

Unlike their constitutional counterparts, prudential standing requirements “can be modified or abrogated by Congress.”

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

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

The Executive Branch’s ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill as my amendment to H.R. 4138, the ENFORCE ACT made clear.

And Mr. Speaker, a basic respect for separation of powers should inform any discussion of a lawsuit from both a Constitutional standpoint and a purely pragmatic one.

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

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

This resolution, like the bill we considered in the Judiciary Committee on which I serve and before this body, the H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law.

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

In the wide array of circumstances incident and related to the Affordable Care Act in which the resolution would authorize a House of Congress to sue the president, that House would not have suffered any personal injury sufficient to satisfy Article III’s standing requirement in the absence of a complete nullification of any legislator’s votes.

Second, the resolution violates separation of powers principles by inappropriately having courts address political questions that are left to the other branches to decide.

And Mr. Speaker, I thought the Supreme Court had put this notion to rest as far back as *Baker v. Carr*, a case that hails from 1962. *Baker* stands for the proposition that courts are not equipped to adjudicate political questions—and that it is impossible to decide such questions without intruding on the ability of agencies to do their job.

Third, the resolution makes one House of Congress a general enforcement body able to direct the entire field of administrative action by bringing cases whenever such House deems a President’s action to constitute a policy of non-enforcement.

This bill attempts to use the notion of separation of powers to justify an unprecedented effort to ensure that the laws are enforced by the president—and I say one of the least creative ideas I have seen in some time.

Mr. Speaker, I ask my colleagues to deliberate before we are at a bridge too far.

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

WHERE WILL THIS PRESIDENT’S LEADERSHIP TAKE US?

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

Mr. FRANKS of Arizona. Mr. Speaker, 30 years ago, Soviet Marshal Ogarkov announced that Korean Airlines Flight 7 had been “terminated.” The Soviets had shot down a civilian airliner, killing all 269 passengers aboard.

President Reagan immediately addressed the entire Nation about the tragedy and resolutely called for justice and for action. He then proceeded to accelerate work on America’s missile defense system, worked with Congress on the Reagan defense buildup, building relationships with European allies, and enforced strong sanctions that ultimately bankrupted and brought down the once unshakable Soviet Union.

Last week, Mr. Speaker, another civilian airliner, Flight MH17, with 298 innocent people aboard, was shot down by Russian-backed separatists. On that same day, in which the conflict in Israel also escalated to new heights, The New York Times reported President Barack Obama’s schedule as: “a cheeseburger with fries at the Charcoal Pit in Delaware, a speech about infrastructure, and two splashy fundraisers in New York City.”

Mr. Speaker, where would America be today if we had elected Barack Obama in 1980? Where will this President’s leadership take us tomorrow?

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

COPTIC CHRISTIANS IN EGYPT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2013, the gentleman from Michigan (Mr. BENTIVOLIO) is recognized for the balance of the time as the designee of the majority leader.

Mr. BENTIVOLIO. Mr. Speaker, there are not that many people in this country that are aware of the persecution that Christians are facing in the Middle East. Some people have a vague idea, but they can’t identify the specific groups that are being targeted. Today, I want to talk about Coptic Christians in Egypt.

The Copts are the native Christians of Egypt. They trace their origins nearly all the way to the beginning of Christianity. At one point, they were the largest religious group in Egypt, but now represent a minority. However, they are currently the largest religious minority in the region.

I have quite a few Coptic Christians in my district in Michigan, and I al-

ways hear the same thing: their families, friends, and fellow Christians are facing serious persecution and violence, and many have questioned whether or not it is worth staying in Egypt.

They are a group whose history, culture, and language is rooted in Egypt. Over the last couple of years, they have faced an increasingly violent environment. For example, on January 1, 2011, over 20 Coptic Christians were killed when a bomb went off in front of the Church of St. Mark in Alexandria. Such a devastating attack sent shock waves through the Coptic community. The bombing was officially declared the work of a suicide bomber.

