

looking at canceling policies that they can no longer afford. They could afford them before the President's health care bill, but they cannot afford them after. Why? Because the President's health care bill with mandate after mandate after mandate does not take insurance costs down. It takes insurance costs up. And the American people pay that price.

□ 1630

It's all right here on this chart, Madam Speaker. At its core, when I talk to folks back home, folks care about access. I need access to insurance, and I don't have access. And they care about cost. I need access to health care services, but health care services are too expensive. That's what the whole health care debate was about. What can you do to help us with access? What can you do to help us with cost?

Madam Speaker, every State in the Union can provide you with access, and many of them have. And all of them will if their electorate demands it. Now, that's the funny thing about this health care bill, of course. The majority of the American people have always opposed it. There was never a time when the majority of the American people said, This is what we want. The majority of the people have always opposed it. It was Washington, D.C., that said, Well, you might not want it today, but once we implement it and force it upon you, you're going to be thrilled. You just don't know it yet. You're going to be happy.

Folks aren't happy still today.

Cost and access is what took us down this road. We see that access is within the legislative purview of every State in the Union, and we see that costs have been driven up and not down. It's not a partisan issue, Madam Speaker.

I'm from Georgia, so maybe I'm a little biased, Madam Speaker, but I'll tell you, I think Newt Gingrich has a reputation in this country. I know the Democrats do a lot of fund-raising by sending his name out as if he's a strident partisan. Well, maybe he is in other parts of the country; not in Georgia, but maybe in other parts.

It was Newt Gingrich and Bill Clinton that came together to reregulate the entire Federal health care marketplace doing away with preexisting conditions in a responsible and economically feasible way, requiring portability in an effective and economically feasible way, ensuring availability, using tools that make insurance more affordable instead of less.

Cost and access we came together on in 1996, long before my time, and implemented for every federally regulated policy in the land. What's left are those areas of State control.

Madam Speaker, I'm going to go back to the 10th Amendment because we don't spend enough time on the 10th Amendment around here:

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.

That is at the heart of our Republic. The Constitution lays out specific tasks that the Federal Government and the Federal Government alone must handle. And everything else, not some things else, not something else, everything else. It's not confusing.

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.

And as we see in that dissenting opinion in the *Vinson* case, the courts have gradually acceded year after year after year to Congress's demand for more power. And as Congress has continued to legislate, courts have continued to endorse it. And then Congress legislates more, and courts endorse it more, and Congress legislates more, and you turn around and the 10th Amendment now means nothing.

What is that?

Going back to that dissenting opinion, the dissenting judge said Congress has so expanded the Commerce Clause, courts have so ruled on the Commerce Clause, that there is no aspect of economic life that Congress cannot regulate. And then he went on to cite the necessary and proper clause and said, and if there's no aspect that Congress cannot regulate, Congress can do anything that is reasonably associated, necessary, and proper to implementing that bill.

Folks, I don't think that's the America that you and I know. But no one loses their freedom overnight. You lose your freedom one fiber at a time, and you wake up one day and you say, golly, where did it go? It doesn't happen all at once. This has been time after time after time over decades. It's not a Republican problem; it's not a Democratic problem; it is an American problem.

And next week, it's happening right across the street, Madam Speaker. Right across the street, next week, nine men and women are going to reset the clock to what our Founding Fathers intended, setting limits on what the Federal Government can do in your life.

Madam Speaker, that inspires me. I'm not afraid. I'm inspired by that opportunity, that opportunity to be master of my own destiny. But I say to folks who fear that, to any of my colleagues on the left who fear the diminution of Federal power, there's a seat for you in your State legislature.

If you have the urge deep in your heart to control every aspect of an individual's life, I suggest you go back home and run for your State legislature because State powers are plenary; Federal powers are limited. And every single power not delegated in the Constitution to the United States, nor prohibited by it to the States themselves, are reserved to the States and the people.

Madam Speaker, that has always been the key to the success of this Re-

public. It has always been true that the finest innovations, the most creativity, is happening at the local level and working its way up, not happening in Washington, D.C., and working its way down.

When the Supreme Court strikes down the President's health care bill next week, Madam Speaker, Americans are not going to be without health insurance. Americans are not going to be without choices. Americans are not going to be thrown into a lawless environment. They are going to have the benefit of lower prices in the absence of the President's health care bill, of more certainty in the absence of the President's health care bill, and the authority to solve every single problem that ails them, vested in that institution closest to home, closest to the people, State legislatures across this country.

