

minute and to revise and extend his remarks.)

Mr. GALLEGO. Mr. Speaker, I couldn't let the first week in Congress go by without taking a moment to congratulate Grandfalls-Royalty.

Grandfalls-Royalty is one of the smallest public schools in Texas, with a student head count of about 27 kids. They had 16 of those guys in uniform not so long ago to play in the State championship six-man football game. I am proud to say that Grandfalls-Royalty defeated Milford 73-28.

Grandfalls-Royalty made their first debut in a State playoff game. It was held in the home of the Dallas Cowboys, the \$1.2 billion home of the Dallas Cowboys. Frankly, it was also called. For the 13th time this season, it was called by the 45-point mercy rule. That meant the game ended with still 6 minutes and 28 seconds to play in the fourth quarter. Quite an accomplishment for a small school, one in west Texas that I am very, very proud of.

Congratulations to Grandfalls-Royalty.

UNCERTAINTY WITH IRAN

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

Mr. QUIGLEY. Mr. Speaker, the United States finds itself in a period of great uncertainty in the face of a new short-term deal with Iran.

The fact that Iran has finally come to the negotiating table is only proof that sanctions are working. The strength of our sanctions has severely devalued Iran's currency, crippled its economy, and forced it to finally consider curbing its nuclear program.

While we are hopeful for a broader deal, it is imperative that the United States and the international community remain vigilant. A nuclear Iran is the most pressing national security threat not only for the United States, but also for our allies in the Middle East, especially Israel.

As talks move forward, our security and the security of our allies in the region must remain our number one priority.

EMPLOYER MANDATE UNDER THE AFFORDABLE CARE ACT

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

GENERAL LEAVE

Mr. RICE of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the topic of my Special Order.

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

There was no objection.

Mr. RICE of South Carolina. Mr. Speaker, back last summer when the President unilaterally announced that he was going to not enforce the employer mandate under the Affordable Care Act, I was quite surprised because the next day there was a news article in *The New York Times* about it. Democratic Senator TOM HARKIN was quoted in the article. He was one of the architects of the Affordable Care Act. He said, speaking of the President: This was the law. How can he do that? How can the President simply unilaterally choose to ignore the law?

Our Founders, Mr. Speaker, designed a system of government based upon a separation of powers. The legislative branch enacts the laws and the executive branch, the President, enforces those laws. They did that to protect our very, very fragile freedom. We cannot allow those separations to be eroded. One man who can both make the laws and enforce the laws is more a monarch than a President.

Article II, section 3 of the Constitution requires, in part, that the President take care to faithfully execute the Nation's laws. In 1792, when George Washington was faced with enforcing an unpopular whiskey tax, he wrote in a letter that:

It is my duty to see that these laws are executed. To permit them to be trampled upon with impunity would be repugnant to that duty.

President Obama, on the other hand, has, throughout his administration, picked and chosen which laws or parts thereof he wishes to enforce. House Resolution 442 would require the House of Representatives to institute a lawsuit against the President to comply with this article II, section 3 of the Constitution. It lists four specific examples where the President has either failed to enforce the laws or has gone beyond the laws as written:

One is the 1-year delay in the employer mandate under ObamaCare, which I mentioned earlier;

Another is the 1-year extension of the substandard insurance policies, which by my definition is any insurance policy anybody would really want to buy;

One is the waiving of the work requirements under the welfare laws; and One is the granting of deferred removal action to illegal aliens.

Again, one man empowered to both enact the laws and enforce the laws is more a monarch than a President. This is not a Republican issue. This is not a Democrat issue. It is not a Tea Party action. This is not for messaging. H.R. 442 merely recognizes that no American, including the President, is above the law.

What would we say if the next President came in and said, I don't like the Affordable Care Act and, therefore, I am not going to enforce the individual mandate, which would gut the law? What would we say if President Obama or any other President said, I think the

top income tax rate is too high and, therefore, I am not going to enforce it, or I am not going to enforce the lowest income tax rate? What is the difference between those situations and what President Obama is doing right now not enforcing the employer mandate under ObamaCare? After all, the Supreme Court has ruled that the penalties under ObamaCare are a tax.

What would we say if a President said, I am not going to enforce this tax against my friends but I will against my enemies, or I am not going to enforce it against my contributors but I will against everybody else? What is the difference between that situation and what the President has done granting 1,300 unilateral exemptions to different groups under the Affordable Care Act?

