

smashed the record for the highest annual profit in history for a U.S. company.

To put that number in perspective, ExxonMobil's profits last year were more than we spent on road construction; they were greater than the amount the VA will spend on health care for our veterans this year. ExxonMobil's profits were larger than the entire budget for the Homeland Security Department in fiscal year 2008. That is profits, not revenues, and those profits come directly from the pockets of our constituents who pay the oil companies' exorbitant prices.

In the House, we passed the Federal Price Gouging Act to give the Federal Trade Commission explicit authority to investigate and punish those who artificially inflate the price of energy, especially those who profit most, those at the top of the chain. The bill has passed the House, but it has stalled in the other body.

It is also time to go after the energy speculators who drive up energy prices through off-market trading. Those trading practices are unseen and unregulated, but they do great damage. I support the Close the Enron Loophole Act, and the Preventing the Unfair Manipulation of Prices Act legislation to hold oil speculators accountable to the same rules that already govern traders who are trading on regulated markets.

It is time now to roll back the \$14 billion in tax breaks and incentives that we gave to Big Oil in the 2005 energy bill. It was a disgrace then, and it is an outrage now. I voted against these tax incentives, tax breaks in 2005, and I am pleased that the House under new leadership has already voted to role them back. But in the other body, Big Oil's friends have maneuvered to block a vote on the rollback bill.

Finally, we need to provide targeted relief to the small businesses that depend on fuel, whether they are heating buildings or driving trucks. We need more leadership in the House and over in the other body and with the administration.

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

ENERGY PRICES

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

Mr. WESTMORELAND. Madam Speaker, I am glad the gentleman who has just left was talking about the energy prices, because that is what I want to talk about, too, the energy prices.

I was elected to Congress 4 years ago, and I came up here and you really

think you are going to be dealing with some smart people. It took all I could muster up just to graduate from high school. I did attend college for 2 years. But I have come up here and I have found out that evidently a lot of people in this body don't understand either business or the economy or economics or something, because I keep hearing about the majority wanting to bring down gas prices, but they want to do it by raising taxes and taxing oil companies.

Now, the gentleman just spoke about getting the President's help. Well, I think he has tried to help. I think he has put together some good proposals, but they don't want to do any drilling.

On April 24, 2006, Speaker PELOSI put out a thing, they were trying to get into the majority, and it said: "Democrats have a commonsense plan to help bring down skyrocketing gas prices." And at the time, gas was probably \$2 a gallon and, as the gentleman stated a while ago, it is about \$3.80 now. Oil was probably \$60 a barrel, and it is about \$120 a barrel now. But you passed H.R. 6. That was one of the first 100 Hours, one of these great proposals, the Energy Independence and Security Act of 2007.

Well, we did a little research. In that bill, which is over 300 pages, "crude oil" is mentioned five times. Over 300 pages, "crude oil" is mentioned just five times.

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"Gasoline" is mentioned 12 times in over 300 pages.

"Exploratory drilling" is mentioned twice.

"Offshore drilling" is mentioned, none.

"Domestic drilling" is mentioned, none.

"Domestic oil" is mentioned, none.

"Domestic gas," zero mention.

"Domestic fuel," zero mention.

"Domestic petroleum," zero.

"Gas price" or "gas prices," zero.

The word "commonsense," zero.

What is mentioned is "greenhouse," 103 times.

"Green building," 101 times.

"Ecosystem," 24 times.

"Climate change," 18 times.

One of their favorite words "regulation," 98 times.

"Environmental," 160 times.

"Geothermal," 94 times.

"Renewable," 333 times.

The word "pool" because, Madam Speaker, there was the Swimming Pool Safety Act attached to the Energy Independence and Security Act. Here is the thing I found interesting. The word "pool" was mentioned 47 times; or nine times more than crude oil and four times more than the word "gasoline."

"Lamp" or "light bulb" is mentioned 350 times; 350 times they talk about lamps or light bulbs.

So get the picture here. The Democratic plan for lowering gas prices is not drilling, it is not using domestic production, it is becoming more reliant

on foreign oil; and it is going to do it through greenhouse, green building, regulation, geothermal, swimming pool safety, and light bulbs.

Now I have a hard time when I go home to the people of the Third Congressional District explaining to them that that's our plan for energy independence. And I don't know if I am the only one that is having the problem of convincing my constituents that this is what Congress is doing to lower gas prices.

Now just another side note here. Tonight we passed Senate bill 2739, Consolidated Natural Resource Act of 2008, but I see my time has expired.

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

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

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

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

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

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

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

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

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

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

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

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

ENERGY AND OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for

60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. Madam Speaker, I come here tonight, as we do every month or so, to begin another session of the Constitution hour. Members of the Congressional Constitution Caucus basically use these opportunities to emphasize to our colleagues and people across the Nation the necessity of ensuring that our government is operating under the intent of our Founding Fathers. Specifically, we look at the 10th amendment which affirms that the authority over most domestic issues belongs to the States, either directly or through their political subdivisions, and to the people therefore themselves. Actually, the exact wording of it is that all powers not specifically delegated to the United States Government is retained by the people or the States respectively.

So we come to the floor as we do every month or so to bring this point home, to educate the Members of Congress, and to have a discussion on the constitutional merits of what we are debating here in the week before and after. In a little while we will look at a piece of pending legislation, a sunset bill, as it were. But before I do that, I would like to yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Thank you, Mr. GARRETT. This has something to do with the Constitution, something to do with what the intent of our Founding Fathers was. I don't think that they had in mind Senate bill 2739 which just passed the House with 117 dissenting votes and they must have had right at 300 who voted for it. It was an omnibus bill that included 61 distinct pieces of legislation, 61, at a cost of \$380 million. Sixty-one bills rolled into one, \$380 million, 20 minutes debate, voted under suspension.

That has got to make Americans proud, Madam Speaker. It has got to make our Founding Fathers roll over in their graves.

