

crud in there about the \$52 billion tax hike at a time when the economy certainly can't afford that, let's get the linkage out to admitting and saying we are defeated, we can't win, giving our enemies a victory, get all of that stuff out of there. No more linkages like that. No more tax hikes. Just a clean supplemental to give our troops the wherewithal to do what they need to succeed. That's the message we needed coming out of today. And that's why so many of us voted as we did. We voted for victory for our troops.

And I will never forget the words of Travis Buford's mother. Travis was killed over in Iraq. And as I stood near his coffin with his mother, it was an emotional time, and I said, "Is there anything I can do?"

She gritted her teeth and she said, "Tell the Congress to shut up and let the military do their job."

That's what we need to do. Let the military have the wherewithal to succeed, as they can, without the linkages to failure so that we can keep our head held high and, what's more, perhaps go 7 more years without being attacked here.

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

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

FIVE REASONS WHY THE AIR FORCE'S DECISION TO AWARD AIRBUS A CONTRACT DOES NOT ADD UP

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

Mr. INSLEE. Mr. Speaker, before I start, I want to express my honor for the gentleman from Colorado in the chair today, who did extraordinary work in leading the Congress to green building standards and the introduction of a bill today, and I appreciate his leadership on this. Thank you for leading on this issue.

I come to the floor today to address my concerns about this misbegotten decision by the U.S. Air Force to ignore great work by Americans with a consortium building the Boeing 767 aerial refueling tanker, in fact, sending American tax dollars and American jobs out to Europe. And I want to express the five reasons why this decision does not add up.

There is a particular odor about this decision. It needs to be revisited one way or another. We need to have an American tanker built by American workers to be fair to American service personnel and taxpayers both, and I want to go through the five reasons why this decision does not add up.

Reason number one: There is no sense on this green Earth why the

American Government has sued the Airbus Corporation, asserting that they have violated international trade laws because they received illegal billion dollar subsidies, and at the same time another agency of the Federal Government, the Air Force, turns around and gives that same corporation that our own government has declared is acting illegally contrary to international and American law—turns around and gives them a \$40 billion contract. It is most unfortunate that at least one person in the other Chamber specifically said that we can't take into consideration these subsidies. It is absolutely ludicrous for the American Government to sue this company in one court, saying they violated law, and then turn around and give them \$40 billion. That's exactly what has happened here. It makes no sense. This does not add up.

Reason number two: Boeing has been building these tankers successfully, hundreds of tankers, without difficulty. And instead of going with a proven, tried and true American contractor, the Air Force has decided to accept the risk of a company that's never made an aerial tanker, building it in a way that it has never been built, in factories that do not exist, in multiple countries with a supply chain that has never been proven. We cannot and should not tolerate that risk of this risky decision.

Reason number three that this does not add up: It does not add up because all estimates have concluded that the Boeing 767 is 24 percent more fuel efficient overall, looking at all the emission statements, 24 percent more fuel efficient. Well, for anyone who has gone to the pump recently, let me suggest that it doesn't make sense to be buying a product that is a gas guzzler when we know that fuel prices are going only in one direction. A study performed by the Conklin & de Decker analyst company concluded that by going with Boeing instead of this Airbus monstrosity, we would save the American taxpayers \$30 billion in fuel costs. At the same time when we're trying to wring efficiencies to deal with global warming and reduce fuel costs, this decision is buying the gas guzzler rather than the fuel-efficient aircraft. This does not add up.

Reason number four: The Air Force basically decided bigger is better. Bigger is not always better. They said they told Boeing and Airbus that they wanted a medium-size plane. Boeing provided them a medium-size plane. In the middle of this process, they decided they wanted a bigger airplane. Bigger is not always better, and I will tell you why. It's going to cost the American taxpayers over \$2 billion to remodel all of these hangars all across America to try to fit this large airplane in. This is real money from real taxpayers that was not considered in the lifecycle costs. It does not add up.

And the fifth reason is lifecycle costs. The Air Force, what they did was

they looked at original acquisition costs and downplayed the lifecycle costs associated with fuel costs, maintenance costs, hangar remodeling, and all the other things associated with these airplanes. When you make an acquisition for the American taxpayers, you need to look at the entire lifecycle costs, not just the upfront acquisition costs. It does not add up.

So here are five reasons that this Congress ought to get up on our hind legs and blow the whistle on this misbegotten decision. It doesn't add up. We need to change this decision.

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.)

MARRIAGE

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

Mr. BROWN of Georgia. Mr. Speaker, earlier today the California Supreme Court threw aside the voice and the express will of millions of California voters by overturning California's State law that banned same-sex marriage.

Effectively this ruling allows same-sex couples in our Nation's most populous State the right to marry and affords them all the privileges that go along with this sacred union. And I say that rulings like this are one of the reasons why the institution of marriage is crumbling before our very eyes. And I, for one, am very sad to see this happen.

The main issue is whether the status of marriage will be determined by judges or by the American people. I'm extremely concerned about how activists use the courts to legislate on something that has been settled in American law for more than 200 years. Furthermore, the people of California made it abundantly clear back in 2000 that they reject same-sex marriage.

Then comes along four judges who apparently believe that they're wiser than over 4½ million voters in their State. Proposition 22 got over 61 percent of the vote; yet it was dismissed by four lone dictators.

I condemn this ruling in the strongest possible way. I condemn it because the court is legislating from the bench. I condemn it because it is a reprehensible action that is not consistent with history or with common sense.