If the President is allowed to make the law or to ignore those laws passed by Congress, Congress can just go home; there is no need for the legislative branch. In fact, when Congress, following the President's lead, when the House of Representatives passed a bill that would delay the employer mandate for a year, which the President had already announced he was going to do unilaterally, the President threatened to veto it.

□ 1700

At this time, I yield to Representative MARTHA ROBY from Alabama.

Mrs. ROBY. Thank you so much to my colleague from South Carolina. I just want to tell you that, as I travel throughout Alabama's Second District, the question I get over and over and over again is: What can we do about this executive overreach?

So I rise, Mr. Speaker, today on behalf of the people of Alabama's Second Congressional District to lend my support to Mr. RICE's S.T.O.P. Resolution in order to stop this overreaching Presidency. I appreciate so much the diligent and thorough work of my colleague's on this resolution, and I am proud to sign on as a cosponsor.

In advancing this resolution, we are seeking to finally stop constitutional overreaches by the executive branch and restore the separation of powers by bringing legal action against the Obama administration to compel the judiciary to rein it in. This resolution directs a civil action on behalf of the House of Representatives in Federal court in the District of Columbia, challenging four unilateral Obama administration actions, as have already been explained, that blatantly flout constitutional restraints on the executive branch. I am going to mention them again:

Specifically, these include the lifting of the Affordable Care Act's mandated requirements on the type of insurance providers can offer; the 1-year delay of the health care law's employer mandate; the adoption of a policy against deporting certain illegal immigrants, which is counter to U.S. immigration and naturalization laws; and the decision to waive the "welfare to work" laws.

Mr. Speaker, the Obama administration is certainly not the first administration to overstep its constitutional authority as, I would say, most Presidents in recent history have pushed the limits of executive power, but the actions taken in the last few years have been especially blatant and egregious. President Obama and his administration have recklessly stretched the scope of the executive branch, aggressively imposing by administrative rule or regulation what they can't achieve legislatively. When I am at home and am talking with my constituents about this, we talk particularly about the promulgation of rules. It is just a backdoor attempt to get done what the President can't get done here in the Congress.

Amazingly, in some cases, the administration has moved to delay, tweak or to otherwise alter the very health care law he pushed to enact, all while dismissing legislative proposals that would have had the same effect but would have had the benefit of being legal because they would have gone through the Halls of Congress. If allowed to stand unchecked, such actions present a dangerous threat to our constitutional separation of powers.

Mr. Speaker, I wish this weren't necessary. I wish President Obama and his administration had the self-restraint to act within their constitutional bounds, but this administration's pattern of aggressively overstepping its authorities to implement policy and win political battles leaves us no choice to act. Our constitutional restraints on government are not always convenient for political or policy goals, but they are necessary for preserving the checks and balances that ensure this government still derives its authority from the people and not the other way around.

We know that working through the courts can take time, but the judicial branch has shown a greater willingness as of late to rein in these overreaches from the Obama administration. Two recent decisions that are worth noting have already struck down the Obama administration's attempts to flout the law and act outside of the constitutionally prescribed role of the executive branch.

One was the lower court's ruling overturning the President's attempt to appoint NLRB members without Senate approval, and the other was a rare mandamus order from the D.C. Circuit Court of Appeals that rejected the administration's attempt to simply not enforce laws related to Yucca Mountain and nuclear waste.

Mr. Speaker, this S.T.O.P. Resolution allows the House of Representatives to seek the intervention of the judicial branch to rein in these executive abuses and reconstitute the separation of power. I hope it also sends a message to the Obama administration that this body, as one half of a coequal branch of the United States Government, is not going to stand by and watch the ero-

sion of this country's constitutional framework.

Again, a sincere thank you to my colleague from South Carolina for taking the lead on this, for showing leadership. I am proud to be able to state to the people of Alabama's Second District, when asked "What are you doing about this?," that this S.T.O.P. Resolution is a step in the right direction. So thank you very much.

Mr. RICE of South Carolina. Thank you, Mrs. ROBY.

I yield to my friend and colleague from Utah (Mr. STEWART).

Mr. STEWART. Mr. Speaker, I want to thank my friend and colleague TOM RICE for introducing this important resolution. I am proud to stand in support of this, and I thank him for giving me a few minutes to discuss what is a very, very important issue today.

