

Johnson, E. B.	McNerney	Schneider
Kaptur	Meeks	Schrader
Keating	Michaud	Schwartz
Kelly (IL)	Moore	Scott (VA)
Kennedy	Moran	Scott, David
Kildee	Murphy (FL)	Serrano
Kilmer	Nadler	Sewell (AL)
Kind	Napolitano	Shea-Porter
Kirkpatrick	Neal	Sherman
Kuster	Negrete McLeod	Sinema
Langevin	Nolan	Sires
Larsen (WA)	O'Rourke	Slaughter
Larson (CT)	Owens	Smith (WA)
Lee (CA)	Pallone	Speier
Levin	Pascarell	Swalwell (CA)
Lewis	Pastor (AZ)	Takano
Lipinski	Payne	Thompson (CA)
Lofgren	Perlmutter	Thompson (MS)
Lowenthal	Peters (CA)	Tierney
Lowe	Peters (MI)	Titus
Lujan Grisham	Pocan	Tonko
(NM)	Polis	Tsongas
Lujan, Ben Ray	Price (NC)	Van Hollen
(NM)	Quigley	Vargas
Lynch	Richmond	Veasey
Maffei	Roybal-Allard	Vela
Maloney,	Ruiz	Visclosky
Carolyn	Ruppersberger	Walz
Maloney, Sean	Rush	Wasserman
Matheson	Ryan (OH)	Schultz
McCarthy (NY)	Sánchez, Linda	Waters
McCollum	T.	Waxman
McDermott	Sanchez, Loretta	Welch
McGovern	Sarbanes	Wilson (FL)
McIntyre	Schiff	Yarmuth

## NOT VOTING—16

Amodei	Loeb sack	Rangel
DeLauro	Matsui	Rooney
Dingell	Meng	Schakowsky
Edwards	Miller, George	Velázquez
Frankel (FL)	Pelosi	
Gosar	Pingree (ME)	

□ 1703

Mr. CONYERS changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3633

Mr. COURTNEY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3633.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1239

Mr. CASSIDY. Madam Speaker, I ask unanimous consent that the gentleman from Virginia, Representative RANDY FORBES, be taken off of H.R. 1239, the Accessing Medicare Therapies Act.

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

There was no objection.

#### FAITHFUL EXECUTION OF THE LAW ACT OF 2014

Mr. FRANKS of Arizona. Madam Speaker, pursuant to House Resolution 511, I call up the bill (H.R. 3973) to amend section 530D of title 28, United States Code, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 511, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-42, is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### H.R. 3973

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Faithful Execution of the Law Act of 2014".

#### SEC. 2. AMENDMENT TO SECTION 530D OF TITLE 28, UNITED STATES CODE.

Section 530D(a)(1)(A) of title 28, United States Code, is amended—

(1) by inserting "or any other Federal officer" before "establishes or implements a formal or informal policy"; and

(2) in clause (i), by striking "on the grounds that such provision is unconstitutional" and inserting "and state the grounds for such policy".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of House Report 113-378, if offered by the gentleman from Minnesota (Mr. ELLISON) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Arizona (Mr. FRANKS) and the gentleman from Tennessee (Mr. COHEN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. FRANKS of Arizona. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3973, currently under consideration.

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

There was no objection.

Mr. FRANKS of Arizona. Madam Speaker, I now yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the full Judiciary Committee.

Mr. GOODLATTE. Madam Speaker, article II, section 3 of the United States Constitution declares that the President "shall take care that the laws be faithfully executed."

However, President Obama has failed on many occasions to enforce acts of Congress that he disagrees with for policy reasons and has stretched his regulatory authority to put in place policies that Congress has refused to enact.

Although President Obama is not the first President to stretch his powers beyond their constitutional limits, Executive overreach has accelerated at an alarming rate under his administration.

To help prevent Executive overreach and require greater disclosure when it occurs, the gentleman from Florida, Representative DESANTIS, introduced H.R. 3973, the Faithful Execution of the Law Act.

I want to thank Representative DESANTIS for introducing this commonsense legislation to ensure that there is greater transparency and disclosure regarding the executive branch's enforcement of Federal law.

The Justice Department is currently required by law to report to Congress whenever it decides to adopt a policy to refrain from enforcing a Federal law on the grounds that the law in question is unconstitutional.

The Faithful Execution of the Law Act strengthens this provision by requiring the Attorney General to report to Congress whenever a Federal official establishes or implements a formal or informal policy to refrain from enforcing a Federal law and the reason for the nonenforcement, regardless of whether it is being done on constitutional or policy grounds.

As Professor Jonathan Turley observed regarding this legislation in testimony before the Judiciary Committee:

It is hard to see the argument against such disclosures. Too often, Congress has only been informed of major changes by leaks to the media.

Congress should not have to rely on media leaks and other unofficial sources to find out that the executive branch has decided not to enforce Federal laws.

Congress cannot possibly know the extent of executive branch nonenforcement of the laws without mandatory disclosure of all nonenforcement policies by the person who should be fully aware of such policies, namely, the Attorney General, the Nation's chief law enforcement officer.

Passage of H.R. 3973 is essential if Congress is going to play an active role in overseeing that the separation of powers between the branches is maintained and that the President is faithfully executing the laws.

I thank the gentleman from Arizona, the chairman of the subcommittee, for yielding me this time, and I urge my colleagues to support this legislation.

Mr. COHEN. I yield myself such time as I may consume.

Madam Speaker, more of the same. As with our consideration of the "ENFORCE Act," H.R. 4138, I must note the lack of deliberative process pertaining to consideration of this bill.

The gentleman from South Carolina spoke eloquently on the other bill and talked about the need for process—the importance of process. Process can be important, but process was not important on this bill.

It wasn't important in the other bill. Like that other bill, the Judiciary Committee failed to hold a single legislative hearing.

The process is you have a hearing. People come in and talk—experts—

then you have a markup. You first start at the subcommittee. The subcommittee has a hearing, and they have a markup, and then you have a hearing and a markup in the full committee.

This one, not a hearing in the subcommittee, not a markup in the subcommittee, not a hearing in the committee; simply, all of a sudden—pres-to—markup, process nixed. That is how we came up with the last bill and this bill.

When coupled with the fact that my colleagues on the other side of the aisle provided only the minimum notice regarding this bill, it is hard to believe that this is a serious attempt to legislate because it tramples on the legislative process, the rights of the minority to have notice, the rights of the public to have notice, and the right to have a hearing with experts testifying.

Unfortunately, the end product evidences what happens when you don't follow regular order, which is due process, notice, and a hearing. We do the same thing here.

