



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, WEDNESDAY, JUNE 22, 2005

No. 84

House of Representatives

The House met at 10 a.m.

The Reverend Dr. Richard LaPehn, Pastor, Milton Presbyterian Church, Rittman, OH, offered the following prayer:

Almighty God, we pray for our Nation and her leaders. Forgive us for allowing unworthy dreams to be focused upon by many. Lord, do not let worthy dreams be muted by limited horizons. May our hope for an improved tomorrow never be dulled by the habits of today nor visionary words be dimmed by contentment with the present. Within this House, may our elected leaders recognize the dangerous temptation to speak merely colorless sentiments that will not result in lasting goodness, justice, or peace. Without fear of political ostracism or ridicule, may our leaders speak prophetic words of truth to benefit our lives and those of generations to come.

We praise You, our God, for the blessings of life in this Nation, where our representative democracy allows both shrill and faint voices to be heard.

Grant wisdom to our leaders as they chart a course for our future. May they dare to entertain valiant dreams for the betterment of their district and State, for the blessing of our Nation and world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. BOOZMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. RICHARD LAPEHN

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, our chaplain today is the Reverend Dr. Richard LaPehn. He is a member of one of the first families of Ohio, tracing his heritage prior to 1800. And Ohio became a State, of course, in 1803. His parents, Donald and Rebecca, are both natives of Iowa, veterans of World War II, and after a career as a CPA and a homemaker, respectively, now live in Florida. His wife, Laura Miles LaPehn, is a national board certified teacher employed as an educator in Barberton, OH. Mrs. LaPehn is the daughter of Carl and Sharon Miles, a retired engineering executive and his wife a homemaker who both reside in Indianapolis, IN. Richard and Laura are the proud parents of two daughters, Samantha and Allison. Fortunately, the family is in the gallery today.

Reverend Dr. LaPehn serves as pastor to the very kind and caring members of the Milton Presbyterian Church. In addition, he serves the growing city of Rittman, OH, which, of course, is in the 16th District, as a member of the city council. That is kind of unusual for a pastor of a church to also be a member of a city council. It is my pleasure today to welcome our guest chaplain to the House.

TEACHER TAX RELIEF ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today as a cosponsor of the Teacher Tax Relief Act authored by my good colleague and friend the gentleman from Michigan (Mr. CAMP). I thank the gentleman for his leadership and strongly urge my colleagues to join us in cosponsoring this important effort to expand and make permanent the teacher tax deduction set to expire at the end of this year.

America's teachers are depending on Congress to quickly pass this bill into law, and we must answer their call. Day in and day out, our teachers in New York's Hudson Valley spend remarkable time, energy and, yes, money from their own pocket to develop innovative and successful ways to motivate their students to learn. They are spending hundreds of dollars from their own paychecks to buy classroom supplies and learning materials ranging from pens and pencils to computer software programs. When teachers take such great initiative in their teaching methods, they should not be taxed on the money they are putting back into our classrooms to help our children learn.

As a former teacher myself, I urge this House to quickly pass the Teacher Tax Relief Act. Let us show our teachers we are behind their efforts to improve our classrooms. Do not leave our teachers in limbo. Let us make sure our teacher tax deduction is permanently in place before our teachers start preparing for their new classes this fall.

TRIBUTE TO THE LATE CORPORAL CHAD MAYNARD

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I stand here today to pay tribute and recognize Corporal Chad Maynard. Corporal Maynard was killed in the line of duty

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H4899

while serving his country in Iraq. Each day, men and women in the Armed Forces face danger in the hope of bringing peace and prosperity to those in need. We must not forget the individual stories of these soldiers who have served our country with courage and honor. Chad Maynard was from Montrose, CO. All his life he wanted to follow in his father's and brother's footsteps and serve in the Marines. He volunteered to serve in the Marines and was proud to wear our Nation's uniform. He was the pride of the ROTC and the local community. We should honor his dedication and courage and leadership.

He was a good man, a strong and courageous man. He was everything a soldier should be. He was the kind of person that boosted our pride in being an American. On Wednesday, June 15, 2005, Corporal Chad Maynard was killed in Ramadi, Iraq. Chad Maynard made the ultimate sacrifice for his country.

My heart goes out to Chad's parents Gene and Cindy, his brothers Jacob and Jeremiah and his sister Breanne. And to his wife Becky and their yet unborn child, I offer these words of condolence. Your courage in this time of hardship humbles all of us. We will not forget your sacrifice.

Mr. Speaker, I submit this recognition to the United States House of Representatives in honor of their sacrifice so that Chad Maynard may live on in memory.

IN MEMORY OF JAKE PICKLE

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

Mr. DELAY. What a good man he was, Mr. Speaker. What a friend, what a gentleman, what a servant. James Jarrell Pickle was born on October 11, 1913, the son of a grocer and his schoolteacher wife, and died June 18, 2005, a statesman of the first cut. He was in many ways the story of his country in the 20th century. Some of his earliest memories were of soldiers returning home from France, heroes back from winning the First World War. He witnessed the roaring twenties as a teenager and came of age—much like our Nation itself—during the Great Depression.

After graduating from the University of Texas in an age when the country turned to Washington for help, Jake Pickle came to Washington to help. He became a congressional aide, and quickly put his heart and mind into service for his country. That commitment to public service, though, was not to be limited to desk work. He served honorably in the United States Navy as an officer aboard the USS *Miami* and *St. Louis* during the war in the Pacific.

After the war, Pickle returned home to Texas to make his way in the world as a young entrepreneur, spending his postwar years, as so many of his countrymen did, earning his share of America's peace dividend. He returned again

to Washington in 1963, this time as a young Congressman, the winner of a special election in Texas' 10th Congressional District.

Representative Pickle learned early that the 1960s would give no quarter to half measures. Sides had to be chosen and stands had to be made. J.J. Pickle cast his first significant vote in this building in favor of the Civil Rights Act of 1964, one of only a handful of Southerners to do so. A Southerner in the days of Jim Crow, he feared the vote would destroy his young career. Instead, Mr. Speaker, that vote of conscience and courage came to define him. He served nobly in this body but never forgot he was a Texan serving in Washington, and not the other way around. His family and his constituents, Texans all, were his passion and he loved them all with the heart of a servant.

It was in 1983, when he led the effort on the Ways and Means Committee to solve the short-term crisis facing Social Security, that Pickle reached the pinnacle of his congressional service. Over his 31 years in Congress, Jake Pickle served millions of people in his Austin-based district, and if he had his way, he would have gotten to know every last one of them. He was a good man, a good friend and a great Congressman. I think what may sum up his life and death is this: That as much as we will all miss his service to our Nation, he will still probably miss the opportunity to serve even more.

SOCIAL SECURITY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to speak about the President's Social Security plan. Social Security represents the values of hardworking communities that Americans in small towns across this country hold dear. It is the fulfillment of our Nation's promise that if you work hard and follow the rules, you will be rewarded for your lifetime of work with a secure retirement.

Today, Social Security keeps 50 percent of seniors out of poverty. No politicians should be allowed to take away the retirement benefits that workers in rural America have earned through Social Security. As a part-time farmer myself, I know how much rural families rely on Social Security. Farm families have tight budgets, even in good years, and most do not have access to employer retirement accounts such as 401(k) plans. Instead of standing up for our rural communities and values, the President's Social Security plan cuts benefits and jeopardizes the most important safety net in rural areas for retirees, survivors and the disabled.

All of rural America needs to read the fine print on President Bush's plan to privatize Social Security. Protecting the promise of Social Security

is important to every worker, to every generation and to every family, especially to rural America.

THE 125TH ANNIVERSARY OF WIEDERKEHR WINERY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, this year marks the 125th anniversary of the Wiederkehr Wine Cellars near Altus, AR. Many of my colleagues might be surprised to know that fine wine is being produced in this small western Arkansas town and, in fact, has been for the past 125 years. In 1880, Johann Andreas Wiederkehr emigrated from Switzerland to America, choosing a spot in the beautiful Ozark Mountains to plant the grapes, blackberries and persimmons that would make the blend for his first wines. He chose the spot in the Ozark Mountains to settle because the soil, climb and shape of the countryside closely matched the conditions that had led to some of Europe's greatest wines.

One of the finest wineries in the country, the original cellar has been converted into the Weinkeller Restaurant, specializing in authentic dishes from the Wiederkehr family's homeland of Switzerland. The cellar is listed in the National Register of Historic Places.

Mr. Speaker, I would like to congratulate the Wiederkehr family on this milestone. I encourage my colleagues to take a tour of Arkansas' wine country on their next vacation.

□ 1015

SAVE SOCIAL SECURITY FIRST

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, recently some Senate Republicans have unveiled a proposal to dedicate the Social Security surplus to private accounts. Having worked in an administration that not only proposed saving Social Security first, but having dedicated the Social Security surplus funds to strengthening the system, I assume that this new idea has some concepts of how to pay back the \$800 billion that has already been taken out of the surplus over the last 6 years. All of a sudden we have discovered we are going to dedicate the Social Security surplus to Social Security.

I welcome their new-found conviction, but I assume it also includes an idea of how to pay back the \$800 billion that we have already diverted from the surplus already diverted from Social Security. What I did not read is how they are going to do that.

The Democratic position has been consistent since 1998: Save Social Security first. The President lacks a plan

on how to do that. The half-baked plan being touted in the Senate fundamentally misses the goal here, which is to strengthen Social Security.

Mr. Speaker, the American people are not fools. They have rejected the President's proposal for privatization, and they will undoubtedly reject this new proposal. People like the security that comes with Social Security.

GUANTANAMO BAY PRISONERS EAT WELL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, pancakes with syrup, whole wheat bagels, scrambled eggs. That is not what I had for breakfast this morning, but there is a good chance that the terrorist prisoners at Guantanamo Bay were eating this morning. And it is not something that prisoners held by the Nazis, the Soviets, Pol Pot, or any other despot would eat.

Yet some on the other side of the aisle have advocated closure of the prison at Guantanamo Bay. The prison there has held 800 suspected al Qaeda and Taliban terrorists; 235 have already been released; 61 are awaiting release or transfer.

The information shared by these prisoners has saved countless lives here and around the world. We go to great lengths to ensure proper treatment of detainees. In addition to good meals, we take care to offer the freedom of worship freely, like supplying copies of the Koran and prayer rugs. Each person is treated according to the Geneva Convention, though none of these prisoners meets the qualifications of soldiers under that treaty.

The left is content to criticize and demagogue, but Gitmo is a part of the war on terror. And as long as it stands, the soldiers there will be treated properly. That is more than I can say for dozens of prisoners executed by al Qaeda in the past.

BRING OUR TROOPS HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, two reports from today's New York Times which prove why we need to continue to move in the direction of bringing our troops home from Iraq: The first, a new classified assessment by the Central Intelligence Agency says Iraq may prove to be an even more effective training ground for Islamic extremists than Afghanistan was in al Qaeda's early days, because it is serving as a real-world laboratory for urban combat. The report goes on to say that officials have said Saudi Arabia, Jordan, and other countries would soon have to contend with militants who leave Iraq equipped with considerable experience and training.

The next report says the following: that Iraqi rebels are refining bomb skills and pushing the G.I. toll even higher. Improvised explosive devices are now sufficiently sophisticated to destroy armored Humvees. That means our soldiers are more vulnerable and that casualty rates will go higher than ever.

It is time to bring our troops home. Support House Joint Resolution 55, a bipartisan bill to bring our troops home.

THE PRIORITY FOR THIS NATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this is the 68th session day that we have had in this 109th Congress. We have passed bankruptcy reform, class action reform, an aggressive agenda, and many of the Democrats are voting for this agenda.

And today we are continuing to move forward with an appropriations bill. We are going to be passing the Labor, HHS, and Education appropriations bill. And I would like to take a moment to commend the gentleman from Ohio (Mr. REGULA), subcommittee chairman, and the gentleman from California (Mr. LEWIS), the Committee on Appropriations chairman, on a provision in this bill. This bill will do something we have talked about doing a lot: reducing spending, prioritizing. Fifty-six programs will be terminated, programs that have outlived their usefulness. It will be a \$3.8 billion savings for the taxpayers.

And why do we have our focus on priorities? Why does this majority have its focus on priorities? Because we know funding the war on terror, keeping this homeland safe, preserving freedom, is the priority for this great Nation.

I commend the leadership for their good work. I look forward to the debate on this bill.

TRIBUTE TO THE LATE CONGRESSMAN JAKE PICKLE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to pay tribute to the late Congressman Jake Pickle, who will be funeralized today in Austin, TX. What a giant. What a generous spirit. What an outstanding patriot and leader. And I am grateful that he served the people of Texas and the United States of America.

Yes, he was someone who had the common touch. In fact, many would speak of his travels from Washington to Austin where he worked the airplane aisles to shake hands with all the constituents and others who were flying back and forth with him.

He was committed to justice in this country and made a powerful vote

when he voted for the 1964 Civil Rights Act. He made it out of conscience and passion and what was right.

And then I think what he thought was his greatest achievement because of his common touch, he helped fix Social Security in the right way, in a bipartisan manner, and had it to last for 40 and 50 years.

We are grateful for his life and my deepest sympathy to his family and friends. But all we can say today is farewell to our friend. We thank him for his service. We thank him for being a great patriot. We thank him for loving America and thank him for loving Texas.

THE WRIGHT AMENDMENT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, almost 3 decades ago, the cities of Dallas and Fort Worth came together and made an historic agreement to have one regional airport. This local agreement was codified by congressional action known as the Wright amendment.

There are those in Congress today who now seek to repeal the Wright amendment. But, Mr. Speaker, it is my belief that if there is a change to occur to that agreement that it should come from the local level and not from Washington. I think the mayors and county officials on both sides of the Trinity River should make this decision, and if they come to us, if they propose a change to the agreement, then and only then should Congress become involved.

Our community in North Texas is fortunate to have two thriving airports. We serve millions of satisfied customers and employ hundreds of thousands of North Texans. We should not jeopardize that which is working well already.

As a Republican, I am all for competition. But as a Republican, I am also for local control, and I do not believe in a Washington top-down approach to problems. And, finally, as a Republican, I believe it is important to keep our word and keep our covenant, and that is exactly what we should do with the Wright amendment today.

