nuclear or the green energy: solar, wind, biofuels and geothermal, all the rest. So energy policy becomes extremely important.

Labor. It turns out, if one were to look at American economic history, you would be able to track the rise of labor in the thirties, forties, fifties and sixties tracking perfectly with the rise of the middle class in America. So as labor became more predominant in America, we saw the American middle class grow right along with the labor movement.

Beginning in the 1970s, we saw the decline of the labor movement. If you track the decline of the labor movement, you will find the decline of the American middle class tracking perfectly with the decline of the labor movement. Now we find all across the Midwest—in Wisconsin and Ohio—a major movement to take yet another shot at labor, to weaken labor or to destroy labor. In the process, you will find the further decline of the middle class of America should they succeed at that.

But this is more than just the labor movement. This is preparing the American worker to be competitive in a modern economy. This is education. This is job training. These are programs to retrain and to bring into the workplace workers who are prepared to deal with the modern machinery and the modern equipment that a well-placed and well-executed economy must have.

I want to move to the next one, which is, in fact, education. Earlier today, I met with the President of California State University, East Bay, part of my district in California.

□ 1850

And the president, Mohamoyad Qayoumi, who happens to be an Afghan, was talking about programs that they're putting in place in the East Bay of California, San Francisco Bay, to encourage the education of children—modern technology, using iPhones, using techniques in computer technology—so that the kids who are into these things in a big way will be able to learn, not going out and buying expensive textbooks every year that are out of date the next year, but rather to use online publications and be able to bring to the students all of the world.

I was going home last weekend, and I got a call from my wife. She said, Can you find a light bulb for the projector? It's out. We need a light bulb for the projector. I said, I just got off the airplane. I don't know what I'm going to do.

I got online, I punched up my Safari, and I looked for light bulbs. In a matter of moments, I found, not too far from the airport, a photo shop that had the light bulb.

The whole world is here. The whole world is available for a student who's just curious. You cannot help but be curious. All you need to do is get online, and you can find out everything about the world around us, anything you're into with science, and it turns out that this little piece of equipment, according to President Qayoumi, is also a tool for the teacher. The test can be taken on this. And in taking that test, the teacher immediately knows what the student does not know. And so the next day in class that could be dealt with.

I think I'm running out of time here, and I'm going to finish very, very quickly with intellectual property. This is the transition of all of the research into the manufacturing sector. Make It in America. We have to do this. We can do this if we have the right policies in place.

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

FEDERALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. STUTZMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. STUTZMAN. Mr. Speaker, I rise today to address the topic of enduring consequence. Last month, the members of the Constitution Caucus came to the floor to commend limited government as the guardian of human dignity. Tonight, we would like to continue that conversation by discussing one of the indispensable pillars of limited government. America's guarantee of limited government and her bulwark of liberty can be attributed to Federalism.

Federalism is the subject which we often forget here in Washington, D.C. I believe this is a tragic irony because our great Nation is the birthplace of this truly revolutionary political concept. Federalism is not an abstract philosophy. Simply, it is the separation of power between the Federal Government and State governments. It is one of the cornerstones of our American experiment in self-government.

It was unheard of before the American founding and unfortunately is all but forgotten today.

Until our Founding Fathers devised our unique system of government, nations around the globe were dedicated to the faulty idea that power or sovereignty was indivisible. The great wisdom of the American founding was to reject this notion and build a robust government with a system that carefully divided power on two different levels.

Yes, we are most familiar with the separation of three branches of government—legislative, executive, and judicial; but too many in Washington have forgotten that there is another division in government—the division between States and Federal Government.

Mr. Speaker, we have one of the greatest documents to govern our country that has existed for over 200 years and has been one of the documents that has guided so many Americans and people across this country into personal responsibility, to the ability to take opportunities that we have been granted in this country.

The 10th Amendment sums up this structural integrity of the Constitution and the dual sovereignty of the Federal and State governments. The 10th Amendment says this: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

As a former State legislator, I've seen this and been very frustrated at times as a State legislator in the powers that the Federal Government continues to assume and is basically overreaching the responsibilities and the powers of the State government. Federalism, as you know, was a huge debate and discussion as part of the founding of our great Nation back when our Founding Fathers were discussing what should be in the Constitution.

During the debate over States' rights and Federalism, there needs to be a balance between what the States are responsible for and what the Federal Government is responsible for. And our Constitution lays those responsibilities out and defines those responsibilities very clearly.

I believe it's very important for us, as Congress and Congressmen and Congresswomen, to refamiliarize ourselves with our Constitution and realize that the boundaries that have been laid out by our Founding Fathers are well defined. And the intent and the vision that was laid out is one that is still applicable today.

I believe that the Federal Government continues to overreach as to those boundaries—whether it's massive spending, whether it's an overreach in our health care bill that just passed last year, whether it's the stimulus package which the Federal Government is now assuming the responsibility to stimulate our economy rather than trusting in the American people.

It does not add anything to the Constitution that was not already there in its structure, but in making the principle of Federalism more explicit, the 10th Amendment underscores the importance of Federalism.