Here are just a few of the problems with this bill: H.R. 3973 would impose burdensome and wasteful requirements on the Justice Department to the detriment of its law enforcement functions. They would probably have to hire new personnel and increase the debt, which, of course, the other side always talks about being passed on to the next generation.

Section 530D of title 28 of the United States Code already requires the Attorney General to report to Congress any instance in which the Attorney General or any Justice Department official establishes or implements a formal or informal policy against enforcing, applying, or administering a provision of Federal law on the grounds that such provision is unconstitutional, and there are 94 U.S. attorneys and a whole bunch of agency heads and a whole bunch of cabinet members and folks.

Current law, therefore, allows an administration to refuse to enforce a law in the extremely limited circumstance where law is deemed unconstitutional. No other reason is sufficient.

H.R. 3973 fails to define exactly which individuals in the Federal Government would qualify as a "Federal officer." There is nowhere in the USCA that I have seen—and we have researched it—where this Congress has defined a Federal officer, and yet we are instructing Federal officers.

□ 1715

Now, the courts might have had some gibberish, but this Congress never did.

As a result of this oversight, the Attorney General would have to review enforcement decisions by hundreds—if not thousands—of individuals who work in the executive branch and may qualify as officers in order to determine whether their decisions trigger the requirements in this bill. This burden would drain already limited resources in the Justice Department for

its law enforcement responsibilities, which is its charge.

The majority's real purpose of H.R. 3973 is to prevent the President's implementation of duly enacted legislative initiatives that they oppose and to stymie the President's discretion in enforcement of those laws.

Allowing flexibility in the implementation of a new program, even where the statute mandates a specific deadline, is neither unusual nor a constitutional violation. And it has happened with administration to administration to administration.

Such flexibility is inherent in the President's duty to "take care" that he "faithfully" execute the laws. And the exercise of enforcement discretion is a traditional power of the Executive.

Not surprisingly, the Supreme Court has consistently held that the exercise of such discretion is a function of the President's powers under the Take Care Clause, and this was reiterated by the Court as recently as 2012 in *Arizona v. United States*. This is particularly true if the bill's proponents intend to reach decisions like the deferred action on removing DREAMers from the country. That decision was a routine exercise of enforcement discretion, but H.R. 3973 would require the Attorney General to report on every such routine decision to Congress. You can't enforce every law to the fullest, and prosecutors and people make decisions on which are the most important and which are prioritized.

Professor Christopher Schroeder, the minority witness on the Judiciary Committee, noted that the number of such enforcement decisions is simply too numerous to count.

Given the foregoing, I must reiterate that this process is a waste of our time, especially when there are other far more pressing concerns to address.

How many times have we had people call us and tell us that they need unemployment compensation, that they don't have money to buy goods, to buy food for their child, to buy food for themselves, or to provide shelter? And yet unemployment insurance has lapsed.

How many times do we have people say they want to work and get a job, but we haven't passed an infrastructure bill. That is usually a bipartisan measure. For years, it has been bipartisan. Mr. Bill Young worked well on these bills getting things done. We don't have infrastructure bills to keep us going and deliver goods and services and put people to work.

How many times have people come up and talked to us about their concerns about health care, when we could be maybe coming together and finding ways to make health care even more affordable? The Affordable Care Act was a beginning, giving a lot of people health care they otherwise didn't have. In my district, the differential between African American women and White women in morbidity on breast cancer is the greatest it is in the country. And

throughout the country, African American women are more likely to die of breast cancer than Caucasian.

Why is that?

It is not in their genes. No, Madam Speaker, it is not in their genes. It is because they have not had access to insurance and health facilities to get mammograms, to get checkups, and to get treated. They don't have the ability to get to those health centers which have been funded through the Affordable Care Act, more and more community health centers because of the Affordable Care Act, and to get insurance, which they are getting insurance. But in the past they haven't gotten it, their morbidity rate is greater, and they have died. Sometimes it is because they don't have transportation to get to the doctors, and that is because of our limited resources that we put in funding mass transit.

So in so many areas which we have neglected and should be dealing with now on health care issues, on the environment, on immigration, taking people out from the shadows and putting them to work legally where they pay taxes and where young people brought here with their parents made great grades in school, could go to college and stay here, participate and fulfill their dream and fulfill their potential, work hard and play by the rules, we are not doing that.

Instead of using this limited legislative time we have got, this is yet another opportunity to bash immigrants or to rail against giving health insurance to those who would otherwise be without it. We should be addressing these broken systems that we have on immigration, helping struggling homeowners and students buried in debt and fighting discrimination among many other challenges facing our great Nation, allowing people every opportunity to vote rather than taking voting opportunities away from them at every opportunity possible. That is the antithesis of America, trying to deny people the opportunity to vote under the veil of identity.

We are doing a disservice to the American people in choosing to spend our time on these issues which are issues that are not going to pass the Senate and see the light of day—and we know it—instead of trying to come together and work with each other. I have reached out to Members on the other side and said: Why don't we find common ground and pass something? They kind of look at me and say: I get my orders, too. Unfortunately, the orders aren't working for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. Madam Speaker, I now yield myself such time as I may consume.

I begin by just pointing out, contrary to the gentleman's assertion, the term "Federal officer" is mentioned 238

times in the Federal Code, and the Dictionary Act defines “officer.” It includes any person authorized by law to perform the duties of the office.

Contrary to some of the other discussions, this bill is focused on trying to make sure that we faithfully enforce the laws and that we understand when the laws are perhaps being not enforced for persons suggesting that they are unconstitutional or otherwise.

So, Madam Speaker, it is inherent, I suppose, in the nature of Washington, D.C., politics that, at a certain point, all of the back-and-forth discussion eventually turns into white noise, and the continual debating, reporting, and blaming is so commonplace that many Americans tune it out entirely.

And just as the partisanship in Washington causes so many to tune out the substance of the debate, so do we also become accustomed sometimes to hearing lofty rhetoric and allusions to our Founding Fathers. But tonight, I pray that we can all truly listen anew to the men whose ideas so revolutionized the world because the challenges we now face were not unforeseen, Madam Speaker.

James Madison, in Federalist Paper 48, expressed his concern that eventually the mere rule of law might not be enough to restrain those who really had a mind to abuse the power of their office. He said:

Will it be sufficient to mark, with precision, the boundaries of these departments, in the Constitution of the government, and to trust to these parchment barriers against the encroaching spirit of power? But experience assures us, that the efficacy of the provision has been greatly overrated; and that some more adequate defense is indispensably necessary for the more feeble, against the more powerful, members of the government.