But the part that really bothered me the most, because I talked earlier about the price of gas and what the majority party's commonsense plan to lower those gas prices was. And I look at this bill, Senate bill 2739 permanently blocks exploration for natural energy resources on millions of acres of Federal land at a time when this country and our entire economy is suffering as a result of these record high energy prices. But yet we permanently block exploration of natural gas.

Also, you know, we only own 670 million acres. You know, Congressman GARRETT, I don't know what the Founding Fathers had in mind with the Constitution, but I think if they had really figured that the Federal Government would own 670 million acres, they may have put that in there somewhere.

One thing they did put in the Constitution was about private property rights. The natural heritage area designations included in this bill restrict,

and I think the Constitution talks about this somewhere, restricts how residential and commercial property owners utilize their private property without any notice or warning.

It also kicked out and stripped out some amendments put in by the House that would have protected the second amendment, and I believe that may be in the Constitution, it is talked about somewhere, the second amendment. So the right to bear arms and property rights in these natural heritage areas were stripped out of this bill.

What breaks my heart even more is that the minority party, who has been standing up here complaining about our energy cost, all we had to get was about 28 more votes and this bill would have had to come under regular order where we could have stood on this floor in front of the American people, Madam Speaker, and debated this bill. But we could not muster 145 votes out of the 199 Members that we have in the Republican conference. That's embarrassing to me. That is just as hard for me to understand and to go home and try to explain to my constituents when I am standing up here night after night arguing about oil and gas prices and the price of energy and what little pitiful bit the majority is doing when my party won't support doing something to make some real change in what we are paying at the pump.

Mr. GARRETT, I want to thank you for doing this special order on the Constitution, and I hope that you will bring up the private property rights, the second amendment, the fact that we can pass legislation \$380 million worth, 61 different bills rolled into one under suspension with 20 minutes of debate.

Like I said, Madam Speaker, I know that makes America proud.

Mr. GARRETT of New Jersey. I thank the gentleman for raising these points. He takes the lead from the gentleman from Maine from the other side of the aisle who had just previously done 5 minutes talking about the energy situation. Let me follow up along those lines before we talk about the sunset bill we want to talk about tonight.

I agree with the gentleman from Georgia that our Founding Fathers would be rolling their eyes and turning over to the proverbial grave if they were ever to look to see the size and scope and depth of regulation of the Federal Government, a far cry from what the Founders ever intended as the appropriate role of government in people's lives.

They did, as the gentleman from Georgia said, put a significant weight and value to that of private property rights, and they did believe that private property was just that, something to be held by the private citizen and not by the government, whether it is the State or Federal, but specifically here on the Federal level.

The gentleman from Maine was making the observation that something

needs to be done with regard to the fact that our citizens back home, our constituents back home are aggrieved by the high price of oil, whether it is the gasoline for your car or for the diesel for your truck, or home heating fuel if you are in the northern States such as myself. The gentleman from the other side of the aisle on the majority party would suggest that the answer comes from the Federal Government.

I would suggest that the answer, as far as the Founding Fathers would believe, the answer comes from the private sector, would that the private sector have a free hand and free rein in order to address the problem.

But as we stand here right now, 85 percent of our natural resources in this area of energy offshore of this country are tied up, locked up, if you will, unobtainable for all of us to use as was intended; 85 percent locked up, unavailable for us to be going to get, either oil or natural gas. So we are paying the price for that.

So when the gentleman from Maine from the majority party says that the administration is at fault here, I had to sit and scratch my head and try to remember who is running this House, and which party is running the Senate as well. And of course we know the answer, it is the Democrat Party.

This is not a partisan issue I'm raising here. I think everyone from this side of the aisle would like to extend a hand to the other side of the aisle to try to work together and come to a resolution on this issue.

But if the way that they take is to point blame and blame the President and the Bush administration and the like, that's not going to bring us to closure. That is not going to bring us to a solution satisfactory to the American public.

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We need to work together on this.

Likewise, we are not going to get to that solution if all we have is empty promises. I remember all too well a little over 2 years ago, in the 2006 elections, when the, then they were the minority party, but the Democrat Party was saying that they had the solution. They had the answer to the oil problem and the oil crisis and the price of gas at the pump, and if they were elected, they said, and they were put into the majority power, they would be able to give us that solution and that plan and bring us to a better day.

And if you think back to where it was and what they were saying was so terrible at that time, well, gas at that time was like \$1.90 or something like that. It was just approaching, it hadn't quite gone over \$2 a gallon at the pump. But they said elect them and they'd have a solution.

Well, here it is in April, 16 months after they've been in office, and we are still waiting for that solution. We are still waiting for that answer to come down the road, to be handed to us so

that we can all get behind it in a bipartisan manner and answer that the challenge that the American public gave to us, how can we solve this problem. Because the American public, I think, would be more akin and in tune with what the founders would say.

The American public would say, to solve this problem you must release the abilities and the entrepreneurial spirit and the great ideas of the business person and the landowner and the private property owner and those who own renewable and other energy sources to be able to develop those and allow them to come into the marketplace.

But that is not happening yet, so long as the other side of the aisle refuses to give us whatever their solution or their plan is that they told us about some time ago, nor is that about to come about so long as the other side of the aisle simply comes to the floor and casts aspersions on the Bush administration or whoever's in the White House at the time and says it's all somebody else's fault, rather than really grappling with the issue and trying to come to a solution to it.

There are solutions to it. There are free market principles. They are principles that our founding fathers would have enjoyed and appreciated and applauded as they crafted the U.S. Constitution, and that's what we should be embracing today, so that we can go home to our constituents, so the gentleman from Georgia, who said he's somewhat embarrassed to go back to his constituents and say this is what is happening now in Congress as Congress fails to deliver on its promises.

We should be able to deliver, if not on our promises, then on the promises on the other side of the aisle and to address this solution in a bipartisan manner and get the job done in the manner that their founders would have intended.

Now, I believe that the gentleman from Utah (Mr. BISHOP) had another point on a different issue. The gentleman, I am pleased, has just joined us, from Utah. And before we get to the topic that we came here tonight, which was to discuss the issue of the Brady bill, which is the bill dealing with the Sunset Commission and how the Constitution ties into that topic and why the founding fathers would applaud the ideas that Mr. BRADY has given us as far as addressing the over-running government that we have, the gentleman from Utah has joined us, Mr. BISHOP, to fill us in on the issue dealing with NASA.

