in you, we want to help you through these difficult times. It reaches the true heart of the American people, the people full of goodness who know what's right to do. And let's give every American a happy Thanksgiving every day. God bless America.

AMERICAN ENERGY & INFRASTRUCTURE JOBS ACT

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, this week Speaker BOEHNER announced a bill that will be introduced soon to Congress to deal with our jobs issue. It's not one that raises taxes. It's not one which is going to add to the deficit. It is the American Energy & Infrastructure Jobs Act, which will be introduced soon.

It is an act that in part is related to a bill that I have presented in this Chamber for several years now in a bipartisan move to get America back to work.

Instead of importing $129 billion worth of oil every year and sending them our wealth, it uses our oil off our coasts to create jobs.

Our infrastructure in America has a $2 trillion pricetag to repair our roads, highways, and bridges. We also still have 14 million Americans out of work and another 10 million looking for work. It's time America got back to work, and we can do it with this bill. I urge all of my colleagues to make sure they're part of this bill when it comes out and get Americans back to work and rebuild America once again.

YUCCA MOUNTAIN

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

Mr. SHIMKUS. Mr. Speaker, I come down to the floor once a week to talk about the high level of nuclear waste in this country and the fact that this country still doesn't have a single repository to store high-level nuclear waste.

Throughout this last year, I've talked about Hanford, Washington, which has multiple gallons of high-level nuclear waste. I then went to Zion nuclear power plant right off Lake Michigan to talk about its nuclear waste right next to the lake. A couple of weeks ago, I went to Savannah, Georgia, to talk about the Savannah River and the nuclear power plant that sits right next to the river. Then I went to the Pacific Ocean between Los Angeles and San Diego, San Onofre, where there's a nuclear power plant right on the Pacific Ocean.

Today I take the Nation to Idaho, where Idaho National Laboratory is located, comparing this site, as I do weekly, to the fine location under Federal law in the 1982 Nuclear Waste Policy Act which is Yucca Mountain.

Look at what we have at Idaho National Laboratory. At the national labs we have 5,090 canisters of nuclear waste. Yucca Mountain, none. At Idaho, the waste is stored above ground and in pools. At Yucca Mountain, the waste would be stored 1,000 feet from the surface of the ground. At Idaho, the waste would be 500 feet above the water table. At Yucca Mountain, the waste would be 1,000 feet above the water table. Idaho National Laboratory, 50 miles from Yellowstone Park; Yucca Mountain, the waste would be 100 miles from the Colorado River.

Now, why is it important to address these different locations of high-level nuclear waste across the country? Because there's 104 nuclear reactors in this country, not including all of the high-level nuclear waste that we have at our defense labs, our DOE labs, and the like.

So what this country needs to understand is there's nuclear waste all over the place and next to major population centers and next to major water reserves.

What I've also done in coming down here has been to highlight how do the Senators from the States that surround the Idaho nuclear lab—what are their positions? And their positions are as follows.

Senator BARRASSO from Wyoming is a supporter of Yucca Mountain and has stated that the end result of this saga is a 5-mile long, 25-foot-wide hole in the Nevada desert. It was meant to store America's nuclear waste but instead, because of politics, it stands as a monument to bureaucratic waste of taxpayer dollars.

What does Senator ENZI say, who's also supported and voted for Yucca Mountain in 2002? ''In his campaign, President Obama promised change. He promised politics wouldn't interfere when sound science spoke. I'm disappointed that his Yucca Mountain policy ignores that campaign promise.''

MIKE CRAPO voted ''yes'' for Yucca Mountain, and he's disappointed in the administration.

And the new Senator from Idaho, Senator RISCH, says:

''The President's decision to kill the Nation's congressionally directed repository for high-level nuclear waste as a favor to one State is politics at its worst. The Administration's decision to knowingly undermine their commitments to Idaho and 33 other States with no clear alternative cannot stand. This has become a hallmark of this administration, first with the Guantanamo prison site and now Yucca Mountain—to jump without knowing where they are going to land.''

□ 1420

The other thing I've been doing has just been highlighting, as I've been taking the country through the high-level nuclear waste areas around this country: Where are the Senators based upon their past votes or current statements?

Right now, we have 17 Senators in support; we have three in opposition; and we have four who really have no defined positions as of yet. Senator FEINSTEIN, of course, has spoken in opposition to Yucca Mountain; but with Fukushima Daiichi and with the fact that she has nuclear power plants on the shore of the Pacific Ocean, I think she is reevaluating that position.

We need 60 votes in the Senate to move forward and to finish the science on Yucca Mountain so that, by Federal law, Yucca Mountain becomes the single repository for high-level nuclear waste in this country.