To see Federalism succeed, we must hold faith in the integrity of the Constitution. A living document is just an empty vessel. Federalism is neglected when politicians make the Constitution a blank slate for the dominant political trends.

As James Madison wrote in Federalist Number 45: ''The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite.''

So, Mr. Speaker, I would like to read again the 10th Amendment of our Constitution: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are

reserved to the States respectively, or to the people.''

So, Mr. Speaker, I'd submit to you that many of the programs that the Federal Government currently not only operates but also is proposing under several different bills over the past several years really are overreaching into the State governments' responsibilities and also into what they are fully capable of doing.

Many times the frustration that we had of dealing with Medicaid and the mandates that were handed down to the States were tying the hands of our State governments.

Coming from the State of Indiana, I'm very proud of what has been accomplished because of those who respect not only the simple economics of balancing budgets and realizing that you can't spend more money than what you have, but as a member of the Indiana House of Representatives of 2005, I worked with our Governor and our Senate to see that Indiana passed its first balanced budget in 8 years.

As we've discussed repeatedly here in Congress already, what about balanced budgets, what about the responsibility of making sure that we do not spend more money than what we have? Our Federal Government just closed its budget with a $1.5 trillion deficit, and that's hard to imagine that we could actually spend that much more money than what we take in. Any Hoosier family knows that once that line at the bottom of the checkbook hits red, there's a problem, and we need to reevaluate what we are currently doing in our spending and our income.

□ 1900

Either you start cutting spending or you start increasing your income. As we all know with the difficult economic times that we're in, increasing income is not always as easy as we would like it to be. So what we need to do is control what we can control, and that is the spending.

Today, Indiana is squarely in the black because of very difficult decisions. It has a AAA credit rating, and is home to the fewest State employees per capita in the United States. The initiative was taken when times were difficult and in realizing that we were falling on tough economic times.

As we move forward in this Congress, I believe that we need to take the same principles and the same values that States have and local governments have and families have across the country, and businesses, who all realized that you cannot continue to spend more money than what you are taking in.

Progressivism has been the greatest foe of federalism. Progressivism believes in a government of, by, and for the experts, statisticians, and bureaucrats. Federalism believes in government of, by, and for the people and their unique communities. So, again, here I would argue that communities and people are much more capable, because they know their particular circumstances and how they are to manage not only their own dollars but their own lives, whether it's education or whether it's being involved in their church, in giving to their church or charity groups.

But instead, we're seeing a government that continues to intrude in taking more and more of those responsibilities, but also the rights that we all have as citizens, in taking those away from Americans and giving them to the Federal Government. We all know the Federal Government is never capable of fully meeting the needs that every individual has in our country.

Progressivism ends up elevating unelected experts to rule over the entire Nation. Rules promulgated by an alphabet soup of agencies choke out representative government, and Congress calls hearings to slow them down. We are seeing that repeatedly right now, Mr. Speaker, with hearings that we are having currently in our committees and in asking questions of the bureaucracies on the rule-making decisions that they are making every day. It continues to choke out not only our freedoms and opportunities that we enjoy as Americans, whether it's in business or whether it's as individuals, but also the bureaucracies are becoming much more powerful.

Now that the Congress is not passing overreaching legislation, we're seeing the bureaucracies taking on that role. And I believe that it is crucial for us as Americans to step forward and to remind ourselves what our Federal Government's responsibilities are. The Constitution clearly defines those responsibilities. And I believe it's important that we all become more familiar again with our Constitution and with the responsibilities that the Federal Government is responsible for.

Likewise, federalism today should not be confused with nullification, nor with the idea of secession. Federalism must be revived so that the rights of citizens might be upheld and their duties fulfilled. Federalism is the protector of life, liberty, and the pursuit of happiness.

I can only imagine at the time, as our Founding Fathers were debating federalism and creating a Federal Government with the State governments that they had at the time, that they never imagined that the Federal Government would become as large and bureaucratic and bloated and irresponsible as it is today.

When the Federal Government exercises control over health care, welfare, housing, unemployment, and even the so-called stimulus of our economy, there is less incentive for citizens to act within their communities and States to fulfill the duties they once assumed. Civic virtue suffers as power flows to Washington, D.C. Ordinary Americans are neglected in this top-down solution.

Many argue that Washington knows better, that bureaucrats know better, that the experts know better. But I know, growing up as a son of a farmer in northern Indiana, that my parents, my grandparents, they all knew what was important for our family. They knew what was important to our community. Whether it was being involved in our school, whether it was being involved in our church community, whether it was being involved in our local economy or our government process. Families and individuals can make those decisions, what's important, and make those priorities, pass those priorities on to their families.

I believe that what's happening today in our country is that we're seeing less and less not only interest, but also responsibility is now being assumed by our Federal Government, because it continues to overreach and to continue to take away the responsibilities of local governments, whether it's a school board which would make much better decisions for their local community and their school, whether it's a county council that knows the challenges that they have with their counties.

I know for us we have a lot of lakes and rivers, a lot of sandy soil, sewer systems that need to be built to keep our environment clean and better for our children and grandchildren as we pass on the resources that we have. We are starting to have our hands tied more and more because of regulations coming from Washington, D.C.