My friend knows that I was a writer. Before I came to Congress, I wrote a number of books. I spent a lot of time writing about and studying this great Nation—about the history of this Nation, about the history of the world—and I think I know a little bit about some of these things. I think one of the most remarkable but underappreciated characteristics of General George Washington, who was, I think, a hero for many of us, was his deference to the Continental Congress during the American Revolution. Although in many cases he knew what needed to be done, he always recognized that he derived his authority—he derived all of his power—not from himself but from the Congress, and he understood that the Congress was the organization and the body that held the power and the keys to a successful government.

It is a lesson, as we have been discussing here tonight, that, unfortunately, this President does not seem to appreciate or to even understand.

Our Founding Fathers made it very clear in the Constitution that the responsibility of the President was to take care that the laws be faithfully executed—not selectively chosen, not preferred or some of them ignored, but faithfully executed. It is his constitutional responsibility, but time and time again, we have seen this President as he ignores this constitutionally mandated responsibility. He prefers to pick and to choose which laws he will enforce.

I would like to quote eminent Judge Michael McConnell, who recently wrote:

The Justice Department's Office of Legal Counsel, which advises the President on legal and constitutional issues, has repeatedly opined that the President may decline to enforce laws he believes are unconstitutional, but these opinions have always insisted that the President has no authority to refuse to enforce a statute which he simply opposes for policy reasons.

This has become a very troubling trend for this President. As my friend has already pointed out, among other examples, he has already declined to enforce immigration laws against a large number of illegal immigrants. He

has chosen not to enforce work requirements that Congress mandated as part of the 1990 welfare reform programs, programs which had broad bipartisan support and which everyone recognizes were very successful. He has chosen to change the congressional requirements that States must meet under No Child Left Behind, and in none of these cases did he say he believed the laws were unconstitutional. He simply disagreed with the policies and so refused to enforce those laws. Now, we may or may not agree with the President on the merits of these policies, but as an institution, Congress should be extraordinarily concerned that the President is usurping our role as legislators, and it is setting a very dangerous precedent.

The President, for example, went to great lengths to convince the Supreme Court and other Americans that the Affordable Care Act was, indeed, constitutional. He won that battle, which means he should have to enforce this law that he argued was constitutional or, if not, come to Congress and ask for changes to the law, but over the last few months, we have seen numerous delays and exemptions to ObamaCare without any input at all from Congress. Now, once again, regardless of your views on the merits of ObamaCare, the President's actions should make everyone who respects the separation of power and the role of the executive very uncomfortable.

Can you imagine if Governor Romney had been elected President and if, on his first day in office, he had said, "I am going to delay the employer mandate"? Do you think any of my colleagues from across the aisle would have supported him in that? Imagine if he had said, again as was illustrated before, "I think that the capital gains tax is too high. To get our economy going, I am just not going to enforce the capital gains tax for a year." I mean, if he had done that, heads would have exploded all over Washington, DC.

Why would that have happened? He doesn't have the authority. The Constitution forbids it. We have a President, not a king. I don't want this President to act that way. I don't want a Republican President to act that way. Our Founding Fathers would be horrified if they were alive today and were watching what is happening with our Constitution and the growing power of the Presidency. This is dangerous, and it is demeaning to our democracy, and it simply must stop. I hope the President will remember his constitutionally mandated responsibility to enforce all laws, not just those laws that he chooses to enforce because he agrees with them.

Mr. RICE, thank you, sir, for drawing attention to this very important issue. Thank you for giving me a few moments to share this with you here on the floor of the Congress.

Mr. RICE of South Carolina. Thank you, Mr. STEWART.

I yield to my friend from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my friend from South Carolina. I appreciate his making this time available.

Mr. Speaker, truth be told, this is a leadership hour, so it tends to be Republicans down on the floor when it is a Republican leadership hour, and it tends to be Democrats down on the floor when it is a Democrat leadership hour, but as my friend Mr. STEWART said so well: this is not a Republican problem. This is not a President Barack Obama problem. This is a “we, the people” problem.

The concern is not that it is President Barack Obama who is saying the Affordable Care Act doesn’t have to be enforced. The concern is that any President could say that any law doesn’t have to be enforced. Thomas Jefferson said you are not likely to lose your freedoms through rebellion; you are likely to lose them little by little by little by little. That is why we all have to stand up together.

Mr. RICE is a freshman from South Carolina. I have only been here for two terms myself. I think about some of the giants of this institution, not just of the House but of the Senate as well. I think about one of my favorite Democratic Senators, Robert Byrd from West Virginia—a champion of article I of the Constitution. He was a Democrat second; he was an American first, defending the Constitution against Presidents, Republican and Democrat, who would take the people’s power from Capitol Hill and take it down to the executive branch.