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

COMMERCE CLAUSE

The SPEAKER pro tempore. The Chair reallocates the balance of the majority leader's time to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. In Hosea 4:6, God says:

> My people are destroyed from lack of knowledge. Because you have rejected knowledge, I also reject you as My priests; because you have ignored the law of your God, I also will ignore your children.

This is a promise from a holy, righteous God who could do nothing else but fulfill that promise. We have to look at this and understand that, in this country, we have a tremendous lack of knowledge about our U.S. Constitution and that we have a tremendous lack of knowledge about the biblical foundations of our Nation and of how our Founding Fathers believed in liberty. We're losing that liberty tremendously because we have a tremendous lack of knowledge.

In Psalm 11, God says:

> If the foundations are destroyed, what are the righteous to do?

I believe it's a call to duty to rebuild the foundational principles that are behind liberty.

Sworn officers of the United States—in fact, all public servants—have taken an oath to uphold the Constitution against enemies both foreign and domestic; and for decades, sworn officers of the United States have been violating that oath to uphold and protect our Nation's most precious document, the U.S. Constitution. Domestically, there are many by their actions, either intentionally or unintentionally, who undermine our governing document.

Every day, officials, ranging from Federal judges to U.S. Senators to Members of the House to leadership, ignore the original intent of our Founders that was put in the Constitution of the United States. The distortion is so great now that there is little correlation between their words and our actions here in Washington, D.C. This has become the norm for today's body of government, but it was not what the great lawmakers of the past envisioned for America's future.

Today, I would like to focus in particular on one clause of the Constitution in which we have seen a dramatic and dangerous distortion of our Founding Fathers' original intent. The Commerce Clause has slowly been eroded by the selfishness of politicians and of the courts alike. Nowadays, it can be carelessly applied to almost any case that expands the size and scope of the Federal Government as it relates to our economy.

Today, I want to walk you through time, starting with our Founding Fathers' original intent for the clause and then moving through the years to point out specific cases that have led to the deterioration of the Commerce Clause. We'll end with a modern-day situation that I know everybody in this country is familiar with—that being the constitutionality of ObamaCare. I hope that all of our viewers will stay with me throughout the hour, because it is so important that you help me to educate the rest of your neighbors, your families, your friends on how the Federal Government has spiraled out of control.

It's up to the American people—we the people—to demand that Washington gets back to constitutionally limited government as our Founding Fathers intended. We've gotten away from their thoughts; we've gotten away from their intent of our government; and we see the problems that we have today because of that.

There are many aspects that have contributed to the overreach of today's government, but the single biggest offender has been the ever-expanding interpretation of the Commerce Clause in article I, section 8 of the Constitution. In fact, as an original intent constitutionalist, I say we should not interpret the Constitution; we must apply the Constitution as it was intended.

Article I, section 8 of the Commerce Clause states:

> To regulate commerce with foreign nations and among the several States and with the Indian tribes.

So what does it mean ''to regulate commerce''?

To understand what is meant by the word ''commerce,'' a great place to start is with the Constitution, itself.

Article I, section 9 of the document states:

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

What does that mean? ''Commerce'' is between States. Commerce is supposed to go across State lines. That's what ''commerce'' means. The word ''commerce'' was regularly understood by both the Framers of the Constitution and the general public at that time to mean ''trade between States.''

Now, what about the words ''to regulate''?

During that period of time, the term ''regulate'' meant ''to make regular,'' not ''to control'' as it is so often used today. It means to make regular, to make it work, to expand commerce—not to control it. To put it in plain words, the original intent of the Commerce Clause was to make that commerce and trade between the States ''normal,'' or ''regular.'' It was designed to promote trade and exchange, not to hinder it with crushing regulations. Moreover, the Framers of the Constitution wanted to make sure that commerce between the States was not limited by taxes or tariffs. Here are some examples of what James Madison and Alexander Hamilton envisioned.

In Federalist 45, James Madison wrote:

> 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.

I encourage people to read the Constitution of the United States. The 10th Amendment says, if a power is not specifically given to the Federal Government by the Constitution, then the 18 things in article I, section 8—that begin here and end here in this little booklet, these 18 things—are all the Constitution gives Congress the authority to vote upon—18. That's it. National defense-national security should be the major function of the Federal Government. It's certainly not meant to expand beyond what the Constitution says, as James Madison wrote in Federalist 45.

□ 1430

Simply put, Madison was reinforcing the point that the powers of the Federal Government, under the proposed Constitution, should be very limited, while the powers within the States are broad in scope and are more individualized and are extremely broad in character.