I believe that that is what our Founding Fathers intended. They believed in ordinary citizens making extraordinary decisions for their communities and that the structure of our Constitution protected that.

In short closing here, as I want to turn it over to my colleagues, I would warn those who are in Congress that we think ourselves too wise if we believe that federalism espoused in our founding documents is an antiquated relic of the past. Governments are the products of fallen men. Human nature is the same today as it was in 1787. When the Federal Government grows beyond its original purpose, when it greedily claims powers belonging to the States and local communities, it arrogantly assumes that 535 Federal legislators and hordes of bureaucrats can direct with perfect clarity the lives of over 300 million Americans.

I would be amiss to claim that I know the daily concerns of Buckeyes, or those who are in New Jersey, or from Texas, or from Oklahoma, or from California. But I know Hoosiers because I am one. I know and believe these simple truths. The rich diversity of our Nation's 50 States impels us to greatness. There are legitimate concerns which must be addressed by a well-balanced Federal Government. Yet the Federal Government ought to defer to the States in those matters that the States are best prepared for.

Mr. Speaker, at this time I yield to my colleague, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman from Indiana. Thank you, first of all, first and foremost, for leading this caucus tonight and leading this Special Order tonight as we speak about federalism as a safeguard of a limited government. So we come here tonight to discuss that and think about it in the larger sense, to discuss basically the revolutionary principles that federalism is and its critical role in our system of government that makes individual liberties possible in this country.

As the founder of the Constitutional Caucus, I welcome a public discussion on federalism tonight. It is such a crucial discussion, a discussion of federalism, a discussion of the role of government in our lives. And it lies at the heart of the American social contract between the government and the people. You see, it's federalism that keeps the Federal Government basically within its proper boundaries. So it is crucial to an understanding of the American commitment to liberty and to freedom and how well it will safeguard this generation and future generations as well.

When we think about these topics, it's often easy to take for granted our Federal system of government and the freedoms that it affords all of us. But such a system was, by no means, preordained.

□ 1910

And if you go back some 200-plus years, ordinary colonists, armed with a desire to be free, rebelled against the world's mightiest empire to achieve our independence from an obtrusive, overcentralized and a faraway government.

And what was in its place? Well, in its place our Founders established for the first time in history a national government of defined and enumerated powers that is basically prohibited from overstepping its confined jurisdictions.

So the Federal Government's powers were to be truly national in scope, and the Founders believed that because States and local governments operated closest to the citizens, elected officials who were at that lower level, or the local level, would be the ones who were most competent to make the laws that would govern daily lives.

Now, this was a message espoused by James Madison in Federalist No. 45. You know, Madison wrote back then: ''The powers delegated by the proposed Constitution to the Federal Government are few and they are defined. Those which are to remain in the State governments are numerous and indefinite.''

So, you see, you have established this dual sovereignty, the sovereignty of Federal and State governments. And it's underscored then how basically in our Bill of Rights, as the 10th Amendment reads, as the gentleman from Indiana already said: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectfully, or to the people.''

The beauty of the 10th Amendment is not at first easily recognizable, as some would say, on first blush that the 10th Amendment is almost redundant. Some would say it offers nothing new from what has already been written into the confines, or four corners, if you will, of the Constitution. And so it is the limited powers of the Federal Government that are articulated throughout the three sections of the Constitution.

In fact, however, the Founders, looking at the Bill of Rights, initially believed that they were really not necessary and, actually, that they could be seen as potentially dangerous. Why was this? Well, both the Federalists and the anti-Federalists understood that the Bill of Rights limited the powers of government.

But the perceived danger here of the Bill of Rights lay where? At the potential for misunderstanding by future generations. This misunderstanding basically comes about by this, by forbidding the Federal Government from acting in certain areas, which is what the Bill of Rights would do. It was argued then, what, that the Constitution implied that the Federal Government could do what? It could act in all other areas that were not expressly prohibited from engaging in.

But let's be clear, the 10th Amendment makes clear that the Constitution provides no implied powers to the Federal Government. And so it is here that we see Federalism for what it basically is. It is the cornerstone, if you will, of the Constitution and the most effective tool for the preservation of this, our liberty.

So the 10th Amendment inclusion as the final amendment in the Bill of Rights is, therefore, no accident. It is, rather, as one might say, the culmination of the Founders' vision of American democracy. It reaffirms a commitment to a government strictly defined and with those limited powers.

It is this institutionalization of armor, if you will, of liberty and the perpetual struggle against this tyrannical government. This amendment is, in short, the realization of the principles of the American revolution.

And as we come to the floor tonight and every day here in this Congress, we are heirs to that revolution. Unfortunately, today America seems to have surrendered some of its birthright. The scope and reach of the Federal Government is growing at a disturbing pace. The incessant expansion of government has led to the bailout of the banking industry and the auto industry, sweeping financial regulation, and the proposal of cap-and-trade systems that would demand that rationing of American economic prosperity and productivity.

The tentacles, if you will, of the Federal Government are tightly wrapped around housing, education, transportation, unemployment policy—you name it—in almost every aspect of our lives. The American people, when you think about it, are controlled by the Federal Government in almost every single aspect of their lives, from morning to evening, from what light bulbs we are allowed to buy to the health insurance we have to buy. It is all required under regulations by the Federal Government.