When Madison originally published this paper in 1788, he did so using the title, “These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other.”

Mr. Madison expressed these concerns only 12 years after America had declared its independence. And I would submit that in the intervening 226 years, these abuses have spiraled out of control.

I would urge Americans to ask themselves: Has this administration moved our Nation back toward the noble dream imagined by men like James Madison when all laws were equally enforced and all people are equal under those laws, or has this administration worsened the trend Madison detected so early on?

President Obama infamously said on this very floor, Madam Speaker:

We are not just going to be waiting for legislation in order to make sure that we are providing Americans the kind of help they need. I have got a pen, and I have got a phone. And I can use that pen to sign executive orders and take executive actions and administrative actions that move the ball forward.

To this I would humbly respond, Madam Speaker, no, he can't, not if

what he is doing is abrogating the Constitution of the United States. That is exactly the sort of overreach Madison warned us about, and it is exactly what we are referencing when we talk about an Imperial Presidency.

Unfortunately, Madam Speaker, we are dealing with a President who has admitted he would prefer to be unconfined by constitutional limitations. He specifically said:

Wherever and whenever I can take steps without legislation, that is what I am going to do.

Madam Speaker, they say that to be forewarned is to be forearmed. This President has not been shy about his intentions to go beyond the Constitution when he is inclined. Under this administration, the IRS has become a political tool used against those who oppose the President's policies. The Justice Department has adopted a policy of selective law enforcement, essentially rewriting the law by only enforcing the ones they prefer. The Senate's role in the appointment process has been ignored outright, with the administration making so-called recess appointments, even though the Senate was not in recess.

The legislative branch has been deemed little more than an inconvenient hurdle, with legislation like the DREAM Act and ObamaCare being either imposed via fiat or grossly and repeatedly modified without the input, consent, or action on the part of Congress.

We have seen the unconstitutional seizure of reporters' phone records, reported spying even on Members of Congress, and attempting to force small businesses to disclose their political affiliations before being considered for Federal contracts. At what point, Madam Speaker, do we say enough is enough?

I would remind all of us of the pleading words of DANIEL WEBSTER to all Americans when he said:

Hold on, my friends, to the Constitution, and to the Republic for which it stands, for miracles do not cluster, and what has happened once in 6,000 years may never happen again. So hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world.

Madam Speaker, the Faithful Execution of the Law Act is one very important step in the right direction. This bill will help prevent executive overreach and require greater disclosure when it does occur.

I want to thank Congressman DESANTIS for bringing this legislation forward. I want to thank Chairman GOODLATTE for his steadfast leadership on bringing this administration's executive overreach to light, and I would urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. COHEN. Before I yield to Ms. LOFGREN, I would just like to comment a couple of things.

Without disrespect to our Founding Fathers—I revere them all alike—but Mr. FRANKS was talking about Presi-

dent Madison and the noble experiment and asked the rhetorical question, all people were equal under the law—except for African Americans who were slaves, people who couldn't pay a poll tax, and women. So let's get away from this homogenized perspective of the way the world was and try to get to the way the world should be.

DANIEL WEBSTER has a quote up there, by bringing forth all of our resources, develop our resources and our land and its institutions, so that while we are here, we, in our day and our generation, may not perform something worthy to be remembered.

Well, we are not doing that today. And the references to the IRS have been debunked. They were equally applied to people who used organizations, 501(c)(4)s, beyond their original purpose. It was not anything political. And that goes to show the basic nature of this, because it is another attack on the President of the United States.

The President said: whenever I can take action without legislation. When he can take it without legislation, when he is permitted.

With that, I yield as much time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, either this bill does nothing because it is vague or it does something that is a serious problem. In the committee report for this bill, it specifically calls out as something that is wrong the DREAM Act, apparently suggesting that the DREAMers should be deported.

Now, I don't believe that what happened with the DREAMers, the deferred action, was beyond the President's authority. And I have this letter here that was sent in 1999 signed by the late Henry Hyde and two Republicans who went on to chair the Judiciary Committee, Mr. SMITH and Mr. SENSENBRENNER, urging then-President Clinton to do the same thing that President Obama has now done, which is to come up with actual standards that are then applied. So I don't think that this bill should change that.

But let's say it does. Let's say that we would have to report each time a DREAMer applies for deferred action. I think what we are talking about is that 500,000 or so DREAMers, their names and addresses, would have to be reported in to the Congress. Is that really what we want to do, to have all those kids be reported in to the Congress?

Let's talk about another thing mentioned in the earlier bill, specifically on page 14 in the committee report, the so-called point 3, unlawful extension of parole in place. What the President did—as prior Presidents have done—is to parole the immediate family, the husbands and wives, of American soldiers who are in immigration trouble.

□ 1730

The reason for that, and the military asked us to do that, the last thing you want, you have a soldier in Afghanistan dodging bullets, you don't want

that soldier worrying about what is going to happen to his wife, the visa got lost and she is facing deportation, and so parole in place was used.

Now, we believe, and I mentioned, there is a specific statutory authority for that, section 212(d)(5) of the Immigration and Nationality Act, but apparently the majority believes it is unlawful. So what would this bill mean? I guess that all of the wives and husbands who are not deported, and I guess their little children, their names and addresses should be reported in to the Congress. So we have a little list here of people who are Americans in every way but their papers, whose husbands are off fighting for our country, but we are going to create a list of them. I think they are going to feel exposed and at risk.

If the bill does anything, it does something very dangerous and wrong. We should not vote for this. I oppose it. I oppose the deportation of the DREAMers, as the majority has asked be done in these two bills, and I hope my colleagues vote against it.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DESANTIS).

Mr. DESANTIS. I thank the chairman for yielding me this time.

Madam Speaker, I have to tell you, listening to the other side, I don't know what world they are living in. We didn't have a hearing on the bill? I testified at the hearing; I don't think I made that up, I think that happened.

The idea that we are going to be reporting people's names and phone numbers for this bill—no. The Attorney General will go and say we have established a policy not to enforce ObamaCare mandates, for example. We have a situation now where these policies are illegal under the law. So if you actually looked up the law, they would be illegal, but the executive branch has taken the position that we are not going to enforce that for a couple of years, so there is a divergence between the law on the books and the law in action, and those are the types of instances, policy decisions not to enforce that will be done. That ultimately is what we are talking about here.

Some people want different policy outcomes one way or another, but the important part of this is we are talking about power and we are talking about authority. So in some of these instances, I don't agree with those ObamaCare mandates; I would like to get them off the books, and so policywise I agree with that, but as a matter of authority, the President cannot simply suspend that law that was enacted. That ultimately is what we are talking about, clarity and how the government is operating.