Again, the commerce clause was not meant to be stretched as thin as it is today, where it can be applied to almost all forms of economic prosperity at both the State as well as the Federal levels. We'll get into more specific examples in just a few minutes.

Here is a quote from Alexander Hamilton, one of the Federalists who wanted a strong Federal Government. He wrote in Federalist 11, where he makes the case that the States should have unrestrained economic interaction with each other to, therefore, bolster U.S. productivity and make our exports more desirable to foreign markets:

> An unrestrained intercourse between the States themselves will advance the trade of each by an interchange of their respective productions, not only for the supply of reciprocal wants at home, but for exportation to foreign markets. The veins of commerce in every part will be replenished, and will acquire additional motion and vigor from a free circulation of the commodities of every part.

Hamilton felt as though enterprise would have a greater scope from the diversity in the goods of different States. He also felt as though when an industry suffered in one State, it should be able to ask for assistance from other States.

Hamilton went on to say:

> The variety, not less than the value, of products for exportation contributes to the activity of foreign commerce. It can be conducted upon much better terms with a large number of materials of a given value than with a small number of materials of the same value; arising from the competitions of trade and from the fluctuations of markets. Particular articles may be in great demand at certain periods, and unsalable at others; but if there be a variety of articles, it can scarcely happen that they should all be at one time in the latter predicament, and on this account the operations of the merchant would be less liable to any considerable obstruction or stagnation. The speculative trader will at once perceive the force of these observations, and will acknowledge that the aggregate balance of the commerce of the United States would bid fair to be much more favorable than that of the thirteen States without union or with partial unions.

He is saying this in an argument geared towards a strong union of Federal Government. But what's he saying there? That the commerce of the States in a whole should be considered. So to sum it up, it is without a doubt that the commerce clause was intended to ensure free trade between the States and to ultimately create the most balanced and desirable American products to sell to foreign buyers.

Let's take a look at some specific cases that led to the destruction of the commerce clause. In the first case, we are going to examine Gibbons v. Ogden. This was in 1824. It is the first case in which the commerce clause was broadened beyond its original meaning under the Constitution. Here's a little background on the case:

The State of New York had passed a law granting two operators, Robert R. Livingston and Robert Fulton, the exclusive right to operate steamboats within the waters of the State of New York. Operators from outside the State of New York wishing to navigate waters within New York were required to get a special permit in order to do so. Aaron Ogden filed suit, arguing that this State-sponsored monopoly was in opposition to Congress' constitutional authority to regulate interstate commerce.

In his opinion, Chief Justice John Marshall ruled that the word ''commerce,'' as found in the Constitution, includes in its definition the transport of goods between States. This ruling is inconsistent with the Framers' intent, as you can see in Federalist 42 when James Madison wrote:

> To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors, must appear not less impolitic than it is unfair; since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade.

''Foreign trade,'' commerce opening up between the States, not control

within the States, is what he's saying here.

Madison went on to equate commerce with what he described as ''intercourse'' between States and wrote that the definition of ''among the States,'' as stated in the Constitution, was quite broad. He wrote:

> The word ''among'' means intermingled with. A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior. It may very properly be restricted to that commerce which concerns more States than one.

As a result, subsequent courts have ruled that Congress has the power to regulate commerce that not only is truly interstate in nature but also commerce which affects more than one State.

As Matthew Clemente of FreedomWorks pointed out in a recent series on how the commerce clause relates to the expansion of the Federal Government through health care, this broad interpretation of the commerce clause has resulted in justifications of a number of Federal laws that regulate purely intrastate activities.

In the end, the Marshall court struck down New York's law because of its view that Congress, not the States, has the power to control navigation within each State so long as it relates to interstate commerce. And this opened the door for even looser readings of the commerce clause in later cases.

So just to quickly recap, in this case the court ruled that Congress has both the power to regulate both commerce that is truly interstate in nature and actions related to commerce which affect more than one State, even if not through one common channel.

But the reality is that in the Federalist Papers, Alexander Hamilton repeatedly equates commerce with trade between nations, as we've already seen. He does not ever give it a broader meaning related to activities carried out within each State, which may also affect activities in other States.

Let's look at another case. In this one, it's Swift & Co. v. United States in 1905. The case revolved around a number of meat dealers in Chicago that had formed a meat trust in which they agreed not to bet against one another in an effort to control meat prices. At the same time, the members of the trust convinced the railroads to charge them below normal rates to transport their product. The U.S. Government stepped in, attempting to use the Sherman Antitrust Act to break up this trust.