So I want to ask you now—and it may sound frivolous—if we had President Mitt Romney in the White House today and if Mitt Romney were deciding the Affordable Care Act did not need to be enforced, would you still be here on the floor, asking that Congress go to court to reclaim congressional powers? I ask my friend.

Mr. RICE of South Carolina. As you said, Representative WOODALL, I am an American first and a Republican second, and if the President usurps the Constitution, I will call him to task.

Mr. WOODALL. I confess to you that I went on the Oversight and Government Reform Committee—as all of my colleagues know, the Oversight and Government Reform Committee is responsible for doing all of the oversight over the executive branch—because I was certain Mitt Romney was going to win. I said, for far too long, power has been leaving the people’s hands on Capitol Hill, gravitating down Pennsylvania Avenue to the White House, and we in a Republican House will be able to do oversight over a Republican President and show the American people it is not about Republicans and Democrats; it is about article I and article II and about following the process, following the law, following the Constitution. It matters. It doesn’t matter when times are good. It matters when things get dicey, when you begin to lose those freedoms little by little.

□ 1715

I want to ask my friend from South Carolina, because we went through this with recess appointments, whether or not there was the ability for the President to appoint folks of his choosing to various positions around the city. And what I read that D.C. court opinion to say is what President Obama has done is absolutely outrageous. It cannot possibly stand.

But what Congress allowed President Bush to do and President Clinton to do and President Bush before him to do and President Reagan before him to do, that was also unconstitutional; and Congress has to step up for the powers of the Constitution entrusted in us.

Is this your understanding?

Mr. RICE of South Carolina. Representative WOODALL, that is exactly what this resolution is intended to do. It is intended for Congress to take action to enforce the Constitution.

Representative WOODALL, do you hear from your constituents back home when you speak to them that the President is breaking the law, and why don’t you do something about that?

I do all the time. I think that is a result of the erosion of Congress’ power—exactly what you are talking about.

Mr. WOODALL. We should absolutely have arguments on this floor about how much money should be spent on this program versus that program, whether or not we should authorize a new issue or do away with an old issue. Those are those things that divide us.

But we should be united, Republican, Democrat, House and Senate, over these constitutional issues of where does the people’s power reside. Because if leaders like you, in the absence of Senator Byrd from West Virginia, in the absence of Daniel Patrick Moynihan, in the absence of some of those greats who formerly preserved the people’s power, I don’t know how it gets preserved.

I am certain that you face slings and arrows from folks thinking this is some sort of partisan stunt: you just don’t like this President; you just have sour grapes over the last election.

I have gotten to know you well over your very short time in Congress. It is so valuable to me that you put your responsibilities as an American first—far above your responsibilities as a Republican—and that despite those slings and arrows, the Constitution comes first. It may not seem like we need the Constitution to protect us each and every day; but when we wake up and realize it is not there, it is going to be too late.

I hope this is something that spreads in a bipartisan way and in a bicameral way. We have preserved this Republic, this greatest form of government the world has ever known, only because folks have stood up when others did not see that necessity.

We need this. There is the necessity today, and I am grateful to you for your leadership.

Mr. RICE of South Carolina. Thank you, my friend.

I yield to my friend from Florida (Mr. YOHIO).

Mr. YOHIO. I thank my good friend from South Carolina (Mr. RICE), for bringing this resolution forward and for his leadership. This is a very important issue not only today, but as Mr. WOODALL pointed out here, also for the future of our Nation—a constitutional Republic, as you so eloquently put it.

Article II, section 3 of the Constitution specifically requires that the President:

Take care that the laws be faithfully executed.

This does not allow the President to enforce the laws he likes and ignore the laws he doesn’t. This clause compels the President to ensure that all agencies within his executive branch are carrying out the laws created by Congress, the people’s arm of government.

The current administration undermines this body on a near daily basis; and if it is allowed to continue to do so, as you pointed out, the balance of power will no longer exist. In fact, it is rapidly slipping away to one side of the balance scales. It is our duty as representatives of the American people to speak out about this. And if not us, who? And if not now, when?

The delay of the employer mandate, the extension of the substandard insurance policies, and the grant of the deferred removal action to certain illegal immigrants are just but a few examples of the executive attempting to legislate without Congress.