Mr. BISHOP of Utah. Thank you, Madam Speaker. And I appreciate the gentleman from New Jersey in yielding a few moments so we can talk about another issue of significance, I think, right now.

It was in the year 2004 that the President outlined our Nation's vision for space exploration; and he gave three goals:

Number 1, to complete the international space station by 2010, 2, to

conduct the first manned mission of a new vehicle for astronauts by 2014; and Number 3, to return a man to the moon by 2020.

Now, these goals won bipartisan approval by Congress in the 2005 NASA Authorization Act, and we gave clear directions to NASA to administer this act. In it, the administrator was directed to develop a human presence on the moon, promote exploration, science and commerce, United States presence in space, and to create a stepping stone to future exploration of Mars and other destinations.

It further codified more specific requirements to use personnel and assets of the current space shuttle program in developing a new crew vehicle and two new launch vehicles.

Now, after the old space shuttle, the original one here has fulfilled its mission to complete the international space station, it will retire in the year 2010 and, by law, must be replaced no later than 2014 by a new vehicle, this one at the top, which is called Orion, which will take humans to the space station, to the moon, to Mars and to beyond.

This vision is a bulwark of our Nation's space future for the decades to come. You see, the space shuttle will have been in service for 30 years by the time it's retired, and we can expect as much or more from these new systems.

NASA Administrator, Michael Griffin, has translated these objectives into a coherent program for further exploration in the solar systems. Its name is Project Constellation, and it will include Orion, and be powered by the most effective, reliable and safe launch vehicles to carry our crew into orbit or lift supplies needed for space exploration; and those two new rockets will be called Ares I and Ares V.

Now, Orion will give the United States the best capability to transport astronauts to destinations outside of the Earth's orbit and, at the same time, serve the international space station. The development of the Ares I rocket will boost Orion into orbit, and it has made tremendous progress. In fact, the first unmanned prototype test launch of Ares I is in April of this year.

Ares I is at least a factor of 10 times safer, and will lift crews into space at a cost significantly lower than the current space shuttle. In fact, Ares I will be reliable and cost effective enough to be used for commercial purposes, delivering on NASA's promise to energize space activities in the commercial sector.

Ares V will be the largest rocket ever produced, exceeding even the carrying capacity of the old Saturn V rocket. Now, the Ares V will only be used to take cargo into space. But the combined capabilities of the Ares I and Ares V rockets will support the space station, moon and Mars exploration, large scientific and commercial payloads and journeys to destinations in our solar system that Kirk, Pickard, Spock and the guy on Reading Rainbow only dreamed of.

Furthermore, these rockets will reassert our leadership in exploration of space for decades to come, a leadership that is currently being challenged by other countries.

NASA's space exploration vision is vital to this Nation's continued global leadership in space and technology. It will inspire a new generation to become physicists, chemists, geologists, mathematicians who will pursue careers in fields critical to our continued economic wellbeing and world leadership.

Now, we often bemoan the lack of interest in science and math, and dream up all sorts of incentives here in Congress that will fail because kids really don't want a Federal bribe. They want to be challenged and inspired. And just like the space race of the 1950s and the 1960s motivated a whole generation of students to pursue education in science and technology, NASA's new exploration plans can inspire a sense of adventure and pride in today's kids.

The Mercury, Gemini and Apollo programs provided this kind of dramatic motivation from grade school to college graduates. So within a few years we were turning out growing numbers of highly skilled engineers and scientists as America's space program offered challenging jobs in pursuit of landing humans on the moon.

It is not coincidentally, a coincidence at all that scientific and engineering expertise lost its momentum immediately after the successful Apollo program was prematurely ended and our space commitment was de-emphasized. With no greater challenges in human space flight on the horizon, the historic excitement to earn science and engineering degrees simply withered.

Improving the quality of education is as simple as firing the imagination of a child. The dream of working on the moon, traveling to Mars, exploring the other planets will spark that drive. An inspirational vision such as space exploration can provide that necessary spark. We need that inspiration, not only to compete in space, but to continue to compete successfully here on earth. Without this motivation, it simply won't happen.

While JFK's challenge was to send a man to the moon and return him safely to the earth, and that was indeed an historic accomplishment, the most important legacy of Apollo is that it inspired a generation to do great things. It's more important now than ever that we do great things. Space exploration will motivate the next generation to accomplish feats that we can only imagine today, and will secure America's position as a world leader.

The NASA administrator, Michael Griffin, put it in the proper perspective when he said, "We go not for gold or silver, but for knowledge and experience, and for the expansion of technology. And that occurs when we explore. These are the reasons we do these things, and they are part of what makes us human."

Previous space exploration has brought tangible benefits that have improved our lives in innumerable ways. When we say space spin-off products, most people think of Tang and maybe Velcro. But we watch the weather reports on television every night and don't recognize this would not be possible without the space program. Or we make a phone call and don't consider that the connection may be via a communication satellite. GPS navigation satellites, originally developed for the military, are now used 95 percent of the time for civilian application. And many of these benefits are so taken for granted that we now consider them intangible benefits.

There are many tangible benefits from the space program. The 2007 "Space Report" estimated that last year's impact on the economy from space was \$220 billion, with 60 percent of that figure coming from commercial goods and services, not NASA nor the Pentagon. In fact, a common misperception about space is that this money is spent in space, when in reality, these funds are spent right here on earth in the most high tech jobs in the world.

Another common misconception is the size of NASA's budget. Opinion surveys will show that Americans think NASA's budget is 10 to 20 percent of Federal spending. In reality, NASA's budget is .6 percent of the Federal budget. The returns on this investment are priceless.

The President, Congress and NASA got it right 3 years ago. A clear space exploration strategy now exists in the form of the Constellation program being executed by a team led by an Administrator Michael Griffin, who clearly understands not only the technical issues but, indeed, the delicate balance between performance, risk and cost. In short, Griffin gets it.