Now, as I come to the floor, today is the 268th birthday of Thomas Jefferson. If he were alive today, I doubt that he would recognize the Federal Government as one that has remained true to the revolutionary Founders of this country. Rather, I would imagine that he would see a centralized and bureaucratic form of government that resembles the one that he and the rest of the Founding Fathers rebelled against. That is exactly what the Constitution and the amendments to it and the principles of Federalism were meant to prevent.

Out-of-control spending may be the clearest sign now of where we are today in having neglected these principles of Federalism. It is the Federal meddling into the lives of the American people. What it has done is resulted in the unprecedented and also, I would add, the unsustainable level of funding that jeopardizes the very economic well-being of the United States.

Our current path, therefore, threatens the American standard of living and our prosperity, the American Dream and the American status as a superpower.

You see, by nationalizing every issue, what we do there is we deprive the American people of the benefits that Federalism would normally bring. The Founders intended the States to serve as, as has often been called, the laboratories of democracy, which would compel the States to compete against each other to attract individuals and businesses, if you will.

This competition would result in innovations and innovative solutions, the greater accountability and transparency of public servants and the diffusion of power that limits the reach of the national government. Federalism, it's the constitutional guarantee of that good government.

So we come here tonight, and we must renew our commitment to Federalism, to the Constitution. By allowing this, our Constitution to be interpreted, though, by the whims of the judicial and executive branches, we have undermined the structural integrity of this document as well as the safeguards that a limited government describes.

To conclude, at the beginning of this year, Members of this body take an oath—to do what?—basically, to support and defend this Constitution of the United States. We owe it to the people we represent to remain true to that oath. Restoring adherence to Federalism must begin where? Well, right here in this Chamber.

I hope that my colleagues will join me, as the Members are here with me

tonight, in re-embracing this idea and this notion and this practice of Federalism, one of the great pillars of the American founding principles.

Mr. STUTZMAN. Thank you, Mr. GARRETT.

At this time I would like to yield to the gentleman from the Fourth District of Colorado (Mr. GARDNER).

Mr. GARDNER. Thank you to the gentleman from Indiana for yielding.

I am here tonight to talk about the proper relationship between the Federal Government and State and local governments, this issue of Federalism, our Nation's founding documents.

When I was first elected, I embarked on a listening tour right after November 2, during which I met with local officials from across my district to talk about issues that they were concerned about, what was on their minds, what challenges they were facing in their offices. At each stop, local leaders talked about the problems facing their communities; and even though every county is different, every community is different, the Federal Government seemed to cause the same problems in each one of them.

In one county in my district, I was told a story by a county commissioner of the time that the commissioner asked his staff to count all of the Federal and State mandates that they placed upon their health and human services department at the county. They counted up the mandates that they were under from national, State regulators, Congress, State legislation, State legislatures. The county commissioner actually asked his staffer to quit counting when he reached 9,000 individual mandates that that one department, at the county level, was under.

On this listening tour and since then, since being sworn in on January 5, at the town meetings that we have held, it never ceases to amaze me that one of the strongest moments of bringing applause to the town meetings is when we talk about what happened on this floor when we first started the 112th Congress, the time when we read, both Democrats and Republicans, the Constitution of the United States before the American people right here on the U.S. House floor.

When I talk about how we joined together in reading the Constitution, people always applaud because it matters to them, because they believe this country continues to be guided by that most fundamental document of our country.

Those 9,000 rules, though, that that county commissioner was talking about were created by Federal and State regulators who don't understand the problems that each of our unique districts faces because they have never been there. They don't know what it's like. They don't understand that each county, each city, each school board knows how to govern their jurisdiction better than anyone in Washington ever could, and they do not understand that an unfunded mandate imposed on the entire country does not work.

□ 1920

Each State and county in this country is unique and often has far better solutions than those of the people here in Washington, D.C., can devise. The Founding Fathers understood this very well and designed a system focused on limiting the authority of the Federal Government and on putting power closer to the people. Our Federalist system has long served as the safeguard of limited government.

As a State legislator from the Eastern Plains of Colorado, I will never forget the time that I received a call from a cabinet member from the previous administration who was urging me to vote for a particular piece of legislation because there was Federal money involved and that the only way that Colorado would receive this Federal funding was if we passed a bill that the Federal Government wanted. They were dangling money out in front of us to pass a bill. That instance proved to me what we continue to see today, which is the power shifting ''away'' from the States and ''to'' the Federal Government—but to what end?

Last year, Congress passed a health care bill that places increased Medicaid obligations on already cash-strapped States, which have no way to pay for them. Regulations from agencies like the Environmental Protection Agency continue to drive up the cost of energy and force American jobs overseas. Just today, we heard Senator MURKOWSKI, Senator BEGICH, and Representative YOUNG testify before the Energy and Commerce Committee on a bill about the need to pursue energy policies in Alaska, polices that will allow them to access the resources of that great State and to release, unleash, as much as 1 million barrels of oil a day. The State is supportive. Witnesses for the Department of Natural Resources testified. Unfortunately, the Federal Government continues to block their progress. The Founding Fathers wouldn't even recognize our country today as the one that they formed over 200 years ago.

