so easy to get across our border, that some terrorist is going to be able to get across the border with a suitcase bomb and detonate it and a lot of people will be injured or killed. That was his big concern.

So then I had an opportunity to sit down with some of our ICE people that are stationed in Arizona. They are the ones responsible for interior enforcement. I had a long conversation with them. You know what they told me? They said, You know, we don't need a lot more assets to get the border secured; what we need is for this administration to enforce the law. We need them to let us do our jobs. We are law enforcement people. We see the law very, very clearly. We know what the laws state, but our hands have been tied by this administration. They won't let us do our jobs.

He then proceeded to tell me that we have done these surveys on a regular basis to try to determine where employee morale is at, and they said it's at an all-time low ever since they've been doing these surveys right now within ICE, especially in Arizona because they feel they are not empowered to do their jobs, and they wonder, what am I doing here. Many of them want to be transferred out or just kind of, you know, march in place and do their time and get out as soon as they can, but the morale is terrible. These are honorable, decent people who want to do their jobs.

The other side would have you believe that no, this is just about some honest people who want to come across the border and get jobs in the United States and take care of their families. It's not just about that. As we saw with Brian Terry, with the gun smuggling, Fast and Furious, guns are being smuggled across the border, drugs are being smuggled across the border, and unsavory characters who have bad ideas on what they want in the United States are coming across the border, and one day the piper is going to have to be paid. So the border is far from being secure. We have the ability to do it, but this administration will not let them do their jobs.

Mr. DESANTIS. Thank you for that. It's interesting. As you bring up former Secretary Napolitano, that brings up the Presidential appointment and confirmation process. The Constitution provides for Cabinet officers and judges, that the President will nominate, the Senate votes to advise and consent to confirm, and then at that point they can become appointed and fill the office.

There is also another provision in article II of the Constitution, in section 2, involving what are called recess appointments, and it says:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

This made a lot of sense at the time, especially because you'd be in session, people lived all over the country. They'd take a horse-drawn carriage to get to Washington and back, so the Senate may be out for months and months. The Founders didn't want government ground to a halt. It's been used more recently if the Senate is on a recess, the President can kind of strategically figure that out and appoint somebody who might not otherwise be confirmed. Well, what this President did was a step further than that. He actually said that if the Senate says that it's not in recess, if they are just adjourned for say a day, a couple days and they are having pro forma session, that that doesn't actually count as a recess in his judgment and he can go ahead and do recess appointments, people to the National Labor Relations Board and the Consumer Financial Protection Board that would not otherwise be able to be confirmed. A lot of people cried foul about this, and it actually got tied up in the courts. Normally, we have to check some of these things, but there was somebody who had standing to bring a lawsuit. It has gone to two different Circuit Courts of Appeal and they both said, Look, the President can't just unilaterally determine when the Senate is in recess. The Senate is either in recess or they are not. If it is just that they go to sleep at night and come back the next morning, the President can't wait until midnight and just thrust somebody into office. So both of those courts have said that the President has overstepped his authority by shoving these recess appointments in office while the Senate was not in a formal recess; they were just adjourned within that term of service. And so I think the Supreme Court is going to hear that this time. I think they are definitely very likely to agree with those courts and say if the President can determine when it is a recess, then the whole idea of advise and consent gets swallowed up by the exception, and that's just not something that's going to work.

The gentleman from Arizona is interesting with his history because I listed some major pieces of legislation and how they all got broad bipartisan support. And the last one I mentioned was the 1996 Welfare Reform Act which Congress basically passed. It got vetoed and passed again, and finally President Clinton signed it. And the core of that, as I understand it, was that you would actually try and incentivize work instead of dependency, and so it had work requirements for able-bodied folks. I think the results of that were very, very positive. It essentially changed the incentive structure and actually gave people hope to get off dependency and into a productive life.

I yield to the gentleman from Arizona because the President has basically watered down those work requirements unilaterally, and I think that will have a negative effect.

Mr. SALMON. I thank the gentleman from Florida. Yes, I was right in the middle of all those debates. As a matter of fact, before I came to Congress, the Arizona Legislature, which I was part of, actually passed a bill called Workfare, which was very similar to what we passed in 1996. It recognizes the idea, I think the truth, and there is an old Chinese proverb: If I catch a fish for you, you'll have food for a day. If I teach you to fish, you'll have food for your life.

That was the model we tried to employ, and that was that people have to work. They have to give something back for the welfare payments that they are given. It was called Workfare, and that is what we decided to do here in the Congress.