And if there's one thing I'm certain of, Madam Speaker, I've had those occasions where I have doubted the wisdom of this Congress, but I have never had an occasion where I've doubted the wisdom of the American people—not one. The American people have the authority to make these choices today. They do not need a Federal mandate to solve these problems. They don't need a Federal mandate to address these issues. They have that authority today. Our Founding Fathers made certain of it in the 10th Amendment.

And after that court case comes down next week, Madam Speaker, folks will go to work across this country, as they always have, to address the issues and concerns of the American voter, and they'll do that in all 50 of the great and independent States of this Nation.

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

#### CONSTITUTIONAL LIMITATIONS

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Thank you, Madam Speaker.

As always, I'm privileged and honored to be able to address you here on the floor of the United States House of Representatives. And having heard some of the dialogue of the gentleman from Georgia just preceding me, it transitions in a way that I think it is fitting, and his focus on the 10th Amendment and the limitations of the Constitution that don't seem to be felt by many Members of the Congress that serve over on this side as a rule and the debacle that's been brought upon us, and now we've called upon the Supreme Court to unravel, and anticipate a decision as early as next week, no longer this week, I'm told, Madam Speaker.

As I watched this administration unfold, and we're into 3½ years or a little bit more into the Presidency of Barack Obama, I'm extremely troubled by the constitutional aspects of this administration.

□ 1640

I would frame this with the understanding that the President of the United States is a former adjunct law professor at the University of Chicago who taught constitutional law. He taught constitutional law to students that were to learn about this document that I carry with me in my jacket pocket every day, this Constitution that has, as essential components, article I, article II, and article III of this Constitution.

Article I sets up the legislature—that's us, Madam Speaker, here in the House of Representatives and down the hallway to the other end of the Capitol, the United States Senate. It invests in us all legislative authority. That's article I. It sets up the legislature, and it gives us our authority. And I'll talk about that a little bit more in a moment, Madam Speaker.

Article II sets up the executive branch of government. It establishes that there shall be a President who is the Commander in Chief of all of our Armed Forces and a Vice President. Beyond that, there's not a requirement that this Congress establish any other parts of the executive branch of government. It just says that we may, not that we shall. That is in the enumerated powers that this Congress has.

The third branch of government, of course, is the judicial branch of government. It wasn't originally established for the purposes of determining the intent of the letter of the Constitution. It did emerge, and for more than two centuries the landmark precedent case of *Marbury v. Madison* has not been successfully challenged, although occasionally it's been argued. So I concede to the *Marbury* decision.

I look over to the Supreme Court and look to the United States Supreme Court to be the branch of government that determines what the laws mean, that identifies and defines the laws that we pass here. But my disagreement—although I've had some with the Supreme Court in the past, Madam Speaker—is not with the judicial branch of the government. I'm looking for them to grant us a decision next week on perhaps two large cases that have come before the Court, the *ObamaCare* case and also Arizona's SB-1070 immigration case. I'm hopeful that they will read this Constitution and understand it as I do and as most of us that take an oath to this Constitution do.

But I'm very concerned about the President of the United States, the former adjunct law professor who taught constitutional law at the University of Chicago.

When I had a speaker on this Wednesday morning at a breakfast that I host each week on Wednesdays—what goes on in that room is Members only, but it's the Conservative Opportunity Society—when the speaker that I introduced announced that he received his law degree from the University of Chicago's School of Law, it was a bit of an

apology for the President's interpretations. I'm hopeful that the very fine and excellent University of Chicago School of Law doesn't have now a bad reputation it has to peel off that comes from the interpretations of the Constitution that the President is making these days—who taught law there, of course I would remind you.

So I'm very troubled by the actions of the President of the United States. The most recent action that I'm troubled by is, let me say, the amnesty memorandum that he has directed Janet Napolitano to issue. This amnesty memorandum establishes several classes of people. One of those classes they've defined as this: if they were brought into the United States—or came into the United States is a more accurate way—if they arrived in the United States illegally from a foreign country before they were 16 years old and if they are still under 30 years old, and if they continuously resided in the United States for 5 years and if they received a high school degree, a GED, or were honorably discharged from the military—there are a couple other criteria there—then the President has directed Janet Napolitano, the Secretary of Homeland Security, who has in turn directed her subordinates—that being the Acting Director of Custom Border Protection, David Aguilar, and the Director of ICE, John Morton, and also the USCIS, Mayorkas—to recognize this memorandum and act as if the President had issued an edict that is actually a law.