Education is another area in which there is the employing of Federalist principles. There is no better example of which we can talk about the differences between the Federal Government and the State government and how the Federal Government continues to overstep its bounds. The Board of Education in Douglas County, Colorado, has taken it upon itself to truly innovate in the area of education financing; but the problem with the system in the Federal Government is that it's a top-down approach. Since when is the Federal Government able to better communicate the needs of children in a community than that community, itself? There are some good initiatives in Congress out there, like the A–PLUS Act, by Mr. GARRETT from New Jersey, which would allow the States to opt out of No Child Left Behind funding and use that money toward programs they think deserve attention.

Along with Federal funding comes very prescriptive mandates. The more Federal funding a school receives, the less it's able to listen to its own community—to its teachers, to its parents and, yes, to its students. The more it is forced to listen to the Federal Government say ''you can use this money, but you have to use it here, and you have to use it this way,'' it's tough for a lot of States to say ''no'' to that in these cash-strapped times. I look forward to addressing some of these issues during the debates of the reauthorization of No Child Left Behind; but we must put power back in the hands of teachers and parents, who know best how to teach their children.

Health care is another challenge this country faces as Congress is imposing an individual mandate on citizens to purchase federally approved health insurance. This mandate is contrary to the Federalist principles that we are talking about this evening. The bill forces States to expand their Medicaid eligibility standards. According to the Kaiser Family Foundation, by 2019, Colorado will see a 47.7 percent increase in Medicaid enrollees as compared to the estimated national average of 24.7 percent.

The health care bill was created by the Federal Government, and the cost of its expansion has shifted directly back to State budgets. Further, under the takeover of the health care bill, the Secretary of Health and Human Services has the authority to enact and to execute rules and regulations that local administrators are required to follow. This takes the power away from States and local governments and wrests it in the hands of the Federal Government.

What is more important, though, is the ingenuity and progress in health care that has been established and accomplished by the States on a State-by-State level. Through this process, they've made significant improvements to our health care industry. Unfortunately, I believe the health care bill that was passed in the last Congress is a step away from that direction.

Last week, I had the opportunity to take my 7-year-old daughter to Philadelphia to see the Liberty Bell, to visit Independence Hall, and the National Constitution Center, to talk to the people who work at Independence Hall about the great symbols of freedom in our country, about the writing of those founding documents, about what it meant to talk about freedom, about liberty, about our great Republic. I am reminded of the time when, during recent events in Libya and Egypt, my wife and daughter were watching television, watching the news, when the President spoke on TV. They were talking about the fight for freedom that continues in the Middle East, and the President mentioned how we have to continue working for freedom around the globe.

My daughter looked at my wife and said, ''But we are free.''

To that, my wife looked at her and said, ''Yes, but we must always continue to work for it, to fight for it.''

That's why we are here tonight, talking about how we can ensure those fundamental liberties, those fundamental notions of freedom, that are enshrined in our basic form of federalism.

With that, I yield back to the gentleman from Indiana.

Mr. STUTZMAN. Thank you.

Next, I would like to yield to the co-chair of the Constitution Caucus, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Thank you.

Tom Nevins, who is actually a social archaeologist, gave an interesting discussion about Ancient Central America in which he said, in 1521, Cortez led a group of Spanish soldiers to what is today Mexico City. There he found an Aztec society and an Aztec capital with 15 million inhabitants. Cortez gave simple instructions to Montezuma, II, who was in charge at that time, which was, either give us your gold or I'll kill you. For whatever reason, Montezuma gave him the gold, and then he proceeded to kill him. In fact, in the siege of what is today Mexico City, approximately a quarter of a million Aztecs died from starvation in that siege, and within 2 years the Aztec empire was totally controlled by the Spanish.

A decade later, the Inca civilization had the same thing happen to them, led by Pizarro, who, once again, said, Give us your gold or we'll kill you. They got the gold, and they proceeded to kill him. Also, within 2 years, the Inca civilization was totally dominated by the Spanish, which meant that both the Aztecs and the Incas were a highly centralized government, a highly centralized society, a highly centralized economic system, and because of that they were easy prey for a smaller but a very well-trained and well-organized Spanish Army.

By the 1680s, the Spanish moved into the deserts of New Mexico where they moved against the Apaches. There are two things that are different about the Spanish efforts with the Apaches in New Mexico. Number one, there was no gold to be taken. Number two, the Spanish lost. In fact, for almost two centuries, the Apaches were able to hold at bay the Spanish. One of the reasons they were is that the Apache civilization was very decentralized. They had tribal leaders. Yet, as the tribal leaders were either captured or killed, they just simply got another tribal leader. The greatest of all is the one whose name we probably mispronounce and call Geronimo.

As Nevin said, this Apache civilization was not loosey-goosey. They had customs; they had traditions; they had a very sophisticated society, but they also were decentralized. I am told that, in the Apache language, the phrase ''you should'' simply does not exist. Whereas, if we look at the thousands and thousands of pages that produced ObamaCare and cap-and-trade, you will find the concept of ''you should'' being repeatedly inserted over and over and over again, which means a centralized society has certain strengths and certain weaknesses. Its greatest strength is the concept of uniformity. Everyone can be coerced into doing the exact same thing at the exact same time. A decentralized society has certain strengths and certain weaknesses.