And it did one other thing, Congressman, that no government program can or normally does really do, and that is help instill dignity in people. I think one of the things that has really broken our country is that we have become this welfare state, a bunch of dependents across the country. I think that giving somebody the opportunity to be able to give something back actually helps preserve, I think, the human spirit. We all want to feel like we have some worth, that we have some relevance to society. And the old traditional welfare program is almost like we'll pay you to stay out of society. We'll give you just barely enough to subsist, but you stay out of society. And that's the message, subliminally or otherwise, that it gives to those people.

□ 1530

We don't really have much to offer you. You don't offer much value to society, so we will pay you to stay home. We thought of a different idea, I think a vastly more compassionate idea, and that is to have people be able to give something back so they didn't get something for nothing. Also, along the way, they actually got skills and abilities that they didn't otherwise have so that they could learn how to work, they could learn how to hold down a job.

That was one of the key components of the welfare reform that we passed in 1996, that while we send that money out to the States, that there are work requirements. I think that's reasonable. You don't get something for nothing. You have got to get out and help pull the wagon instead of having everybody cart you around. That's reasonable.

What did this President do the moment he got in office? He started through executive orders granting waivers to each of the States, getting rid of those work requirements. Again, that was a law that was passed in 1996, signed by President Clinton, and the President coming after changes the terms of those laws. To me, as far as I am concerned, not only is that lawless, it is foolish, because it is hurting the very people he purports to help. I believe that rather than helping them, it is keeping them down.

Mr. DESANTIS. I thank the gentleman from Arizona for that.

You mentioned just as the President came into office, and I remember the first thing, and I wasn't here. None of us were in Congress at the time. Just as a citizen, I was Active Duty Navy. You were probably too, Mr. BRIDENSTINE. But we had this stimulus bill that had been passed. This was a huge thing. Part of that, as I've learned more about it, is that there were actually requirements that the executive branch was supposed to submit timely reports that would document the different spending and what was going on. I think even the Vice President said, Hey, I am going to be the watchdog on this. It is, in fact, the case that most of those deadlines have just been completely disregarded, that you haven't seen the type of reporting that was envisioned by the law, and that's perhaps because the law wasn't successful at engineering an economic recovery.

Shortly after that, though, one of the biggest issues that happened in 2009 was the auto bankruptcy. This was something that was unusual because the White House actually got very involved on the ground in terms of refereeing the rights of the various parties, including the creditors.

I now yield some time to the gentleman from Arizona to discuss that because you had mentioned that was something that had bothered you at the time. The floor is yours.

Mr. SALMON. I appreciate that.

When we talk about the rule of law, the rule of law means that it applies equally to everyone. Of course, today, we have talked a lot about how within ObamaCare the rule of law does not apply equally to everyone. Some people get waivers. Depending on what kind of company you work for, some companies get waivers. Some unions get waivers. When it comes to individual health care policies, some people get grandfathered and they get to keep their policy, and other people get letters saying their policy is canceled.

We have exchanged, in this country, at this point under ObamaCare, the rule of law for the rule of man, where you have nameless, faceless bureaucrats that don't represent anybody and make decisions that change the law for individuals. That's not what was intended by the Founding Fathers.

As the gentleman from Florida said, when you think about creditor rights and you think about the bailout for Chrysler, you have different classes of creditors. In the case of the Chrysler bailout, you had secured creditors. That means that in the hierarchy structure, they were superior to the shareholders. They were superior because they were lending the money. They weren't the owners of the company. They had rights that were above the shareholders.

In the case of Chrysler, what happened is the President came in, like you said, and they got very involved. In fact, they changed the rule of law for the rule of man, where you had bureaucrats coming in and making a decision that the secured creditors would be wiped out. In fact, they were bullied. I think they received 30 cents on a dollar for investment, if I remember correctly. But the secured creditors would be bullied to give up their investment, and the people who actually came out ahead were the unions, who were not secured creditors. This is a violation of bankruptcy law.

Again, the President's job is to faithfully execute the law, not change the law for political preference and not replace the rule of law with the rule of man, which is what they did in this case. Politically, they made a decision that the secured creditors would be wiped out, the unions would be made whole, and at the end of the day—here is the fallout from that: in the United States of America, all across this country, and in the world, people are making decisions about where they're going to invest money. If you look at the investment opportunities in the United States of America right now, if you're going to invest in Big Business, the whole too-big-to-fail mantra that we have heard over and over again, if you are going to invest in Big Business, you are going to have to take a risk, and that risk has nothing to do with the return on investment or whether or not the company is sound. That risk is now political risk. Because as an investor, politically you could be wiped out, even if you have a secured debt instrument.