Implementing the space exploration program will not be an easy task, but it will be worth the journey. Retiring the space shuttle in 2010 and replacing it with Orion no later than 2014 is essential. We have to go forward without delay with this vision as it now stands. And let us not hinder and its dedicated partners from achieving it for all of us.

In 2010 the international space station will be complete and the space shuttle program will draw to a close. But the future will belong to Project Constellation. Constellation will give us new space vehicles. It will take us to the space station, the moon, onward to Mars. The names of Orion and Ares will become as familiar to the world as Mercury, Gemini, Apollo and the space shuttle have been.

Thank you for your patience, Madam Speaker. Appreciate the gentleman from New Jersey for giving me these few minutes to talk about an essential program that we have to push in the future. And I will yield back as we go on to the next topic of this discussion.

Mr. GARRETT of New Jersey. I thank the gentleman from Utah. And

the gentleman makes an interesting point when he says to educate takes only to excite the mind and the imaginations and, of course, that is what happened some 200-plus years ago in this country when our founding fathers came to this land and excited the imagination that a new form of government never conceived by any human in any portion of the world ever before, and that was, we've seen today, in the U.S. Constitution.

You know, that document today, for a lot of people is just a historical document and nothing more than that. And to many citizens the Federal Government is nothing more than a problem solving institution of government.

However, the founding fathers delegated only a few specific powers to us here in Washington, to the House and the Senate and the White House, few specific powers, and they are in enumerated in the Constitution. The remaining political powers were reserved for the States and the local governments and the people specifically.

So tonight, I'm joined by my colleagues, Mr. BISHOP who will speak again in a few moments, and Mr. BRADY from Texas who'll try to focus on one aspect of trying to revert the government to what the founders intended in the first place by focusing on the inefficiencies and the waste that occurs when the Federal Government oversteps its bounds that were set forth in the Constitution.

And we come here not simply to complain about the situation. No, and that's why I'm pleased that I'm joined by Mr. BRADY, because Mr. BRADY comes here with a solution to the problem as well, and he does so in the form of the Federal Sunset Act, which would help our country, in essence, return to the limits originally intended by our founding fathers.

So with that I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I appreciate the gentleman from Michigan's leadership and keeping the focus of Congress on the Constitution, what roles we play of a limited government.

I don't know if you can remember what you were doing last Wednesday, but I do. Last Wednesday is what we call Tax Freedom Day. It's the first day of the year that you and I start working for ourselves and our families. From New Year's Day up to last Wednesday, April 23, we were working just to pay taxes to our State, local and Federal Government.

If you think about what an overtaxed Nation we are, think about your day. You wake up in the morning, grab a shower, you pay the water tax. You stop and grab a cup of coffee, you pay a sales tax. And take your car down to work, you pay gas taxes. At work you pay two taxes, an income tax and a payroll tax. You come home at the end of the day, you open the door, turn on the light, pay electricity tax, turn on the television, pay a cable tax, use

your phone and pay a telephone tax, kiss your spouse good night and pay a marriage penalty tax.

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And on and on and on. Every day the rest of your life. And then when you die, you pay a death tax. No wonder it is so hard for families to make ends meet in America these days especially with the prices being what they are.

And the only thing worse than how much we spend on taxes, especially those we send to Washington and Uncle Sam, is how poorly Washington spends our hard-earned dollars. I am convinced, Madam Speaker, that we make horrible use of the dollars our taxpayers give us. And I'm convinced that if Congress in Washington were a manufacturing plant, we would manufacture spending. That's what we were designed to do. If we want our government to manufacture savings and efficiency, we need to retool the plant. We need to change the way Washington works.

I have a proposal that does that. This is a bill that I introduced as a freshman bipartisan Member with my good friend, Congressman Jim Turner from Texas. Well, we came in together as freshmen. It is the Federal Sunset Act. And what it does is its goal is to abolish obsolete agencies and eliminate duplications within programs because we know we don't spend money wisely. What the commission does is, bipartisan, made up equally of Republicans and Democrats, mostly legislators, but it also includes four members appointed from the public, and basically what it does is it places an expiration date on every Federal agency and program where they have to justify their existence or face elimination.

They have to justify their existence not on what they were for created 80 years ago or 60 or 40 years ago, but they answer the question, Do they deserve our precious tax dollars to date? Ronald Reagan once said, The closest thing to eternal life on Earth is a Federal program, and he is right.

The other thing, of course, is once created, Federal programs duplicate themselves. They clone themselves, it seems like. For example, we have more than 300 separate different economic development programs. We have more than 100 separate, different, or separate job-development programs. We have 64 different welfare programs. There are so many urban aid, inner-city programs, different ones, that we could get in a car once a week and visit one in a week, and it would take us nearly 9 years just to see those programs in that one year. We waste and duplicate too much of America's hard-earned money.

The Sunset Commission has worked now in over 24 States, so it's a proven method of cutting wasteful spending. In my home State of Texas over the years, it has abolished 54 State agencies, consolidated 12 more, and saved our taxpayers nearly \$1 billion. That's

in one State. I'm convinced it can do even more in Washington.

Our government, unfortunately, for all of the good things it does, is too big and too fast. It needs to go on a diet. And the Federal Sunset Commission isn't a crash diet. It's a take-off-pounds-sensibly diet where each party, who seems to talk about wanting to balance a budget, who always wants to talk about cutting wasteful spending but won't act to do it, it gives both parties the responsibility and the ability to work together to streamline this big, bloated Federal Government so that a Tax Freedom Day, whether it is April 23 this year or if President Bush's tax cuts are to expire, which they shouldn't, we would actually work until May, the fifth month of the year, until we start working for ourselves.

It is important that if we want to have lower taxes, more freedom and use taxpayers' money wisely, we need to enact a Federal Sunset Commission and enact it today. And I think that is the constitutional role of this Congress is while we may collect the taxes, we have even greater responsibility to limit its use as a government and to make sure they're used as wisely and efficiently as possible.