Using the open door left by Marshall's expansion of the language of the commerce clause in Swift, the court went a step further and ruled that ''activities involved in the 'stream of commerce' were fair game for congressional regulation''—totally against the original intent. In his opinion, Justice Oliver Wendell Holmes wrote that the elements of the meat trust's scheme were such that it was clear that ''the participants meant to monopolize the meat trade within the State of Illinois.''

Holmes took this observation a step further by saying that while the trust's intention may only have been to create a monopoly within its own State, the trust's ''effect upon commerce among the States is not accidental, secondary, remote, or merely probable.'' He went on to differentiate this case from cases related to manufacturing, stating that ''here, the subject matter is sales, and the very point of the combination is to restrain and monopolize commerce among the States in respect of such sales,'' due to the fact that the meat at issue likely had roots in several different States, not just Illinois, and that its end destination could also have been within a different State, that, in effect, it was affecting the ''stream of commerce.''

□ 1440

Thus, the ruling in Swift had the effect of allowing congressional regulation of actions which could potentially affect commerce in other States—not what actually would affect commerce, but potentially affect commerce in other States—such as the sale of items which could be considered to be within the stream of commerce. Again, a further expansion of the original intent.

Again, to recap what this case has shown us, the court ruled that activities involved in the stream of commerce, or potentially could be involved in the stream of commerce, may be regulated by Congress. But in reality, this decision had the effect of allowing Congress to regulate not just actions which could affect more than one State, but also actions which are considered to be within the stream of commerce. As a result, it widens the breadth of issues over which Congress might assert authority under the commerce clause, totally against the original intent.

Next in Stafford v. Wallace in 1921, we see Congress passed the Packers and Stockyards Act in 1921 to create new regulations on meatpackers in response to charges that their practices were unfair, discriminatory, and encouraged the formation of monopolies.

In Stafford, the court reaffirmed its decision in Swift that we just talked about, finding that Congress could regulate activities within stockyards—seen as local in nature—because they are a part of a channel of commerce.

Writing the decision, Chief Justice William Howard Taft stated that ''the object to be secured by the act is the free and unburdened flow of livestock from the ranges and farms of the West and the Southwest through the great stockyards and slaughtering centers on the borders of that region, and thence in the form of meat products to the consuming cities of the country in the Middle West and East, or, still, as livestock, to the feeding places and fattening farms in the Middle West or East for further preparation for the market.''

And he went on to state that in his opinion any practice which ''unduly and directly'' affects the expenses incurred during the passage of livestock through stockyards is an ''unjust obstruction to that commerce,'' and as a result, Congress has the ability to step in and regulate it.

Here the court rules that the commerce clause allows Congress to act if it believes that a local entity is preventing the ''free and unburdened'' flow of a good which could have its roots in multiple States, such as cattle moving to stockyards and to packing plants. But in reality, this simply reaffirmed the Swift decision which allowed Congress to insert itself into any activity that affects more than one State.

Then in Wickard v. Filburn, this case threw open the doors, widely opened the doors to allow Congress to regulate any activity that might relate to interstate commerce. I'm sure the Founding Fathers would roll over in their graves if they knew what kind of power the court bestowed on the Federal Government with the decision in this particular case.

So let me give you a little background information on this case so you can grasp how ridiculous the court's decision was in this case. Roscoe Filburn was a farmer who was penalized by the U.S. Department of Agriculture for harvesting more wheat than he was allotted by a USDA regulation that set quotas for wheat crops. Filburn filed suit, claiming that he was not going to sell the extra wheat, that he was only going to be using it on his own farm for his own family; and, therefore, the Federal Government should not have any say in the matter. Justice Robert H. Jackson wrote in his opinion that ''the commerce power is not confined in its exercise to the regulation of commerce among the States. It extends to those activities interstate which so affect interstate commerce.''

He went on to write, as this poster shows:

> Even if an activity be local, and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce.

In other words, anything could be considered under the commerce clause. Anything could be regulated by Congress. Anything. And that's what we see today.

Most recently, in 2005, the court reaffirmed the decision in Wickard v. Filburn in the ruling of Gonzales v. Raich, which shows the court's anti-original intent interpretation of the commerce clause to date. This, I remind you, was just a few years ago in 2005. This is the widest interpretation of the commerce clause, showing that Congress may not even need to show evidence that an action could affect interstate commerce before it is able to regulate it.

This case also established that Congress needs only to find that a ''rational basis'' exists for believing that an action could affect interstate commerce in order to regulate it. Again, in this case the court ruled that Congress may regulate any activity which might relate to interstate commerce. How inane. How unconstitutional. The reality is it's just absurd that Congress should have this power under the commerce clause to stop a farmer from using his own crops to feed his own livestock and his own family simply because his doing so may result in his not purchasing wheat from elsewhere within the marketplace.