When you replace the rule of law with the rule of man, especially as it relates to business, people make decisions to invest elsewhere. And if you look at our country right now and you look at the capital investment in our country, we could be doing much better. Of course, if we had a President that adhered to the law, rather than changing the law based on political preference, we might see more investment in our country. Of course, investment is how businesses grow. It is how they raise money to open up a new plant or open up a new store, and capital investment is how new firms get created and it is how jobs get created and grow. So what we have right now is the replacement of the rule of law for the rule of man, and it is been detrimental for our economy as it relates to the securities industry.

Mr. DESANTIS. I thank both the gentleman from Oklahoma and the gentleman from Arizona for coming here today to offer their views. Their comments are much appreciated. The great thing about these two guys is they will stand up to people, regardless of party. They will stand up to people in their own party. They will stand up to people in the other party if what they're trying to do is not the right thing because these guys want to do the right thing.

I just want to conclude by invoking two giants in American history in terms of some of the issues that we discussed today and kind of what they mean.

The first is the Father of the Country, George Washington. When he took the reins as the first President of the United States, he made the comment ''I walk on untrodden ground.'' So he had a great sense that it wasn't just about him. He was already the biggest hero in the country. He could have taken over the country after defeating the British. He could have been king, but he surrendered his sword and retired to Mount Vernon until he was called back to further service. He was very sensitive to the idea that he was trying to establish a framework for freedom that could last generations, and it wasn't just about his own personal glory. What he tried to establish was the proper role of an executive in a constitutional system. There's a lot of people that said you either have a strong executive and it is a monarchy, or you just can't have a strong executive. I think he laid the foundation to say, actually, you can have a constitutionally circumscribed executive power that was nevertheless a force of good for the country.

The other gentleman that I would like to mention is Abraham Lincoln, who's obviously one of the greatest presidents we have ever had. His earliest recorded speech was a speech before the Young Men's Lyceum of Springfield, Illinois. This was in the 1830s, so he still had decades before he was President. I don't think he had been elected to anything even locally at the time. He was really concerned about the future of the country because he said you had this great Revolution, you had this great Constitution, you had these wonderful decades where people were actually living and breathing that. Obviously, he felt that there was a lot of work to do because he spoke out against things like slavery, but he thought that the ball was moving in the right direction in terms of individual freedom. But he feared that as the Founding Fathers and their generation passed away, that people really wouldn't have something that they could all have to organize around and be faithful to in terms of our country. So what he told people to do was to really embrace constitutional principles and the rule of law.

In his speech, he said:

> As the patriots of '76 did to support the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty.

He went on to say:

> And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

I think what Lincoln was getting at was this idea of American

exceptionalism. It is not because we as Americans are anything special. I am certainly not anything special. It is not that we are so much better than anybody as people. The exceptional part of the country is the origins of the country and the principles that the country is designed to further. That, I think, is what Lincoln was talking about; that when you embrace the Declaration, when you embarrass the Constitution, you're embracing a framework in which individual liberty is the paramount objective of society, and that is why things like the separation of powers and proper lawfulness from the legislature and executive are so important. It is not just because this is all a game and we want to try to blow the whistle on people who are in the other party. It is because ultimately this constitutional structure and these protections are what make us different from all the countries that have come before and all the countries that have been founded since.

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

INSIDE THE OBAMA ADMINISTRATION

The SPEAKER pro tempore (Mr. HUDSON). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, for a government that shuts down, there sure seems to be a great deal going on. Down here on the Mall, somehow the National Park Service, which has been, parenthetically speaking here, presiding over a park service, beginning with the Franklin D. Roosevelt memorial, has not had God mentioned in any memorial since that time. We don't have time or a place for mentioning God, as our memorials have in some way in the past, but, by golly, we have got time during a shutdown to approve a permit to allow people who want to demand that—though they are here in this country illegally—they have a right to demand rights. This administration, just as it did with the Occupy Washington movement, facilitates that.

We know with the Occupy Washington movement there was all kinds of lewd, lascivious stuff going on in public. The Park Service didn't seem to be bothered by that. But let veterans show up to the World War II memorial, and they have got barricades. Let World War II veterans, who fought their way to the top of Mt. Suribachi, try to get to the monument that commemorates climbing to the top of Suribachi, they put up big obstacles to our veterans getting there.

So the message from this administration very clearly is that if you are illegally in the country, we will bend over backwards to let you commit all kinds of acts on the Mall; we will send Capitol Police down to pick up your garbage; and if you just want to illegally occupy a public area, we will let you do that. We will let you use the basest services in public. All kinds of lewd and lascivious things were going on there with the Occupy Washington movement, and that was allowed to continue on and on and on.