Now, as Mr. WOODALL from Georgia spoke about the Constitution and what's happened to our 10th Amendment, I would suggest that the President seems to be usurping nearly all of article I, section 8 of our Constitution, the enumerated powers.

Now, I came here to speak of these enumerated powers in this way: if the President can manufacture law out of thin air—not whole cloth, Madam Speaker, but out of thin air—we get things like the immigration law that the United States Congress has established. It has defined categories of people, it has established numerous visas, it allows for the most generous legal immigration of any country in the world—and some say more legal immigrants coming into the United States every year than are allowed in all other countries in the world put together. I haven't seen that data to my satisfaction. That gets repeated here in this Congress so fairly often.

I am very confident that the United States is the most generous nation on Earth when it comes to legal immigration. A number between 1 million and 1.2 million legal immigrants come into the United States. That number of people happens to be something that would establish workers for every job that's been created for more than a decade here in the United States.

I have tracked the U.S. Department of Labor's Web site and I evaluated that, and I'll see that anywhere be-

tween 1 million and 1.2 million jobs have been created by this economy, and they're all taken up, at least in theory, by new legal immigrants.

Then we have 12 million to 20 million illegal immigrants, seven out of 12 of whom are out working, and the other five out of that 12 are presumably not working, or in the home perhaps. Those jobs are maybe not recorded by the Department of Labor because they aren't legitimate jobs from their statistical standpoint.

But imagine this, imagine an economy that generates over 1 million jobs a year, and imagine a country that would open its doors to over 1 million immigrants a year. Watch the economy create these jobs and watch those jobs being used by legal immigrants, and then turn a blind eye towards the illegal immigrants that are coming into the United States.

The people on the other side of the aisle see illegal immigrants as undocumented Democrats. It is a political equation for them. It's not an equation of what's good for America's economy, what's good for America's culture, what's good for America's society. It's what gives them political power. So they cynically turn a blind eye and encourage that laws not be enforced, erode the rule of law; and in the process of expanding their political base they're eroding the core of America and creating a greater and greater disrespect for the rule of law. That's chiseling away at one of those beautiful pillars of American exceptionalism; and the President leads the charge, Madam Speaker.

This lawless memorandum that was issued by Secretary Napolitano at the direction of President Obama has no basis in constitutional authority. The President of the United States does not have the authority to create law. He has no authority to pull it out of thin air. He cannot simply announce that he is going to require us to follow some directive, some executive edict and expect us to follow it. It is an unconstitutional overreach and a violation of the separation of powers.

Now, I have some experience with this. The President's move on this amnesty memorandum is a clear violation of the executive powers of the President of the United States. It is one of the enumerated powers that is given to the United States Congress in article I, section 8. If the President can manufacture immigration law, here's what he has done—I'll put this poster up.

Madam Speaker, this is the result of the President's action and, that is, first he created the categories that I mentioned—three or four categories of people that are classes of people. He has prosecutorial discretion to decide where they're going to emphasize the utilization of their enforcement resources. He can determine that they are going to put more people on violent criminals, more people on serious drug smugglers. I'm not sure they are, but he can determine that they are. I

haven't raised an issue with his constitutional authority to do that. I did bring an amendment a couple of weeks ago that blocked the Morton memos, which did say we're not going to enforce laws against individuals who have found themselves in the United States and haven't violated other laws.

And the President has argued before the Supreme Court that there is this careful balance, a careful balance theory that Congress has directed the executive branch to create and maintain a careful balance of various immigration laws so that the executive branch interest in the State Department and the Department of Homeland Security and the Department of Commerce, those Departments find that balance so we don't over-enforce and offend our neighbors.

Congress did not direct the President or the executive branch to create or maintain any careful balance. That careful balance is a completely manufactured theory. Congress passes laws of all kinds under the authority granted to it in article I, section 8. And those directives to the executive branch are: keep your oath of office, Mr. President.