□ 1930

Its greatest strength is creativity, flexibility and the opportunity of its people to have options in the way they live. Now, I know, Mr. Speaker, you and probably Mr. STUTZMAN are wondering what I am actually doing here: I came into the wrong Special Order; like, what does this have to do with the topic at hand? I think it does have to do with the topic at hand because the idea at the Constitutional Convention was: Do we have a centralized or a decentralized society and government here in this country?

Indeed, they tried to separate powers horizontally between the three branches of government, but more significantly, and more importantly, vertically between national and State governments as a specific way of trying to make sure that we had a decentralized system of government, one that puts a greater emphasis on creativity, on flexibility and the ability to ensure that our citizens had what they call personal liberty, what I simply say are the options to make choices for themselves in the way they wish to do that.

The Founding Fathers had a great fear of control. That is why they rebelled against the British in the first place. They had a great fear of bureaucracy. It is why in the Declaration of Independence they talk about the swarms of officials who were sent here by the British Government to devour from us our substance.

Today, we have in our government a Federal Government that apparently tries to vacuum up as much power, as much money, and as much influence as possible. Our government bureaucracy today in Washington is one that is based on command-and-control style of leadership which builds a heavy emphasis on rules. And obeying the rules of procedure is far more important than just coming up with a commonsense solution to the problem which happens to be at hand. In fact, one of the questions that we have is, have we become, in essence, too big today? Have we become more centralized than decentralized? And does that give some inherent weaknesses to our society and our country that we have today? One of the things that we have to do is try and rethink this entire situation.

Tomorrow, Members of this House will be inviting legislators from around the country who are back here, and we will have a conference in which State legislators will meet with Members of Congress to discuss this very issue of what direction this country will be going in the future and to recognize very clearly that this is not an issue between the left and the right.

The idea of Federalism, of balancing powers of creativity and a less centralized government, is not a Republican or Democrat issue. It's an issue of the direction of this country, because it's about people. It's about whether people actually have options in their lives or whether they don't. And when we recognize this, it becomes apparent that the only way to make sense of the situation is to make sure that fewer decisions in Washington are allowed to be directed towards the States and local governments and that the people make more decisions in their lives.

As Justice Rehnquist said, surely, there can be no more important fundamental Constitution question than the intention of the Framers of the Constitution as to how authority should be allocated between the national and State governments. That's the battle which we still fight for and struggle with here. And it's the one in which we cannot afford, for the future of this country, to lose or to fail.

If sometimes when I was teaching school my students didn't quite understand the significance of the fall of the Aztecs or the Incas, then that was an annoyance. But if we, as Members of Congress, fail to recognize the distinction between the centralization of power and the decentralization of power, which was the very foundation of this country, that is not an annoyance. That becomes a tragedy.

I am very grateful to the Constitutional Caucus, especially Chairman GARRETT of New Jersey and Representative STUTZMAN from Indiana, for your leadership in organizing this. I am proud to join my good friend from Colorado and, hopefully, my good friend from New Mexico as long as he does not try and change any of my story about the Apache. That's my story, and I'm sticking to it.

But this is important. This is one of those key issues. This is one of the quintessential issues that will define where we go, either forward to a brighter future or forward into a less secure and more dangerous future. And I appreciate being able to be a part of it. I thank you for allowing me to be here for a few minutes.

Mr. STUTZMAN. Thank you, Mr. BISHOP, for your comments.

Mr. Speaker, as I think about some of the comments that were made tonight from Mr. GARRETT and from Mr. GARDNER, as well as from Mr. BISHOP, it brings back a lot of thoughts from experiences of serving not only as a legislator but also as a farmer and as a businessowner of a small trucking operation that we have, a family business, back in Indiana. I think about how the freedom that we have comes from not the Constitution; it comes from God. The rights that we have are God-given, and the Constitution protects those rights.

I know that many times over the years we look at the Constitution as a dry document. It doesn't seem to be exciting. It doesn't seem to be one of great interest. But I can tell you today, Mr. Speaker, as we watch our

Federal Government—as we've started to do the debate of budgets, of health care, and of our military actions around the world, and of the size and the scope of our Federal Government—it is crucial for us, for all of us, to remind ourselves and to reeducate ourselves on what our constitutional role is.

As Mr. BISHOP said, many times we talk about the horizontal separations of our government with the executive, the legislative and the judicial; but also we need to remember the vertical branches of government, and we need to remind ourselves that the States actually established the Federal Government.

I can only imagine as our Founding Fathers were debating this and looking at the States that were in existence and thinking of the challenges they faced, the challenges of military action against them and how do they defend themselves, the discussion of taxation, and to come together and to establish a Federal Government that was designed to not only protect but to protect the rights, protect us physically, but to also protect the rights of us as individuals. Now looking back, Federalism is that balance of a Federal Government that complies with the constitutional guidelines, whether it's our national defense, whether it's our borders, or whether it's commerce and currency, the responsibilities are limited.