The cases we just discussed show the court's willingness to use the commerce clause to justify congressional regulation on just about any activity which might affect commerce. However, the Rehnquist court broke from this trend and decided two key cases which limited the use of the commerce clause when the regulation was not firmly based on economic activity. I firmly believe that we need to move even more drastically in the direction that the Rehnquist court established.

In 1995, U.S. v. Lopez was the first case where a distinction was drawn between using the commerce clause to regulate economic activity and using it to regulate any activity which could potentially impact commerce.

Alfonzo Lopez was a high school student who was charged with possessing a firearm on school property under the Gun-Free School Zones Act of 1990. Lopez challenged the act, claiming that the commerce clause does not grant Congress the authority to say where someone may or may not carry a gun. Attorneys for the Federal Government argued that the possession of a gun—and this is just so far out and crazy, it's hard to believe, but this is exactly what they argued—the Federal Government attorneys argued that possession of a gun on school grounds could lead to violent crime—well, the gun doesn't make it lead to violent crime, but that's what they were claiming—and this would increase insurance costs. And it would also deter visitors from coming to the general area, thus dampening the local economy. They also argued that students who fear violence at their schools are more likely to be distracted in the classroom, resulting in a less-educated workforce and an overall weaker national economy. Boy, that's far reaching, but this is what your Federal Government attorneys argued in this case.

In his opinion, Chief Justice William Rehnquist wrote:

> The possession of a gun in a local school zone is in no sense an economic activity that might substantially affect any sort of interstate commerce. To uphold the government's contentions here, we would have to pile inference upon inference in a manner that would bid fair to convert congressional authority under the commerce clause to a general police power.

We have seen that over and over where Congress has generated a bigger and bigger Federal criminal justice system under the Commerce Clause when we have absolutely no constitutional authority to do that.

□ 1450

Rehnquist went on to say:

> Congress could regulate any activity that it found was related to the economic productivity of individual citizens: family law, including marriage, divorce and child custody, for example. Under theories, it is difficult to perceive any limitation on Federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.

And he is absolutely correct. He added:

> Admittedly, some of our prior cases have taken long steps down that road, giving great deference to congressional action, but we decline here to proceed further.

The quote on this poster shows Rehnquist admitting how in cases I have already talked to you about, the cases in the past, the Commerce Clause has been stretched very thin and often misapplied. In Lopez, Rehnquist ruled that Congress may not use the Commerce Clause to regulate noneconomic activity, even in cases where it could find a tangential connection between that activity and the health of the economy at large.

U.S. v. Morrison, in 2000, built on the findings of Lopez and reaffirmed the Court's opinion that Congress could not reach to the Commerce Clause to regulate activity which only tangentially touched interstate commerce.

In 1994, Christy Brzonkala was sexually assaulted by two of her college classmates. She filed suit against them under the Violence Against Women Act of 1994, which provided a Federal civil remedy for ''victims of gender-motivated violence.'' Her classmates argued that Congress had no authority to regulate violence against women under the Commerce Clause. Attorneys for the Federal Government argued that gender-motivated violence, and the fear of such violence, substantially affects interstate commerce.

Again writing the opinion of the Court, Chief Justice Rehnquist stated:

> The Violence Against Women Act is supported by numerous findings regarding the serious impact that gender-motivated violence has on victims and their families.

And it certainly does.

> But the existence of Congressional findings is not sufficient, by itself, to sustain the constitutionality of Commerce Clause legislation. As we stated in Lopez, ''simply because Congress may conclude that a particular activity substantially affects interstate commerce does not necessarily make it so.''

He added:

> Thus far in our Nation's history our cases have upheld Commerce Clause regulation of intrastate activity only where that activity is economic in nature.

In this case, the Court ruled that Congress is not able to use the Commerce Clause to regulate noneconomic behavior. At the same time, the Constitution delegates such regulation to the States as an exercise of the State's police powers, not the Federal Government's, but the police's, the State's police powers.

This particular case is just chock full of great quotes, and I'd like to just take a few minutes to read some of them, the first being on this poster.

> The Constitution requires a distinction between what is truly national and what is truly local.
>
> Given petitioners' arguments, the concern that we expressed in Lopez that Congress might use the Commerce Clause to completely obliterate the Constitution's distinction between national and local authority seems well founded.

The next quote out of that decision reads:

> If accepted, petitioners' reasoning would allow Congress to regulate any crime as long as the nationwide, aggregated impact of that crime has substantial effects on employment, production, transit, or consumption.