□ 1545

However, if you have served your country in the United States military, then we're going to try to make life miserable for you. It just might be those people that have hung on to their God and their guns and love America and love the Constitution, so this Homeland Security thing is sure a threat. Which is quite interesting.

You know, with all the things that are going on, we have seen that this administration has not had a problem with some things that some of us felt were a problem, such as, like I've mentioned in the last couple of years, one of the members of what was originally the Countering Violent Extremism Working Group named Elibiary from Texas, who was placed on there. And then he got a promotion from Secretary Janet Napolitano up to the Homeland Security Advisory Council, and, gee, now we're finding out that he's continuing to defend one of the principals of the Holy Land Foundation.

We're finding out that he is still defending, he still considers them to be unjustly prosecuted even though Federal courts have found that crimes were committed and that terrorism was supported by the Holy Land Foundation. The Dallas Federal court, along with the U.S. Court of Appeals in New Orleans, found that groups like CAIR, which has now changed its name to WTF, and ISNA, groups like that were the largest front group for the Muslim Brotherhood in America.

So it's rather interesting, because this administration has made life so difficult for our veterans just trying to get here and enjoy the memorials. I've been down to the memorials I think every day until today, and it's amazing. I've been down there different days, all hours of the day and night. You're lucky if you see one park ranger in the area of the World War II Memorial, and yet now they've got them very strategically placed.

They will stand there with the barricades closed most of the time. If some group comes up and explains that they're a World War II veterans group, then they'll open and let them through, but they stand there intimidating. Sometimes an officer comes by with a canine, which is a bit more intimidating to most people. So unless Members of Congress are standing there, we see people come up and get intimidated and walk away, unless a Member of Congress goes up and says, Please, come in. You are welcome.

Fortunately, veterans of Vietnam and Korea are just going around the barricades and fortunately are not being stopped. At the Lincoln Memorial, though, when a couple of Members of Congress encouraged people to come on up, like they do at the World War II Memorial, they said that it appeared that the park SWAT team—I mean, officers came in from all over, threatening arrests. Get out of here.

It's just amazing how far this administration will go to hurt Americans that love America, that have served this country.

And then we find out about Americans killed in Afghanistan. There should have been no problem whatsoever with the Defense Department cutting the $100,000 checks to these families. There should not have been. And if there was any doubt, then the bill we passed before the shutdown began should have taken care of that. There was plenty of prerogative to do that. But we had to come back today and pass another bill just to say get a check to the families of those who lost a loved one serving this country, because the administration is playing hardball and has gotten policies in place that are hurting as many Americans as possible. But when you look at who's advising this country's top leaders, is it any surprise?

Here's a story from October 6 from The Daily Caller:

> Senior adviser to the Department of Homeland Security is an old friend of an activist who was convicted in 2008 of financing the terrorist organization Hamas.
>
> In an interview with The Daily Caller, Mohamed Elibiary, a member of the Homeland Security Advisory Council, reiterated claims he made this summer that former Holy Land Foundation President and CEO Shukri Abu Baker is innocent and a victim of political persecution.
>
> Elibiary, who in his position on the council also has regular access to classified information, said the United States insults Muslim dignity and compared the Muslim Brotherhood to American evangelicals.
>
> Elibiary confirmed to journalist Ryan Mauro of the Clarion Project in August that he is a longtime friend of Baker. The Mauro interview can be read at the Center for Security Policy.
>
> Baker and four other officials of the closed Holy Land Foundation for Relief and Development were convicted of using the charity to finance Hamas in 2008. It was the largest terrorism financing trial in U.S. history. Federal prosecutors described the foundation, which was closed by the U.S. Government in 2001, as an entity of the U.S. Muslim Brotherhood.
>
> Elibiary first disclosed the relationship in a 2007 article in The Dallas Morning News. He met Baker as a teenager and was so moved by the terrorist funder's explanation of alleged Israeli persecution of Palestinians that he says he began donating monthly to Baker's foundation until it closed in 2001. The friendship continued, with Elibiary meeting with Baker for coffee the day before he was convicted.
>
> Elibiary maintains that Baker is innocent. And in 2010, he wrote that the U.S. Government was ''using the law to force compliance with unjust foreign policies.'' He reiterated his belief that the U.S. should not have prosecuted the Holy Land Foundation.
>
> The Muslim activist has never disguised his support for Muslim Brotherhood extremism. In a 2006 letter to the Morning News, he defended the fanatically anti-American