And with that, again, the gentleman from Michigan has led the effort here among Republicans and among the Republican Study Committee to better define our Constitution and Congress' real role. I think these days, that's even more important we do that.

Mr. GARRETT of New Jersey. I thank the gentleman for taking the lead on this issue, not only in this session of Congress, but in the past session of Congress as well where I have been a proud cosponsor of your legislation because it goes a long ways to, what was that phrase that Barry Goldwater used when he came to Washington the first time? He said, I did not come to Washington to streamline government or make it more efficient. I came to Washington to eliminate it. And that's what you're trying to do as well with the intent of the legislation is define those areas of government that are extra-Constitutional, outside of the bounds of the Constitution, find those portions of government that are wasteful, duplicative and the like and to basically eliminate those so that the Federal Government can appropriately focus its attention on those areas that it's supposed to and then get that job done so that you and I can go back to our constituents and say that we are fulfilling the role of the Constitution and we are doing it in a Constitutional manner.

I will yield.

Mr. BRADY of Texas. For 30 years, picking up on what you just said, the public doesn't have to take my word for how inefficient we are, even your words, Mr. GARRETT, about how inefficient it is.

Recently, the Office of Management and Budget assessed over a thousand Federal agencies. They determined

that nearly one-quarter are simply not performing. These agencies account for nearly \$123 billion annually in increased spending, in duplicative spending, in spending that no longer works or helps anyone. And I keep thinking, what would our families do with \$123 billion of their own money that they're sending us and we're wasting? What could they do for the families? What dreams could they reach? What decisions would they make and not rely on government to do that?

I just think that all of this is about giving more faith in people than it is in government, and I think that's what our Founding Fathers intended this great Republic to be.

Mr. GARRETT of New Jersey. I appreciate your hard work on this initiative so that, as I say, when we go back to our constituents and one of those bills comes up in the future, and it will come up, when it's laden with additional spending, I'm not talking about earmarks or proverbial pork barrel spending, I'm talking about just legislation, that appropriation for dollars going to some other duplicative-type programs that you mention out there that we, you and I and the rest of us who are in agreement on this issue, can go back to our constituents and say, I voted the right way. I voted to eliminate those programs. I voted to downsize those programs. I voted to make sure that all we have left standing are those things that the Founders would agree with and that the programs and the agencies and the services that the public desires and demands and it's within the confines of the Constitution, and they're getting it done in an effective and efficient manner.

So I appreciate your taking the bold step to accomplish that, and we're behind you on that. Now, if we can get the support on the other side of the aisle and move this legislation, we will be even further down the field than that.

We're joined again by the gentleman from Utah to join us in this discussion on the Constitution and more specifically, on the Brady bill with regard to the sunseting these wasteful, duplicative unconstitutional initiatives that the Federal Government is wanting and ripe to continue but for the fact that we have legislation like this.

I yield to the gentleman from Utah.

Mr. BISHOP of Utah. I thank the gentleman from New Jersey for yielding some time. I appreciate the gentleman from Texas who has introduced this particular piece of legislation.

Madam Speaker, many of us grew up listening to vinyl records played on phonographs, something that my kids have probably never heard, let alone seen. But for its day, the phonograph was an amazing device. It gave beautiful music, or maybe not so beautiful music, into our homes; it brought great orchestras and bands to those who would have never heard them otherwise. And a few people still use them,

but most of them had replaced them long ago with tapes and CD's and MP3 files, and other types of digital media acknowledging that the phonograph and vinyl record are outdated and that better technologies are available.

In the same vein, most of us gave up typewriters a long time ago for computers. But there are a few who, for fear or suspicion, cling to their ancient and inefficient typewriters. Admittedly, the typewriter was a marvelous tool in its time, but there are simply better tools available now.

So, Madam Speaker, I want to make the point that it's always a shame to see things that last beyond their usefulness, whether it's an outdated technology, a once-great athlete eventually cut from a team, or even a U.S. senator. You like to see things end in their prime and retain their dignity.

Madam Speaker, I'm not here to propose a Commission for Involuntary Retirement of Senators. Nor will I suggest an investigation into aging athletes who should call it quits. I think Mr. WAXMAN could probably do that for us all. I'm here to support Mr. BRADY's idea for a Federal Sunset Commission to evaluate government agencies and find those agencies that are outdated and beyond their usefulness.

You see, in most sectors of American life, the free market simply dictates that old products, as great as they may have at one time been, are replaced by newer, better products. Unfortunately in the government, that process of creative destruction stops after we create the first version. The old out-of-date programs or agencies don't really get replaced. It stays around. Performing, maybe not performing, duplicative functions and sucking up tax dollars at the same time.

Several years ago, the comptroller, David Walker, pointed out that the USDA, the FDA, and 10 other Federal agencies administer 35 different food safety laws; the Department of Homeland Security, Justice, and HHS administer 16 different grant programs for first responders; and USDA and HUD both provide assistance for rural housing. And I won't even go into the Department of Education; that would be too easy.

Why do we have such a hard time getting rid of old programs? It simply has to do with public-choice theory. Every government agency and program, no matter how outdated, has a core constituency who benefit from its existence. Those who are employed at the agency or program and those who receive benefits have a huge incentive to fight for its continued existence. I understand this attitude. I basically did the same thing as a teacher. I was not content, as many of the old-guard teachers were, to simply teach the same lesson year after year. So I and other innovative staff members started

new programs like the Historical Society, the Renaissance Festival, a scholarship program, an oral history program, and Close-Up, an internship program at our State capitol. Now, fortunately, most of these program enhancements cost the school very little money except my time, but I did it because I always wanted to have a bigger role at the school. The status quo was never sufficient; I wanted to do more.

And herein lies the problem for both government programs and for me as a teacher: In our mindset, if a program is not growing, something is wrong. To self justify, government agencies and offices always think of new ways to expand their "services." The goal is always "bigger" and "more," which ends up costing the taxpayers. The desire to grow is the natural instinct of any government agency, and it is the natural instinct of us, but it means to control government, a legislative body has to continually fight that which naturally occurs. It's always an uphill battle. We continue the old and introduce the new.