Luckily, the Framers instituted a system of checks and balances. This Congress has no choice but to turn to the courts. I offer my strong support for Congressman RICE’s STOP resolution, H.R. 442, which will enable the House to bring a civil action against the executive branch and allow future legislators to hold the executive branch accountable.

I think this is the crux of this and this is the important part of this. Because it is for all future Presidents. Again, we have to stand up and start defending our Constitution.

This administration, like others before it, has no problem creating mandates for the American people, but cannot seem to follow the most important mandate of our Nation: the Constitution.

If you look at this, this simple little book, it is not an epic in volume. You can see it. It is very thin. But yet it is an epic in ideology of what free men and free women can do, and they are held accountable with their government by this little red book.

The importance of this issue cannot be overstated. We must address this now so that all future Presidents will know that they must abide by the Constitution. No President, past or present, Democrat or Republican, should ever be exempt from the duties laid out by our Founding Fathers.

That is why I support Congressman RICE’s STOP resolution, H.R. 442, and I

urge all my colleagues, both Republicans and Democrats, to support this resolution for America and for our Constitution.

Mr. RICE of South Carolina. Thank you, Mr. YOHIO.

I yield to my friend from Florida (Mr. DESANTIS).

Mr. DESANTIS. I thank the gentleman from South Carolina.

When we left in December to go back to our districts for the Christmas weekend, I got home and thought, Okay, the President is going to do something with ObamaCare as we get close to Christmas. You just know anytime you come up on a holiday, some news gets put out. July 3, leading into the 4th of July, was the employer mandate delay. The grandfather stunt was pulled leading into Thanksgiving.

And sure enough, December 19, the Obama administration grants a "hardship exemption" from the individual mandate tax penalty to those who have seen their plans canceled due to ObamaCare.

I don't think any of those plans should have been canceled. I offered a bill here, and the House passed something similar, to essentially grandfather in those plans. The Federal Government shouldn't be forcing people out of plans they like. Certainly, things needed to be done there.

But understand how unfair this is. If you had insurance and your policy is canceled, and then the ObamaCare replacements are not affordable for you, they are saying, Okay, you are fine. No penalty for you. But if you are somebody who couldn't have afforded insurance the prior year, and now you are told you are forced to go on these ObamaCare exchanges, you still have to pay the tax, even though you may have been worse off than some of those other folks.

Or if you are somebody that had employer coverage last year, and now maybe going out on your own and you need to buy individual insurance, if you end up in the exchanges and you don't find those affordable to you, you don't get the same relief.

When you are talking about arbitrary delays like this, it is inherently unfair.

Now, give the administration some credit. Unlike some of the other delays, there is actually a provision in ObamaCare that says people can qualify for a hardship exemption from the individual mandate. The problem is that in this instance it is ObamaCare itself that constitutes the hardship.

So because ObamaCare is implemented, these people are suffering a hardship. Therefore they are exempt from the statute. To me, I think that is an abuse of what the statute is supposed to do. Certainly, it begs the question, Could you simply delay or grant a suspension of all of these provisions of ObamaCare?

It is interesting because I was reading in the Weekly Standard publication, one of the reporters was asking

members of the Senate what are their limits, what is the principled justification for his conduct.

And so the reporter asked one Senator:

How do you determine if the President couldn't do something that it does exceed his authority? Are there any parts of the law that the President does not have the authority to delay or suspend?

The Senator's response—a Democratic Senator:

I don't know. I'm not the scholar on that.

Well, the reporter went to another Democratic Senator and said:

Are there are any delays the President wouldn't have the authority to make? Could the President potentially suspend the entire law if he wanted to?

His answer:

I can't answer a hypothetical.

The reporter asked again:

So you can't say if there are any parts of the law he couldn't delay unilaterally?

The Senator said:

I can't answer a hypothetical.

Finally, another Senator told the reporter he doesn't know of any legal impediment preventing the executive branch from delaying the employer or individual mandates.

When asked:

Couldn't a future President just simply come in and suspend the entire law?

That Senator said:

I don't want to speculate what a future President might do.

And so I think those answers, when Senators and the President's own party cannot offer any principled justification for the President's conduct that would exclude the potential of a President simply delaying all provisions of the law, you know that you are not in the realm of faithful execution of the law.

I think it is a challenge. We have talked about it in this Chamber in hours like this. We have had hearings in the Judiciary Committee with experts—even liberal constitutional law experts—saying that this conduct goes beyond what the Founding Fathers intended and what the Constitution envisioned.