But as time has gone by, the Federal Government has continued to grow and to pursue and to take away those responsibilities from States and from our local communities. As Mr. GARDNER mentioned, the different local community visits that he has made, it reminds me of ones that I made as well in Indiana, whether it's talking with the mayor in Kendallville about the challenges with fire and police, whether it's the Topeka Town Council and the challenges they have with economic development, or whether it's Nappanee with their sewer challenges, Fort Wayne or Angola with streets and sewers and things that they know what they want to do and what they would like to accomplish that are all affected by Federal Government one way or another.

And it drives costs up for not only them but ultimately for the citizens. As spending continues to accumulate and increase, we have to remember that the American taxpayer, the American citizen, we as citizens are the ones who ultimately are going to be responsible paying that bill.

And as we come into our budget process over the next couple of days, I think that we should be reminded and would be remiss if we did not take the opportunity to look through the scope and look through the eyes of what our Founding Fathers imagined and intended for our country through the Constitution as we face $14 trillion of debt. States, local governments, and families don't have the ability to continue to borrow dollars; specifically, States and local governments don't have the same ability that the Federal Government has. And so they are disciplined. And so they realize that the decisions they make affect local communities.

The Federal Government and we in Congress need to take on that same discipline and realize that the spending that we authorize today is going to affect our children and our grandchildren. I have two children, two sons, a 9-year-old and a 5-year-old; and I know that they are going to have to assume the responsibilities and the consequences of what happens today in Congress.

And I refuse to stand by and allow for more spending and for the Federal Government to continue to grow. I want to see a country that respects the individual's life and liberty and our local communities' decision-making at the local levels and at the State level rather than a government, a Federal Government that continues to believe that they can authorize and tell the American people what to do and what they cannot do.

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So with those thoughts in mind going into the budget process, I believe we have a responsibility, Mr. Speaker, to challenge the status quo. We hear a lot of comments on this floor about what the changes are that are being proposed in the budget that just passed out of the Budget Committee last week and is going to be debated here on the floor tomorrow. I believe we cannot demonize the situation that we are in and use scare tactics with the American people. We need to be factual. We need to be honest. We need to realize the realities that we are in as Americans, because we are all in this together. This is not a Republican problem; this is not a Democrat problem. We see finger-pointing on this floor all the time. And frankly, I know as a freshman Congressman, that is not why I came here. I came here to fix the problems we have because of a bloated government and because we have overstepped the boundaries of our constitutional role.

If we do not face the fact that we have trillions of dollars of debt, that we are overspending—and we have to also realize that we cannot raise taxes on the American people at a time when the economy is struggling, when American families are struggling and paying bills. By raising taxes, we only drive the cost of doing business higher and we drive the cost of living higher. Money cannot be circulated through the economy dictated by the Federal Government to stimulate or drive our economy. The American people do that much better.

I believe as we again debate the budget, we need to realize that if we want to pass on a better future for our kids and our grandkids, for our country, for ourselves, if that's the way people need to look at it, I believe we lay out the situation, whether it is with Medicare and realizing that we cannot continue down the road with the program as it currently stands. If we want to hand that off to our children and our grandchildren, some modifications have to happen.

I believe if we as Republicans and we as Congress, specifically Republicans in the majority here in Congress, lay out the plan and we make the case that something needs to be done, the American people are with us. They realize the debt that is hanging over us, and they realize the deficits that are over us cannot be sustained and we are going to have to make changes. But we cannot make progress in a bipartisan fashion if we continue to use scare tactics, and I believe that going back and looking at the constitutional role of our Federal Government, that all of us as Americans realize, as the many generations before us did in the challenges that they faced, that we are up to the challenge. So, Mr. Speaker, as we move into tomorrow, I believe that our constitutional responsibilities will be defined by what we do and what we say and what we vote on in the upcoming years.

I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman for yielding.

One of your comments reminded me of a story shared with me by a constituent several years ago. They talked about their time attending law school. They were talking about in their constitutional law course, they were starting with the Bill of Rights, going through the amendments reading cases. And when they approached the 9th and 10th Amendments of our Constitution, the law professor of this particular class said we are just going to skip the 9th and 10th Amendments because nobody really knows what these do anymore. And they went right on and beyond the 9th and 10th Amendments.

Our discussion tonight has been on the issue of federalism, has been on the issue of the powers that rightly rested with the Federal Government versus the States. And here we are dealing with a law school, a public law school where this individual was told we're going to skip the 9th and 10th Amendments because nobody knows what it means.

I believe the American people have a great interest in what the 9th and 10th Amendments mean. I know that many of our public law schools have audit opportunities, and I believe the people who are interested around this country in what students are being taught, what public law schools are teaching regarding the Constitution, regarding the 9th and 10th Amendments of this country, they have a right to audit that class and maybe they should start attending some of these law school courses to learn just exactly what our schools are teaching when it comes to federalism, the 9th and 10th Amendments, the liberty amendments of this great Nation.

I just thank you for the opportunity to share that story with the gentleman from Indiana.

Mr. STUTZMAN. Thank you.

