

is how you pay for the credit card. No, they are going to pass it on to their children and their kids.

Now, if the average citizen in this country had a credit card and said, "You know, I am just going to spend on this credit card and spend on it, and I am never going to pay on it. What I am going to do is, when I die, I am going to will it to my son or my daughter, or my grandchildren," we would think they were the most irresponsible human beings imaginable. And yet that is what the majority leader is admitting for his party by saying we are not going to get done, we are going to have to wait until after the election.

Now, what you don't read between these lines is: If we win the election, we will have to come back and do something, because there will be a Presidential election coming in 2 years. Or, if we don't win the election and the Democrats are in charge, it is their problem.

The majority leader is admitting on behalf of all his conferees they have no plan to run this country in a systematic way.

The bill that is going to come up possibly next week, the tax reconciliation bill from October 1, 2005, has in it major tax breaks. Twice this week, once by me and once by Mr. LARSON of Connecticut, we tried to take back \$5 billion of those tax breaks away from the oil companies. The Republicans said, oh, no, no, we can't take any money away from oil companies. The country will come apart, I guess.

The profits of oil companies in the last 2 years and certainly in the last 6 months have been astronomical. They have really been obscene. Gasoline in my district, you can't find it right now for under \$3.25, and it is easy to find it for \$3.40, and yet the people on the other side say we have got to keep letting the gasoline companies, big oil, make as much money as possible at the expense of the ordinary person. The Republicans ought to get out their rubber stamp and do what the President wants, because that is the only hope they have got.

INTRODUCTION OF H.R. 3499, RETURNING CONTROL OF PUBLIC EDUCATION TO THE STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Mr. Speaker, I am proud to follow my good friend from Utah and join with my colleagues from New Jersey and North Carolina tonight to speak in support of Federal legislation to restore the single most important part of our Constitution, the 10th amendment.

We all know from English class the beginning and the end of a document are the most important, and why our Constitution begins with, "We, the People," and why the Founders wrote at the very end of the Constitution a

declaration that they believed was as self-evident as saying the sky is blue: That all power not specifically delegated to the Federal Government in the Constitution was reserved to the People and the States.

The 10th amendment has been forgotten largely, and all of us as Republicans are committed to doing everything that we can to try to preserve and protect the power of the States and individuals. The way I often express it to my constituents is, I am a Republican because I want to get the Federal Government out of our lives and free us from the income tax, the most intrusive possible tax, to go to a national consumption tax to restore local control over public education, which is what we are here to talk about tonight, legislation that I filed with my colleague from Utah (Mr. BISHOP), with other colleagues here tonight from New Jersey and North Carolina.

H.R. 3499 will return control over public education to the States using a very simple concept that I can really actually best illustrate by using these three glasses of water.

If you imagine that this first glass represents we the people and the water within it all the rights, powers, and privileges given to us as individuals directly from the hand of God, the way our constitutional system works is that we the people, and I will use Texas as the example. When we the people of Texas created the Republic of Texas, we only agreed in the creation of the Republic of Texas in our constitution to give the Republic of Texas maybe that much power and reserve the rest to we the people.

When the Republic of Texas became a State at midnight December 29, 1845, and this is true of every other State in the Union, when Texas joined the Union in 1845, the State of Texas only agreed to give the Federal Government maybe about that much power. Very limited and specific.

But as a result of the war between the States, the assassination of Abraham Lincoln, the Radical Reconstruction Congress, the concentration of power in Washington, Congressmen who love to pass bills that are tough on crime and who want to protect the schools and the little children, and FDR and the New Deal, and judges like William Wayne Justice in Texas, who took over our prison system, all power today is concentrated in Washington. There is really very little, if anything, left in the States; and certainly we wonder how much individual freedom we have left.

However, what Congress can take away by statute we can restore by statute. And there is so much Federal law governing the way our public schools work that these two books, Mr. Speaker, represent the two public education titles, Title XX of the U.S. Code, and that is the other half of Title XX. Those Federal statutes that send about \$13 billion out to the States in Federal education grants are sent to the States

primarily through the education bureaucracy.

I, like Mr. BISHOP, came to the State legislature. We would meet in Texas every other year. And when we would return, we would discover that the Texas Education Agency had signed us up for some new Federal education grant program that we knew nothing about. But we now, as State legislators, had the responsibility to pay for that program. And often it was an underfunded or completely unfunded Federal mandate which we then had to come up with new money, like Mr. BISHOP mentioned for the computer.

I have been looking for a way to design a Federal law that operated automatically, like a computer virus, transferring authority over public education over these Federal grant programs automatically back to the States, transferring, and using the water glasses again, the Federal glass, by statute, control back to the States over public education automatically.