I would like to see somebody offer a principled justification for the President picking and choosing which parts of the law should be enforced and should not be enforced, should be delayed, should be suspended, or should be ignored.

It is interesting, because when you go back and look at the Founding Fathers when they created the Constitution, when they created the Congress, when they created the executive, at the convention James Wilson from Pennsylvania was the one who moved to create a President consisting of a single person. And that caused silence in the convention hall because they had just rebelled against Britain. And although you needed some type of executive power, there were some who were a little bit taken aback that you would

even have a single President, even in a constitutional system. Some of the people said at the time that you can't really have a strong President and have a republic.

So this was a huge issue for the Founding Fathers. Clearly, it would not have been acceptable to stand up at the Constitutional Convention and say, Yes, the President is going to have the authority and duty to enforce the laws; but if there are laws he doesn't like, he will be able to delay provisions or ignore provisions as he sees fit, as long as it is consistent with his overall purpose or political agenda. That would not have been acceptable to anybody at the time.

Can you imagine if when John Adams succeeded George Washington, he just started delaying provisions related to the bank of the United States or the Jay Treaty? Imagine when Jefferson came in. He ran against the Alien and Sedition Act. Some of those were just allowed to expire, but they went in and repealed a core portion of the Alien and Sedition Act. They didn't just ignore it. The provisions that expired, expired; and then they repealed the provisions that were still in effect.

That is the way it is supposed to be done. They would never have allowed John Adams or Jefferson to come in and just willy-nilly enforce what they wanted to and not enforce what they didn't want to.

And so part of the frustration of this is Congress is supposed to stand up for its authority. I think the House people here realize that what the President is doing is not proper constitutional government, but the U.S. Senate is just totally out to lunch on this. They are not interested in safeguarding their institutional prerogatives, because they are putting their political interests ahead of the legislative body's authority. That really runs contrary to how the Founders envisioned the separation of powers and checks and balances working.

In Federalist 51 Madison said:

Ambition must be made to counteract ambition.

What he meant by that is that, yes, you have separate powers. You have an executive, a legislative, and a judicial power. But just because you separate them doesn't mean that individual liberties can be secure.

So you have got to give each branch the ability to check the other branches. And they were sure they knew people would have different partisan allegiances and all that, but they were pretty sure that each branch would have the wherewithal and would want to defend its own prerogatives.

And so in this instance, I think what you don't have is a Senate that is willing to join with the House, use the power of the purse, use the appointment power, advise and consent, all the powers that we have, use those until the President starts conforming with the law.

□ 1730

But we are not there yet. And so this idea of trying to bring this in front of courts, we shouldn't have to do that. We should be able to defend our own turf. But it is frustrating because we don't have a lot of other options at this point.

So I think that my colleague from South Carolina, you know, I give him credit for thinking of what can we actually do that could potentially be successful. And so I am hoping that this move will be successful.

But I think, going forward—and this has been a problem before this President. He is not the only one who has pulled stunts like this, although I think he has gone beyond what any previous President has done.

Ultimately, people in this body and in the other Chamber have got to get serious about defending our constitutional responsibility. That means holding Presidents accountable who are not in accordance with article II, section 3, the "Take Care" clause. But it also means not delegating so much legislative authority to these bureaucracies when they end up essentially legislating, and those rules are imposed on the public without Congress saying anything at all about it.

So, ultimately, the courts cannot save us if we aren't willing to save ourselves and protect the authority that the Constitution grants us and that we are supposed to exercise on behalf of the people that we represent.

We are, especially in this House, we are the people's House. The President gets elected, too, but we are the closest to the people, and I think we have got to do a better job of this going forward.

So I would just tell my friend from South Carolina, Thank you for doing this. I know you have signed on. I have a resolution just to say that the House doesn't approve of this conduct, because I fear if we don't do anything, then we are basically setting a precedent where this is going to be unquestioned going forward.

So I think as much as we can do, even if we are not successful, at least we are showing people that we think this is a contested practice, and we are not willing to allow this to become something that is accepted for future Presidents, Republican or Democrat.

Mr. RICE of South Carolina. I thank my friend from Florida.

Separation of powers is fundamental to our form of government. The Congress enacts laws. The President enforces the laws. One individual who can both make the law and enforce it is more a monarch than a President.