WHY AN INDEPENDENT INVESTIGATION IS NEEDED

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, last week the Iraqi Bureau Chief for Newsweek Magazine left Iraq after being there for 2 years and wrote one final report entitled "Good Intentions Gone Bad." Rod Nordland said the turning point in the war was the Abu Ghraib scandal. Nordland wrote: "The abuse of prisoners at Abu Ghraib alienated a broad swath of the Iraqi public. There is no evidence that all the mistreatment and

humiliation saved a single American life or led to the capture of any major terrorist."

The abuse of detainees in U.S. custody has severely undermined our Nation's position in the world. And yet congressional Republicans are still unwilling to call for an independent investigation to determine what exactly is happening in these prisons.

How can we possibly regain our credibility in the world until we actually investigate the possibilities of abuse? We still do not know why these abuses took place.

RONNIE EARLE AND ETHICS

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, I may be new to Washington politics. I may be new to this partisan game played here. But it appears to me there is more politics masquerading in legalese and ethics today.

The coordinated attack strategy by the Democrat leadership against our Republican leadership has been shown for what it is, once again. It is a political side show with partisanship as its base that is attempting to assassinate our good leaders' on the Republican side rights.

Yesterday's National Review reports that Ronnie Earle, the Texas prosecutor who is the designated hit man for the Democrats, has been indicting several companies over alleged campaign finance violations. But he dropped those charges when they would pay and make contributions to his pet projects, his pet causes. An end for those charges, those contributions, have been made. Dollars for dismissal, Mr. Speaker. Pay off the left-wing prosecutor with big donations to pretty pink projects, and they might get off the hook.

It turns out that the prosecutor has also been on a witch hunt against our leadership, and he has, in fact, appeared at Democrat fundraisers to brag about. It is more Democrat side show politics, and that is what this is all about.

REPUBLICAN ABUSES OF POWER: REPUBLICANS DO NOT WANT ETHICS COMMITTEE TO MEET

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

Mr. BUTTERFIELD. Mr. Speaker, last week the gentleman from Texas (Mr. DELAY), majority leader, blamed House Democrats for the fact that the Committee on Standards of Official Conduct has still been unable to hear the case against him. Mr. Speaker, House Democrats are trying to abide by the rules that this House passed at the beginning of the year. It is the Republicans and the chairman who refuse to follow the rules. They want to ap-

point a partisan staff director to lead their efforts on the committee despite House rules that explicitly state staffers be nonpartisan professionals.

The Committee on Standards of Official Conduct is supposed to be a place where Members can get straight, unbiased, trustworthy ethics guidance. How can Members who might have disagreements with the House leadership feel comfortable going to the committee for advice if they fear committee staff members are incapable of performing their official duties in a nonpartisan fashion?

I wonder, Mr. Speaker, why the Republicans want to appoint partisan staffers to the Committee on Standards of Official Conduct. Could it be that they like a partisan staffer in a room when decisions are made about certain Members of this House? We have to wonder.

SOCIAL SECURITY REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Social Security reform is an idea whose time has come. And thanks to the leadership of President George W. Bush, we are engaged in a national conversation about addressing the long-term 21st century challenges that the Social Security system faces when some 40 million retirees become 80 million retirees.

The American people, candidly, Mr. Speaker, have not agreed on what the right thing to do is yet. But most of my constituents know that we ought to stop doing the wrong thing. It has simply been wrong these last 4 decades for the Congress of the United States to take the Social Security surplus and apply it to spending on big government.

□ 1030

We need to stop raiding the Social Security trust fund. Use those resources to give younger Americans voluntary personal savings accounts and that will begin the reform of this critical entitlement. Let us stop the raid on the Social Security trust funds. Let us give younger Americans more choice. It is time to reform Social Security. Let the debate begin.

REALITY DISCONNECT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, at a time when the Bush administration continues to paint a rosy picture of the situation in Iraq, Congress should really be investigating why exactly the administration is misleading both the American public and Members of this institution.

While most Republicans in this Chamber continue to take the Bush administration's rhetoric as fact, Repub-

lican Senator CHUCK HAGEL of Nebraska states in this week's U.S. News and World Report: "The White House is completely disconnected from reality. It's like they're just making it up as they go along."

That is a Republican Senator. It would be nice if other Republicans would follow suit. For some reason Republicans think they are supporting troops in Iraq if they remain silent about what is going on there. Are Republicans supporting our troops when they refuse to question misleading statements like that from Vice President CHENEY that the Iraqi insurgents are in their "last throes"? Are Republicans supporting our troops when they refuse to support investigation into prisoner abuse scandals, scandals that many, including former Secretary of State Colin Powell, believe are harming both our reputation and our troops?

Silence is not the best way to help our troops.

FALLEN HEROES CAMPAIGN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I wish to praise the admirable actions of First Coast Energy Shell Corporation, a Jacksonville-based company from my congressional district.

During the third annual Tribute to Heroes campaign, First Coast Energy Shell has pledged to raise \$75,000 for the Intrepid Fallen Heroes Fund. This fund provides military families whose loved ones have been killed or wounded in Iraq or Afghanistan with financial and emotional support.

Beginning on Memorial Day and continuing through the Fourth of July, First Coast Energy Shell will donate a portion of all gasoline sales to this fund. I share in First Coast Energy's belief that "the military is an important part of our community" and that we should all actively support and honor those heroes who have sacrificed so much for our country.

I am proud to represent such patriotic and generous constituents and strongly urge my fellow Members to visit www.fallenheroesfund.org to learn more about this very good campaign.

GREAT SOCIAL SECURITY PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, well, I welcome the born again saviors of Social Security on the Republican side of the aisle. They have been looting the program for years, and now they want to make it right.

The President this year will borrow \$168 billion from Social Security, money only extracted from people who work for wages and salary, and will transfer part of it to the wealthiest in

America, many of whom do not even pay Social Security tax. And he is replacing that money with these bonds. And now the President questions whether the government will honor these bonds with the full faith and credit of the Government of the United States.

So Republicans have a great new idea: Social Security will not hold the bonds anymore. They will issue them to individuals. Now, if we are not going to honor these bonds for all the people of America, what assurance do people have that those individual bonds will be honored, and the Republicans want to charge them a management fee and a so-called claw-back. So anybody that takes one of those individual bonds, if it is honored, is guaranteed to get less than they would under the existing system. Oh, that is a great plan, guys.

PROTECT THE FLAG

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, let us talk about something positive that both Republicans and Democrats are going to do today and that is pass the flag protection amendment.

Sixteen years ago, a difference of one vote, the Supreme Court by one vote erased 200 years of tradition that our forefathers set to protect our flag. Who supports it? In May, 81 percent of the American people supported this amendment; 146, all the veterans organizations, many of them here today, first responders, police, fire, our military men and women; all 50 States have ratified resolutions saying that they will ratify when this amendment passes.

We have 300 signatures. This bill passed by 300 votes; and for the first time we have a chance, an opportunity to pass it in the Senate.

Some claim that it impinges on the first amendment. It does not. There are some of my colleagues that will oppose this amendment. They are honorable men, but the supermajority oppose their position. Take a look and ask the men and women at Walter Reed or Bethesda, ask the police and fire that stood on top of the Trade Center and ask them and they will tell you. Help pass this amendment today.

INVESTIGATE GUANTANAMO BAY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday the House had an opportunity to see what really happened at Guantanamo Bay. If the Republicans are so sure that nothing bad happened there, why can we not have some hearings?

Now, they continued to be reassured by the White House. This is the White House that told them there were weap-

ons of mass destruction in Iraq. This is the administration that told them that the oil industry in Iraq would pay for all the reconstruction. We are now about \$300 billion in. And this is the administration that last month said we are in the last throes of the insurgency.

If anybody on this floor ever served in the military, you know that what went on in Abu Ghraib and what goes on in Guantanamo did not start at the private and the corporal level. It started at the top. And until we do an investigation of the policy papers that were put out of the White House from the Attorney General who was then the President's counsel and the general, General Sanchez, he just got promoted. This is the guy in charge of Abu Ghraib. They put six or eight guys in jail, but he got a promotion. That needs an investigation.

VITAL WORK AT GUANTANAMO BAY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of the vital work that takes place at Guantanamo Bay. To say, as a member of the Senate Democratic leadership recently did, that this base is similar to Nazi Germany or Pol Pot is not only deeply offensive but also wholly incorrect.

Mr. Speaker, I visited Guantanamo twice with the House Committee on Armed Services. Let me tell you what I observed there: new and up-to-date facility that allows for the humane treatment of prisoners; prisoners being treated with dignity and in accordance with the Geneva Convention; detainees freely practicing their religious observances.

Mr. Speaker, the overwhelming majority of American troops are performing with honor. When someone throws around offensive slurs for the purpose of political posturing, they jeopardize the very safety of the men and women who protect us and add resolve to those terrorists who wish us harm. These slurs are a horrific disservice to the American people who are counting on us to stop terrorism from once again rearing its ugly head within our borders.

THREE-LEGGED STOOL

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

Mr. MELANCON. Mr. Speaker, we have all heard of the 3-legged stool that each of us should build when we are looking towards our retirement. Two of these legs, pensions and individual savings, are the responsibility of the individual and the employee.

Mr. Speaker, as events over the last month have shown, it is clear that the pension leg of the stool is being seri-

ously undermined by companies who are striking their responsibilities to live up to the promises they made to their employees. The best example of this comes in the form of United Airlines who sold out its employees the first chance it got as a way to come out of bankruptcy.

Employees who have been promised \$100,000 a year pensions will now have to settle for \$45,000 a year, a dramatic cut in their promised benefits. That may still seem like a lot of money, but these employees were promised a lot more, and they are not going to receive it.

Couple that with the giant market crash in 2000 when the stock market lost \$9 billion. Mr. Speaker, there is no question that there is a lot of uncertainty right now, and maybe that is why Americans are so determined to keep one thing that is certain, that is, Social Security from being privatized.

PATIENT CHOICE

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

Mr. PRICE of Georgia. Mr. Speaker, as a third-generation physician who has practiced medicine for over 20 years, I have seen colossal increases in health care costs. Unfortunately, they do not seem to be slowing down. Health care costs are rising much faster than one can imagine, and in just the last year they have gone up by 8 percent. Employers continue to pass these costs on to their employees in the form of increased deductibles and payments for prescriptions and care. Employees have no choice but to pay these costs because they are stuck with somebody else making decisions about their care.

It is time we start thinking about health care in a new way. It is time to put patients back in charge. Nobody knows better than the patients themselves what kind of health care they need.

Mr. Speaker, change in our health care system is needed now more than ever before, and health care should respond to the needs of patients.

H. Res. 215, the Health Insurance Patient-Ownership Plan, puts health care choices back into the hands of patients where they should be. I urge my colleagues to support H. Res. 215.

TRADE DEFICIT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, this Republican Congress may go down in history as the most fiscally irresponsible Congress in the history of this country. Our record budget deficit, our record debt, we have over \$7.8 trillion in debt, and each citizen's share is over \$26,000. Last week we learned that our trade deficit set a new record, over \$195 billion in the first 3 months of this

year. That is 6.4 percent of GDP on an annual basis, the largest trade deficit in the history of our country.

This Congress is not just raising the debt ceiling, and we have raised this debt ceiling three times recently, this Congress is shooting the Moon. It is totally out of control. And these irresponsible, wanton budget policies will be borne by our children and our grandchildren. Is that the legacy we want to leave?

GITMO MENU

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, let us look at the breakfast menu: pancakes with syrup, orange juice, butter and milk or raisin bran cereal or oatmeal and a bagel and orange juice and butter. Then for lunch we have pita bread, hamburger, honey glazed chicken, and potatoes.

What am I talking about? Not the Days Inn, not the Hampton Inn, not the menu here at the Capitol; but I am talking about what prisoners will be eating today in Guantanamo Bay. This is where the Democrats say they are being subjected to cruel and unusual punishment.

I will go on with the dinner menu. We have cooked potatoes, seasoned lentils, pita bread, potato wedge, wheat bread, fresh fruit, cauliflower. I will kind of admit that making them eat cauliflower is a little bit tough on them, but we do not make them eat beets or broccoli on the other hand.

You have got also lemon pepper chicken, pasta beef, fried chicken, honey chicken, bayou chicken. This is today's menu at Guantanamo Bay. There is where Democrats are saying we are being cruel and unusually mean to prisoners, prisoners of war, prisoners of terrorism, prisoners who because of their confinement have kept us from having another 9/11 attack on American soil. This is just one of the things they will not tell you about Guantanamo Bay.

SOME WAR ON TERRORISM

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, this morning's New York Times reveals that a new classified assessment by the Central Intelligence Agency says Iraq may prove to be an even more effective training ground for Islamic extremists than Afghanistan was in al Qaeda's early days because it is serving as a real-world laboratory for urban combat and that Iraq, since the American invasion of 2003, had assumed the role played by Afghanistan during the rise of al Qaeda as a magnet and a proving ground for Islamic extremists from Saudi Arabia and other Islamic countries.

Mr. Speaker, we know that there were no weapons of mass destruction in Iraq. We know there was no connection between Iraq and Osama bin Laden. We know the President deceived the American people on these subjects, got us into an unnecessary war, and has now created a danger zone in Iraq, a country that was no danger, no threat to the United States and now is a training ground for more al Qaeda extremists who will be more and more endangering to the United States in terrorism.

We have created a training ground. We have created a training ground for terrorists because of the President's deception of American people. Some war on terrorism.

□ 1045

DETROIT PISTONS ARE ALIVE AND WELL

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, this is not an insignificant matter I say to my colleagues.

It should be noted that the San Antonio Spurs have lost five games at home until last night, and I bring this to the attention of the gentleman from Texas (Mr. SMITH), my dear friend on the Committee on the Judiciary, that this is the first time that we have gone to seven games in 11 years, and no one has ever won their last two games in a national basketball championship on the road.

So it is with bated breath that I let everyone know that the Detroit Pistons are alive and well and, I think, up to this incredibly important athletic contest tomorrow night.