□ 1650

Executive branch, Eric Holder, keep your oath of office. And that oath for the President of the United States says, I do solemnly swear, to the best of my ability, to preserve, protect and defend the Constitution of the United States, so help me God. Those were the words of Barack Obama January 20, 2009, right out here on the west portico of the Capitol. Preserve, protect and defend the Constitution of the United States so help me God.

And intrinsic with that oath of office, a little bit later, in article II, the Constitution says of the President, he shall take care that the laws be faithfully executed. That means, enforce the laws. The President must enforce the laws. He must appoint people whose job it is to enforce the laws. He must direct that they do so. They take an oath to uphold the Constitution.

Eric Holder has an obligation to enforce the law. Janet Napolitano has an obligation to enforce the law, and their oath is tied to the Constitution in the same way. They understand that when they put their hand on the Bible and raise their right hand and say, I do solemnly swear, that includes, take care that the laws be faithfully executed. That's the obligation of the executive branch of the government.

The obligation of the legislative branch of government is to pass laws that be necessary and proper. In fact, Madam Speaker, among article I, section 8 of the enumerated powers is a Necessary and Proper Clause, which says to Congress, the legislative branch to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. That's the full list of enumerated powers that come before it in article I, section 8,

and all other powers vested by this Constitution in the government of the United States or in any department or officers thereof.

The Necessary and Proper Clause includes exclusive authority to pass laws as vested in the legislative branch in government. If it's exclusive, that means the President of the United States and nobody outside this legislature can pass a law.

The President believes he can do that. He believes he can create legislation out of thin air, and he did so by the effect of his memorandum that was released by Janet Napolitano last Friday and supported in a Rose Garden speech by the President of the United States about 2:40 p.m. last Friday.

And here's what we have. As a result of that is amnesty for whole classes of people. Between 800,000 and 1.4 million people granted a legal status in this country that, as of the morning, last Friday morning, when they woke up, they were subject to being put back in the condition they were in before they broke the law, that is, back to their home country where they rightfully belong and legally could reside.

The President changed that with an unconstitutional overreach that's a violation of this separation of powers, and I'm going to ask the court to resolve this disagreement. It will take some time. It will take some money. It will take some effort and some litigation brains. They are, I believe, ready to go on this, Madam Speaker.

But here's what the result is of the President's memo, and it's this: Created those classes of people, granted them executive amnesty by memo printed by Janet Napolitano, Director of Homeland Security, and directed the Director of USCIS, United States Citizenship Immigration Services, to create a permit that would allow those formerly illegal individuals to work in the United States for the duration of this permit that he would grant.

Now, I've just looked at a couple of these things. These are created by laws, acts of Congress. This is an employment authorization card. It's just a model or a sample of one. It doesn't actually identify a real individual. And this is the size of a credit card, and it says U.S. Department of Homeland Security, U.S. Citizenship Immigration Services, USCIS.

This is what the President has directed that USCIS create to hand to these one or so million people that get their new amnesty by executive fiat. Here is your employment authorization card. This is what will be produced, not by the direction of the United States Congress, not under the authority of article I of the Constitution that established this legislature, but under the arrogant, assumed power of the President of the United States to issue a memo that he thinks he has the authority to issue.

And by the way, power in this world has historically been what you're able to assert and retain. If anyone steps up

and assumes power to do something and there's no one there to challenge them and they can get away with it, they have that power and they will hold that power, and it will be a precedent for that power until someone can challenge it and take it away from them, Madam Speaker.

And so the President has assumed this unconstitutional power to create entire classes of people, grouped in the hundreds of thousands, grant to them an employment authorization card, and grant to them a resident card.

Now, the resident card that the President has ordered USCIS to produce in an unlawful, unconstitutional fashion will likely look something like this. This is a copy of what we know as a green card. It's a lawful permanent resident card. LPR status is what we call it. It says right here, permanent resident card. And again, this is just a token individual, a model for the card.

But, Madam Speaker, they'll probably just strike out permanent resident and they might say temporary resident. It might have some kind of indication that later on he's going to make them a permanent resident.

If the President can manufacture authority to do this when it doesn't exist, if he can grant amnesty to people that fit the age categories that he says, that haven't committed violent or serious felonies, or too many strings of misdemeanors, if he can do that, then why can't he also grant amnesty to those that are over 16 when they came here, those that are over 30 today, those that have been in the United States for less than 5 years, those that may have committed felonies and he just wants to give them a pass?