He went on to say:

> Indeed, we can think of no better example of the police power, which the Founding Fathers denied the Federal Government and reposed in the States, than the suppression of violent crime and vindication of its victims.

Lastly, Rehnquist closed this case by saying this:

> If the allegations here are true, no civilized system of justice could fail to provide her a remedy for the conduct, but under our Federal system that remedy must be provided by the State and not by the United States.

As you can see through Rehnquist's decisions in these two cases that we just talked about, the Commerce Clause cannot and should not be utilized to expand the police powers of the Federal Government. The crimes in these cases that were treated as Federal crimes should have been handled either by the State or locally. We do not have constitutional authority to create an ever larger Federal criminal justice system. In fact, initially, there were only three Federal felonies: treason, piracy, and counterfeiting. And that is counterfeiting against coinage, money.

Now let's come to an issue that is important right now. It's one of the biggest assaults on freedom to date, and one of the worst perversions of the Commerce Clause that I have ever seen. And I'm talking about the Patient Protection and Affordable Care Act, commonly known as ObamaCare.

Using the decisions in Lopez and Morrison, it is clear that Congress lacks the authority to institute the individual mandate set forth in ObamaCare, as well as all the State mandates that are in that law.

The individual mandate requires all citizens to have some form of health insurance, whether they want to have it or not. Chief Justice Rehnquist made it clear in Morrison that just because Congress has stated that it has an interest in regulating what kind of health care Americans purchase—or whether they purchase it at all, whether they purchase it or don't purchase it—does not make it so.

And it is not a stretch to infer from Rehnquist's decision that he would have also struck down the individual mandate, especially given the fact that he opposed the idea of the Commerce Clause allowing Congress to regulate anything that could have a substantial effect on employment, production, transit, or consumption.

In a series of articles written by Matthew Clemente of FreedomWorks, he argues that even in the wildest expansions of the Commerce Clause, the cases all involved an individual or company which was proactively trying to engage in commerce.

Here, we see the opposite. Individuals are being told that in order to go about their lives free from penalty, they must purchase a certain product.

Folks, this is socialism. This is not freedom and liberty. The argument has never been made that the Federal Government can mandate that all citizens must purchase a certain product. My Democrat colleagues mandated it through this bill, through this law, that the President has demanded, ObamaCare. If Congress wants to promote the purchase of health insurance in a constitutional way, it should pass legislation which is constitutional under the original intent of the Commerce Clause that would allow individuals to buy coverage across State lines. This would adhere to the original intent of the Constitution and would allow people to buy insurance, health insurance, at a much lower price than they can today and would get a whole lot better products.

Congresses, Presidents, court judges, every public official in this country swears an oath. I swore the oath when I was sworn into the United States Marine Corps in 1964.

□ 1500

I swore the same oath in 2007, when I came and stood behind this podium. In 2007, I swore to that oath, in 2009, and 2011. Every Member of this body swears to uphold and protect the Constitution against enemies both foreign and domestic.

We have a lot of domestic enemies of the Constitution. A lot of those domestic enemies of the Constitution are wearing black robes and they're sitting on benches in Federal courts all across this land. They have violated their oath of office. Every Member of this body swears to uphold the Constitution. There's violation after violation that occurs right here on this floor.

Think about it: if we don't have a solid foundation upon which to build all our laws, all of our society, then we have no foundation at all and the society is going to fall; it's going to fail. As we read in Proverbs, God says:

There is a way that seems right in the eyes of man, but its path is the way of death.

It's going to be the death of this Nation.

I hear colleagues, particularly on the other side, say the Constitution is a living and breathing document; the Supreme Court is the final arbiter of what is constitutional. And that, my friends, is not factual. The only arbiter of what is constitutional or not is the Constitution and what our Founding Fathers said about it.

If we don't restore a constitutionally limited government, we're going to lose our freedom, we're going to lose our liberty. The bright and shining star of liberty that's been over this Nation for over 200 years is upheld by six pillars. The first of those is a constitutionally limited government as our Founding Fathers meant it. The second one is the free enterprise system, uninhibited by taxes and regulation. The third is the rule of law, where everybody, every entity in this country is treated equal under the law. And certainly we're not being treated equally under the law today.

The fourth is property rights, where people can own and control their property and government cannot interfere with that ownership. And if it does, if it takes it or devalues it, the Constitution says that they should be appropriately compensated for the loss or the devaluation of that private property.