After President Morsi was removed from power last year, many had held out hope that life for Coptic Christians under a new regime would bring change, stability, and security. Under President Morsi, they were not treated as equals, and the Muslim Brotherhood was certainly not a friend.

In 2013, there was a wave of violence and destruction following the ousting of President Morsi. Christian churches were attacked and burned. However, the reality for Copts under their newest President isn’t much different.

I think there is a very serious question that needs to be asked: What role should the U.S. play in protecting religious and ethnic minorities in countries to which the United States gives sufficient and significant foreign aid?

The United States gives, on average, more than \$1.5 billion in aid to Egypt annually. The United States Commission on International Religious Freedom has recommended that Egypt be officially recognized as a Tier 1 Country of Particular Concern. However, the State Department has not made that distinction.

Last year, I introduced the Support Democracy in Egypt Act to suspend further delivery of F-16s and Abrams tanks to Egypt until further review, to ensure that they were promoting democracy and stability in the region. Even with a new government, after the coup that ousted President Morsi, there hasn’t been enough progress in Egypt.

I don’t think most Americans would be very appreciative to learn that their tax dollars are being sent to Egypt when that government continues to routinely persecute religious minorities, including Coptic Christians.

In the United States, the right to religious freedom is protected in our Constitution. It would seem to be in conflicts with our morals, values, and beliefs to be so supportive of regimes in Egypt that fail to protect the same rights for their citizens.

□ 2030

If we are helping to provide stability and security for the Egyptian state but not its most oppressed people, then, perhaps, we need to take a long look at our relationship with Egypt. Most Copts want the same things as Americans: the ability to practice their faith

free from persecution, provide stable lives for their friends and families free from violence, be able to speak freely in peace. At one point, I believe that the United States had the will to stand up to tyrants, dictators, and oppressive regimes, but the stories I hear from constituents about what is happening in Egypt contradict that belief.

If we aren't pressing hard to encourage a stable society in Egypt, one that won't persecute religious and ethnic minorities, then Egypt, itself, will never really realize stability. Egypt will always be in flux, vulnerable to radical elements that would seek to undermine and destroy any progress that is made.

We should be worried greatly about the Copts in Egypt. They shouldn't have to flee their homes and leave their country behind because of their faith. They shouldn't have to worry about car bombings, suicide bombers, shootings, abductions, or any other kind of violence for which they have been targeted.

We should support Egypt in its transition to a more democratic state but also keep in mind that religious persecution is still very real. As I said in a previous floor speech, if we want friends in the Middle East, then we have to encourage respect for religious freedom and diversity, not just build strong governments and militaries. If we do this in Egypt, they will be more stable, and its people can live in greater peace.

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

BEYOND THE FEARS OF THE FOUNDING FATHERS

The SPEAKER pro tempore (Mr. JOLLY). Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my honor to be recognized to address you here on the floor of the United States House of Representatives, this great deliberative body that we are in. We have had a lot of debates and discussions here on the floor over the time that I have had the privilege to serve Americans and Iowans in the Fourth District of Iowa.

Coming into this year, early in the year—in late January—we held a conference in Cambridge, Maryland, a conference to get together and discuss our best legislative strategy for this calendar year, which is the balance of the 113th Congress that we are in, Mr. Speaker. The discussion, invariably, came around to the immigration issue. Now, the immigration issue is a political issue. It is, perhaps, the most complex issue that we have dealt with in the time that I have been here in Congress. It has implications and ramifications that go well beyond things that seem to be simplistic on their face.