H.R. 3499 does that. It states very simply that all Federal education grant programs, other than IDEA, the Individuals with Disability Education Act, and Federal grants, for example, to Indian nations or military bases, that all other Federal education grant programs, about \$13 billion worth, go away in your State unless the State legislature passes a law and says, yes, we want the money with all the strings attached and we surrender State sovereignty or State control over public education to the extent that State law is inconsistent with Federal law.

This would do several things: First of all, obviously, it would save a lot of money, for the money that the States walk away from saying that there are too many strings. But H.R. 3499 is in the Education Committee, and I deeply appreciate the support of my colleagues in helping to bring it to the floor for a vote to restore 10th amendment control over our schools.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATE CONTROL OF PUBLIC EDUCATION

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, I am a very, very proud cosponsor of H.R. 3499. I served for 12 years on a school board in Wataugwa County in North Carolina and often felt very oppressed by Federal rules and regulations. When I was on the school board, and even after that, I have checked and double-checked and about 7 percent of the money that North Carolina schools get comes from the Federal Government, but about 99 percent of the rules and regulations that come into the school system come from the Federal Government.

I think passing H.R. 3499 would be one of the best things this Congress or any Congress could do. It would force State legislatures and thereby force school boards and county commissioners to make a decision as to whether or not they want to take the Federal money and the rules and regulations that go along with it.

□ 1530

It would take us out of the business of saying that they have to do this. I think that it is high time that we change the way we do business between the Federal Government and the State governments.

I want to just remind us, and my colleague has paraphrased the words of the Constitution, but I do not think that we can repeat the Constitution too often. I know there are a lot of young people in the audience and some not so young people in the gallery today. I hope you will take the time to read your Constitution at least once a year, and probably more often than that.

I want to read the preamble because my colleague from Texas keeps mentioning the first three words, "we the people." That is extremely important.

I am so proud that my grandson recently has memorized this. He is only in the third grade, but I am so pleased that his teacher has encouraged that.

This is what the preamble says: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now there are lots of important words. Every word in this Constitution is important. Every single word is important, and the Framers were extremely careful about how they wrote the Constitution. But the important words to me in terms of the 10th amendment are "provide for the common defense." That is the number one goal and the number one role of the Federal Government.

That is what we are here for, to provide for the common defense. It is our job to make sure that this country stays free. If we do that, everything else will fall into place.

Now, what the 10th amendment says is 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.

Now I am not reading anything in between and I am not reading afterwards, but you will not find that the Constitution gave any power to the Federal Government for education. There is no role for the Federal Government in education except as has been alluded to, to make sure that we take care of persons who are disabled, and some people might even argue with that issue.

But I think it is extremely important that we return to the way it used to be in this country and that is localities were very much in charge and in power regarding what happens with education.

I am a person who came up through the public education system, as poor as any person you can imagine, but I got an excellent education. There was not unlimited dollars there when I came through school, but I got a good education.

It is my contention that part of the problem with our educational system is we have too much Federal Government intervention. We need extremely high-quality education in this country if we are going to compete with the rest of the world, and we are competing with the rest of the world. And I believe we can do a great deal to restore high-quality education at the local level if we get the Federal Government out of education at the Federal level, or we insist that the States and the localities make not just conscious decisions to take the Federal money but very deliberate decisions to take Federal money.

I applaud the gentleman from Texas (Mr. CULBERSON) for introducing this bill and for allowing me to sign on as a cosponsor and say we need to pass H.R. 3499.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). Members are reminded to refrain from references to occupants of the gallery and to address their comments to the Chair.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL CAUCUS CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor tonight and I begin by commending the gentleman from Utah for his efforts every week as we take part in the process of bringing back to the American people the importance of the U.S. Constitution as part of the Constitution Caucus.

At this point I would like to yield to the gentleman from Texas to make a point with regard to his very important legislation that he was referring to, H.R. 3499.

Mr. CULBERSON. Mr. Speaker, I rise only to make the point, because I ran out of time earlier, that the legislation that we have coauthored together would give the decision to the locally elected State representatives to enter a contract with Federal elected representatives so that the only control the Federal Government would have over State public education would be the control that the State locally elected officials agree to. It would be a contract between the State legislature and the Federal legislature; and other than what they agree to, there is no Federal control over public education, as the Founders intended.

Mr. Jefferson always said if you apply core Republican principles, the knot will always untie itself. That is true here, and it would continue to be true if we would just remember it.

Mr. GARRETT of New Jersey. Mr. Speaker, I will try to remember that expression of Mr. Jefferson. Mr. Jefferson addressed the issue of education. One of the points of the Constitutional Caucus is to take a look at what does the Constitution actually say as to what the role of the Federal Government is.

As we discuss education, we should ask: Is the role of the Federal Government in the area of education? I would hazard a guess it is not. Thomas Jefferson was asked that question as a Founding Father of this country. He was asked the question: Why is it the Federal Government is not involved in education?