The fifth pillar that holds up that bright and shining star of liberty is the pillar of personal responsibility and accountability. And the middle pillar that holds up the center of the star of liberty is the pillar of morality. In fact, John Adams said our Constitution is written for a moral and religious people. It is wholly inadequate for the governing of any other. I hear colleagues say, well, you can't legislate morality. They are so wrong. Every law, every piece of legislation, no matter what level of government, is somebody's idea of what's right and what's wrong.

Every law is legislating morality. Our Nation was founded on the premises of Biblical truths, on the Judeo-Christian principles that have made this country so great and have given us the liberty that we have as a Nation.

But, friends, we are standing right on a precipice. We are staring down into a deep, dark chasm of socialism. And the question is, are we going to be pushed off, are we going to leap off and fall into that deep, dark chasm of socialism, where we're going to lose our freedom and liberty? Or are we going to turn around and march up the hill of liberty and regain for this Nation what our Founding Fathers fought and died and sacrificed so nobly for, that liberty? It's up to us.

Right now, today, we are getting the kind of government that the American people have allowed or demanded. We cannot afford to do so anymore. We have to turn around and march up that hill of liberty and reclaim it and start rebuilding those six pillars of liberty that are being eroded. They're being eroded by Democrats and by Republicans, by conservatives and liberals alike.

Going back to that first poster I put up here where God talks in Hosea 4:6, He says, ''My people are destroyed for a lack of knowledge.'' We have a tremendous lack of knowledge of how we've gotten away from the intent of the Constitution. Even lawyers and justices and judges don't have a concept of the original intent of the Constitution. In fact, in most law schools in this country, even in the course of constitutional law they do not teach the Constitution, they do not teach the original intent. They do not teach the principles that have made this country so powerful, so rich, so successful as a political experiment, the greatest of all of human history.

What do they teach? They teach case law, where Justices in the Supreme Court have ruled on the constitutionality of a case and have ruled unconstitutionally. They should be removed from office because they're destroying our liberty, they're destroying our freedom. And it's up to the American people to say, no, we're not going to put up with this anymore; we're going to make a change.

You see, the most powerful political force in this Nation is embodied in the first three words of the U.S. Constitution: ''We the people.'' We the people can make a difference. I want to remind you of what one U.S. Senator, Everett Dirksen—former U.S. Senator—at one time said. He said when he feels the heat, he sees the light. What he means is if he's heading in one direction and enough of his constituents contact him and say, buster, you're heading in the wrong direction, if enough people contact him, because he's going to stand firm on the principle of his reelection, then he will begin to see the light.

There are Members of this body and the one across the way in the U.S. Senate, as well as Presidents and our Presidential candidates, that need to feel the heat. They need to feel the heat of liberty. They need to feel the heat of ''we the people'' that demands that different kind of governance, demands going back to the original intent of the Constitution. Because if we don't, our children and our grandchildren are going to live in a socialistic state such as we see in Cuba and Venezuela, we saw in Communist China and the Soviet Union.

We the people have to get up in arms and start building grass fires of grassroot support all over this country for candidates and for Members who are already elected and say we're not going to put up with this anymore.

The only arbiter of the constitutionality is the Constitution and what was meant in the Constitution by those who wrote it. Now, I'm asked all the time, Paul, you weren't around then, how do you know what they meant? Our Founding Fathers didn't have video games and TV and the Internet. They wrote. They read. I encourage American citizens all over this country to read, read what our Founding Fathers said about the Constitution. Read what they meant by it. Because if we

are destroyed by a lack of knowledge, if you turn that around, think about it, we're not destroyed with knowledge.

Then you go on in Hosea 4:6, God says He's going to ignore our children, He's going to reject our children. The future of this Nation depends upon we the people standing firm and saying we're not going to put up with this anymore. We're going to go back to the original intent. We're going to do the hard work of knowing what our Founding Fathers said. We're going to do the hard work of demanding of our elected representatives that they stand by the principles, the foundations that have made this country so great, so powerful, so successful.

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There are many Members of this body that need to feel the heat. There are many of the people in this body that need to see the door because they don't stand on the Constitution, they don't uphold the oath of office, they don't do what they have promised their constituents and the American people that they're going to do.

There are judges all over this country, Federal judges, that need to be impeached and removed from office because they're not upholding the Constitution. They're not defending the Constitution. They're not doing what they promised that they would do. They're violating their oath of office.

It has to stop, and the only way we're going to stop it is for we the people to stand up and say, no more. We're not going to elect anybody who's not going to uphold the Constitution in its original intent. We've got to get the hard work done of restoring those six principles, the six principles that have upheld that bright shining star of liberty over this country for so long.