INDIVIDUAL TAX SIMPLIFICATION ACT OF 2005

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I have served in this House since 1988, and I have been on the Committee on Ways and Means since 1993. A lot has changed over this time, but one thing still seems to stay the same and that is the need to bring simplification to our Nation's Tax Code.

The former chairman of the Committee on Ways and Means said he was going to rip the Tax Code out by its roots so that we could start over and create a new system that was far more simple. He was unsuccessful, as have been most reformers that I have seen in my time on this committee.

Year after year, the problem gets worse. It is easy to call for simplification, but it is a lot harder to achieve it.

Last week, I introduced H.R. 2950, the Individual Tax Simplification Act of 2005, which I have done now for 6 years

in a row. It is an outstanding first step in achieving a simpler Tax Code.

My bill would eliminate, and listen to this, it would eliminate the alternative minimum tax in a revenue-neutral fashion. It would also take 200 lines from tax forms, schedules and worksheets and make capital gains much easier to calculate.

As I have indicated, this is 6 years now that we have offered this legislation, but every year that passes our Code grows more and more complex. We have an opportunity to do away with the alternative minimum tax.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 330, I call up the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 330, the joint resolution is considered read.

The text of H.J. Res. 10 is as follows:

H.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE —

“The Congress shall have power to prohibit the physical desecration of the flag of the United States.”.

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, it shall be in order to consider the amendment in the nature of a substitute printed in House Report 109-140, if offered by the gentleman from North Carolina (Mr. WATT) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

Pursuant to section 2 of the resolution, the Chair at any time may postpone further consideration of the joint resolution until a time designated by the Speaker.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour.

Mr. NADLER. Mr. Speaker, I will control the time.

The SPEAKER pro tempore. Without objection, the gentleman from New

York (Mr. NADLER) will control the time of the gentleman from Michigan (Mr. CONYERS).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 10.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 10, which would amend the Constitution to grant Congress the authority to prohibit the physical desecration of the American flag.

Mr. Speaker, the American flag represents the shared history and common future of all Americans and our collective commitment to the preservation of the ideals enshrined in our Constitution. The flag flies proudly in times of peace and war, prosperity and crisis, reminding the world of our unflinching resolve to protect the freedom and equality it symbolizes.

In the early days of the Republic through contemporary times, the flag has rallied and sustained the spirit of the Nation. In World War II, it was carried onto Normandy Beach by soldiers who liberated a continent from darkness, and raised on Iwo Jima to steel the resolve of embattled Marines. During the Cold War, it affirmed the universal values of human freedom and dignity for citizens of countries whose governments ignored both.

Following the attacks of September 11, 2001, the flag was unfurled at the Pentagon and raised from the rubble at Ground Zero to unify the spirit of a shaken Nation. Unique among all American symbols, the flag captures the pride and spirit of the American people and serves as an international symbol of freedom and opportunity.

For the first two centuries of our Constitution's existence, it was permissible to protect America's preeminent symbol from desecration. In 1989, the Federal Government and 48 States had exercised this authority. However, in the same year, a closely divided Supreme Court invalidated those laws by holding that burning an American flag as part of a political demonstration was protected by the First Amendment. The Congress quickly responded to this decision, but the following year in another 5 to 4 decision, the Court struck down the Federal Flag Protection Act in *United States v. Eichman*. Since 1994, over 119 incidents of flag desecration have been reported, and the flag of the United States remains vulnerable.

Mr. Speaker, the framers of the Constitution recognized that there would be circumstances necessitating changes to the Constitution. Toward that end, they provided the people with an amendment process embodied in Article V of the Constitution. The founders recognized that the constitutional amendment process is absolutely vital to maintaining the democratic legitimacy upon which republican self-government rests. While our courts have the authority to interpret the Constitution, under our system of government, the American people should and must have the ultimate authority to amend it.

As a result, House Joint Resolution 10 does not upset the doctrine of judicial review. Rather, it utilizes a remedy envisioned by the founders to effectuate the will of the people. Moreover, House Joint Resolution 10 will not prohibit flag desecration. Rather, should the States ratify the amendment, it will enable Congress to enact legislation to establish boundaries within which such conduct may be prohibited.

The amendment process is one that should not be taken lightly. However, because of the narrowly divided *Johnson* and *Eichman* Supreme Court decisions, the constitutional amendment provides the only remaining option for the American people and their elected representatives to restore protection to our Nation's preeminent symbol.

In December 1792, James Madison asked a question: "Who are the best keepers of the People's Liberty?" While it might come as a surprise to some, he did not answer the Supreme Court. Rather, Mr. Madison answered, "The People themselves. The sacred trust can be nowhere so safe as in the hands most interested in preserving it."

All 50 State legislatures have passed resolutions calling on Congress to pass a flag protection amendment, and polls demonstrate the overwhelming majority of Americans have consistently supported a flag protection amendment.

Language identical to House Joint Resolution 10 has passed the House on four separate occasions. The Congress must act with bipartisan dispatch to ensure that this issue is returned to the hands of those most interested in preserving freedom, the people themselves.

Mr. Speaker, the flag of the United States is a critical part of America's civic identity. Millions of Americans, including we as Members of Congress, pledge daily allegiance to the flag, and our National Anthem pays homage to it. America's soldiers salute the flag of the United States in times of peace, and generations of America's soldiers have fought and died for it in times of war.

I urge my colleagues to join me in supporting this important measure that provides this unique and sacred American symbol with the dignity and protection it deserves and demands. Pass the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I begin by thanking the gentleman from New York (Mr. NADLER), my colleague, who is the ranking member on the Subcommittee on the Constitution and has served us so well across the years in this regard.

I also want to commend the gentleman from Florida (Mr. HASTINGS), the minority member of the Committee on Rules, for conducting such a dispositive examination of the rule and the substance of the measure that is before us today.

Today's consideration of House Joint Resolution 10 will show whether we have the strength to remain true to our forefathers' constitutional ideals and defend our citizens' right to express themselves, even if we vehemently disagree with their method of expression.

I have been thinking about this. I have never met anyone that supports burning the American flag. Very few Americans favor burning the flag as an expression of free speech. I personally deplore the desecration of the flag in any form, but I still remain strongly opposed to this resolution because this resolution goes against the ideals that the flag represents and elevates a symbol of freedom over freedom itself. If adopted, this resolution would represent for the first time in our Nation's history that the people's representatives in this body voted to alter the Bill of Rights to limit the freedom of speech.

While some may say that this resolution is not the end of our first amendment liberties, it is my fear that it may be the beginning. By limiting the scope of the first amendment's free speech protections, we are setting a most dangerous precedent. If we open the door to criminalizing constitutionally protected expression related to the flag, which this is, it will be difficult to limit further efforts to censor such speech. Once we decide to limit freedom of speech, limitations on freedom of the press and freedom of religion may not be far behind.

It has been said that the true test of any Nation's commitment to freedom of expression lies in its ability to protect unpopular expression, such as flag desecration. Justice Oliver Wendell Holmes wrote as far back as 1929, the Constitution protects not only freedom for the thought and expression we agree with, but "freedom for the thought we hate."

This resolution is in response to two Supreme Court decisions, *Texas v. Johnson* in 1989 and the *United States v. Eichman* in 1990, two Supreme Court decisions in one bite. It is always

tempting for Congress to want to show the Supreme Court who is boss by amending the Constitution to outlaw flag-related expression.

□ 1100

But if we do, we will not only be carving an awkward exception into a document designed to last for the ages, but will be undermining the very constitutional structure that Jefferson and Madison designed to protect our rights. In effect, we will be glorifying fringe elements who disrespect the flag and what it stands for while denigrating the Constitution itself, the vision of Madison and Jefferson.

Concern about the tyranny of the majority led the framers to create an independent judiciary free of political pressure to ensure that the legislative and executive branches would honor the Bill of Rights. A constitutional amendment banning flag desecration flies in the very face of this carefully balanced structure. The fact that the Congress would consider the first-ever amendment to the Bill of Rights without so much as a hearing in this Congress makes this all the more objectionable.

Mr. Speaker, no hearings. Why not? Well, we have done this before. If Members want to find out what the debate would be like, read it from four other times that we have done this.

James Madison warned us against using the amendment process to correct every perceived constitutional defect, particularly concerning issues which inflame public passion. And, unfortunately, there is no better illustration of Madison's concern than the proposed flag desecration amendment.

History has proven that efforts to legislate respect for the flag only serve to increase flag-related protest, and a constitutional amendment will no doubt increase such protests many times over. Almost as significant as the damage this resolution would do to our own Constitution is the harm it will inflict in our international standing in the area of human rights.

Mr. Speaker, demonstrators who ripped apart Communist flags before the fall of the Iron Curtain committed crimes against their country's laws, yet freedom-loving Americans applauded their brave actions. Yet if we pass this action, we will be aligning ourselves with those autocratic regimes, such as in the former Soviet Union and Iran, and diminish our own moral stature as a protector of freedom in all of its forms.

Those who oppose this amendment to the Constitution prohibiting the physical desecration of the flag express the sentiment of many Americans. In May 2005, just last month, a majority of Americans opposed such an amendment by 63 percent to 35 percent because of its first amendment restrictions. Our veterans, citizens who have risked their lives to defend the ideals the flag represents, oppose this amendment as well. Veterans for Common Sense and

Veterans Defending the Bill of Rights, two organizations, do not want to see the first amendment unraveled and a desecration of what the flag represents.

For those who believe a constitutional amendment will honor the flag, I urge them to actually read the Supreme Court's 1989 decision in *Texas v. Johnson*. The majority wrote, and I concur, "The way to preserve the flag's special role is not to punish those who feel differently about these matters, it is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving one's own, no better way to counter a flag burner's message than by saluting the flag. We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

I urge my colleagues to maintain the constitutional ideal of freedom and reject this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the author of the legislation.

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. CUNNINGHAM. Mr. Speaker, 200 years of tradition was wiped out 16 years ago. For 200 years our forefathers fought to protect the flag. All 50 States had resolutions to protect the flag prior to this, and since then all 50 States have passed resolutions that they will codify this vote.

I want to tell my friends on the other side of the aisle, some will oppose this amendment. Their opposition is honorable. They are my friends and they oppose this. But I would tell the gentleman that as of May, 81 percent of the American people oppose their arguments and their views.

The military, go out to Walter Reed or Bethesda and ask those men and women what they feel and they will tell you. All of the veterans organizations, and my colleague mentioned the veterans organizations are opposed to this. This is from the Citizen's Flag Alliance and list all of the veterans organizations that support this amendment, and I include that list for the RECORD.

AMVETS (American Veterans).
African-American Women's Clergy Association.
Air Force Association.
Air Force Sergeants Association.
American GI Forum of the U.S.
American GI Forum of the U.S. Founding Chapter.
The American Legion.
American Legion Auxiliary.
American Legion Riders, Department of Virginia.
American Merchant Marine Veterans.
American War Mothers.
American Wholesale Flags.
Ancient Order of Hibernians.
Association of the U.S. Army.
Baltic Women's Council.

Benevolent & Protective Order of the Elks.
Bunker Hill Monument Association, Inc.
Catholic Family Life Insurance.
Catholic War Veterans.
The Center for Civilian Internee Rights, Inc.
The Chosin Few.
Combat Veterans Association.
Croatian American Association.
Croatian Catholic Union.
Czech Catholic Union.
Czechoslovak Christian Democracy in the U.S.A.
Daughters of the American Colonists.
Drum Corps Associates.
Dust Off Association.
Eight & Forty (des Huit Chapeaux et Quarante Femmes).
Enlisted Association National Guard U.S. (EANGUS).
Family Research Council.
Fleet Reserve Association.
Forty & Eight (La Societe des Quarante Hommes et Huit Chevaux).
Fox Associates, Inc.
Gold Star Wives of America, Inc.
Grand Aerie, Fraternal Order of Eagles.
Grand Lodge Fraternal Order of Police.
Grand Lodge of Masons of Oklahoma.
Great Council of Texas, Order of Red Men.
Hungarian Association.
Hungarian Reformed Federation of America.
Jewish War Veterans of the USA.
Just Marketing, Inc.
Knights of Columbus.
Korean American Association of Greater Washington.
Ladies Auxiliary of Veterans of World War I.
MBNA America.
Marine Corps League.
Marine Corps Mustang Association, Inc.
Marine Corps Reserve Officers Association.
Medal of Honor Recipients for the Flag.
Military Officers Association of Indianapolis, MOAA (formerly The Retired Officers Association of Indianapolis, TROA).
Military Order of the Purple Heart of the U.S.A.
The Military Order of the Foreign Wars.
Moose International.
National Alliance of Families for the Return of America's Missing Servicemen.
National Association for Uniformed Services.
National Association of State Directors of Veterans Affairs, Inc. (NASDVA).
National Center for Public Policy Research.
National Defense Committee.
National 4th Infantry (IVY) Division Association.
National Federation of American Hungarians, Inc.
National Federation of State High School Associations.
National FFA (Future Farmers of America).
National Grange.
National Guard Association of the U.S.
National League of Families of American Prisoners and Missing in SE Asia.
National Officers Association (NOA).
National Organization of World War Nurses.
National Service Star Legion.
National Slovak Society of the United States.
National Sojourners, Inc.
National Society of the Daughters of the American Revolution.
National Society of the Sons of the American Revolution.
National Twenty & Four.
National Vietnam & Gulf War Veterans.
Native Daughters of the Golden West.
Native Sons of the Golden West.

