

Amendment II: Shall not be infringed.

Amendment III: Without the consent of the owner.

Amendment IV: The right of the people shall not be violated.

Amendment V: No person shall be held, nor shall any person be subjected, nor shall any person be compelled, nor shall any person be deprived, nor shall any private property be taken without just compensation.

Finally, amendment VIII: Shall not be required, nor excessive fines imposed, nor crucial and unusual punishment inflicted.

These are all documents of prohibition because they recognize that the first 10 amendments were not the source of our freedom. That is our birthright. These are documents of prohibition against government action.

So if only one in a thousand can tell us what those first five freedoms are, how can they establish, then, the freedom of speech and religion and press, and freedom to address the government with our grievances; and finally, the freedom of assembly. Two of the most important elements, at one time or another, to resist our government.

So, Mr. Speaker, I conclude by pointing once again to one of the Founding Fathers, which I often do, maybe to the boredom of some, but it was Ben Franklin, as he walked out of a little church in Philadelphia, who was asked by a citizen, Mr. Franklin, what form of government have you given us?

And he said, Madam, we have given you a republic. And it will fall to each and every generation to defend, to sustain, and to improve it.

Mr. Speaker, with the results of that poll, I would tell you that we are tardy in our work and we need to pick up the speed and educate our people as to the form of government that we got.

□ 1700

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

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ANOTHER RECORD TRADE DEFICIT

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Ms. WOOLSEY).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America's economic strength can be measured by her trade accounts, whether we are exporting more goods and services

than we are importing; and if we do export more than we import, America's economic strength grows. But when America imports more than she exports, her economic muscle weakens.

This chart that I brought to the floor this evening shows that since the mid-1970s, when America began signing very unbalanced trade agreements with other countries, every single year America began to import more than she exports. This last year of 2005, we had a historic trade deficit with the world totaling over \$750 billion, three quarters of \$1 trillion. Indeed, it was \$725 billion more in imports coming into our country than exports going out. This is not an insignificant amount. This has never happened to the United States of America before.

In January, America imported this year \$68.5 billion more in goods and services than we exported. This was an all-time high just for 1 month, an increase of over 5 percent from last December. This year in agriculture alone for the first time in American history since the Pilgrims settled, the United States will import more food than we export. Think about that. Think about what that means for America's independence, our birthright of independence.

According to Alan Tonelson at the U.S. Business and Industry Council, America's condition cannot be explained by high oil prices. That makes these numbers worse, but Mr. Tonelson says the January trends spotlight the continued decline of U.S. national competitiveness in "industries of the future," such as high-tech hardware and services, and throughout our vital manufacturing sector.

Today, many companies, airline companies, automotive parts companies like Delphi, a data corporation in my own district which just announced bankruptcy, all of them are teetering and a sign that imports are displacing what America used to make and send elsewhere. Today's report by the U.S. Department of Commerce suggests that the U.S. current account trade deficit for this year will probably surpass \$1 trillion, \$1 trillion; and that is on top of the \$9 trillion of public debt that has been amassed since 2000 in our country. Truly, we are a republic teetering financially, losing our independence because somehow we have to fund these gaps in what is owed publicly and in this trade account deficit. And we are borrowing in order to make up the difference, and we owe interest on those borrowings.

In order to sustain such an unprecedented and rapidly accumulating deficit, we are dependent on this massive borrowing from abroad and selling off valuable U.S. assets just like a fire sale, like you go to a pawn shop. To sustain a deficit like these, we are dependent upon investment by foreign agents like Dubai Ports World, which is in the headlines again today.

Our country cannot be secure, cannot be secure, from the defense standpoint

or financially under conditions like these. And yet after 12 years of evidence of the failure of trade agreements like NAFTA, Trade Representative Portman continues to negotiate trade deals like the CAFTA agreement. This year the administration intends to bring new trade agreements under the same failed model like the U.S.-Peru Free Trade Agreement and an agreement with Colombia. Peru, a country that employs child labor, and Colombia, where labor leaders are more likely to be killed and are, summarily, more of them than anywhere else in the world.

How can our workers compete with these conditions? How can our small business people, how can our salaried executives compete with undemocratic places, no transparent legal system, no banking system that really functions openly?

The answer is we cannot. We simply cannot. So we are outsourcing everything to these places. And that is why imports are rising faster and faster and the people in those other places cannot afford to buy what is made by the people of this country who have sustained a middle-class life-style until now. Despite modest economic growth in our country, middle-class workers are not seeing any rise in their income. That is right: inflation-adjusted income for all households except the very wealthiest is flat. This may be the first generation in America when our children do not live as well as their parents before them. And you know what? The American people know it. They know it.

This is not the American Dream. This is the American nightmare.

Please sponsor the Balancing Trade Act, H.R. 4405, that would require action by the administration when we sustain these kinds of continued trade deficits with other nations. It is time for America to become independent again. It is time for America to restore her promise to all of her people.

THE ROLE OF THE FEDERAL GOVERNMENT

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

Mr. BISHOP of Utah. Mr. Speaker, when we have the opportunity of bringing tourists to this great Hall, we show them the ceiling, the cameos of all the great lawgivers in the world, two of whom are actually Americans.

On the Speaker's left up there is George Mason, one of three people who stayed through the entire Constitutional Convention and then at the end refused to sign the document because it did not include a Bill of Rights. It was important for him because he thought that was the purpose of actually preserving individual liberty for people.

I sometimes find it unique that those great Founding Fathers, the people we venerate, Hamilton, Madison, Washington, Franklin, Dickinson, and others, refused to add a Bill of Rights. It

was not because they were opposed to individual liberty. They found an alternative form of providing that particular liberty in the structure of government that we have.