Simply, what we do is when we introduce a new program and there is still an old one in place, it puts us in the silly position of using a computer and a typewriter at the same time. Comptroller Walker, before he retired, in the same report that I just quoted, said, "A fundamental reassessment of government programs, policies, and activities can help weed out programs that are outdated, ineffective, unsustainable, or simply a lower priority than they used to be. In most Federal mission areas, from low-income housing to food safety to higher education assistance, national goals are achieved through the use of a variety of tools and increasingly through participation of many organizations such as State and local governments that are beyond the direct control of the Federal Government."

"Government cannot accept as given all of the existing major programs, policies, and operations. A fundamental review of what the Federal Government does, how it does it, and in some cases, who does the government's business, will be required, particularly given the demographic tidal wave that is starting to show on our fiscal horizon."

"A fundamental reassessment." It's a novel idea. Make agencies and programs continually prove their value. That brings us to Mr. BRADY's bill, the Federal Sunset Act of 2008. Sunset commissions aren't a new idea. States, as are often the case, are ahead of us here. I'm told that there are 24 States currently that have some form of a sunset review and have saved millions of dollars through this process, and it is simply about time the Federal Government follows their lead.

P.J. O'Rourke once said, "the mystery of government is not how Washington works, but how to make it stop." Mr. BRADY's bill helps solve that mystery. It's a practical solution that

will make it easier to get rid of outdated or low-performing or duplicative or wasteful government agencies and programs, and I commend him for re-introducing this bill.

□ 2030

It is something this government has to have to put some balance and rationality and logic back into the delivery of services by the Federal Government.

And with that, I would be happy to yield back to the gentleman from Texas.

Mr. BRADY of Texas. Well, if I may just follow up. You made, sir, I think a key component of why we need this. Right now in Washington today, if you try to abolish an agency that has outlived its usefulness or you question programs that duplicate themselves, there is always someone who jumps up and says, well, you know, I remember they've done some good things in the past. Almost impossible to do it. The Federal Sunset Commission changes that around and it basically says to the agency, you must justify your existence to taxpayers, not just to law makers, but to taxpayers themselves. You have to prove your value and worth and success.

When I served in the Texas legislature, what I saw was in the 2 years before an agency was sunset, it was amazing how responsive they became, how quickly they returned your phone calls, how responsive they were on their letters. Now they were under the mistaken belief that their customers were actually the legislature. Their customers are the taxpayers. I want to reintroduce customer service back into our government, and I want agencies to know that if they drift far away from their original mission, if they do not perform and produce, if they don't recognize that they work for the public, the public doesn't work for them, they work for the public, if they forget that, they need to understand that on a regular basis they will be held accountable for it. And I think that's a part of our government today. Unfortunately, that is missing.

One thing, too, I've noticed, my experience in sunseting at State level, the gentleman from Utah mentioned it, is that programs that succeed, that do their job, spend their money wisely, perform and are responsive to the taxpayers, they do beautifully in the sunset. They have no problem at all. It is the programs that don't do any of those that struggle. And my belief is that we should fund constitutional programs that deliver quality services to our taxpayers, and not a dime for those who don't, not a dime for those who don't. And what's interesting, we've had one vote on the House floor in 12 years on this. Congressman TURNER and I offered an amendment to a bill, and it passed with 272 votes, 2-1 margin. Now, the bill it was attached to eventually died, those things happen here in Washington, DC, but it showed us that there is support.

We put this issue of a Federal sunset bill on a national poll some years ago, we wanted to know how America felt about it. Seventy-seven percent of Americans across every region believed we need a Federal sunset act and we should hold agencies accountable to the taxpayers. And I believe that done wisely and done well, this could be an effective tool for shrinking the size of our government, using our tax dollars more wisely. And in a time of war, in a time of deficits, I think it's even more important for both parties to pull together, find new tools they can both use day in and day out to try to squeeze the absolute best out of every tax dollar that is sent to us.

And with that, I would yield either to the gentleman from Utah or the leader of this special hour, the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Texas (Mr. BRADY) for being on the floor tonight and also for the subject, for introducing this Federal Sunset Act, an act which would, as he said, return our country and our government to the intent as set forth by our Founding Fathers.

And when you think about it, in light of the extremely high taxes and even higher deficit, the time for greater efficiency in government couldn't be any greater than it is today. The American worker is handing far too much of his or her hard-earned money, his paycheck each week over to the Federal Government only to see it wasted in layers of bureaucracy, red tape and so on. I think you quoted Ronald Reagan before when you said that a government bureau is the nearest thing to eternal thing that we'll ever see on Earth, but regrettably, longevity truly has nothing to do whatsoever with a program's effectiveness or efficiency or usefulness to the American people. Just because it's been around a long time doesn't mean that it's good.

Now, the background for the idea of a sunset, as the gentleman from Utah said, comes from the States, who are usually on the cutting edge because they are the laboratory of experimentation. And the sunset takes its name from the sunset laws used by many States to provide for a periodic review of the efficiency and effectiveness of the agency operations and their policies. It was back in 1976 that Colorado was the first State to implement a sunset. And at the State level this process has saved the taxpayer hundreds and hundreds of millions of dollars. And it has also reduced the size of government at the same time. And simply how it works is that each and every Federal agency must justify its own existence, and not its existence from the time that it was created, which may have been 100 years ago or 80 years or 60 or 40 or even 10 years ago, but its existence today to the consumer, which is the taxpayer, constituent. And then after a thorough evaluation, the commission recommends to Congress that

an agency be reauthorized, streamlined, consolidated, or in some cases, maybe even eliminated.

So why is that a great idea? It's a great idea because, as we said before, the Federal Government is just far too big, too fat, too wasteful. And especially now, in a time of war, in a time of deficit, don't we need every single dollar to really count, to be accounted for and to go for what is necessary? And a Federal sunset law is truly a proven way to abolish those obsolete Federal programs, eliminate duplication, and hold every agency accountable to the taxpayer.