Navajo Codetalkers Association.
 Naval Enlisted Reserve Association (NERA).
 Navy League of the U.S.
 Navy Seabee Veterans of America.
 Non-Commissioned Officers Association.
 PAC Pennsylvania Eastern Division.
 Past National Commander's Organization (PANCO).
 Patrol Craft Sailors Association.
 Polish American Congress.
 Polish Army Veterans Association (S.W.A.P.).
 Polish Falcons of America.
 Polish Falcons of America—District II.
 Polish Home Army.
 Polish Legion of American Veterans, U.S.A.
 Polish Legion of American Veterans Ladies Auxiliary.
 Polish National Alliance.
 Polish National Union.
 Polish Roman Catholic Union of North America.
 Polish Scouting Organization.
 Polish Western Association.
 Polish Women's Alliance.
 Robinson International.
 Ruritan National.
 Sampson WWII Navy Vets, Inc.
 San Diego Veterans Services.
 Scottish Rite of Freemasonry—Northern Masonic Jurisdiction.
 Scottish Rite of Freemasonry—Southern Jurisdiction.
 Sons of Confederate Veterans.
 Sons of the American Legion.
 Sons of the Revolution in the State of Wisconsin.
 Sons of Union Veterans of the Civil War.
 Sportsmen's Athletic Club—Pennsylvania.
 Standing Rock Sioux Tribe.
 Steamfitters Local Union # 449.
 Team of Destiny.
 Texas Society Sons of the American Revolution.
 The General Society, Sons of the Revolution.
 The Military Order of the World Wars.
 The Orchard Lakes Schools.
 The Reserve Officers Association of the United States.
 The Retired Enlisted Association (TREA).
 The Seniors Coalition.
 The Travelers Protective Association.
 TREA Senior Citizens League.
 The Ukrainian Gold Cross.
 The Uniformed Services Association (TUSA).
 United Armed Forces Association.
 United Veterans of America.
 U.S. Coast Guard Enlisted Association.
 U.S. Marine Corps Combat Correspondents Association.
 U.S. Pan Asian American Chamber of Commerce.
 U.S.A Letters, Inc.
 U.S.S. Intrepid Association, Inc.
 U.S.C.G. Chief Petty Officers Association.
 Veterans of the Battle of the Bulge.
 Veterans of the Vietnam War, Inc.
 Vietnam Veterans Institute (VVI).
 Vietnam Veterans of America, Chapter 415.
 Vietnam Veterans of America, Chapter 566.
 VietNow.
 Virginia War Memorial Foundation.
 WAVES National.
 Women's Army Corps Veterans Association.
 Women's Overseas Service League.
 Woodmen of the World.
 63rd Infantry Division Association, USAR.
 66th Engineering TOPO Vets.
 Total Member Organizations As Of May 10, 2005: 146.

Mr. CUNNINGHAM. Mr. Speaker, in the past debates people have brought

forth trinkets, ties, gloves, and T-shirts and tried to confuse the issue with the American flag. What is the American flag? The flag is what we place over the coffins of our fallen soldiers. I would ask those individuals, if they still try this trickster debate, which of those items would you place on the casket of one of our fallen soldiers; it is not the American flag. I have a 6-year-old test. If you ask a 6-year-old what is the American flag and you hold up a tie or a T-shirt, they will say no, that is not the American flag. They know, and so do the American people.

In my district we had a group of Hispanics that were protesting over a bill that we passed on this floor years ago and it was on bilingual education, English First. There was a large protest. They started to burn the American flag in my district. A Hispanic man and woman jumped into the flames and rescued that flag. When the press asked them why, they said we value this flag and this country and we do not want anyone to desecrate it. They also pointed out that more Hispanics per capita have won the Medal of Honor and they support this flag and this country proudly.

I have another friend who was a prisoner of war for 6½ years. It took him 5 years to knit an American flag on the inside of his shirt when he was held prisoner in Vietnam. He would display this flag at his meetings until the guards broke in one day and brutally beat the prisoner of war, ripped the flag to shreds in the middle of the floor, drug the prisoner out of the cell, beat him unconscious. And when they placed him back in the cell, his friends tried to comfort him as much as they could and tend to his wounds, but he was unconscious. They went about their meetings, and a few minutes later they heard a stirring in the corner. That broken body prisoner of war had drug himself to the center of the floor and started gathering those pieces of thread so he could knit another American flag.

This is not political for us. It is a very bipartisan issue. We should get around 300 votes today, I tell my colleagues, both Republicans and Democrats.

I understand that some people oppose this, and for different reasons why, but I will tell you that they are opposed by many, many people. Members say that this violates the first amendment rights. There are a thousand ways that an individual can protest any event, and this does not take away first amendment rights but it just says please do not desecrate the flag.

Remember Mr. Giuliani and the first responders at the World Trade Center, remember how that inspired this country. It does have value. This value is part of our tradition and was part of our tradition for 200 years, and that is what the gentleman from Wisconsin (Mr. SENSENBRENNER) and the 300 Members who will support this amendment

today are saying to my colleagues that are opposed to this. We disagree with you. We do not disagree lightly, and we think it is very, very important. But when the majority of the American people support it, we will vote with it.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are enduring the Republican rite of spring: A proposed amendment to the Bill of Rights to restrict what it calls flag desecration. Why spring? Because Members need to send out a press release extolling the need to protect the flag, as if the flag somehow needed Congress to protect it. It is easier than answering questions about the failure of this House to provide proper health care to our veterans, proper armor to save the lives of our troops, or proper support for their survivors.

Mr. Speaker, I have heard a number of speakers invoke the rescuers and heroes and first responders at Ground Zero on September 11 and the few weeks after.

Mr. Speaker, that is my district. I was there in the days after 9/11. I have seen the heroism and the self-sacrifice of the first responders. I have watched their betrayal by the Government of the United States, by the Federal and State and local governments which are not providing for their health care, which are not providing workers' comp when they cannot do their jobs because of World Trade Center health syndrome, which denies that they were present in the workers' comp proceedings after they get medals for rescuing people. That is the betrayal we should talk about. What they care about is being made whole, is having their health care taken care of and their lives restored, not this.

The flag is a symbol of our great Nation and the fundamental freedoms that have made this Nation great. If the flag needs protection at all, it needs protection from Members of Congress who value the symbol more than they value the freedoms the flag represents. Quite frankly, the crass political use of the flag to question the patriotism of those who value fundamental freedoms is a greater insult to those who died in the service of our Nation than is the burning of the flag.

I am certain we will hear speeches invoking the sacrifice of our troops in the field as a pretext for carving up the first amendment. We already have. That is a shameful exploitation of the patriotism and courage of these fine and courageous young people. It is the civic equivalent of violating the commandment against taking the Lord's name in vain.

If Members want to honor the sacrifice of our troops, protect the rights they fight for. Protect our civil liberties, and protect the rights of veterans. Playing games with the Constitution does not honor them.

People have rights in this country that supersede public opinion, even strongly held public opinion. That is why we have a Bill of Rights to protect

minorities from the majority. If we do not preserve those rights, then the flag will have been desecrated far beyond the capability of any idiot with a cigarette lighter.

Let there be no doubt that this amendment is aimed directly at ideas. Current Federal laws say that the preferred way to dispose of a tattered flag is to burn it, but there are those who would criminalize the same act of burning the flag if it was done to express political dissent.

Mr. Speaker, the fact of the matter is I have seen motion pictures, I have seen movies reflecting the War of 1812 in which the British burned our capital. I saw in those movies, actors playing British soldiers burning the flag. Did we send in the police to arrest the actors for this flag desecration? Of course not. We do not mind that because we know they do not mean it. That is to say, they are not burning the flag as an expression of disdain for our values, as an expression of their opinions on political issues of their disagreement with the administration or with the government in power. No, they are doing it as part of a play, play-acting; so the physical act does not mean anything, so we do not care.

□ 1115

But under this amendment, if someone were to do the same thing, burn the flag at the same time as he says, I disagree with the policy of whatever it is, that would be a criminal act. So what is really being made criminal? Not the act of burning the flag. What is really being made criminal is the act of burning the flag combined with the expression of a dissident, unpopular political opinion.

The act of burning the flag to dispose of it is a praiseworthy act. The act of burning the flag as part of a movie or part of a play, that is okay. I do not think anybody contemplates arresting the actors. Really, what we are getting at here is the core expression of first amendment protected ideas. We will arrest people who as part of expressing their opinion about something burn the flag. But if they burn the flag without expressing an opinion contrary to the government as part of a play or for some other reason, that will be okay. That should tell us what this amendment is about. That is why the Supreme Court said that the law was unconstitutional, because it does violate the first amendment.

The distinguished ranking member is quite correct. If we carve out this exception for the first amendment, if we make this the first time that we will limit rights protected by the Bill of Rights, it will be easier to do it in the future. Then the next amendment will come along and say that, well, if you say things that we think, that somebody at the moment thinks endangers American troops, you say the war, whatever war it is at the moment, is wrong, our President shouldn't have done it, whoever the President may be

at that moment, our troops shouldn't be in wherever they are, that is endangering our troops, we will make that illegal. That will be easier to do. That is why this amendment is so dangerous.

How many Members of Congress, used car dealers, fast-food restaurants, and other seemingly legitimate individuals and enterprises have engaged in the act of using the flag or parts of the flag for advertising, an act which our unconstitutional law defines as flag desecration? This amendment would presumably make that law constitutional once more. If ratified, I think there are more than a few people who will have to redesign their campaign materials to stay out of jail, except, of course, that probably no one will arrest them for that violation of the law because they will not be seen to be using it for dissident political speech, unless they are running on an unpopular platform, then maybe they will be. Again, that is the danger of this amendment.

As if this assault on the Bill of Rights is not enough, the Judiciary Committee once again did not even bother holding a hearing on this very significant constitutional amendment. The Subcommittee on the Constitution did not bother to consider it, to debate it, or to vote on it. Now, I know that they will say, We've held hearings in previous Congresses. Yeah, and we have rejected this amendment in previous Congresses. And this is a new Congress. There are new Members. There is no excuse for doing something or attempting to do something so significant to start tearing up the Bill of Rights without even a hearing to hear opinions on it just because prior Congresses may have held hearings.

This cavalier attitude toward the Bill of Rights is offensive and revealing. Why discuss it? Why look into it? It's only the Constitution. We're only talking about the rights of a few malcontents for whom even opponents of this amendment have contempt.

And we do have contempt for people who would burn the flag. None of us think that those people are doing something praiseworthy. We all think it is absurd and wrong, but we think their right to be wrong has to be protected. That is what America is all about. By the way, where is this epidemic of flag burning? I do not recall seeing anybody burning the flag in I do not know how many years. What is the danger we are legislating against? People have died for this great Nation and the rights which this flag so proudly represent. We are a shining beacon to the world because we allow dissent, even when that dissent is offensive or despicable. Let us not cease to be a shining beacon on the hill. Let us not diminish our liberty. Let us not destroy the way of life for which our troops have made the ultimate sacrifice.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a deep respect for the arguments that have been advanced by the gentleman from New York and other opponents of this amendment. I disagree with them. And I think the vast majority of the American people disagree with them as well. There has to be a line that is drawn on what is acceptable behavior and what is not acceptable behavior. Most of our criminal code, as well as certain types of civil provisions that contain penalties, do draw the line and have a clear demarcation of what goes over the line and thus should be punished.

I think one of the reasons why we are here today as a result of both the Johnson and Eichman decisions was exemplified by a decision of the Supreme Court of my home State of Wisconsin on April 9, 1998, in the case of *State of Wisconsin v. Matthew Janssen*. Mr. Janssen was prosecuted for flag desecration because he defecated on the American flag. Then he left a note saying why he did it, which contained a political expression. Using the precedent that was set by the Supreme Court in the Johnson and Eichman cases, the Wisconsin Supreme Court unanimously affirmed the dismissal of the prosecution against Mr. Janssen and wrote an extensive decision that basically agrees with the arguments that were advanced by the gentleman from New York (Mr. NADLER).

But the last paragraph of that decision, I think, is very important; and I am going to read it into the RECORD. The Wisconsin Supreme Court through Justice John Wilcox said: "But in the end, to paraphrase Justice Frankfurter, we must take solace in the fact that as members of this court we are not justified in writing our private notions of policy into the Constitution, no matter how deeply we may cherish them or how mischievous we may deem their disregard," quoting the *Barnette* case with Justice Frankfurter dissenting. The Supreme Court of Wisconsin concluded by saying: "If it is the will of the people in this country to amend the United States Constitution in order to protect our Nation's symbol, it must be done through normal political channels."

Today, we are doing it through those normal political channels. That is why this amendment should be approved.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I rise in strong support of H.J. Res. 10, the flag protection amendment, and I would like to thank the distinguished gentleman from California (Mr. CUNNINGHAM) for his efforts to protect our country's most sacred symbol, the American flag. I would also like to thank our distinguished Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership in this area.

I would also like to very briefly just address some of the allegations, particularly the one about not having

hearings. As has been stated, we have had a number of hearings on this in the past. The interesting thing is when one holds these hearings or had we chosen to hold hearings again this time, I might add we had experts on both sides come and testify about this, there are allegations thrown at us, oh, here we go again, why are we holding these hearings once again? So you are really damned if you do or damned if you do not.

I would also invite those who might be following this debate to listen to where the inflammatory rhetoric, which side it comes from, allegations thrown against us that this is a crass exploitation of the flag when we have not done this, that, or the other thing.

I think those of us on this side tend to want to keep this debate on a very civil level and I would encourage my colleagues to do that. Since this country's creation, nothing has represented the United States of America as honorably as has the American flag. From the top of this very Capitol building to porches all across our country, the flag is synonymous with the principles on which this country was founded and the principles on which we still stand. Each day it serves as a source of comfort and strength and holds the promise of a better future for all Americans.

However, there are those who, while claiming the very protections our country has to offer, would seek to defile it, to desecrate, to burn or otherwise destroy the very symbol that would seemingly protect their actions. Since 1994, and I want to emphasize this, there have been 119 incidents of such flag desecration, ones like the one that our distinguished chairman just indicated where somebody literally defecated on the flag. Despite the will of both the Federal and State governments to protect the flag from such abuse, the Supreme Court has struck down these efforts to protect our most sacred symbol and instead has protected these un-American acts.

Congress must act and a constitutional amendment is the only answer. If we could do this legislatively, if we could pass a statute as we have done in the past which has been struck down by the Supreme Court, we would do that. But the only way that we can protect the flag is to amend the Constitution, and that is what this is all about. Many of us believe very strongly in this. H.J. Res. 10, which has passed the House in its current form on four separate occasions, would give Congress the authority it needs to once again protect the flag. I would urge my colleagues to support this amendment.