It is probably all too common, unfortunately, because this document, I believe, as I said earlier, is one that doesn't appear to be exciting. But when you read it and when you realize what it does for our freedom and that it protects our rights as individuals of this great Nation, it is so important for us to understand, and if we don't know, to find out, to listen to others who have gone before us, whether it is our Founding Fathers or whether it is those who have served in different capacities, whether it is in schools or whether it is in government, there is a reason for it. It is the 9th and 10th Amendments, and it is the 9th and 10th points of our Bill of Rights. I think that is what of our Founding Fathers meant. They meant it to be at the end to give those responsibilities back to the State governments because they knew that the Federal Government wasn't going to be responsible. They couldn't absolutely take care of everybody with the role and the size that the Federal Government was at that time.

We are in a situation today where I believe many Americans believe and they know in their heart what is right, and that our Constitution protects those rights and that we believe in freedom. We believe in that entrepreneurial spirit and that we can go out and make something of ourselves.

As I said, I am the son of a farmer and have the opportunity to serve in Congress, which is a humbling experience, but at the same time knowing that we have a responsibility for our kids and for our grandkids, for our country, for the freedom that we have, for the opportunity we have. I believe that this is a perfect time for us to know what the Constitution says, to understand it and to apply it. Whether you are on the school board, which is one of the most important positions I believe any individual can run for, to be involved in our children's education, whether it is on the city council, town council, county council, State government, those are all such important, township government, are all so important because an engaged person involved in the community, involved in the government, can make a difference. That is what I believe to be so fascinating is that this document empowers us as Americans. It doesn't take power away. It doesn't give power strictly to the Federal Government. It is one that believes in the American people.

As I mentioned before, with the budget debates coming forward, if we continue to go down the path of higher spending, higher taxes, of more regulation, that we only take away opportunity. We take away the empowerment that was given to the American people, and that we all should be grateful that we can go back to the Constitution and have this discussion and have this dialogue about the responsibilities of the Federal Government and making that case to those of us in Congress and to our colleagues on both sides of the aisle, the responsibilities and the opportunities that State governments, local governments, not only can they do, but they can do it better because they can meet the needs of their local communities because they hear from local citizens. I believe that government that is closest to the people serves the people better.

With that, I appreciate each of my colleagues this evening being part of the Constitutional Caucus discussion here on the House floor. I am looking forward to many more. I know that each of us have great responsibilities in front of us in realizing what the Federal Government's role is, according to this document, and that we take these very seriously in the upcoming days and that we don't continue to grow the size and the scope of government.

I thank the Speaker for the time.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 34, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112–62) on the resolution (H. Res. 223) providing for consideration of the concurrent resolution (H. Con. Res. 34) establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow for morning-hour debate and 11 a.m. for legislative business.

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

There was no objection.

POLICY OF TAXATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Thank you, Mr. Speaker. I appreciate the opportunity to address the body tonight.

I was not able to hear the President's speech today, but I was able to then get a transcript and read it. I note in the opening of that speech that he says, on page 1, that the debate that we're having here in Washington is about the kind of future that we want. It's about the kind of country we believe in, and then he describes that's what his speech will be about today.

As I read the context of the speech, I realize that the President and many Americans believe in very dramatically different models of country, and the kind of future that we believe in is dramatically different. I find in the President's speech that he centers many of his comments around taxing. Maybe it's taxing the millionaires and the billionaires. So I think that if we're going to talk about the kind of country that we live in, the kind of future that we want for the country, for our children and grandchildren, it is imperative that we begin to discuss this policy of taxation, this idea that we should and can tax the rich greater proportionate shares. It is that which I would like to address tonight.

Now as we talk about the future we believe in, understand that economic growth and vitality are critical concepts. And so one must then ask, How does the country achieve economic growth? How does it fail to achieve economic growth? That would be a key question. One of the core economic truths of economic growth is that when we tax the citizens more than approximately 23 percent, that we find an economy that will be stuck in stagnation. When we lower the taxation rate, then we find an economic vitality, creation of jobs. And so somewhere in that threshold of about 23 percent, we understand that every time we raise taxes, we kill jobs; and every time that we lower taxes, we create jobs. That was the essence of the argument that President Kennedy levied when he said we need to lower the tax rate in order to create more government revenues.

I often talk about the economic chaos that we're facing in our world right now, in our country; and it begins at this point. We begin with looking at the chart; we have basically an imbalance. We are spending $3.5 trillion every year, and we're bringing in $2.2 trillion every year. Our economy is stuck in stagnation. We don't have the ability to create jobs. And the President is talking about raising taxes in order to create revenue. President Kennedy would understand that when we raise taxes, we actually diminish the 2.2 figure, we actually lower the 2.2, because jobs are lost, productivity is lost; and, therefore, those jobs don't pay taxes to the government and the government's revenues begin to decrease.

I hear my friends on the other side of the aisle often describe the necessity to tax away Exxon's profits, that we should take every single dollar they make. In fact, we had one Presidential contender in the last race on the Democrat side saying we should tax Exxon's profits and spend them. We heard the Speaker of the House at that point using that same language, that we should tax the profits of Exxon and spend them.

Now let's take a closer look at that. Exxon makes good profits. They have a