Ultimately, the power resides with the American people, not with Members of Congress or with the President. The people own power under the Constitution, and then we exercise that authority consistent with the power that they have delegated to us. We have the

authority under article I of the Constitution to legislate, and we have the exclusive authority to legislate.

The President has the duty to take care that the laws are faithfully executed. He does not have authority delegated him to amend, suspend, or change duly enacted laws, and this is a fundamental principle of our constitutional system, that there are separated powers and checks and balances.

George Washington, in his farewell address, admonished the Nation that to preserve these checks must be as necessary as to institute them.

The problem that I keep running into is, if I don't know what the limiting principle in some of these things is, if you can suspend the ObamaCare insurance mandate and you can suspend the business mandate and you can suspend the individual mandate, can a Republican President come in and just suspend the whole shebang? If not, why not? What is the difference?

Make no mistake about it, when there is a Republican President, there is going to be pressure on that President to suspend provisions of law that those voters who elected that individual don't like. If we start going back and forth where one side enforces what they like and the other side enforces what they like, then you don't really have a legislative body passing laws. We are essentially passing suggestions, and then it is ultimately the Executive who determines what will be enforced and what will not be enforced. That is not a road, I think, we want to go down.

The good thing about this bill is it is just saying put your cards on the table. If you are going to not enforce certain provisions of law, then report it to Congress and let us know about that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman.

Mr. DESANTIS. Madam Speaker, I thank the gentleman.

So put your cards on the table. We should not in Congress have to rely on a leak to the press or find a blog post or look in some footnote in some unrelated Federal rule to know whether some of these things are being suspended, and the American people deserve to know whether or not their laws are being enforced.

So at the end of the day, this is really a transparency provision. It has worked with, in terms of the constitutional questions—Attorneys General Gonzalez, Mukasey, and Holder have reported to the Congress when the Federal Government has adopted policies of nonenforcement due to constitutional concerns.

So this says if you are going to take the position that as a matter of policy you are not going to enforce clear mandates in law, then provide that to us, offer your justification so we can evaluate it.

Ultimately, I think it is now just common parlance in the press here

that a lot of these ObamaCare delays are done to help Democrats in the midterm elections, that maybe they won't lose as many seats if you can do that. Well, this is stuff that I think the American people need to know. That is a completely unacceptable reason to suspend laws.

So ultimately, I urge my colleagues to support this bill.

The only way it could potentially be burdensome is if their people throughout the bureaucracy are instituting nonenforcement policies left and right. The average Federal official does not have the authority to decide to institute a policy of nonenforcement. They may be able to institute discretion on a case-by-case basis. I was a prosecutor, I couldn't just decide not to enforce drug laws anymore, so some of this stuff is a red herring.

I thank the chairman for yielding me the time, and I thank the chairman of the full committee for offering this bill. I urge my colleagues to support it.

Mr. COHEN. Madam Speaker, first, I would like to say that Federal officer may be mentioned many times in the code, but not defined; not defined.

Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, if you look at the actual statute that is being proposed here, it says the report shall be made by any Federal officer, undefined, establishes or implements these policies, to refrain.

I would note, and it was hardly a secret when the deferred action program was started, it was a memorandum on June 15, 2012. It was made available to the committee and to Congress, and it points out on page 2 that the exercise of prosecutorial discretion will be made on an individual basis for those who fit within the category. So I think if this means anything, and it may not because it is vague, it means that each time an individual receives the benefit of that prosecutorial discretion on a case-by-case basis, they would have to be reported to the Congress.

Now, what information would be reported? I don't know; presumably the name or the case file or the phone number. There are many John Smiths in that group of kids, so I presume that you would need more than just the name, perhaps an address or other identifier. The point is, we are creating a little list here. It is a little list that I think will feel very dangerous to those who are identified, and unwarranted by those whose hearts are very touched by DREAM Act kids who were brought here as children. As the principles released by the Republican leadership pointed out, these are young people who committed no offense, whose only country is the United States; and but for pay-for, they would be Americans. I don't think it is something that we should do, to have their names released, to deport them, to turn our backs on them, as this bill would do.

Mr. FRANKS of Arizona. Madam Speaker, I would just point out that this bill does not anticipate the appropriateness of one law or another, just the inappropriateness of ignoring the law in general.

I yield 3 minutes to the gentleman from Florida (Mr. YOHIO).

Mr. YOHIO. Madam Speaker, I thank my colleague for yielding.

We talk about this country as a country of law, and transparency gets thrown around, as does accountability, all the time, yet we fail. We come up short time and time again.

The current administration has made multiple attempts to bypass its article II duties and instead assumed the article I legislative powers reserved for Congress. The numerous changes to the Affordable Care Act and the implementation of a one-size-fits-all prosecutorial discretion policy are just a few examples of the Executive's failure to faithfully execute existing Federal laws.

Under current law, the Attorney General must report to Congress whenever a Department of Justice official implements a policy to enforce a Federal law. H.R. 3973, the Faithful Execution of the Law Act, simply extends that requirement to apply to all Federal officials. This is a commonsense bill that will bring transparency to the current and future administrations' execution of the law.

By requiring these reports to Congress, the American people will get clarity on which laws are not being executed and assurance that these decisions are correctly made. This will also bring healthy debate and an opportunity for the Executive to tell Congress why a law is changed, in what fashion it is changed, and why it is necessary. For that reason, I would think the administration would welcome this legislation. However, the administration has stated that this bill would overburden the Attorney General because he would have to know every law in every Federal agency. Madam Speaker, who else but the chief legal officer of the United States is better equipped to argue over whether or not to change existing law?

My colleagues on the other side of the aisle may disagree with the motivation for bringing this bill forward, but they cannot deny that it sets precedent to help both Democrat and Republican Congresses to keep future administrations in check. I ask my colleagues to imagine a Republican President not enforcing the law that they support, and remind them that it is easy to overlook a violation of process when one agrees with the substance.

There could come a day when you, like us today, will not be able to overlook a similar violation of the process. The beauty of our Constitution is that it has no subjective bias or political preference, but rather, it applies equally and without agenda.

I thank my good friend from Florida (Mr. DESANTIS) and the chairman for

introducing this straightforward but necessary piece of legislation. I encourage all of my colleagues on both sides of the aisle to support this bill to keep the rule of law and to protect our constitutional Republic.

Mr. COHEN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. I thank the gentleman for yielding. Madam Speaker, I rise today in opposition to a bill that perhaps could more appropriately be called the "Failure to Execute Our Legislative Responsibilities Act."