Mr. NADLER. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Committee on the Judiciary.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time. I think it is important to put this debate in context because it occurs to me that every time we con-

sider this resolution, we end up cutting veterans health care. So let us just see what we are doing this year on the health care budget for veterans. The Republican budget cuts veterans health care programs by more than \$13.5 billion over the next 5 years compared to what would be needed just to keep up with inflation. The President even proposed a \$15 billion cut and copays for a significant number of our veterans.

When the sponsor challenges us to ask wounded veterans in VA hospitals what they want us to do, I suspect that they would not be asking us to cut veterans health care at the same time we debate this resolution.

Furthermore, Mr. Speaker, just before we went on Memorial Day break and gave speeches just a few weeks ago, colleagues voted down a measure that would have offered TRICARE health coverage to National Guard members and Reservists. Reserve components make up 50 percent of our forces in Iraq and studies show that 20 percent have no health insurance. For younger Reservists it is as high as 40 percent have no health insurance coverage. How can we ask these young men and women to serve on the front line and not even provide for them the basic necessity of health care?

And so, Mr. Speaker, 25 million American veterans deserve respect and dignity and they deserve more than the debate on this constitutional amendment. We should be providing health care for our veterans, not this resolution.

Mr. Speaker, everyone here respects the flag. The question before us is not whether we respect the flag, but whether or not we ought to use the criminal code to prevent those who disagree with us to express their views. The Supreme Court has frequently considered restrictions on speech that are permissible by our government. For example, under the first amendment with respect to speech, speech may be regulated by time, place and manner, but not regulated by content.

There are, of course, exceptions. Speech may be restricted if it creates an imminent threat of violence or threatens safety or expresses a patently offensive message that has no redeeming social value, but we cannot restrict by content otherwise. The distinction: you can restrict by time, place and manner but not content.

So you can restrict the particulars of a march or a demonstration by what time it is held or where it is held or how loud the demonstration can be, but you cannot restrict what people are marching or demonstrating about. You cannot ban a particular march or demonstration just because you disagree with the message unless you decide to ban all marches. You cannot allow one political party to have a demonstration, but not the other. You cannot have a pro-war demonstration and then try to restrict an anti-war demonstration.

Speech protected by the Constitution we have to recognize will always be un-

popular. Popular speech does not need protection. It is only that speech that provokes the local sheriff into wanting to arrest you for what you said that needs protection. Of course, speech protected by the first amendment will always be unpopular.

Some have referred to the underlying resolution as the anti-flag burning amendment, and they speak about the necessity of keeping people from burning flags. In reality, the only place you ever see a flag burned is in compliance with the Federal code at flag ceremonies disposing of a worn-out flag. Ask any Boy Scout or American Legion member how to dispose of a worn-out flag and they will tell you that the procedure is to burn the flag at a respectful ceremony.

□ 1130

In fact, the only time I have seen a flag burned is at one of these ceremonies. So the proposed constitutional amendment is all about expression and all about prohibiting expression in violation of the first amendment principles. In fact, the amendment does not even use the term "burning." It uses the term "flag desecration." And by using the word "desecration," we are giving government officials the power to decide that one can burn the flag if they are saying something nice and respectful, but they are a criminal if they burn this flag while they are saying something offensive or insulting. This is an absurd distinction and is a direct contravention of the whole purpose of the first amendment, especially when the real impact of the legislation will be to have political protesters arrested because they disagree and express that disagreement of government policy.

Mr. Speaker, in addition to the violation of the spirit of the Bill of Rights, this amendment has practical problems. For example, what is a flag? Can one desecrate a picture of a flag? Can one desecrate a flag with the wrong number of stripes?

Mr. Speaker, during the Vietnam War, laws were passed prohibiting draft cards from being burned, and protesters with great flourish would say that they were burning their draft cards and offend everybody, but then nobody would know whether it was a draft card or just a piece of paper. And what happens if one desecrates their own flag in private? Are they subject to criminal prosecution if somebody finds out?

Mr. Speaker, I feel compelled to comment on suggestions that stealing and destroying somebody's personal property is protected if that property happens to be a flag. That is wrong. It is still theft and personal property. The other examples, there are other criminal codes that people can be prosecuted on. What this legislation is aimed at is criminalizing political speech, and we should not criminalize political speech just because we disagree with it, just because we have the votes.

So, Mr. Speaker, I hope that we would defeat this resolution, and I urge my colleagues to oppose the resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SODREL).

Mr. SODREL. Mr. Speaker, I appreciate the opportunity to speak in favor of this amendment.

Hampton Sides, in his book *Ghost Soldiers*, recounts the Ranger action to liberate the allied POWs from Cabanatuan in the Philippines. Most of them were survivors of the Bataan Death March. They were emaciated, sick and weak. Some of them had to be carried from the prison compound when it was taken by U.S. Army Rangers. What I will read now is the last paragraph of his narrative as told by its survivors.

"Along the way we saw an American flag set in a turret of a tank. It wasn't much of a flag, writhing in a weak breeze, but for the men of Cabanatuan, the sight was galvanizing. Ralph Hibbs said his heart stopped for he realized it was the first Stars and Stripes he'd seen since his surrender. All the men in all the trucks stood at attention and saluted. Then came the tears. 'We wept openly,' said Abie Abraham, 'and we wept without shame.'"

Some say our flag is just a piece of cloth, Mr. Speaker. Grown men, particularly combat veterans, do not typically cry at the sight of a piece of cloth. To all patriots, particularly the majority that served under it, the American flag stands for liberty. To us, desecrating our flag is not a demonstration of liberty; it is an attack on liberty. If it were merely a piece of cloth, our enemies would not trouble themselves to desecrate it.

All Americans are "endowed by their Creator with certain unalienable rights." Among those rights enumerated in our Constitution is the right of free speech. The Constitution does not, however, afford absolute freedom of action. One cannot spray-paint a bald eagle in protest. One cannot deface the Washington Monument. And one should not desecrate our flag with impunity either.

To those who say that these actions have to be taken in context, if one burns a flag for a movie it is different from burning a flag as a protest, I would say that all actions have to be taken in context. If one takes another person's life in process of defending oneself, it is considered in a different context than if they took another person's life to collect a life insurance policy. All actions are always taken in context, and I trust the juries of the United States to take this amendment in proper context when it is carried out.

I would like to urge my colleagues to vote in favor of the flag protection amendment.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

So, in other words, if one desecrates a flag to make a nice point, that is a

good context. If they desecrate it to make an unpopular point, that should be jailable. I thank the gentleman from Indiana (Mr. SODREL) for making my point.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), member of the Committee on the Judiciary.

Ms. ZOE LOFGREN of California. Mr. Speaker, too often this debate has been categorized about who loves the flag. And it has caused me to think back about the great affection I feel for our flag. The fondest memory I think I have of being a mother is standing on the school yard of the elementary school with my children and joining with them and the other mothers as they saluted our flag. I remember crying, looking at our flag the first time I went to a Democratic convention and we sang the National Anthem and our flag was there. It was overwhelming, that the flag was there for our democracy.

And when we enter this Capitol and see the flag flying above it, it is an overwhelming experience to see that flag. We love it so much. And why? Because our Nation's flag stands for the freedoms that define this country. One of those freedoms is freedom of speech. Our country is strong and free because Americans are free to express their opinions even when we do not agree with those opinions.

If enacted, this bill would for the first time in our Nation's history modify the Bill of Rights to limit freedom of speech. As has been stated, it is clear that this amendment would only limit speech that some do not agree with.

Why are the Republican leadership of the House pushing this amendment? I think it is obvious that it would amend the first amendment. I think the majority party cannot really tolerate dissent.

I would like to read something that General Colin Powell said about this amendment when we had hearings several years ago. General Powell: "The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree but also to that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Jim Warner, a Vietnam veteran and prisoner of the North Vietnamese from 1967 to 1973, wrote this about the proposed amendment, and I quote this prisoner of war, this American hero: "The fact is the principles for which we fought, for which our comrades died, are advancing everywhere upon the earth while the principles against which we fought are everywhere discredited and rejected. The flag burners have lost, and their defeat is the most fitting and thorough rebuke of their principles which the human could devise. Why do we need to do more? An

act intended merely as an insult is not worthy of our fallen comrades. It is the sort of thing our enemies did to us, but we are not them, and we must conform to a different standard . . . Now, when the justice of our principles is everywhere vindicated, the cause of human liberty demands that this amendment be rejected. Rejecting this amendment would not mean that we agree with those who burned our flag or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom even for those expressions we find repugnant."

I think there is another reason why this amendment has been offered, and that is to divert attention from the shabby treatment of our veterans. Let us shift attention to our beloved flag; maybe the vets will not notice that Congress has not kept our promises to them.

According to the American Legion, 30,000 veterans are waiting 6 months or longer for an appointment at a veterans hospital. The Veterans of Foreign Wars estimates that as many as 220,000 men and women veterans could lose their benefits under the proposed veterans budget. Our veterans went to war to protect our Nation and to guarantee our freedoms, including freedom of speech and to ensure that those freedoms would be protected. Now we are about to undercut their sacrifice by amending the first amendment for the very first time. And to add injury to insult, we are also failing to provide the care our veterans earned with their blood and their sweat, and we are denying them what they deserve from a grateful Nation.

Some in the past have voted for this amendment assuming that the Senate will stop it, that we really will not do this bad thing to our country. I have great fear that the political landscape has changed. I think this is a sad and shameful day for our Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, throughout the history of this Republic, the Congress has proposed constitutional amendments and sent them to the States to overturn Supreme Court decisions that were particularly onerous. The one that comes to mind as coming to the top of the list was the Dred Scott decision. That was based on constitutional grounds, and Congress proposed and the States ratified three amendments, the 13th, 14th and 15th amendment, to make sure that the mistake that was made by the Dred Scott decision would never be repeated again. There was a decision early in the country's history under the Constitution that related to the judicial power of the United States. The 11th amendment was proposed and ratified to correct that. And the Supreme Court also decided that levying income taxes violated the provision of the Constitution on apportionment of taxes, and the 16th amendment was proposed and ratified to correct that problem.

So when there is a court decision that has resulted in consequences that the Congress and the States collectively deem are so bad that it requires an amendment to the Constitution, this Congress has not hesitated to propose an amendment to the Constitution, and the States have ratified it.

Here we have had resolutions of all 50 State legislatures asking that we propose this amendment and send it to the States for ratification, and that is because the instances of flag desecration that have occurred have been deemed by them to be over the line and that the Supreme Court of the United States was wrong in its decision and it needs correction.

I just go back to the quote that I made of the Wisconsin Supreme Court when they effectively invalidated my State's flag desecration amendment. It is up to the people through the constitutional amendment process to make the correction, and that is why we are here today.

Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to defend the flag of the United States of America. Throughout the history of our Nation, our flag has stood as the ultimate symbol of our freedom. From Yorktown to Fort McHenry, from Iwo Jima to Baghdad, our troops have fought behind our flag in the defense of liberty. Their dedication and their sacrifice in defense of freedom demands that we take this action today. And who can forget on September 11, 2001, when firefighters in New York pulled our flag out of the rubble of the World Trade Center and hoisted it in defiance of terror? And who can forget the flag that hangs in the American History Museum here in Washington, D.C. that was draped over the scarred Pentagon as a show of our Nation's resolve? We should not, we must not, and we cannot allow the desecration of our national symbol as some form of protest. Some things in this Nation are sacred, and the flag is the most sacred symbol of all. The flag binds our Nation together and must be protected. Let us take this action together today. Honor the service and sacrifice of those who have fought behind the flag in defense of our freedom.

And, Mr. Speaker, as was mentioned, 50 States have already passed resolutions indicating that they want to ratify this resolution we are debating today. Let the majority of Americans ratify their allegiance and pledge their allegiance to our flag.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague and classmate for yielding me this time.

I rise in support and as a cosponsor of H.J. Res. 10, an amendment to the Con-

stitution authorizing the Congress to prohibit the physical desecration of the United States flag.

Our flag represents our country as a symbol of our Nation and our veterans bravery throughout history. Our servicemen and women are courageously fighting the war on terrorism and putting their lives on the line every day to protect our Nation and the freedoms that we enjoy.

While I am a strong supporter of the first amendment rights to freedom of speech and expression, hallowed symbols like the flag deserve to be respected and protected. Those who desecrate our flag undermine that powerful symbol that really unites millions of Americans, both alive and those who have died trying to defend our Nation.

□ 1145

Flag-burning shows an ultimate contempt, and I think that is really what it is for, to show contempt and disrespect for our men and women fighting overseas now.

We have the right to protest and object to the policies of this administration or any other. The most effective protest is not to burn the flag, but political action. Go vote and organize people who agree with you to change the policies. Protest as much as we want to change those policies, but you cannot burn the flag. That is just the bottom line.

This amendment would restore historic protection for our national symbol, and that is why I am proud to support this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would like to thank the chairman for his good work on the Committee on the Judiciary. I would also like to thank the gentleman from California (Mr. CUNNINGHAM) for taking up this legislation once again. I would also like to thank the American Legion and the other veterans service organizations for their work behind this legislation before the House.

The legislation before the House today would protect "Old Glory" from desecration. This is not about free speech or the ability of our citizens to express displeasure at the actions of government. That right is fully protected by the first amendment and this proposed amendment.

The Supreme Court was right in their rulings to prohibit the shouting of "fire" in a crowded theater; and, equally, the Supreme Court was wrong to permit flag-burning. The burning of the flag is conduct that Congress is justified in regulating, and that is what we are doing in this legislation.

The Stars and Stripes is a powerful symbol of our Nation and the ideals that we as a people hold dear: the freedom of American citizens, the courage of those who have defended it, and the resolve of our people to protect liberty and justice for all from enemies from

within and from without. The ideals that it embodies are very powerful and are recognized here at home, but also abroad, by friend and foe alike.

This symbol of liberty is so powerful that Congress should have the right to prohibit its willful and purposeful desecration. It is not a piece of cloth that rose from the ashes of the fallen Twin Towers or that was draped from the Pentagon in the aftermath of September 11. After that day, the flag suddenly seemed to appear everywhere, overnight, across this land, any size of fabric, even those made by schoolchildren from construction paper, I suppose, flags stuck in flowerpots, pinned on lapels, decals posted on the back windows of our automobiles and trucks. The message was the same: I am proud to be an American.