In that discussion, it became very clear that House Republicans, at least,

didn't want to move on anything that would give the opportunity by the majority leader in the Senate—Senator HARRY REID—and those who advocated for the Senate Gang of Eight bill to be able to attach any of that language on any bill that might emerge from the House. The consensus clearly—and it was 3 or 4-1, Mr. Speaker—was not to take up the immigration issue this year because the very sovereignty of the United States was put at risk, and there was no upside. The only beneficiaries out of it would be people who are unlawfully present in the United States, the people who are hiring cheap labor and profiting from that cheap labor, and the people who are on the other side of the aisle in the political party that recognizes that this country has 11 or more million people in it who are undocumented Democrats. They would like that number to be larger, and they would like to then document those Democrats so that they can be voting Democrats. I understand the motive, I believe, of the people on the other side of the aisle.

Without assigning a motive to the President of the United States, Mr. Speaker, it appears to me that the policies that he has advocated for bring in millions of people who are unlawful to the United States, who have an unlawful presence. I will say that his DACA policy—his Deferred Action for Childhood Arrivals is what he names it, and what I declare it to be is the Deferred Action for Criminal Aliens—has turned into a huge magnet. It is a magnet that has been attracting people from south of the border for a long time. The President issued the order in June of 2012.

It is an unconstitutional order, in my opinion. It is a considered constitutional opinion, Mr. Speaker, and I have put my own personal capital on the line to assert such points in the past and have prevailed. I do understand this “separation of powers” issue and this constitutional issue. When the Congress establishes immigration law, part of that law says that Federal immigration enforcement officers, when they encounter someone who is unlawfully present in the United States, have an obligation. The language is they “shall” place him in removal proceedings. Yet the President has issued an order that commands the Federal officers, including the ICE agents, to violate the law or to, say, ignore the law, which is the equivalent of violating the law, Mr. Speaker. This is what we are up against.

We have a President who taught constitutional law for 10 years at the University of Chicago's school of law as an adjunct professor—10 years of teaching the Constitution and all of these years to contemplate his oath of office to preserve, protect, and defend the Constitution of the United States of America, so help him God, and to take care—this is linked to the President's oath. It is not exactly the verbiage, but it is exactly the language in our Con-

stitution that he shall take care that the laws be faithfully executed. Instead, it appears that he has misinterpreted the words “faithfully executed,” and he has faithfully killed off the law. It didn't mean when written in the Constitution, “faithfully executed,” to kill off the law. What it meant was carry out the law, implement the law, enforce the law. That is what “faithfully execute” means. You would think that any adjunct professor, especially a constitutional law professor, would know that, Mr. Speaker, and I know that he does. Yet he still issued the DACA language. He still issued the Morton Memos.

When Janet Napolitano, then the Secretary of Homeland Security, came before the Judiciary Committee to testify on this DACA language and on the Morton Memos, she repeated many times in her testimony the language that is in the memo that came out, which is on an individual basis only. They created with the Morton Memos four different classes of people, Mr. Speaker, and if people came into the United States of America before their 18th birthdays—or successfully alleged that they did—and if they arrived here before December 31 of 2011, which conforms with the Senate Gang of Eight language, I might add, then they would be granted temporary legal status for 2 years in this country, and they were granted work permits—manufactured out of thin air. I say “out of thin air” because it is unconstitutional for the President to manufacture immigration law. The Constitution reserves immigration law for the United States Congress, not for the President of the United States.

In fact, there is a reason that we are article I. The Congress is article I because we are the most important of the three branches of government. They wanted the voice of the people to set the policy for America, and they wanted the President to carry it out. By the way, the President has lectured to that effect over here at a high school not very far from us. I believe the date was March 28 of 2011.

I know it was March 28 when they asked him: Why don't you pass the DREAM Act by executive order or executive edict?

The President said to them: You have been studying the Constitution. You are smart people. You know that Congress' job is to pass the laws, and my job is to enforce the laws, and the judiciary branch's job is to interpret the laws.

It was a very clean and concise analysis of the three branches of government. The President delivered that in a lecture on March 28, 2011. By June of 2012—I think that is how those dates worked out—the President had already gone back on the lecture he had given to the high school students and had decided that he could, after all, manufacture immigration law out of thin air. It is lawless to do that. The law doesn't allow him to do that. The supreme law