We already have amnesty in this country for the President of the United States' aunt, who had been adjudicated for deportation, Auntie Onyango, and we already have the amnesty from the administration for his drunken uncle, Omar, who nearly ran over a police officer and had a 1.4 blood alcohol content. And then after he was brought to court, his punishment was to suspend his driver's license, and then the State of Massachusetts issued him a 45-day driver's license.

These laws don't apply to the relatives of the President of the United States. Apparently they don't apply to the President's preferred manufactured classes of people.

And by the way, the Constitution, according to his view, doesn't apply either to the President of the United States. This is what he has created out of whole cloth. These cards that you see here, this is a result of a deliberative act of the United States Congress.

The U.S. House of Representatives, the United States Senate have concurred that we want to give people who are in this country legally an employment authorization card when they qualify. We want to give them a permanent resident card, a lawful permanent status card, when they qualify.

And this green card, by the way, is a path to citizenship. Carrying this green card around for 5 years, being President of the United States, obeying our laws, that opens the door to United States citizenship, and after that 5-year period of time the green card can be converted, and often is, into United States citizenship.

What prevents the President from just granting citizenship to all of the people that he thinks might vote for him?

If the President has the authority to manufacture, out of thin air, this permit and this permit, Madam Speaker, under the same assumed arrogant authority, the President would be able to grant amnesty to 12 or 20 million people, instantly make them citizens, and march them off to the polls.

He's engaged in blocking the State of Florida and five other States from cleaning up their voting rolls; has sent his Attorney General, Eric Holder, to block Florida from cleaning illegals off of the voting rolls in Florida, and that's not the only State.

There's a database called the SAVE database that's in the control of Janet Napolitano, and Department of Homeland Security.

The Secretary of State of the State of Iowa, Matt Schultz, who is doing an excellent job of making sure that those of us who have a legitimate vote in the State don't see our vote diluted or offset by the vote of someone who is unlawfully in the United States, or not a citizen, or perhaps a felon, or deceased. We need voter registration lists that are free of duplicates, deceased and felons, and that certifies that they are citizens, and require a picture ID, and the Holder Justice Department, working with the assent, if not the encouragement of the Obama White House, is blocking the legitimate cleanup of the voter registration rolls in State after State after State.

□ 1700

This is the most unconstitutional reach by the executive in the history of the United States, and here are some things that the President could do if we let him assert his authority. I'll go all the way down through and just pick the most important ones.

In article I, section 8, the enumerated powers of our Constitution, the first power grants Congress, exclusively Congress, the authority to lay and collect taxes.

What if the President decided by executive fiat that he didn't want to collect taxes against people in the lowest bracket? Because, after all, that would be an income redistribution thing that he is likely to favor. Do you think those folks would feel good about the President of the United States and maybe go to the polls and vote for him?

Would that change the political dynamic in the country if they didn't have a tax liability? Probably. If that's his calculus, what prevents him from doing this? If he thinks he has the

power to lay and collect taxes, he can always absolve people of those taxes as well.

What if Mitt Romney is elected President of the United States and he decides that, in order to stimulate the economy, he would just waive the taxes on U.S. capital that's stranded overseas in the trillions of dollars? What if he waived the capital gains taxes and let those resources come back into the United States tax free to be reinvested in the economy?

Does the President have the authority to waive taxes or does the President have the authority to lay and collect them? No, Madam Speaker, he does not.

The President of the United States has the obligation to take care that the laws be faithfully executed. The authority to legislate is exclusively within the United States Congress—House and Senate—with the consent then of the signature of the President or of its overriding with his veto.

The President could, under the same rationale as he has here, lay and collect taxes or waive taxes on certain classes of people. What if he decided, I feel a little sorry for those people who I wrote into this memorandum, so I don't want them to pay taxes either. Would then America be outraged? I'd say we need to understand this Constitution better, and we will be more outraged.

What about borrowing money—that's another enumerated power—to borrow money on the credit of the United States? What if the President of the United States decided under the same authority he has assigned himself here that he is not going to pay any attention to Congress on whether we agree to lifting the debt ceiling and that he's just going to go by Executive order or by Presidential fiat and direct the Department of the Treasury to go ahead and borrow money beyond the debt ceiling this Congress has set? What would we say then, Madam Speaker?