I have seen the flag on a distant battlefield, and those, like me who have seen it there, see it perhaps from a different perspective. Across the river from here is a memorial to the valiant efforts of our Marines to raise that flag on Iwo Jima. It was not just a piece of cloth that appeared in the sky on that day so many years ago, just as it is not a piece of cloth that Francis Scott Key saw over Baltimore Harbor centuries ago.

The flag was the physical embodiment of all we as Americans cherish: the triumph of liberty over totalitarianism, the freedoms we enjoy; our rights the government has an obligation to protect; and the duty we have to pass the torch of liberty to our children undimmed.

The flag is a symbol worth defending. Long may she wave. I urge the adoption of this constitutional amendment to protect the flag.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this resolution. The process may well be legal, but it is unwise.

The problem is minimal. This is more like a solution in search of a problem. We just do not need to amend the Constitution for so little a problem that we face in this regard. We are just looking for another job for the BATF to enforce this type of legislation.

It was stated earlier that this is the only recourse we have since the Supreme Court ruled the Texas law unconstitutional. That is not true. There are other alternatives.

One merely would be to use State law. There are a lot of State laws, such as laws against arson, disturbing the peace, theft, inciting riots, trespassing. We could deal with all of the flag desecration with these laws. But there is another solution that our side has used and pretends to want to use on numerous occasions, and that is to get rid of the jurisdiction from the Federal courts. We did it on the marriage issue; we can do it right here.

So to say this is the only solution is incorrect. It is incorrect. And besides, a solution like that would go quickly, pass the House by a majority vote, pass the Senate by a majority vote, send it to the President. The Schiavo legislation was expedited and passed quickly. Why not do it with the flag? It is a solution, and we should pay attention to it.

Desecration is reserved for religious symbols. To me, why this is scary is because the flag is a symbol today of the State. Why is it, our side never seems to answer this question when we bring it up, why is it that we have the Red Chinese, Cuba, North Korea, and Saddam Hussein who support the position that you severely punished those who burn a flag? No, they just gloss over this. They gloss over it. Is it not rather ironic today that we have troops dying in Iraq, "spreading freedom" and, yet, we are here trying to pass laws similar to what Saddam Hussein had with regard to the flag? I just do not see where that makes a lot of sense.

Mr. Speaker, a question I would like to ask the proponents of this legislation is this: What if some military officials arrived at a home to report to the family that their son had just been killed in Iraq, and the mother is totally overwhelmed by grief which quickly turns to anger. She grabs a flag and she burns it? What is the proper punishment for this woman who is grieved, who acts out in this manner? We say, well, these are special circumstances, we will excuse her for that; or no, she has to be punished, she burned a flag because she was making a political statement. That is the question that has to be answered. What is the proper punishment for a woman like that? I would say it is very difficult to mete out any punishment whatsoever.

We do not need a new amendment to the Constitution to take care of a problem that does not exist.

Another point: The real problem that exists routinely on the House floor is the daily trashing of the Court by totally ignoring Act I Sec. 8. We should spend a lot more time following the Rule of Law, as defined by our oath of office, and a lot less on unnecessary constitutional amendments that expands the role of the Federal Government while undermining that extension of the States.

Mr. Speaker, let me summarize my views on this proposed amendment. I rise in opposition to this amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. I also support overriding the Supreme Court case that overturned state laws prohibiting flag burning. Under the Constitutional principle of federalism, questions such as whether or not Texas should prohibit flag burning are strictly up to the people of Texas, not the United States Supreme Court. Thus, if this amendment simply restored the state's authority to ban flag burning, I would enthusiastically support it.

However, I cannot support an amendment to give Congress new power to prohibit flag

burning. I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

Mr. Speaker, we have some misfits who on occasion burn the flag. We all despise this behavior, but the offensive conduct of a few does not justify making an exception to the First Amendment protections of political speech the majority finds offensive. According to the pro-flag amendment Citizens Flag Alliance, there were only three incidents of flag desecration in 2004 and there have only been two acts of desecration thus far in 2005, and the majority of those cases involved vandalism or some other activity that is already punishable by local law enforcement!

Let me emphasize how the First Amendment is written, "Congress shall make no law." That was the spirit of our nation at that time: "Congress shall make no laws."

Unfortunately, Congress has long since disregarded the original intent of the Founders and has written a lot of laws regulating private property and private conduct. But I would ask my colleagues to remember that every time we write a law to control private behavior, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government, perhaps an employee of the Bureau of Alcohol, Tobacco and Flags, to arrest him. This is in many ways patriotism with a gun—if your actions do not fit the official definition of a "patriot," we will send somebody to arrest you.

Fortunately, Congress has modals of flag desecration laws. For example, Saddam Hussein made desecration of the Iraq flag a criminal offense punishable by up to 10 years in prison.

It is assumed that many in the military support this amendment, but in fact there are veterans who have been great heroes in war on both sides of this issue. I would like to quote a past national commander of the American Legion, Keith Kreul. He said:

Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

Secretary of State, former Chairman of the Joint Chiefs, and two-time winner of the Presidential Medal of Freedom Colin Powell has also expressed opposition to amending the Constitution in this manner: "I would not amend that great shield of democracy to hammer out a few miscreants. The flag will be flying proudly long after they have slunk away."

Mr. Speaker, this amendment will not even reach the majority of cases of flag burning. When we see flag burning on television, it is usually not American citizens, but foreigners who have strong objections to what we do overseas, (burning the flag.) This is what I see on television and it is the conduct that most angers me.

One of the very first laws that Red China passed upon assuming control of Hong Kong was to make flag burning illegal. Since that time, they have prosecuted some individuals for flag burning. Our State Department keeps

records of how often the Red Chinese prosecute people for burning the Chinese flag, as it considers those prosecutions an example of how the Red Chinese violate human rights. Those violations are used against Red China in the argument that they should not have most-favored-nation status. There is just a bit of hypocrisy among those Members who claim this amendment does not interfere with fundamental liberties, yet are critical of Red China for punishing those who burn the Chinese flag.

Mr. Speaker, this is ultimately an attack on private property. Freedom of speech and freedom of expression depend on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. Once Congress limits property rights, for any cause, no matter how noble, it limits freedom.

Some claim that this is not an issue of private property rights because the flag belongs to the country. The flag belongs to everybody. But if you say that, you are a collectivist. That means you believe everybody owns everything. So why do American citizens have to spend money to obtain, and maintain, a flag if the flag is communally owned? If your neighbor, or the Federal Government, owns a flag, even without this amendment you do not have the right to go and burn that flag. If you are causing civil disturbances, you are liable for your conduct under state and local laws. But this whole idea that there could be a collective ownership of the flag is erroneous.

Finally, Mr. Speaker, I wish to point out that by using the word "desecration," which is traditionally reserved for religious symbols, the authors of this amendment are placing the symbol of the state on the same plane as the symbol of the church. The practical effect of this is to either lower religious symbols to the level of the secular state, or raise the state symbol to the status of a holy icon. Perhaps this amendment harkens back to the time when the state was seen as interchangeable with the church. In any case, those who believe we have "no king but Christ" should be troubled by this amendment.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. I therefore urge my colleagues to oppose this amendment. Instead, my colleagues should work to restore the rights of the individual states to ban flag burning, free from unconstitutional interference by the Supreme Court.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I want to begin by commending the gentleman from California (Mr. CUNNINGHAM) for not only his extraordinary and courageous service to our Nation in uniform, but for his ongoing service to our country in bringing this important legislation to the floor of the Congress. I also want to thank the distinguished chairman of the Committee on the Judiciary on which I have the privilege of serving. The gentleman from Wisconsin (Mr. SENSENBRENNER) continues to provide leadership that reflects the values

of the overwhelming majority of the American people to this Congress. By entertaining this legislation and bringing this debate again to the floor, the gentleman from Wisconsin (Chairman SENSENBRENNER) demonstrates the quality of that leadership again.

After surviving the bloodiest battle since Gettysburg, a platoon of Marines trudged up Mount Suribachi on Sulfur Island with a simple task: to raise an American flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his makeshift squad, history records that a thunderous cheer arose from our troops on land and sea, in foxholes and on stretchers, across Iwo Jima and its surrounding waters. Hope was returned to that battlefield when the American flag began flapping in the wind.

Mr. Speaker, it was written long ago: "Without a vision, the people perish." That day, on Mount Suribachi, the flag was the vision that inspired and rallied our troops; and that flag, Mr. Speaker, is still that vision for every American who cherishes those who stood ready, and this day stand ready, to make the sacrifices necessary to defend freedom.

By adopting the flag protection amendment, I humbly offer that we will raise Old Glory one more time. We will raise her above the decisions of a judiciary that was wrong on our law and our history and our traditions. We will raise the flag above the cynicism of our times. We will say to my generation of Americans, those most unwelcome of words: there are limits. Out of respect for those who serve beneath it and those who died within the sight of it, we must say that there are boundaries necessary to the survival of freedom.

C.S. Lewis said: "We laugh at honor and are shocked to find traitors in our midst." Mr. Speaker, let us this day cease to laugh at honor. Let us elevate out of dishonor our unique national symbol to its rightful place. Let us pass this amendment to restore to Old Glory the modest protections of the law she so richly deserves.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, we are gathered here today to debate a constitutional amendment that would restrict the right of an American to make a foolish, foolish mistake with his or her own property. As Secretary of State Colin Powell said in a letter dated May 18, 1999 to Senator LEAHY: "If they are destroying a flag that belongs to someone else, that is a prosecutable crime. But if it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead."

Mr. Speaker, my primary objection to this amendment is not the effect it will have on those who physically desecrate their flags, because the numbers

of people who physically desecrate the American flag are so small. My objection is that it will give government a tool with which to prosecute Americans with minority views, particularly at times of great national division, even if their behavior would have been perceived as patriotic if done by the majority. Unfortunately, our history has abundant examples of patriotism being used to hurt those who express views in disagreement with that of the majority. Let me share some news stories taken from the New York Times in years of great strife in America.

The first one I would like to read is from April 7, 1917. Headline: "Diners Resent Slight to the Anthem. Attack a Man and Two Women Who Refuse to Stand When It is Played. There was much excitement in the main dining room at Rector's last night following the playing of the 'Star Spangled Banner.'" Frederick S. Boyd, a former reporter on the New York Call, a Socialist newspaper, was dining with Miss Jessie Ashley and Miss May R. Towle, both lawyers and suffragists. The three alone of those in the room remained seated. There were quiet, then loud and vehement, protests, but they kept their chairs. The angry diners surrounded Boyd and the two women and blows were struck back and forth, the women fighting valiantly to defend Boyd. He cried out he was an Englishman and did not have to get up, but the crowd would not listen to explanation.

"Boyd was beaten severely when Albert Dasburg a head waiter, succeeded in reaching his side. Other waiters closed in and the fray was stopped. The guests insisted upon the ejection of Boyd and his companions, and they were asked to leave. They refused to do so and they were escorted to the street and turned over to a policeman who took Boyd to the West 47th Street Station, charged with disorderly conduct. Before Magistrate Corrigan in night court, Boyd repeated that he did not have to rise at the playing of the National Anthem, but the court told him that while there was no legal obligation, it was neither prudent nor courteous not to do so in these tense times. Boyd was found guilty of disorderly conduct and was released on suspended sentence."

Another one from the New York Times, July 2, 1917, headline: "Boston 'Peace' Parade Mobbed. Soldiers and Sailors Break Up Socialist Demonstration and Rescue Flag. Socialist Headquarters Ransacked and Contents Burned, Many Arrests For Fighting. Riotous scenes attended a Socialist parade today which was announced as a peace demonstration. The ranks of the marchers were broken up by self-organized squads of uniformed soldiers and sailors, red flags and banners bearing Socialist mottos were trampled on, and literature and furnishings in the Socialist Headquarters in Park Square were thrown into the street and burned.

"At Scollay Square there was a similar scene. The American flag at the

head of the line was seized by the attacking party, and the band, which had been playing the 'The Marseillaise' with some interruptions, was forced to play 'The Star-Spangled Banner' while cheers were given for the flag."

Headline: "Forced to Kiss the Flag. One Hundred Anarchists are Then Driven from San Diego. Nearly 100 Industrial Workers of the World, all of whom admitted they are anarchists, knelt on the ground at dawn today near San Onofre, a small settlement a short distance this side of the Orange County boundary line.

□ 1200

"The ceremony, which was unwillingly performed, was witnessed by 45 deputy constables and a large body of armed citizens of San Diego."

What do these stories have to do with this very important and heartfelt debate today, Mr. Speaker? The decision we make today, it seems to me, is a balancing, weighing, of what best preserves freedom for Americans.

There may well be a decrease in public deliberate incidents of flag desecration, acts that we all deplore, if this amendment becomes part of our Constitution, although they are already quite rare.

On the other side of the ledger, if this amendment becomes part of our Constitution, in my opinion, it will become a constitutionally sanctioned tool for the majority to tyrannize the minority. As evidenced by anecdotes from a time of great divisiveness in our Nation's history, a time much different from today, government, which ultimately as human beings with all of our strengths and weaknesses, may use this amendment to question the patriotism of vocal minorities and will use it to find excuses to legally attack demonstrations which utilize the flag in an otherwise appropriate manner, except for the fact that the flag is carried by those speaking for an unpopular minority.

Let me give you an example. I was at a rural county fair in Arkansas several years ago where a group had a booth with great patriotic display, in addition to their handouts and signs. They had laid across the table, like a tablecloth, an American flag. I knew these people thought this to be a patriotic part of their display.

I was standing a few booths down the way and watched as one of the volunteers sat on the table, oblivious to the fact he was sitting on our American flag. I believe that his action was a completely innocent mistake, and that he did not realize such behavior is inconsistent with good flag etiquette.

I believe that had this group been a fringe group, these with views contrary to the great majority, and should we have laws prohibiting physical desecration of the flag, and had this been a time of great national division, such an action as I described would not be excused as an innocent mistake.