You know, it's no secret that there are many Federal programs that are simply not serving the American public. And these are the programs that have outlived their purpose, duplicated other programs, simply waste taxpayer dollars by diverting dollars away from real priorities and into what you might want to say is a black hole of ineffectiveness, which is what we see in Washington. And I think Mr. BRADY said it, a taxpayer now works up to 113 days out of a year just to pay for his share of the Federal Government's spending of ineffectiveness.

Unfortunately, these programs survive anyway. And they survive because of special interests, these cottage industries that grow down here that live off the taxpayer earnings. But you know, Madam Speaker, we're not here to represent any of those special interests. We are here to represent the mothers and fathers who could be at home with their children instead of working an extra shift so that they can make their contribution to this bloated bureaucracy that we call Washington. With a Federal deficit in the billions of dollars and with taxes that are too high and too unfair, we must do everything we can to ensure that our Federal spending is as limited as possible and most efficient as possible.

And with that, let me just make one additional point. The idea and why we come to the floor now and why I commend Mr. BRADY so much for his work on this is that the Federal Government was intended to be limited by the Founding Fathers, and this Sunset Commission would give us the opportunity to revisit that issue.

I often say that when we vote on a bill, specifically on appropriation bills or authorization bills, and as we take out of our pocket the little card, which is our voting right, we should ask ourselves whether or not we have the constitutional authority to be voting yes on that spending or authorization bill. And in order to know whether we have that authority, we should be looking to the U.S. Constitution.

Now, what this Sunset bill would basically force us to do is to look to see whether we actually have that authority and make each one of those Federal bureaus and agencies and departments and so on and so forth, whether they have that specific authority to do what they have been doing for 20 or 40 or

more years, and whether, therefore, they should be eliminated or continued, or not.

There have been different perspectives on whether or not these agencies should have the authority. And what we would have to do in this instance is take a look at what the Constitution says. One area we look to is article I, section 8, which basically would set out for the Congress, as they review these agencies and as we should really be looking at any time we look at any piece of legislation that comes before us, and this sets forth the enumerated powers of the Constitution and the powers here in Congress.

There are a couple of views on how this is interpreted, but both of them are basically a limitation. Enumerated powers means that if it's listed in the Constitution, they are enumerating, they are listing certain powers that we have the right of. And therefore, the converse of that is if they are not enumerated, if they are not listed, then, therefore, we do not have the power to do so. And therefore, if there is an agency that does not have the specific powers to conduct its activity, that program should be eliminated.

Now, the one view most strict on this, of course, was James Madison, who repeatedly argued that the power to tax and spend, which is what we're talking about when we're talking about appropriations or authorizations, did not confer upon the Congress the right to do whatever it thought was best in the interest of the Nation, but only to further the ends specifically enumerated elsewhere in the Constitution. So you have to look either there or someplace else in the Constitution.

The second view on this, of course, is a little bit broader, but still pretty limited, and would still fall under this bill as far as a review under this bill as to what we should be doing here. And that simply says, does the agency, the bureau's activities, does it contain its own limitation, namely, that spending under this law be for general use, that is, national welfare, not purely for local or regional benefit. And so here what the founders were intending to say is if it's general use, general welfare, does it apply across the board to the benefit of everyone? Now, when we do this, and if this legislation were to become law and we are able to systematically look at each and every agency, I think we would find that much of what we appropriate our dollars for, the taxpayers dollars for does not meet either one of these tests. It is not simply a power that is being enumerated elsewhere in the Constitution, nor is it for the general use of the entire country. And when you look for the definition of the general use of the entire country, we can look again to see how the founders interpreted that when they passed in the First and the Second, Third or Fourth Congress as to how they interpreted it.

You know, in the very First Congress of the United States, they looked at an

example to make an appropriation for a loan to a glass manufacturer. That piece of legislation failed in Congress after Members expressed the view that such an appropriation would be unconstitutional under article I, section 8. Likewise, under the Fourth Congress, they did not believe the power to provide relief for citizens of Savannah, Georgia after a devastating fire destroyed the entire city; likewise, outside the purview of the Constitution.

Whether we are talking about restrictions under this provision or otherwise, the sunset provision would give Congress in the future the opportunity to review each and every agency to make sure that it is operating within the confines of the Constitution as intended by the Founding Fathers, and that it can only be a good thing at the end of the day for the U.S. citizen.

With that, I yield the remaining time to the gentleman from Texas.

Mr. BRADY of Texas. Well, again, I would praise the gentleman from New Jersey for being a leader and the gentleman from Utah on trying to reinvent government, take it back to the features, take it back to its roots and make it work for us.

I was intrigued by the gentleman from New Jersey's comments about our Founding Fathers because I was reading one of the many books about Thomas Jefferson. And he sent a letter back to a colleague, as the third President of the United States, where he expressed frustration that he was already struggling to try to close down Federal programs that had already outlived their usefulness. This was our third President, and he was already fighting to do that. It tells you what a challenge we have.

But I am convinced that if both parties really mean it, that we can accomplish this. I think if we spent less time in Washington holding hearings on steroids and baseball, you know, if we spent less time promoting longer lasting light bulbs, and those are good, of course, but the priorities of this country, I think this Congress especially is disconnected from the real world, from what real families face. And when people are paying so much out of their paycheck and paying so much at the pump, it just isn't a responsibility to use their money wisely, it's an obligation. It's in the Constitution. It's in principle. It's really a case in morality. But we're taking people's money and wasting it.

I hope people who are watching tonight will call their Member of Congress and ask why aren't they in support of the Sunset Commission, why don't they get on the Sunset Commission and use their thoughts and ideas to trim this budget? Because I'm telling you, we have Members of Congress, both parties, who I think can do an excellent job, but we have to have the will and the backbone to do it first. And I again applaud the gentleman from New Jersey for being a leader on constitutional issues here in Washington.

Mr. GARRETT of New Jersey. And I thank the gentleman from Texas. I thank the gentleman from Utah as well for being on the floor, and for both your leadership on this issue.

ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's an honor to be recognized to address you here on the floor of the United States House of Representatives.

I listened to my colleagues with great interest, and I appreciate the constitutional acumen that they bring to the floor. I honor their work and support their statements, and do through a rather unsmooth segue into the issue that I believe needs to be addressed here, Madam Speaker, so that there can be a greater depth of knowledge about the subject of energy in this country.

First of all, there is a certain idea that somehow we can talk about energy conservation and we can pass legislation to require automobiles to get 75 miles to the gallon and somehow that's not going to cost a price in quality of life or in engineering costs. And some people believe that that can actually happen. And I know that if we go so far as to mandate such a thing, you would have to park your Harley today because it wouldn't get that kind of mileage. And if that's going to happen with a family automobile, I would like to know how that is designed to be done without putting us in a very flexible and crashable vehicle that doesn't provide very much safety for the people that are inside.

I'm concerned about that approach, Madam Speaker, and I'm concerned about an approach that believes that there is maybe only one or two things we can do with energy, and maybe there is a silver bullet here to solve all of this.

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Madam Speaker, there is no silver bullet on energy. It is a cost of everything that we do. A cup of coffee, a pair of shoes, a suit, a ticket to the ball game, a television set, everything that we might buy or consume, including all of our food, the price of it is wrapped up in energy. And inflation of energy is inflation of everything. And as we watched gas prices go up since the beginning of this Congress, this 110th Congress, when Speaker PELOSI took the gavel, gas prices have gone up over 50 percent in that period of time. And the promise was, well, there was going to be a commonsense approach to energy.

Madam Speaker, I'm still waiting for that commonsense approach. I've seen pieces of legislation come across this floor a number of times in this 110th Congress, and every piece of legislation

that addressed energy raised the cost of energy, and no piece of legislation increased the supply of energy, which would reduce the cost.

The law of supply and demand is that if you have more supply than you have demand, prices fall because the sellers have to discount in order to turn their product into cash. And if you have a demand that's higher than the supply, the price goes up because the buyers are willing to pay more because they want it; so they compete for the product.

Just the same way as if you're a great athlete, Madam Speaker, and maybe only a few people can sky walk above the hoop and slam the ball down through in a basketball court, and only a few of those people get offered the millions of dollars because it's a rare talent. There's a lot of demand for that kind of talent and only a little bit of supply. So the price for a very highly talented basketball player goes up and up. The same goes for all of our sports. We can see that easily. If you're a clutch pitcher and you can step into a baseball game with the bases loaded and nobody out and are ahead by one run and take them down three at a time and you can do that consistently and perform well under pressure, if you've got that kind of control, you're worth a lot of money in that arena because the supply is low and the demand is high.

Well, with energy the supply is low and the demand is high, just like it is for a very talented basketball player or a very talented attorney or a very talented actress or a very talented CEO. So how do you reverse this when you're dealing with the American people, whose standard of living and quality of life is wrapped up in this cost of energy? And, Madam Speaker, I will submit that we must increase the supply of energy, in every category that we intend to use energy, we need to increase the supply.

Now, if you'll imagine, Madam Speaker, in your mind's eye, a pie chart, a 360-degree pie chart of all the components of our sources of energy, and that would include gasoline and diesel fuel and natural gas and clean burning coal. It would include wind energy, solar energy, ethanol, biodiesel and biomass, hydroelectric, and it would include nuclear. And also on that pie chart, we need to add a slice in there for energy conservation because energy conservation is—on this, Madam Speaker, I agree with the majority party. Energy conservation is an important component of our overall energy solution.

But there is no energy solution that has been offered by the leadership here. We do not have a commonsense solution that's been offered by the leadership. We have pieces of legislation that raise the cost of energy, blocking certain parts of the publicly owned lands from drilling. And the places where we could drill, there has already been a blockage of being able to transport

natural gas or oil through those public lands. So we have taken millions of acres of oil-producing lands off-limits, off-limits to the American people, while we are dependent on foreign oil. The exact opposite that I believe that we should do.

And we're not drilling in ANWR. Now, ANWR, the Arctic National Wildlife Refuge, whoever named that was really thinking ahead if they thought that they wanted to lock up a lot of energy underneath the frozen tundra. But I went up there to look at that land. I really thought that if I would get up there, I would find ANWR, the Arctic National Wildlife Refuge—I believed I would get there and it would be teeming with wildlife. I thought caribou would be running all over the place and there would be some wolves there picking off the strays, and I thought there would be some musk-oxen and maybe some Arctic fox, and I thought I would see an alpine forest because I had seen that in one of the commercials that said "Don't drill ANWR."

Well, I went up there, and I did actually do the research to find out where the furthest-most northerly tree is. If you remember, Madam Speaker, I think you and I learned this in eighth grade science class that the Arctic Circle and the Antarctic Circle are lines around the globe—on the northern hemisphere, the Arctic Circle is a line around the globe, north of which trees don't grow. So it shouldn't be a surprise to anybody to find out there are no trees in ANWR. And it was a surprise to me to find out that there is no resident caribou herd there. I did see four musk-oxen as we flew all over ANWR looking for some wildlife. We saw that and two white birds, and that was the extent of it, although there are some whales that get harvested as they swim along the shoreline and there are some polar bears that live up there along the shore. So it's not without wildlife.

But we drilled in the North Slope of Alaska back in 1973—1972 and 1973 was when it began. There was a great concern about disturbing the natural regions up there and a concern that we would tear up the natural tundra and it could never be replaced again and that there would be oil spills that soaked up that couldn't be cleaned up.

And, Madam Speaker, I went up there and found out that we have drilled in the North Slope, and we have done it well. And if we fly across that North Slope and look around, I couldn't identify a single oil well, not one. They are all submersible pumps set down below the ground level. And the pads that are there for workover are places that they drive to on ice. So when the ice melts in the summer, there's no sign that anybody approached the well. And the caribou herd went from 7,000 head in 1972 to 28,000 head as of a couple, 3 years ago. That's a fourfold increase in caribou herd in the North Slope in Alaska, in a region that was alleged to have been