How about this: to regulate commerce. Well, wait. They're already doing that. They're alleging that under the Commerce Clause of the Constitution that they can go ahead and declare that only one lung full of American air constitutes engaging in interstate commerce and that they can compel you to buy a health insurance policy that's written or approved by the Federal Government.

That's the decision that we expect from the Supreme Court next week. I think it's going to be a constitutional one. Barack Obama asserts that the Commerce Clause is so broad that Congress can reach across all State lines and declare that breathing one lung full of American air is enough to engage in interstate commerce, and therefore they can regulate all activities that they can declare to be interstate commerce. That means all activities whatsoever.

By the way, I will say, if the Commerce Clause is so broadened by the

consent of the Supreme Court next week, then the Commerce Clause, itself, swallows all of the enumerated powers. Everything can be regulated within the Commerce Clause.

But I'm really here to focus on the separation of powers between the legislative and the executive branches. So I take us to naturalization.

The enumerated powers grant that power of naturalization "to establish an uniform rule of naturalization" to the United States Congress exclusively, not to the President of the United States. The President has argued that the exclusive rule of naturalization includes all immigration laws, that the Congress should be able to determine that, and that there is no 10th Amendment that applies.

That's another case before the Supreme Court that I expect we will get a decision on next week. But this stretch of the rationale that the President has sent does great offense to the Constitution of the United States.

Regardless, this Congress has the exclusive constitutional authority "to establish an uniform rule of naturalization." The President can't write that. The States can't write that, but the States do have the authority to write immigration laws that mirror those of the United States Government's. The President can't write them as he intends to do. This is what he has created. Unconstitutionally, he has created these permits and these classes of people.

The President has also declared that the Senate wasn't in session when they were in session, and he committed his recess appointments. I am disappointed, frankly, Madam Speaker, that the United States Senate didn't step up and defend its authority to determine when they were in session, and to not adjourn and to be in a pro forma session. They did so so that the President could not insert recess appointments, and the President did so anyway.

If the President of the United States can declare that the United States Senate is not in session, then he can effectively abolish the United States Senate except for its being just simply a symbolic body. Now, there are countries around the world like that—in this hemisphere, I might add. I remember seeing the President of the United States in a glad double-handed handshake with one of those people a few years ago.

Then I mentioned S.B. 1070, this great overreach when the President had sent his Attorney General to sue Arizona. He was classically asked the question, Attorney General Holder, did you read the Arizona immigration bill? His answer was, No.

Congressman TED POE said, Here, you can read mine. It's only 10½-pages long. It's not that hard to study.

I'd read it. TED POE had read it. So had, I think, every member of the Judiciary Committee on our side. But the Attorney General had determined he

was going to sue Arizona because he was ordered to by the President of the United States. The announcement came in Ecuador from Secretary of State Hillary Clinton. That's how we found out. They created a whole new legal argument called the "careful balance theory" in that Congress had directed the executive branch to create and maintain a careful balance between the various immigration laws.

We did no such thing.

There is no record of this. There is no statute of this. There is no dialogue in the CONGRESSIONAL RECORD that would direct such a thing. They asserted it because that was the only argument they could manufacture that suited their political position.

This is not an administration of law. This is not an administration bound by it. They are not bound by the Constitution. The President, himself, has stood before this Nation multiple times and has given the lecture about the separation of powers: Congress passes the laws. The executive branch carries them out. Then the Supreme Court, the judicial branch, interprets the laws. That's the President's lecture, and he cast it all aside and asserted an executive edict that he could create these things out of thin air.

If the President can do so, then, as we go on down the line, he can regulate commerce. He can do the naturalization. The President has already stuck his nose into bankruptcies, and the secured creditors for Chrysler saw themselves aced out while the White House was the only appraiser of Chrysler motors. They wrote the terms of the chapter 11 for Chrysler, and they were the only entity that was bidding on Chrysler's assets. They set the price going in. They wrote the terms of the bankruptcy, and they offered the price on the other side of it. And what did they do? They scooped the secured creditors' assets away and handed them over to the unions.

Congress sets the terms of bankruptcy, not the White House. Again, he has crossed the line.

We go on down the line.

What if the President decided that he could establish the currency of the United States? That's exclusively the Congress as well. What if he determined the euro were going to be the currency of the United States of America? What could we do? What would our alternative be? We'd take the gentleman to the courts, and ask the courts to determine the difference. In the end, the people will decide this.