This bill is a legislative solution in search of a problem. There is no evidence, there is no basis, there is no record to rationally conclude that the President of the United States has breached his obligations under the law in a manner that is inconsistent with the Constitution.

Now I recognize, Madam Speaker, that there are some individuals in this town who believe that the President of the United States broke the law in January of 2009 when he first took the oath of office, but there is no room for hyperbole or hypocrisy or hysteria in the legislative process.

This matter is another diversion from the business of the American people that we actually should be doing. We stand here again today wasting the time and the treasure of the American people. We should be dealing with comprehensive immigration reform, but House Republicans are blocking it. We should be increasing the minimum wage, but House Republicans are blocking it. We should be extending unemployment insurance, but House Republicans are blocking it. This bill is a distraction.

I urge my colleagues to vote "no" and let's get back to doing the business of the American people.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Madam Speaker, when I rise today, it is amazing that I have actually come to the floor and heard said it is a waste of time, it is problematic talking about the very structure of our government, the very structure that was formed, and how we interact with each other. I just don't get it. I never thought I would come to the floor of the House and actually hear those words actually uttered.

□ 1745

And I do remind my friends from across the aisle that there was that nirvana just a few years ago, and I do it every time because we talk about immigration reform in which there is basically control of everything, and you just chose not to act on it.

So let's move past the point when we can look at what we are doing here today, and that is looking at a law that actually goes back to the understanding of why we are here.

Every time I go home and every time I am up here, I get calls, I get notes,

saying: Why is there the ability to change the law?

It is not prosecutorial discretion. It is saying: there is a black letter date, I am changing it, I don't like it.

That is wrong. When you are looking at discretion, it is not an issue of do I want to do it or not; it is an issue of what does the law say?

People back home could care less about Washingtonspeak. They could care less about what goes inside the beltway. They care about their lives, and they care about a government that they read about in textbooks that said here is how a bill becomes a law and here is how it works. We even had a little jingle about it on Schoolhouse Rock.

But we decided to move away from that. In fact, if the Republicans were not here talking about this, you would not have heard about some of these things because they are buried in many places—the very things that we talking about here, but the American people, especially in my district, want us to do more. They want us to say: reaffirm your article I responsibilities.

Now, the interesting thing here is we have had testimony, yes, in committee talking about this issue. The gentleman in which we disagree on policy, Mr. Turley, has said you may not like it, and I like some of what has been done, but this is not the way to do it.

It goes back to just really an understanding of what undermines Congress. We talk about our approval rating, we talk about our lack, but we don't do what we are supposed to do because we are not holding article I responsibility and accounting transparency from an executive who blatantly disobeys it.

So what do we need to do? We have got to reassert that article I authority. It is not only in bills like this and also the one we just passed, but it is also looking at our article I responsibility with budgeting. It is our article I responsibility to say we have got to come to an agreement and say this is the law and the executive has to enforce that law.

This is something that we can—and my good friend from Tennessee, we disagree on a lot of things—but we can agree on one thing today. We can work together on this because I remember, when you all was back watching on C-SPAN just a few years ago, the same outrage. Why would the President make signing statements?

In fact, we talk about Imperial Presidency. I remember the first time Imperial Presidency came up. It happened to be from the ranking member of our committee, Mr. CONYERS, when he wrote about the Imperial Presidency of Bush.

So let's take the hyperbole out. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANKS of Arizona. Madam Speaker, I yield 2 minutes to the gentleman.

Mr. COLLINS of Georgia. So the question that comes to mind is: Why are we here?

It is because of the folks that I see every day that want to say: Congress doesn't do anything, the President does whatever he wants to do, why is Congress not doing anything?

We are doing something. These bills that we are passing today move forward and say we are asserting our responsibility and our role.

But this is what breaks my heart, really frankly, is that this should be bipartisan. This should be something we come down here and both agree on. It should be bipartisan that we should work together.

For me, this is not an issue of who resides at 1600 Pennsylvania. That is irrelevant to me. What is important to me is this institution that was set up to make laws, to execute laws, and to judge the constitutionality of laws. That is the way our system was set up.

It has changed through the years. If the Attorney General or the administration feels that there is a law that is wrong or unconstitutional, then the process is to come back to Congress and say here is our ideas, and you come to the elected representatives of the people.

You don't continue to just say I don't like it, I am not going to enforce it; and for many of these, to say this is just simply prosecutorial discretion is an affront to the American people.

The reason we are here today is Congress is asserting itself and asserting its role, and for the Ninth District of Georgia, that is why they sent me, is to do what Congress is supposed to do, but also hold the administration accountable for what they are supposed to do because back home they don't get it.

They remember I am just a bill, just an ordinary bill. That is the way it was supposed to work.

It is time we start rewriting the textbooks. It is time to get back to transparency and faithfully executing the law.

With that, I ask for support of this bill.

Mr. COHEN. I yield myself such time as I may consume.

I would just like to respond a little bit to what was said, and it was said in a previous discussion by my friend from South Carolina about why Congress is in such disrepute. He was thinking, if we pass this bill, people will think better of us.

I would submit the reason Congress is in such disrepute is because the GOP shut down the government. People don't know about how you make a bill, per se, but they know they want their government opened. When they come to Washington, they want to go to different places. The GOP shut down the government for 17 days, and that is wrong.

Madam Speaker, I yield 1 minute to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, I would just like to note that, in 2010, the House of Representatives did pass the DREAM Act. Eight Republicans

voted against it. It was killed by Republicans in the Senate, but we did our best to pass the DREAM Act.

In fact, it did pass this House, and I still have the gavel that Speaker PELOSI used while presiding over that measure displayed proudly in my office.

I think, also, as we discuss matters, we can help undercut confidence in our system of government. Yes, we are fans of article I because we are in the Congress, but article II has its role as well.

I think it is important to note that the Supreme Court itself has, as recently as last year, noted—and that is in the Arizona case—that Federal immigration officials have broad discretion, including “whether it makes sense to pursue removal at all” as part of their authority under the Constitution.

Further, we have delegated to the President by statute, 6 U.S. Code 202, for the administration using its article II authority to establish the national immigration enforcement policies and priorities, which is what the President did.

So let's not instill anxiety and confusion among our constituents by somehow saying, when the President uses the authority that we have granted to him that the Supreme Court has noted he has, that somehow that is improper. It is not.

I would say further, on the merits of the case, this is not just random authority, as the gentleman from Arizona suggested earlier. It is the majority who specifically mentions the DREAM Act on page 2 of their report—of the committee report, as being problematic and a reason for this legislation.

