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

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

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

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

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

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

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

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

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

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

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

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

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

and is allowing subsidies to flow to Federal exchanges.

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

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

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

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

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

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

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

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

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