One of the unwritten foundations of our system of government and the Constitution is the concept of federalism. We eventually did add a Bill of Rights, which is misnamed. It actually should be called a "bill of wrongs." It is a list of things that are wrong for the government to do no matter how many people want to do it.

But in addition to that, the Founding Fathers instilled within them a system of structure to preserve those same individual liberties. They realized that increasing the number of competitors of power is more significant than increasing the number of prohibitions listed. And what Madison said in his *Federalist Papers* about ambition counteracting ambition, they recognized very clearly as they established a system of government that had a horizontal separation of powers between the three branches of government but equally important to them was a vertical separation of powers between the national government and States, and the sole purpose of that structure was to preserve individual liberty.

The Federal Government has its role and function. There are certain things the Federal Government does. Well, what we bring to the table as the Federal Government is uniformity, which sometimes is a necessary need. If, indeed, uniformity is important, it is the Federal Government that can preempt States. But on the other hand, our States also bring something to the issue of governance. It is a State that can be innovative.

In one of these dissenting opinions in the 1920s, Justice Brandeis, and I will paraphrase, simply called the States the great laboratory of America where experimentation could be made without actually harming the entire country, where, indeed, creativity takes place. It is the States where justice can be maintained because there are mitigating circumstances in the lives of the individuals who make up this great Nation; and when you have a system that is uniform of one-size-fits-all, it cannot take account of all those mitigating circumstances. And, indeed, in having uniformity, we often harm people in the process of doing that.

The Federal Government is not vicious. It does not intend to do harm. But its very design of one-size-fits-all means that individual needs cannot be met and only State and local government can do that.

Our goal as the Congress should not be to create a more efficient government, a kinder and gentler way of controlling people. Our goal as the Federal Government should be to do less, to move the decisions of power from this city back to States and localities where creativity, where justice, where innovation can actually take place. If we do so, if we move those decision

centers, we ennoble the spirit of this country. We empower people to solve their own problems in creative ways, and we may even learn something in the process.

In so doing, I am very grateful that the gentleman from New Jersey, who will be speaking in a minute to you, Representative GARRETT of New Jersey, has initiated a 10th Amendment Caucus aimed at trying to once again bring back those principles so we clearly understand this important lesson, the structural need that the Founding Fathers put into our system of government.

The 10th amendment, the last of the Bill of Rights, is still there. It clearly states: "The powers not delegated to the United States by the Constitution . . . are reserved to the States respectively, or to the people."

If we, indeed, learn that lesson, what I hope will be happening through this effort, spearheaded by Congressman GARRETT, will be an effort to illustrate, as time goes on, how the overhelpful hand of the Federal Government can actually harm people, not intentionally, but unintentionally actually harm people. We hope, as time goes on, to bring specific initiatives which will help this country reach the goal the Founding Fathers had of providing personal liberty by a strong balance of power between the national and State levels. For if Congress is willing to lose that power, the people will gain personal liberties in the process.

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*.)

INTRODUCING THE CONGRESSIONAL CONSTITUTION CAUCUS' WEEKLY CONSTITUTION HOUR

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 here today to announce what we begin as hopefully a regular occurrence here on the House floor. Members of the Congressional Constitution Caucus will use these opportunities to highlight for our colleagues and for the Nation the need, justification, and plan to ensure that our government is operating consistently with our Founding Fathers' intent, and that is limited, leaving most authority over domestic issues to the States, local governments, and the people themselves.

As the founder of this caucus, a caucus dedicated to the adherence of the 10th amendment, I strongly believe that this body must begin to be more squarely focused on these important

constitutional principles that we have already heard tonight.

Before I begin, let me express my sincere gratitude to my friend from Utah, who has volunteered to lead this effort here on the floor, this important education effort, but has also been a consistent and long-time champion of the notion of a limited and effective and efficient Federal Government. He routinely fights to ensure that his home State and the other States as well are entrusted with the authority and oversight promised to them as each was admitted to this Union.

I look forward to working with the other members of the caucus, as well, who share the sentiment that our Federal Government has taken far too much authority over programs that State governments have traditionally been much more effective in administering. And I invite my other colleagues to join with us.

This is really as old as our Nation itself. Our founders were very clear when establishing our system of government. They intended to set up a republic of sovereign States capable of self-governing, with a small, central government with clearly defined and limited powers.

Only the powers specifically limited and set out in the Constitution are to be administered by the Federal Government. All others are to be left to the States, local governments, or to the people themselves.

Dividing sovereignty between the Federal Government and those of the States and localities prevents an unhealthy concentration of power at any one level of government, and this is something that James Madison in *The Federalist* No. 51 wrote is a "double security" for the people.

Unfortunately, throughout the last few generations in particular, the intent of the 10th amendment, that of a limited and efficient central government, has basically melted away. There are those who support a bigger, more centralized government. They believe that a government-run bureaucracy can make the best decisions for the American people. They believe the good is in higher taxes. Well, sir, I strongly disagree. As a Member of the House Budget Committee, I am very much aware of where this leads our government, an overbloated Federal Government, consumed by deficits of over \$400 billion that delivers sub-par public service.

Congress on almost a daily basis allows our government to grow, to push us further into debt and to take away from the limits imposed on the historic day when the Constitution was first ratified. What every Member of Congress needs to ask themselves each time they slide their card into one of these spots and votes, they must ask, does the bill I am voting on violate the U.S. Constitution? Does it take away the rights promised to our constituents and put them in the hands of the bureaucracy here in D.C. instead?