Instead, a minority group might be prosecuted out of anger, out of disgust,

but make no mistake, the motivation for such a prosecution would be that they hold a minority view. Mr. Speaker, I do not think our Constitution will be improved nor our freedoms protected by placing within it enhanced opportunity for minority views to be legally attacked, ostensibly because of their misuse of the flag they own, but in reality because of the views that many consider out of the mainstream.

Mr. Speaker, I urge a "no" vote on this proposed amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, symbols matter. Certainly the cross has special meaning for millions of people. The menorah, the Koran, we saw that recently where false reports on desecration of the Koran led to riots and hundreds of people dying.

The statue sometimes has special meaning. The symbolic meaning of the toppling of the statue of Saddam Hussein was not lost on the Iraqi people or the other people around the world.

Buildings have symbolic value. The buildings that were destroyed or attempted to be destroyed during 9/11 were not randomly chosen. The World Trade Center symbolized the U.S. economy. The Pentagon symbolized our military might; and probably this building was also targeted because it symbolized the government.

And so for millions of Americans, the flag symbolizes the very essence of this country. It is more than fabric. It is what gives this Nation meaning. Millions have fought under this banner. Hundreds of thousands have died under the banner. Many have died on the battlefield simply protecting the flag itself, keeping it from being captured or from even hitting the ground.

And so for 200 years, this was a commonly accepted understanding of the importance of the flag, the symbolic meaning of the flag. And then came two 5-4 Supreme Court decisions in the 1980s which allowed flag desecration under the banner of free speech, which has really offended a great many people in this country. I think an overwhelming number of States, more than 80 percent of U.S. citizens, disagree with those Supreme Court decisions.

So I urge my colleagues to support H.J. Resolution 10, which states, "The Congress shall have power to prohibit the physical desecration of the flag of the United States of America."

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his stand on this issue and for giving me this time to express my views.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by reading excerpts of an article written in the "Retired Officer," a veterans magazine, by a Major James Warner, who was a POW in Vietnam for 6 years. He writes as follows: "In March of 1973, when we were released from a prisoner-of-war camp in North Vietnam, we were flown to Clark Air Base in the Philippines.

"As I stepped out of the aircraft, I looked up and saw the flag. I caught my breath then as tears filled my eyes. I saluted it. I never loved my country more than at that moment. Although I had received a Silver Star medal, and two Purple Hearts, they were nothing compared to the gratitude that I felt then for having been allowed to serve the cause of freedom.

"Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself."

He then goes on to talk about his experience in the POW camp. He says, "I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. See, the officer said, people in your country protest against your cause. That proves you are wrong.

"No, I said, that proves I am right. In my country we are not afraid of freedom, even if it means that people disagree with us. The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain compounded by fear in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

"We do not need," he continues, "to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with a subversive idea of freedom? Do not be afraid of freedom, it is the best weapon we have."

This is, as I said, from Major James Warner, who was a POW in Vietnam for 6 years who understands freedom, and therefore opposes this amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding me time.

Mr. Speaker, I rise today in opposition to H.J. Res. 10, which would amend the Constitution to allow Congress to pass laws banning the desecration of a flag.

I find it abhorrent anyone would burn our flag, and if I saw someone desecrating the flag, I would do what I could to stop them, at risk of injury or incarceration.

For me, that would be a badge of honor. But I think this constitutional amendment is an overreaction to a nonexistent problem. Keep in mind the Constitution has only been amended 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guaranteed freedom of speech and freedom of religion.

Amending the Constitution is a very serious matter. I do not think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now without an amendment. I agree with Secretary Powell, who when he served as Chairman of the Joint Chief of Staffs, wrote, "It was a mistake to amend the Constitution, that great shield of democracy to hamper a few miscreants."

When I think of the flag, I think about the courageous men and women who have died defending it and the families they left behind. What they were defending was the Constitution of the United States and the rights it guarantees as embodied by the flag.

I love the flag for all it represents, but I love the Constitution even more. The Constitution is not just a symbol, it is the very principles on which our Nation was founded. I urge my colleagues to vote against this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, listening to it in my office earlier, it was claimed that veterans oppose this amendment. And I was a little startled by that statement.

And the veterans groups supposedly are called the Veterans for Common Sense, and Veterans Defending the Bill of Rights. These veterans groups were cited as being against this amendment.

Now, frankly, I have never heard of these groups. I am sure most of you have not heard of those groups. I am not saying they are not legitimate groups or they do not have well-meaning members. But I would contend that the vast majority of American veterans do indeed support the proposed amendment. And I cite the support of groups such as the American Legion and Veterans of Foreign Wars, whose membership combined is well over 5 million veterans.

All this proposed amendment does is protect traditional American values and jurisprudence. Before and after the ratification of the first amendment, the States prohibited the physical desecration of the American flag. Then, over the next 200 years, everyone understood that any prohibition of physically desecrating the American flag was allowable under Federal, State and common law, and understood to be consistent with free speech.

Civil libertarian jurists, such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas wrote that the States and Federal Government have the power to protect the American flag. So it was the Supreme Court's decision in *Texas v. Johnson* in 1989, and *U.S. v. Eichman* in 1990, that overturned two centuries of traditional and commonly accepted legal practice.

Thanks to these, what I believe are dubious decisions, we are forced to act

with this constitutional amendment. This amendment does not really restrict freedom of expression, because no idea or viewpoints would be suppressed. Anyone can still freely say that they hate America and everything for which it stands, they just cannot burn a flag to prove their point.

There are so many exceptions to free speech: Child pornography, cross burning, libel, fighting words. We are merely looking at a very extremely narrow exception to prevent the desecration of the symbol that represents so many wonderful things to so many people at home and around the world.

Mr. Speaker, I would finally point out to my colleagues that it is against Federal law to burn U.S. currency or willfully destroy U.S. mailboxes; yet we cannot protect the American flag? Mr. Speaker, I believe that we have a constitutional justification for this amendment. We also have the support of all 50 States and 80 percent of the American people. I urge my colleagues to support this amendment.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact of the matter is, there have been thousands of amendments introduced, thousands of proposed amendments introduced to the Constitution of the United States. Only 17 have been adopted since 1791 after the Bill of Rights.

Amendments were proposed after most unpopular Supreme Court decisions. After the one-man, one-vote decision in 1960, whatever it was, where they said you had to reapportion based on population, there were amendments introduced. Amendments have been introduced after every unpopular decision of the Supreme Court.

It is deliberately difficult to amend the Constitution because the framers of the Constitution were afraid of transient majorities. They were afraid of emotion, and they deliberately wanted it to be difficult to amend the Constitution so it would not be amended very often, and only under dire necessity. What is the dire necessity here?

What is the dire necessity, that in the last 20 years, I heard someone say 119 people have burned the flag. Well, a lot more than 119 people have burned the flag. Most, however, have burned the flag to dispose of it, which is the approved method of disposing of it.

I have heard the gentleman from Florida (Mr. STEARNS) say, and others say, this has nothing to do with free speech. People can say anything they want. But it is burning the flag. But the fact is, it is very much free speech.

That is why the Supreme Court decided as it did, because burning the flag for a proper purpose, that is, to say an approved purpose, to destroy it, to destroy a tattered flag, is approved. But burning the flag to express an unpopular viewpoint, we do not agree with the administration in power about whatever, that would be made a crime.

□ 1215

So what is the real essence of the crime? Burning the flag in connection

with unpopular speech. If you burn it in connection with popular speech, we respect the flag and we dispose of this, or this connection with popular speech because you are an actor playing the British burning Washington in 1814, that is okay. So this gets at the heart of free speech.

Now, it may not be all that important right now, and it is not. We do not see any epidemic of people burning flags. We have no great emotional issue at the moment that have people marching in the streets; but as the gentleman from Arkansas (Mr. SNYDER) pointed out, at times in our history we have, and at times in our history people have been persecuted and free speech has been violated. We should not repeat that.

We should not make it easier at times of emotion in the future on issues we cannot now foresee for unpopular minorities to be bullied. We should not make it easier for unpopular minorities in the future to have their free speech trampled or to give weapons to a future government with which to trample free speech.

We all love the flag. No one is divided on that in this Chamber. But those of us who understand, I think, the meaning of liberty and the meaning of what this country stands for, perhaps in a way, I would want to say better than others, but that would be a little arrogant, but to understand that as we do, understand that the real meaning of this country is to permit free speech, to magnify free speech, to magnify free speech of those we do not agree with, of those we find obnoxious. And what this amendment does is to sacrifice that.

The cloth of the flag is not what we revere. What we revere is the idea of the flag and the Republic for which it stands. That idea is threatened by this amendment, not protected by it; and that is why it should not be approved.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the argument that has been made against this amendment is that it infringes upon free speech guaranteed by the first amendment. As all of the people who served as Justices of the Supreme Court during the 20th century, I think everybody would recognize that the strongest first amendment absolutist was Justice Hugo L. Black. Let me read you what Justice Black said in the case of *Street v. New York*, decided in 1969:

"It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of an American flag an offense."

The court changed its mind twice at the end of the decade of the 1980s. I do not think that anybody's free speech rights to express whatever they want to say about a policy, about the position of the American Government, about a stand that a candidate makes, a vote that a Congressman makes is

going to be infringed by the passage of this amendment.

What is going to be stopped is deliberately burning the symbol of our country or otherwise desecrating it. That is what this amendment seeks to prescribe. And if you want to stop it, vote "yes." If you do not, vote "no." I am voting "yes."

Mr. BLUMENAUER. Mr. Speaker, the constitutional amendment to ban the desecration of the American flag has become a ritual here in Congress. Since I started in the House of Representatives this issue has come to the floor every Congress. Flag burning today is not a problem. In my years in Congress, no one back home in Oregon has ever complained about flag burning. The irony is that if this amendment becomes law more flags will be burned as psychos see this as their way to get on television.

While I do understand the outrage that most of us feel towards those who make their points by trampling on our flag, the proposed constitutional amendment is unnecessary and counterproductive. On a serious note, we should not make changes to the Bill of Rights to deal with specific circumstances every time we are offended.

No amount of rhetoric about flag burning will hide our failure to spotlight how Congress is missing the point. The most basic and important way to demonstrate our patriotism is to support our troops, our veterans, and their families. We need to focus on doing our job here.

Mr. HOYER. Mr. Speaker, I rise today in opposition to H.J. Res. 10, the proposed constitutional amendment to prohibit the physical desecration of our flag. And, in this respect, I take no pleasure in doing so: Like the vast majority of Americans, I too condemn those malcontents who would desecrate our flag—a universal symbol for democracy, freedom and liberty—to grab attention for themselves and inflame the passions of patriotic Americans. Without doubt, those misfits who desecrate our flag deserve our contempt.

Further, I fully appreciate and respect the motivations of those who offer and support this amendment, particularly the patriotic men and women who so faithfully served this Nation in our armed services and in other capacities. Their strong feelings on this issue should neither be questioned nor underestimated. They deserve our respect.

However, I respectfully disagree with them and will oppose this amendment for the reasons so eloquently articulated by Senator MITCH MCCONNELL of Kentucky. In opposing a similar amendment a few years ago, Senator MCCONNELL stated that it "rips the fabric of our Constitution at its very center: the First Amendment." He added, "Our respect and reverence for the flag should not provoke us to damage our Constitution, even in the name of patriotism."

Those of us who oppose this amendment do so not to countenance the actions of a few, but because we believe the question before us today is how we the United States of America—are to deal with individuals who dishonor our Nation in this manner.

I submit, Mr. Speaker, that a constitutional amendment is neither the appropriate nor best method for dealing with these malcontents. As the late Justice Brennan wrote for the Supreme Court in *Texas v. Johnson*: "The way

to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. . . . We can imagine no more appropriate response to burning a flag than waving one's own."

Furthermore, it troubles me that this amendment, if approved, would ensconce the vile actions of a few provocateurs into the very document that guarantees freedom of speech, freedom of religion, freedom of the press, freedom of assembly, and freedom to petition the government. That document, of course, is our Constitution.

In more than 200 years, our Constitution has been amended only 27 times, and nearly all of those amendments guarantee or expand rights, liberties and freedoms. Only one amendment—prohibition—constricted freedoms and soon was repealed.

I simply do not believe that our traditions, our values, our democratic principles—all embodied in our Constitution and the Bill of Rights—should be overridden to prohibit this particular manner of speech, even though I completely disagree with it.

Free speech is often a double-edged sword. However, if we value the freedoms that define us as Americans, we should refrain from amending the Constitution to limit those same freedoms to avoid being offended.

I remind my colleagues that if we approve this amendment, we put our great Nation in the company of the oppressive regimes in China, Iran, and Cuba—all of whom have similar laws protecting their flags. Needless to say, when it comes to free speech, the United States of America is the world's leader. It does not follow China, Iran or Cuba.

Our flag is far more than a piece of cloth, a few stripes, 50 stars. Our flag is a universal symbol for freedom, liberty, human rights and decency that is recognized throughout the world. The inflammatory actions of a few misfits cannot extinguish those ideals. We can only do that ourselves. And I submit that a constitutional amendment to restrict speech—even speech such as this—is the surest way to stoke the embers of those who will push for even more restrictions.

Mr. STARK. Mr. Speaker, I rise in opposition to H.J. Res. 10, which proposes a Constitutional amendment to ban desecration of the flag, because what people do with a piece of fabric, however meaningful, is not worthy of Congressional intervention. Flag burning has as much to do with patriotism as weapons of mass destruction had to do with our invasion of Iraq.

This is not the first time the Republican Majority has sought to divert attention from otherwise pressing matters. This body could be focusing on providing health insurance to our Nation's 45 million uninsured, improving our public education system, addressing our swollen deficit, or any number of equally important issues. Instead we are mired in the issues of Terri Schiavo, steroids in professional sports and flag burning.

If we wanted to show our patriotism and support our troops there are tangible options available. We could focus, instead, on providing them with enough bulletproof vests, ensuring veterans have access to the best possible health care, and sending our troops into war only as a last resort. Perhaps if the members of this body were so concerned with a symbol of democracy, an effort could be made

by our leaders to hold themselves to the highest ethical standards.