Without the separation of powers, our form of government crumbles. As earlier speakers said, the erosion of the separation of powers didn't start with President Obama, but it has certainly accelerated. At home I am asked all the time, The President is breaking the law; why don't you do something about it? This resolution is an attempt to do exactly that.

Nobody would argue that the President has no discretion in enforcing the law. Clearly, he does. But in these four instances, he has clearly overstepped that discretion.

I fall back to say, what would we say if the President has the power to waive these things, the employer mandate, the penalty under the employer mandate, that is a waiver of a tax? What would we say if the next President waived the capital gains tax, or waived the maximum bracket under the income tax, or waived the income tax for his friends?

Clearly, that is beyond the discretion of the President. Clearly, President Obama has gone beyond his discretion, and Congress needs to enforce the Constitution.

We have 44 cosponsors to our bill so far, but we need the help of the American people. We need you to talk to your Representatives. If you need more information about our resolution or what you can do, please go to my Web site at www.rice.house.gov.

Thank you for your concern. Thank you for viewing. Let's protect our democracy.

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

The SPEAKER pro tempore. Members must address their remarks to the Chair and not to a perceived viewing audience.

THE CONGRESSIONAL PROGRESSIVE CAUCUS

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

Mr. POCAN. Mr. Speaker, I rise to speak on behalf of the Congressional Progressive Caucus. During our Special Order hour, we want to talk specifically about the need for unemployment insurance but, more broadly, about what we need to do to make sure that everyone in this country has access to opportunity.

Just yesterday, we celebrated the 50th anniversary of the war on poverty. President Johnson said, during his State of the Union in 1964:

Unfortunately, many Americans live on the outskirts of hope, some because of their poverty, and some because of their color, and all too many because of both. Our task is to help replace their despair with opportunity.

This administration today, here and now, declares unconditional war on poverty in America. It will not be a short or easy struggle. No single weapon or strategy will suffice, but we shall not rest until that war is won. The richest nation on Earth can afford to win it. We cannot afford to lose it.

Those are the words of President Johnson 50 years ago when we started the war on poverty in this country. We created Medicare and Medicaid, the food stamp program and programs like Head Start. And we have great results from those programs.

In fact, according to a new study, these initial programs, coupled with

expansion of pro-work and pro-family programs, like the earned income tax credit, have helped reduce poverty by nearly 40 percent since the 1960s. The poverty line fell from 26 percent in 1967 to 16 percent in 2012, when the safety net is taken into account.

Now, while there has been a lot of progress, we still have far too many people in this country who are still living in poverty or on the brink of living in poverty. Fifteen percent of Americans today are living below the poverty line, and that is just \$11,490 for an individual. 46.5 million people in our country are living in poverty, and one in three Americans teeters on the brink of living in poverty. That includes 16 million children in this country. That is more than 700,000 people in my home State of Wisconsin.

According to the Institute for Research on Poverty at the University of Wisconsin, Madison, in Rock County, in my district, a county that I share with Congressman PAUL RYAN, 22 percent of the children in that county are living in poverty.

We still have vast inequality, income inequality. We have unlivable wages. And we still have Members of this body, Mr. Speaker, who want to chip away at that very economic security. It almost seems like today it is not a war on poverty, but sometimes it seems like there is a war on the war on poverty, that we are actually stepping backwards from the very improvements we made over the years from 1960.

In fact, what we noticed that just happened was the not extending of the benefits, emergency unemployment benefits back in December, on December 28. It has affected 1.3 million Americans. Not only do we have issues like that, but we also have an attack on food stamps, where this very body has voted to cut \$39 billion from the SNAP program, the Supplemental Nutrition Assistance Program—\$39 billion—affecting millions and millions of Americans.

We have seen attempts to not allow us to raise the minimum wage, a minimum wage that is entirely behind where it should be. If you took into consideration where it should be, just for inflation from 1968, that minimum wage in 2013 dollars would be at \$10.60—not \$7.25, at \$10.60. We are way behind keeping up with inflation.

Income inequality is at an all-time high. We are finding that incomes for the top 1 percent have grown more than 31 percent since 2009, and the bottom 99 percent of people, their income has moved less than 1 percent. So we are in a challenging time.

We know that there was an economic downfall across the globe, and especially hard hit, we feel it in this country. And while we are having dual activities happen, jobs are creeping back up, we are having progress, but still, 7 percent of people are unemployed.

And while we have got those jobs creeping up, we still also notice that