With regard to intellectual property, he could waive copyrights, trademarks, and those types of laws, or he could create tribunals or wipe them out if he is going to assert an authority to rewrite article I, section 8.

Madam Speaker, I appreciate your attention. We must keep our oath to uphold the Constitution of the United States and the separation of powers. I intend to do so. I ask for everyone's help in this whole country.

I yield back the balance of my time.

□ 1710

#### MANAGING OUR NATIONAL FORESTS

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

Mr. PEARCE. Thank you, Madam Speaker. I appreciate the opportunity to address the House on a matter of the West.

There are major fires burning across the western United States. There's tremendous property damage and tremendous damage to the environment. Habitat for endangered species is being burned up in the hundreds of thousands of acres. The species themselves are being destroyed and killed in these massive wildfires. And the Chief of the United States Forest Service says, We need to introduce fire back into our forests.

Just this week as the Chief visited in my Rayburn office with me, I said, Chief, this is what it looks like when you reintroduced fire into the forests in the West right now.

The forests are chock-full of fuel. Decades of mismanagement by our Forest Service has allowed the fuels to build up to where it's a dangerous, explosive environment. The drought which actually occurs regularly in the West has caused those buildup of fuels to be explosive in nature, and when fire gets loose, this is what it looks like.

This is the town of Ruidoso, New Mexico, in my district, and these are the flames that burn that makes it look like Hades has taken over all of New Mexico.

Is this what you intended, Mr. Tidwell? Is this what you describe as allowing fire to run its course and accomplish management objectives in your forests? You're the one responsible, sir.

Thank God for the firefighters who will come out and fight to save the community. Thank God for the men and women who will stand in harm's way to stop this. But this should not be occurring.

This is the Lincoln National Forest, and right next door, the Mescalero Apaches have about the same acreage of forests. With 14 people, they're able to clean their forests out. They're able to harvest the timber. When the fire gets to the Indian reservation, it simply drops down on the ground and becomes a grass fire, the way that fires typically ran in New Mexico and throughout the West.

History shows us that in our forests, we generally had somewhere between 50 and 100 trees per acre in the arid West on our forest lands. They are grassy savanna lands mostly with widely scattered trees. It never became more than a grass fire, but our tree rings show us that about every 8 years,

a very hot fire would come through, burning all of the grass and the underbrush, the ladder fuels, burning the small diameter trees while they are still small. But decades of putting out fires and decades of not harvesting any timber at all have allowed our forests to become explosive caldrons which are breaking into fire.

The shame is that this fire in New Mexico started as one-quarter acre, and for about a day it stayed about a quarter of an acre. And then it spread to 4 acres for the next 3 days. Still, no call for tankers, no call for those aerial drops of water or the slurry which puts out the fire. None. Not until the fourth day, late in the fourth day.

The Forest Service says they can't ask questions like this about those decisions. I think that the decisions locally are made by people who are trying to follow the policy of reintroducing fire into the forests.

Regional Forester Corbin Newman recently stated: Fire will have to take its natural course. And we're just trying to put fire back into its natural processes, he said.

This rings the same tone as was stated by Mr. Tidwell in my office this week, that we want fire to get back into the forest. Well, fire in the forest had a natural process when the forest was in balance. The forest is desperately out of balance right now.

This is not the first brush with disaster that we've had. And keep in mind that the Forest Service personnel themselves said they're worried about losing the entire town of Ruidoso, that it was at high risk, not just at risk but at high risk was their statement as we were briefed about the fire. But we had warning signs last year.

This is what it looked like last year in Ruidoso. High winds and a small fire began to throw embers throughout the town, and you can see the little spots of fires over and through the mountains that are in and around Ruidoso. We began to sound the alarm at that point to our Forest Service: Please clean the fuels out. We can't stand for this to run wild. This year, it has run wild and destroyed 242 homes in this area, and more outbuildings, more structures, beyond just the loss of homes.

This is not necessary. All that is required is for us to manage the forests properly. It's a call that is going out from the people who live in the forests throughout the West. They're watching their wilderness areas, they're watching the forest lands burn to charred masses, and the Forest Service personnel themselves, the specialists, are telling me that trees will not grow here for another 100 to 150 years.

How is it managing our forests to burn the trees for 150 years? How is that good for the environment? How is that good for the species? And how is it good for the people who live in this area?

Shame on you, Forest Service. Shame on you for dictating policies to