

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

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

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

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

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

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

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

Sincere regards,

BRIAN SANDOVAL,
Governor.

RESPECT FOR OUR FALLEN HEROES

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

Mr. HUDSON. Mr. Speaker, it has been 8 days since the government shut down. The postal service is still run-

ning. Social Security and unemployment checks are being processed. Citizens can get passports and food stamps, and certain groups that have the right ideology are even given permits to protest on our National Mall; but for some reason, our military families, including those at Fort Bragg in North Carolina, cannot receive emergency death benefits.

This is worse than excusable. It's shameful.

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

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

CONSTITUTIONAL DUTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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