And I'm excited because we see grass roots all over this country beginning to rise up. We see a sleeping giant that's beginning to wake up and stretch its arms and legs and beginning to walk. The press calls it the Tea Party. Well, there's not a Tea Party. There are many tea parties. There's FreedomWorks, there's Americans for Prosperity. There are groups, grassroots groups like the NRA and Gun Owners of America and Right to Work and other groups that believe in the Constitution.

We're beginning to see the sleeping giant of we the people waking up. It's time to not only wake up and stretch our arms and legs and to walk, but we've got to run. We've got to do the hard work of re-establishing liberty in this country.

We're losing our liberty, friends, and we're going to lose it all. We're standing on that precipice staring down in that deep, dark chasm of socialism. Are we going to allow ourselves to be pushed off by courts, by Congresses, by Presidents, Democrats and Republicans alike?

Or are we going to turn around as a people and demand liberty and start marching up that hill of liberty? It's going to be a mountain climb, but we can do it.

I'm excited because I see that great sleeping giant, the most powerful political force in America, embodied in those first three words of the U.S. Constitution, We the People. Our Founding Fathers believed in we the people. That's the reason, when they wrote the document they put the letters in such large script, much, much larger, probably four or five times larger than the rest of the text in the document, because we the people is the key, that force of we the people.

So the question I have to ask today, Are we going to jump or be forced down into that deep, dark chasm of socialism, or are we going to be a free people? Are we going to demand the liberty?

It's up to each and every freedom-loving citizen in this country today to demand a different kind of governance. I believe we can do it, I believe we will do it because we the people love liberty in America. And I'm trusting in we the people to do the right thing and demand constitutional limited government at all levels.

God bless you, and God bless America.

I yield back the balance of my time.

THE CRITICAL ROLE OF THE FEDERAL GOVERNMENT IN SUPPORTING BIOMEDICAL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY. Mr. Speaker, last year, when I was chair of the Joint Economic Committee, we held a hearing on the pivotal role of government investment in basic research. We found that basic research spurs exactly the kind of innovations that business leaders, academics and policymakers have all identified as critical for our Nation's economic growth.

But we also found that the private sector tends to underfund basic research because it is undertaken with no specific commercial applications in mind. Businesses, understandably, concentrate their research and development spending on the development of products and processes that may have direct commercial value.

A report produced by the Joint Economic Committee showed that the Federal Government funds almost 60 percent of basic research in the U.S. and highlighted one study that estimated that actual R&D expenditures in the United States may be less than half of what the optimal levels would be.

We are now engaged in an important national debate about how much and where to cut Federal spending. And I wish to make the case for how reckless and shortsighted it would be to cut into the budget lines that fund the kind of vital, basic research that led to discovery, innovation, and economic growth, because doing so would be, as that bit of old folk wisdom goes, like cutting off our nose to spite our face.

Take the budget for the National Institutes of Health, for example. The NIH strongly supports the kind of basic scientific research that may not be directly useful in creating practical products yet, but it's precisely this kind of research that can lead to the future development of new and undreamed of biotech and pharmaceutical advances. It is work that can lead to the kind of advances that will allow the establishment of new products, grow new businesses, and produce private sector jobs.

Studies have shown that the money we spend supporting such scientific research is one of the best investments our country can make. For instance, out in Los Angeles, UCLA generates almost $15 in economic activity for every taxpayer dollar that it invests, resulting in a $9.33 billion, with a B, impact on the Los Angeles region.

In Houston, Texas, the estimated economic impact of Baylor is more than $358 million, generating more than 3,000 jobs.

In my own district in New York, Dr. Samie Jaffrey, a pharmacologist and faculty member at Weill Cornell Medical College, has just recently developed a promising new technology for studying RNA in cells and has just started a biotech company, all with NIH support.

Time and time again, basic research has been a game changer and an economic incubator. Take the biotechnology company Genentech as an example. It was founded on discoveries that were made within our universities, and those discoveries were made with financial support of grants from the National Institutes of Health. And those Federal funds proved to be a very good investment.

Genentech has created over 11,000 jobs, and the company created products that have had major effects on the health and economic well-being of our Nation. Genentech developed drugs that treat certain leukemias and arthritis and breast cancer.

NIH-funded research has also had a major impact on the lives of those suffering from multiple sclerosis. MS is a painful, painful disease that often strikes young women with children. Thanks to NIH research, drugs have been developed that are now in the marketplace that mean MS patients now live longer and have higher quality lives.

Since 1970, over 150 new FDA-approved drugs and vaccines or new indications for existing drugs have been discovered in university laboratories, most funded by NIH. And millions of Americans are hoping that somewhere, just over the horizon, there will be new discoveries and new breakthroughs leading to more effective treatments