It was the majority report, not me, who suggested that. I think it is very mistaken and wrong on a policy matter, wrong on a legal matter, and wrong constitutionally.

Mr. FRANKS of Arizona. Madam Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman, the chair of the Constitution Subcommittee, for yielding to me.

I rise in support of this act. I am a little bit astonished by some of the debate and the dialogue that has taken place here throughout this day, especially on the topic matter that is Executive overreach.

We have had extensive hearings in the Judiciary Committee. It should be clear to all that, when the liberal constitutional professors are concerned about our country, a tipping point in our Constitution, it is time for maybe a little bit more of an open dialogue here and I think more of an objective dialogue.

I would bring to your attention, Madam Speaker, some language that was in *The Wall Street Journal* today. It was in support of the Faithful Execution of the Law Act and then the reporting act that we are talking about.

It is a perfect example of why this bill is necessary in a report in *The Wall*

*Street Journal*. It says, in today's issue, describing yet another ObamaCare delay that flies in the face of the statutory text:

This latest political reconstruction has received zero media notice, and the Health and Human Services Department didn't think the details were worth discussing in a conference call, press materials, or fact sheet. Instead, the mandate suspension was buried in an unrelated rule that was meant to preserve some health plans that don't comply with ObamaCare benefit and redistribution mandates. Our sources only noticed the change this week.

Madam Speaker, this is not the way Congress should be informed of the President's failure to faithfully execute the law or his utter defiance of the law or his executive endeavor to amend the law outside the bounds of his article II constraints.

Madam Speaker, when the President or any other Federal official adopts a policy of failing to enforce a law or refusing to enforce a law, it should immediately inform Congress in writing, so the duly elected representatives of the American people can respond appropriately.

To have to find out in a newspaper article or find out on a Web site or, worse yet, in one of the earlier unconstitutional overreach efforts of the President to amend the ObamaCare law, we found out on a third-tier U.S. Treasury Web site.

Now, what of 316 million Americans responsible to know what the law says and do our best to comply with it can be cruising around on a third-tier U.S. Department of Treasury Web site, to see if the President has gotten up that morning or gone to bed late the night before, maybe a little bleary-eyed, and issued some kind of an order that there is going to be another change in ObamaCare?

ObamaCare, it has his name on it, Madam Speaker, the President's name, ObamaCare on the top and his signature on the bottom.

We had a constitutional review meeting this morning with constitutional scholars, and I said: Is it 31 times that the President has, by the stroke of his pen or the word of his mouth, amended ObamaCare?

They corrected me. They said: no, it is 38 times.

I don't have that list. I hope I get that list because I would like to examine some of them that I am missing, but the President of the United States has no authority to amend ObamaCare.

Yes, there is executive discretion on the implementation of it, but the starkest violation of the Constitution and the starkest amendment to ObamaCare is the one that people agreed with, and it is this: that the President announced that he was going to delay ObamaCare, the employer mandate, for an extra year when the bill itself says the implementation of the employer mandate shall commence in each month after December of 2013.

Now, I don't know how the gentlelady from California's dialogue gets



around that very, very strict language that was written into ObamaCare. It doesn't say if the President changes his mind; it doesn't say if Democrats are vulnerable. It says shall commence in each month after December of 2013; yet the President decided he would just simply delay that for a year. Now, there are, what, 30 or 37—pick your number—different times the President has done this?

I remember criticism from last summer when I was asked by the press and the public and the demand from people on the other side of the aisle, ObamaCare is the law of the land, so we are obligated to fund it through the appropriations process.

That was a big debate here on the floor of this House. I said, then, we don't know what the law is because the President has so stirred the pot with his executive orders, his executive pen, his cell phone, his ink pen, or his press conferences, that no one today knows what ObamaCare is or says.

Even if we think we knew, we would have to be a contemporary scholar of the bill, and we couldn't go to bed tonight thinking we knew what it would be tomorrow morning because it is likely to change again. That is what is going on, simply, with just ObamaCare.

By the way, I would add conscience protection, when we were assured—and it was to be written into the bill—that the conscience protection would be there for those folks who had a concern.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANKS of Arizona. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 3 minutes remaining. The gentleman from Tennessee has 9½ minutes remaining.

Mr. FRANKS of Arizona. I yield an additional 30 seconds to the gentleman.

Mr. KING of Iowa. I thank the gentleman.

I want to make a point. The President even amended ObamaCare by press conference, which is completely outrageous.

Not to get to the immigration components of this, there is nothing in this that deports anyone. The things that we did with my amendment addressing the DACA language are also the President's overreach; and by the way, the prosecutorial discretion says on an individual basis only seven times in that order, but it creates entire classes of people—four classes of people—encompassing hundreds of thousands of people.

You can't describe hundreds of thousands of people of being individuals. They are groups created unconstitutionally by the President.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

First, I want to set the record straight before we get too much revisionist history here. Yesterday in the Rules Committee, the distinguished

chairman of the Rules Committee, Mr. SESSIONS, said that President Obama liked the law so much—the Affordable Care Act—that he had it named for himself. Today, my friend from Iowa said they put his name on it.

□ 1800

Well, he didn't define "they." It wasn't us. It's the Affordable Care Act, Patient Protection Act. It was the opponents of the bill, them, that started calling it "ObamaCare," thinking that would be a pejorative, and they have gotten so used to it, they think we did it. Take credit for what you do, but forgive them, for maybe they don't know what they do.

I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I rise in opposition to this burdensome and unnecessary piece of legislation.

We all know this is a message bill, a one-House bill that is not going anywhere in the Senate and is intended only as political propaganda against the President. It is a sham, and we all know it. In fact, we have come to expect it.

Never mind that there are real problems facing the American people that we can and should be working on, like raising the minimum wage, reforming our broken immigration system, creating jobs, extending unemployment insurance.

I guess it's not enough for my colleagues on the other side of the aisle to ignore America's real problems. They have to waste time on invented problems that don't really exist.

That brings us to the bill before us today. This bill would require the Attorney General to report to Congress any instance when any Federal officer establishes a policy to refrain from enforcing, applying, or administering any Federal law, as well as to state the grounds underlying such a nonenforcement policy.

It expands the current law, which requires the Attorney General to report instances when he determines not to enforce the law because he believes that law to be unconstitutional. This new burdensome mandate would not only result in confusion and drain already-limited law enforcement resources, but would present separation-of-powers concerns as to its constitutionality.