This lunacy is precisely the reason why a Federal constitutional amendment is needed to protect traditional marriage. This decision will undoubtedly become the platform for spreading this unfounded ruling across the Nation.

On the Federal stage, there's a constitutional remedy for Federal judges

that are involved in this type of activist behavior and legislating from the bench. Every single Federal judge takes an oath to uphold the Constitution. When they fail to do so and let their own whims and ideological positions interfere with applying the Constitution, not interpreting but applying, these judges have failed to fulfill their term of good behavior, and they should be fired by impeachment.

Likewise Californians that are outraged, like I am, should be up in arms and should take action to initiate a referendum to pass a State constitutional amendment to enforce their will and overturn these judges' despicable opinions, and these judges deserve to be censured or sent home for bad behavior.

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

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

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

(Mr. SCHIFF 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.)

SUBSIDIARITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I rise to speak about the role of government in our collective political lives and of the relationship between such government and civil society.

It has been 219 years since this new constitutional republic formally entered the international stage. In 2008 I am privileged to stand in this historic Chamber of the United States House of Representatives in the second session of the 110th Congress. We should, representative and citizen alike, take great pride in our collective perseverance. Our longevity and survival as the numerically and geographically largest and most prosperous republican form of government in recorded human history is a testimony to the strength of this polity.

An important part of that proud history has been our commitment to seri-

ously debating the contours of any entity which we constitute to exercise power over the source and content of self-government: that is, "We the People." In other words, we must continue to ask ourselves, what is the proper scope and role of governmental powers in and around our lives?

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My colleagues, "subsidiarity" is a word not often used on this floor. Yet, is a word and concept which is foundational to much of what we do as representatives, the system of government under which we operate and the presuppositions upon which much policy is debated in this Chamber as well as in that other body.

Subsidiarity. It has been defined as the belief that "a community of a higher order should not interfere with the life of a community of a lower order, thereby taking over its function." Subsidiarity "holds that nothing should be done by a larger and more complex organization which can be done as well by a smaller and simpler organization. In other words, any activity which can be performed by a more decentralized entity should be. This principle is a bulwark of limited government and personal freedom."

Other intellectual and philosophic traditions have spoken of sphere sovereignty, principle pluralism and federalism. But behind all of these complex-sounding terms is a simple fact, understandable by each of us, that there should be a proportional relation between the proximity of an individual and the amount of power of any governmental entity, be it local, county, State or Federal, may possess in relation to them.

In other words, that government which is closest to us is usually the best government for which we should give function. Let me give the analogy of a human body. If we would say the body politic is like a human body, we would say that a healthier body politic is one which, like the human body, is infused with activity, or energy. In other words, if you had a human body, and you had oxygenated blood that only went to 90 percent of it, that 10 percent might very well die and be considered unhealthy.

If you would have 100 percent of the oxygenated blood go to the brain, the rest of the body could not function, and the body would therefore die. Similarly, with the body politic, if all the power and if all the energy is visited here in Washington, D.C., the rest of the body politic tends to wither. It loses its energy. It loses its enthusiasm. And ultimately, it withers and dies.

Thus, as citizens, we do not, or should not, think it wise nor reasonable to immediately ask the Federal Government, the unit of government that is most distant from our lives, to solve each and every problem which our family, our neighborhood, our town, our city, our county, our State,

or our region can address. Or, as academics may describe it, subsidiarity provides appropriate discernment for responses to respective needs in particular ways.

Foundational to the proper functioning of subsidiarity is a commitment to constitutionalism and the rule of law. In 1852, that great ex-slave, writer, abolitionist and statesman, Frederick Douglass, called the Constitution "a glorious liberty document." Because of the principles contained within it, and the antecedent rights which it protects, we cannot quarrel with Douglass' description. His description is apt because the Constitution enshrined a system of government, based upon a moral foundation, which thereby allows the people to rule through majorities, and nonetheless simultaneously protects fundamental minority rights.

Now, while we ourselves have not always lived up to it, subsidiarity requires, and the Constitution affirms, that no citizens, based upon arbitrary and amorphous demarcations like skin color, are permitted to be excluded from "the governed" from which consent is required.

Thus, intrinsic to a proper understanding of and commitment to subsidiarity, the rule of law embedded within the Constitution requires a reasonable moral foundation upon which to anchor our commitment to law and the system of governments which we implicitly or explicitly support. As Robert P. George has written, "Where reason has no sway in practical affairs, the sole question is who has the power."

Severance from a moral foundation would leave our belief in and carrying out of the rule of law without a means by which to be secure. Law itself becomes power. Arbitrary will becomes the corrupted lodestar of societal compromise and the entire depth of justice, which now becomes a completely vacuous term. To use an analogy from Roy Clouser in his book, "The Myth of Religious Neutrality," "even the most violently anarchistic organization would quickly fall apart if it became devoid of all observance of norms of fairness or trust among its own members." And while although often unnoticed and unspoken in the day-to-day happenings of politics and life, the rule of law, constitutionalism and subsidiarity are vital guide-rails of our collective republican lives.

As Professor Robert George has said, "The obligations and purposes of law and government are to protect public health, safety and morals, and to advance the general welfare, including preeminently, protecting people's fundamental rights and basic liberties."

"At first blush, this classic formulation, or combination of classic formulations, seems to grant vast and sweeping powers to public authority. Yet, in truth, the general welfare, the common good, requires that government be limited. Government's responsibility is