The bill would require the Attorney General to oversee every single Federal officer, every U.S. attorney, every deputy U.S. attorney, every agent of any Federal agency, thousands of people, and would require him to determine in every instance when they prioritize enforcement of some classes of cases over others whether such exercises of discretion constitute a "policy" of non-enforcement. What a complete mess. Millions of decisions every year. Talk about your bureaucratic nightmare, not to mention your waste of taxpayers' dollars.

What is even worse is this bill is a thoroughly flawed solution in search of an imaginary problem. Over the course of two oversight hearings on the topic, the bill's supporters have failed to identify a single example of the President really failing to "faithfully execute" the law.

It is clear that they have confused constitutional violations with the President's legitimate exercise of enforcement discretion, which is not only well within his authority, but is in fact required by the Constitution's Take Care Clause.

Whether it be increasing the minimum wage with Federal contractors, which he is allowed to do; allowing the DREAMers to stay in the country by deferred deportation orders, for which there is much precedent; or even delaying implementation of certain provisions of the Affordable Care Act, all of these actions are well within the President's legal authority. Of course the President has the authority to set guidelines for Federal contractors or to prioritize immigration enforcement dollars away from deporting children. Even when it comes to delaying deadlines of provisions in the Affordable Care Act, his goal was not to undermine the law. It was the exact opposite—to ensure that the law continues to work well for the millions of Americans who are benefiting from it: the children under age 26 who can remain on their parents' policies, those with preexisting conditions who can get insurance, women and seniors benefiting from increased preventive care services, of course the millions of previously uninsured who now have health insurance.

So, Madam Speaker, I hope my colleagues will be content with their message bill based on half-truths, completely unworkable technically, and completely without any benefit to the millions of Americans who want more from Congress than silly messages.

Americans want results. They want higher wages, a better immigration system, and affordable health care. I guess the Republicans are content to have them wait and to try to entertain them with silly nonsense. It is really sad. I hope we can get down to dealing with serious issues in this Congress.

Mr. FRANKS of Arizona. Madam Speaker, I now yield 1½ minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I heard my friend from Tennessee talk about revisionist history, and yet he has also talked about the Republicans shutting down the government.

So that we get this accurate, the truth is this body here proposed and passed three different compromises. One was going to suspend ObamaCare for a year. The Senate would not even take that up; they wanted a shutdown. Then we sent down a bill we passed from here that would actually just suspend the individual mandate—that the President has done unconstitutionally

and unilaterally for Big Business. Then when that didn't work, we passed a bill that said: Look, here's our conferees; you appoint yours; we will have a deal worked out by morning. HARRY REID wanted the Congress and all of the Federal Government shut down, and so he did nothing.

So, we know who shut things down, but I want to read a quote:

These last few years we have seen an unacceptable abuse of power at home. We've paid a heavy price by having a President whose priority is expanding his own power. The Constitution is treated like a nuisance.

Barack Obama said that, and he could not be more right as to classification of his own conduct.

Mr. FRANKS of Arizona. Madam Speaker, I would ask if the gentleman is prepared to close.

Mr. COHEN. Yes, I am.

Mr. FRANKS of Arizona. Madam Speaker, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

I would just like to say that while this legislation and the previous legislation is going nowhere, we should be dealing with the issues that face the American people, the serious issue of jobs and the environment and global warming and immigration reform and drug reform and freedom and liberty and justice and the American way.

I admire the Speaker. She is a fine woman and does a great job and has done a good job presiding today. And many of the Republicans, even though I don't agree with them, I think they are nice people, and most people here try to do the right thing. Unfortunately, some of the policies that they have I think put the country in a wrong direction, but they are basically nice people.

With that, I yield back the balance of my time.

Mr. FRANKS of Arizona. Madam Speaker, I yield myself the remainder of the time.

I would say, Madam Speaker, in spite of the many unrelated issues that my friends on the left have brought up to bear on this bill, this bill is about the rule of law. Madam Speaker, I would remind all of us that the rule of law is what we had that little unpleasant discussion with England about so many years ago. After that we wrote a Constitution, and every person in this body swore to defend that Constitution, and that is what we are trying to do here.

If we now, as legislators in the United States Congress, are willing to stand idly by and let the President of the United States arrogate legislative power unto himself and dismiss the Constitution, then we would be obligated, Madam Speaker, to apologize for our oaths and dismiss the dream of human freedom and step back and board this place up and go home.

I would suggest to you, Madam Speaker, that some of us are not prepared and willing to do that. And so to that end, to the end that we can uphold

the rule of law, I would encourage my colleagues to pass this bill.

I yield back the balance of my time. Ms. JACKSON LEE. Madam Speaker, I rise in opposition to H.R. 3973, The Faithful Execution of the Law Act of 2014.

One of the areas in which the Executive Branch should be least hamstrung is in its ability to respond to imminent threats to national security or public safety and the Jackson Lee Amendment prevents the President from being shackled by Congressional litigation from protecting America.

A fundamental role of government is to ensure citizens' physical security.

While government should not be given unfettered power in the name of security, neither should we allow a lawsuit by Congress to hamper the President in responding to imminent threats.

H.R. 3973 expands upon preexisting reporting requirements.

Already, Madam Speaker, under 28 U.S.C. Section 53013(a)(1)(A), the Attorney General is required to report to Congress whenever any officer of the Department of Justice (including the Attorney General himself) "establishes or implements a formal or informal policy to refrain" from (i) enforcing any federal statute, rule, or regulation on the grounds that the provision is unconstitutional, or (ii) enforcing or complying with a final decision of any court that interprets or applies the Constitution or a statute, rule, or regulation.

H.R. 3973 would expand 530D(a)(1)(A) in three respects.

First, it would require the Attorney General to report on nonenforcement policies adopted by federal officers outside of the Department of Justice.

Second, it would extend reporting requirements to all nonenforcement policies, regardless of their rationale.

Third, it would require the Attorney General to specify the grounds for declining to enforce any federal statute, rule, or regulation in his report to Congress.

To summarize Madam Speaker, the U.S. Code would look like the following:

(a) REPORT.—

(1) IN GENERAL.—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice or any other Federal officer—

(A) establishes or implements a formal or informal policy to refrain—

(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer and state the grounds for such policy on the grounds that such provision is unconstitutional; . . .

Again, Madam Speaker, an area in which the Executive Branch should be least hamstrung is in its ability to respond to imminent threats to national security or public safety, which is the amendment I would have offered in the Rules Committee last night.

A fundamental role of government is to ensure citizens' physical security.

While government should not be given unfettered power in the name of security, neither should we allow a lawsuit by Congress to hamper the President in responding to important matters of state.

I urge my colleagues to reject this Bill.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. ELLISON

Mr. ELLISON. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

#### SEC. 3. EFFECTIVE DATE.

Section 2, and the amendments made by section 2, shall take effect only beginning on the date that the Attorney General finds that sufficient amounts have been appropriated to cover the costs of additional reports that the Attorney General is required to submit by reason of such amendments, including costs to Federal agencies and to Congress.

The SPEAKER pro tempore. Pursuant to House Resolution 511, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Speaker, if my colleagues who are offering this bill believe that it is a good idea, they should agree with my amendment. We will see.

My amendment is very simple. It just says that if the voluminous number of reports that may be generated by this bill are so burdensome that they shut down and interfere and gnarl up the instrument of government, then it would be legitimate for the Executive to waive the reporting requirements provided in the bill if sufficient funds are not available to generate the increased volume. It makes simple sense to do so.

My colleagues say they want transparency. They also say all the time that they want to cut red tape, that they want to cut extra reports, that they want to get government out of the way. Their bill is getting government in the way, for sure. If they are sincere about their desire for less government, then I am certain that they would be willing to put in a provision by which we would waive reporting requirements provided in the bill if sufficient funds were not available to deal with all of these reports that they are generating.

But do you know what?

It may just be, Madam Speaker, that, given that we had a 16-day shutdown and given that we just saw the Oversight Committee chairman cut off the mike and given that we have just seen sequestration and the cutting off of government, maybe, right now, what we are seeing is an effort to just bog down government—snarl it, wrap it up, get it twisted up—so that it doesn't really function. Whether you are shutting down or are cutting off or are bogging down, it is all interfering with the American people's government and its ability to serve them.

I would ask for a "yes" vote on my amendment because my amendment makes sense given that the general theme around here has been less government, particularly not unfunded



mandates and things like that. We certainly are not sending an appropriation along that is compliant with this bill. We are certainly not sending money along and extra staff to be able to generate the reports that would come about as a result of this bill.

It just seems to me that it would be fair for the Executive to say that that is not a constitutionally implicated provision for which we are using our discretion to either formally or not formally enforce; therefore, we don't need to write a report but for this amendment. Yet, since we don't have the money and since, I am sure, that my friends on the Republican side wouldn't want to bog down government, they should just be able to waive the requirement if there are not sufficient funds to comply.

I want to point out, Madam Speaker, that this particular bill would have the effect of burdening government unless we do have some provision for the Executive to escape it given its overburdening nature. This particular bill would be an undue burden.

I also think it is important to point out—I think it is very important for everyone listening to this debate to know, Madam Speaker—that existing law already requires the Department of Justice to submit a report to Congress when it determines that nonenforcement is recommended because the law is unconstitutional. So, when we need a report, the law already requires that we would get one; but informal? Think about the way this bill is written. It would require a Federal agency to issue a report even in the case of informal nonenforcement.

Does that mean that if somebody decides not to charge out a case that one has to write a report on it? Does that mean that if EPA officials cannot get down to every single polluter because they are dealing with the big ones that they have got to write a report about it? Does that mean that the FBI cannot prioritize the dangerousness of crimes and go after the most dangerous people and work with local law enforcement to deal with the other ones?

This is a ridiculous piece of legislation being offered. It would generate all types of burdens, and in order to meet and comply with it, it would require all types of expenses and extra staff. Since my Republican friends and I agree that it would not be a good idea to just push unfunded mandates on the government, I am sure that I will be able to get a lot of votes from both sides of the aisle that would allow the executive branch to waive reporting requirements.

Mr. COHEN. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Tennessee.

Mr. COHEN. You said you would definitely get a whole bunch of folks on both sides of the aisle?

Mr. ELLISON. In reclaiming my time, I thank the gentleman from Tennessee. I am sure we will get plenty of people on both sides.

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

Mr. FRANKS of Arizona. Madam Speaker, I claim time in opposition to the gentleman's amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

□ 1815

Mr. FRANKS of Arizona. Madam Speaker, I would oppose the amendment, as it would explicitly grant the Attorney General the unilateral power to negate the entire bill based on his own subjective determination of what constitutes "sufficient" appropriations.

This amendment would shield from accountability the President, the Attorney General, and any other Federal employee from the duty to take care that the laws are faithfully executed.

Madam Speaker, we know that this bill will not cost the taxpayers any money, according to the nonpartisan Congressional Budget Office. As stated in their official view submitted, CBO estimates:

Enacting the bill would not affect direct spending or revenues.

CBO estimates that implementation of the bill would not have a significant effect on the budget because such reporting costs are small and subject already to the availability of appropriated funds.

So, Madam Speaker, why does this amendment grant the Attorney General the unilateral authority to conclude otherwise?

Well, Madam Speaker, the Attorney General works for the President, and when given the opportunity to immunize the President from accountability, what does one think the Attorney General would do? It is logical to assume he would shield the President from accountability.

The base bill is specifically designed to hold the President accountable. This amendment, on the other hand, would allow his own Attorney General to shield the President from accountability, thereby gutting the bill, and so this amendment should be roundly defeated.

Madam Speaker, we have had significant debate here, but it is important to remind ourselves what it really is all about. The rule of law is truly the only context in which human freedom on Earth can exist. It is incumbent upon those of us who have taken an oath to uphold the Constitution of the United States to protect that rule of law here tonight. This is the intention of this bill. This is the deep commitment that should be on the part of all of us.

With that, I hope my colleagues would defeat this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from Minnesota (Mr. ELLISON).

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3973 is postponed.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113-97)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared on March 15, 1995, is to continue in effect beyond March 15, 2014.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran has not been resolved. The Joint Plan of Action (JPOA) between the P5+1 and Iran went into effect on January 20, 2014, for a period of 6 months. This marks the first time in a decade that Iran has agreed to and taken specific actions to halt its nuclear program and to roll it back in key respects. In return for Iran's actions on its nuclear program, the P5+1, in coordination with the European Union, are taking actions to implement the limited, temporary, and reversible sanctions relief outlined in the JPOA.

Nevertheless, certain actions and policies of the Government of Iran are contrary to the interests of the United States in the region and continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and to maintain in force comprehensive sanctions against Iran to deal with this threat.

BARACK OBAMA.  
THE WHITE HOUSE, March 12, 2014.

45TH ANNIVERSARY OF THE MINORITY BUSINESS DEVELOPMENT AGENCY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, I rise today to applaud the Minority Business Development Agency on its 45th anniversary.

The Minority Business Development Agency was established by executive order on March 5, 1969, and has worked to promote the growth and global competitiveness of a critical segment of