Mr. Speaker, how patriotic do you think the American people feel when a chief negotiator of the Medicare drug bill leaves Congress to become the head of the pharmaceutical industry's lobbying group? How much pride in our democracy do Americans have when they learn that the President was planning to invade Iraq months before he bothered to tell them about it? How should the American people feel when they learn the Republican Majority votes to cut health care for millions of impoverished Americans and then boosts funding for no-bid defense contracts to Halliburton?

The Republican Majority consistently doesn't support our troops and has sold the government to the nation's wealthiest corporations; a debate about flag burning will not change these facts. Mr. Speaker, I will not vote to undermine our freedoms and make a mockery of our Constitution.

Mr. KIND. Mr. Speaker, I rise to join in this serious debate over the First Amendment and our Nation's flag, two of the most sacred institutions to this country.

America is somewhat unique in its devotion to the Nation's flag. Perhaps because we come from so many different backgrounds, cultural traditions, and ethnicities, we see the flag as a source of national unity. Like the majority of Americans, I have the utmost respect and reverence for our flag. For all of us, this reverence begins early on, when as school children we are taught the Pledge of Allegiance and recite it each day with our classmates. Or it begins when we attend a Memorial Day Parade with our parents and look in awe at the veterans, young and old, who still carry the flag with such pride. Seeing the flag treated with this reverence is a powerful lesson for our young people and makes them incredibly proud to be Americans.

The times I have been most proud of my country have been during my two trips to Iraq. Seeing our young men and women in uniform carrying out their mission under dangerous and difficult conditions is an inspiring thing. Seeing their devotion to our flag and all that it represents makes me so grateful to have grown up in this country and to have some small part in helping our troops.

I was struck, during my visits to the country, with how dedicated our servicemen and women are to helping everyday Iraqis. Our men and women in uniform appreciate the freedoms afforded to them, and are eager to see Iraqi citizens enjoy these same freedoms. Mr. Speaker, I believe one of our greatest freedoms is freedom of speech. Our forefathers, in their wisdom, made this the first amendment to the Bill of Rights. After fighting a war against Great Britain for their freedom, they made sure that future Americans would have the right to free speech and free expression.

In deference to our forefathers and out of respect for the brave patriots today who are serving overseas, I cannot in good conscience support this amendment. Burning or desecrating the American flag is an abhorrent action for which I have nothing but contempt. Much as I hate the act, it is not right to deny an American the freedom to express himself in this shameful way.

I would like to close by quoting a man who knows much of patriotism and freedom.

Former soldier and Secretary of State Colin Powell, when asked for his views on this issue, said, "The First Amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. This flag will still be flying proudly long after they have slunk away."

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution because I disagree with this attempt to muddle our First Amendment rights.

I understand and acknowledge the passion that my friends and colleagues demonstrate today. It is disturbing to see images of someone burning the flag of the United States, particularly when we reflect upon the countless men and women who have given up their lives defending this symbol of freedom.

When I was first elected to the House, I co-sponsored a flag burning amendment. I did so for many of the same reasons that proponents of the amendment have expressed today.

And yet looking back, I realize I was moved by my heart than by my head.

History reminds us that the strength of America is derived from its basic ideals, one of the most important of which is tolerance for the full expression of ideas, even the acts that we consider obnoxious.

As our Founding Fathers originally intended, the First Amendment to the Constitution has safeguarded the freedom of expression. Tested through times of war and peace, Americans have been able to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable.

It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country that not only accommodates a wide-ranging public debate, but encourages it.

Mr. Speaker, a friend of mine and former Senator of Virginia, Chuck Robb, is a man who sacrificed greatly for his nation, in both the Vietnam War and in his political career. Exemplifying a "profile in courage" Senator Robb stood against public popularity when he voted against this amendment in order to defend the very freedoms that the American flag represents.

In his moving Senate floor statement, Senator Robb described how as a soldier he had been prepared to give up his life in the Vietnam War in order to protect the very freedoms that this constitutional amendment would suppress. By showing the courage to vote against this amendment, he jeopardized his political career and subsequently lost his bid for re-election.

Not having fought in a war, I should do no less than Senator Robb did in defense of the freedom he and so many of my peers were willing to defend with their lives.

Mr. Speaker, this amendment should be defeated. In our hearts and our minds we know that flag burning is not a threat to our freedom, limiting the exercise of individual liberty is.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of House Joint Resolution 4, the Constitutional Amendment to prohibit flag desecration.

Our flag is the strongest symbol of America's character and values. It tells the story of victories won—and battles lost—in defending

the principles of freedom and democracy. These are stories of men and women from all walks of life who put their lives on hold to serve our Nation. Many of those brave Americans never returned home from distant battlefields. The flag reminds us of the sacrifices they made at Gettysburg, San Juan Hill, Iwo Jima, Normandy Beach, Korea, Da Nang, Kuwait, Afghanistan, Iraq and other places where America's men and women in uniform placed honor and duty above self. These Americans had a powerful symbol uniting them—the American flag. The American flag belongs to them as it belongs to all of us.

Critics of the amendment say it interferes with freedom of speech. They are wrong. It does not interfere with freedom of speech. Americans have access to public television; they can write letters to the editor to express their beliefs; they can speak freely at public forums; they can share their views with listeners by calling into radio stations. I meet with constituents everyday in order to best represent their interests in Washington. Americans can stand on the steps of their own City Hall or on the steps of our nation's Capitol to demonstrate their cause. Protecting the American flag from desecration does not deprive any American of the opportunity to speak clearly, openly and freely.

Let us be aware that it is speech, not action, that is protected by the Constitution. Our Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate, persuade and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

In 1989, in the case of *Texas versus Gregory Lee Johnson*, the Supreme Court ruled that a state flag protection statute was unconstitutional. The court was in error. It was not the thoughts or opinions expressed by Mr. Johnson that the Texas law restricted but the manner in which he expressed his thoughts and opinions. Mr. Johnson was free to speak his mind without fear of censorship. That freedom is guaranteed by the First Amendment. But desecrating the flag is not speech; it is action and action is not protected. For example, an individual is free to speak about the need for America to conserve its environment, but the individual would not be free to express those thoughts by destroying oil derricks. There is a difference between action and speech.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration. More than 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African American Women's Clergy Association all support this amendment.

All fifty states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 298 to 125, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 4 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. SHUSTER. Mr. Speaker, I rise today to urge my colleagues to support H.J. Res. 10, the "Flag Protection Amendment." Every day we rise with dignity to salute and pledge allegiance to our Nation's flag. We do so because our flag stands for liberty, democracy, and all the sacred ideals that allow us to rise here at all.

The stars-and-stripes are recognized in almost every corner of the globe as an emblem of liberating hope. This great symbol we respect so much has cloaked the bodies of our fallen brave and graced the final moments of our presidents. On American soil, she stands tall before all other flags and is lowered in sorrow only for the greatest of patriots. She waves from our homes and churches and crowns our Nation's greatest houses of freedom, including the one in which we now deliberate.

Our flag is handled with the utmost care by those who have worked hardest to sustain and protect what she stands for, by those who have dedicated their lives to her. Let us never forget their sacrifice and remain diligent in protecting the greatest symbol of democracy and freedom from desecration.

We would never tolerate the desecration of this or any other public building. We would never tolerate the desecration of our Nation's hallowed graves or places of worship. We would never stand idly by if Lady Liberty, the Washington Monument, or the Liberty Bell were ever torn from their pedestals and dragged into the streets. Why then should we leave our Nation's most cherished and recognized symbol vulnerable and unprotected in the very land that had its birth beneath her glorious colors?

I urge my colleagues to ensure that our beloved banner will survive, unscathed, every "twilight's last gleaming." Guarantee that within our borders she will forever wave proudly "o'er the land of the free and the home of the brave." Please join me in voting for H.J. Res. 10, the "Flag Protection Amendment."

Mr. HOLT. Mr. Speaker, I rise today in opposition to this amendment. Just as everyone here today, I view the American flag with a special reverence, and I am deeply offended when people burn or otherwise abuse this precious national symbol.

At the start of the town hall meeting I host in my district, I always try take a few moments to lead those in attendance in the pledge of allegiance. I think this is an important and valuable portion of my town hall meetings when I can express my support for and share my deep respect of both our flag and our system of government—which our flag represents.

What makes America a great and free society, is our system of government and our Constitution. Our Constitution is the document that provides the basis for our great country. It is our Nation's operating manual. For over two centuries, the Constitution—the greatest invention of humans—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights.

The Constitution doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom. It tells us that we are

free to assemble peacefully. We are free to petition our government; we are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It secures the right and means of voting. It is these freedoms that define what it is to be an American.

As a Member of Congress, I took an oath of office in which I swore ". . . that I will support and defend the Constitution of the United States." In fact, new citizens to our great nation make a similar pledge when they are sworn in as U.S. citizens. It is important to note that I am entrusted with the obligation to defend the Constitution, not the symbols, of our Nation. The Founders knew that it is our system of government that is essential to who we are as a people and what we stand for. While I deeply value the flag as a symbol of our Nation, what we need to ensure is that we protect the values and ideals of our country as contained within the Constitution.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function.

This Resolution before us today would not perfect the operation of our self-government. It would not expand our citizen's rights. Proponents of this constitutional amendment argue that we need to respect our flag. I believe that the vast majority of Americans already respect our flag, and I am unaware of a flag burning epidemic in America. To me this Resolution is a solution in search of a problem.

Let me be clear, it is wrong to desecrate or defile an American flag in any way. But making it unconstitutional will not prevent these incidents from occurring. What we should do, as a government and as American citizens, is promote civic values and a greater understanding of our democracy. We should encourage civic education in our schools and communities. People who value and understand the ideals of our country will also understand and value the symbols of our great Nation.

The issue before us is whether our Constitution should be amended so that the Federal Government can prosecute the handful of Americans who show disrespect for the flag. To quote James Madison, is this a "great and extraordinary occasion" justifying the use of a constitutional amendment? The answer is no; this is not such an occasion. I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the values and ideals that created of these freedoms.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose this amendment to the Constitution. When Framers Thomas Jefferson penned the Declaration of Independence, he wrote that:

We, therefore, the Representatives of the United States of America, in General Congress, assembled, solemnly publish and declare, that these colonies are . . . free and

independent states . . . and we mutually pledge to each other our lives, our fortunes, and our sacred honor . . . our sacred honor.

My colleagues, this is what the American flag stands for—honor. But it also stands for something even more sacred—freedom. Freedom of expression as contained in the 1st Amendment and the Bill of Rights.

Congress shall make no law . . . abridging the freedom of speech.

This amendment, if passed, for the first time in our Nation's history, would cut back on the First Amendment's guarantee of freedom of expression that is the bedrock of our democracy, and one of the fundamental guarantees contained in the Bill of Rights.

In his 1859 essay *On Liberty*, John Stuart Mill recognized the public good and enlightenment which results from the free exchange of ideas. He writes:

First, if any expression is compelled to silence, that opinion for aught we can certainly know, be true . . . Secondly, though this silenced opinion be in error, it may, and very commonly does, contain a portion of the truth . . . Thirdly, even if the received opinion be not only true but the whole truth; unless it is suffered to be and actually is, vigorously and earnestly contested, it will by most of those who receive it, be held in the manner of a prejudice.

There is a distinct difference between real and forced patriotism.

Freedom cannot survive if exceptions to the First Amendment are made when someone in power disagrees with an expression! If we allow that, our right to free speech will depend on what Congress finds acceptable, precisely what the First Amendment was designed to prevent.

This amendment may provoke rather than diminish the very acts it purports to curtail. Our Nation's experiment with an amendment to the Constitution concerning Prohibition shows that a cure by amendment to the Constitution may itself incite harm of the very nature it seeks to prevent.

The flag desecration amendment is a solution in search of a problem. The expressive act, burning a flag, which this amendment attempts to curtail, is exceedingly rare. Professor Robert Justin Goldstein documented approximately 45 reported incidents of flag burning in the over 200 years between 1777 when the flag was adopted, and 1989, when Congress passed, and the Supreme Court rejected, the Flag Protection Act. About half of these occurred during the Vietnam War. Some of our great war heroes even share the spirit of my fellow Democratic colleagues in supporting efforts to preserve freedom through individual rights:

Dwight D. Eisenhower said that "Only our individual faith in freedom can keep us free."

Thomas Jefferson again said that "The price of freedom is eternal vigilance."

Finally, General Richard B. Myers USAF, Chairman of the Joint Chiefs of Staff stated that "In our profession and mine, (we are) working hard to defend our values, our way of life and our Constitution. We risk our comfort, our safety and our lives for what we believe in."

This quote says it all—our brave soldiers fighting on the battlefields see the Constitution as one of their main causes. When we trivialize the Constitution by haphazardly amending it based on personal proclivities, we frustrate the sacrifices of our troops.

This amendment would be the beginning, not the end, of the question of how to regulate a certain form of expression. It empowers Congress to begin the task of defining what the "flag" and "desecration" mean. The use of the flag as symbol is ubiquitous, from commerce, to art, to memorials, such that Congress would be in the position of defining broad rules for specific applications. Congress, the courts, and law enforcement agents would have to judge whether displaying the flag on Polo jeans is "desecration," but the Smithsonian's recent removal of two million stitches from the 188-year old flag that inspired Frances Scott Key, is not.

The United States Supreme Court has ruled consistently that flag burning is a form of speech protected by the First Amendment. In *Texas v. Johnson* (1989), the Supreme Court held it unconstitutional to apply to a protester a Texas law punishing people who "desecrate" or otherwise "mistreat" the flag in a manner that the "actor knows will seriously offend one or more persons likely to observe or discover his action." The Court found that the law made flag burning a crime only when the suspect's thoughts and message in the act of burning were offensive, thus violating the First Amendment's protections of freedom of the mind and freedom of speech. The next year, in *United States v. Eichman* (1990), the Court reviewed a Congressional statute that attempted to be neutral as to the messages that might be conveyed, prohibiting flag burning except when attempting the "disposal of a flag when it has become worn or soiled." The Court struck down this statute as another attempt to punish offensive thoughts.

To quote the legal philosopher, Lon Fuller on amending the U.S. Constitution, he stated that:

We should resist the temptation to clutter up the Constitution with amendments relating to substantive matters. We must avoid the obvious unwisdom of trying to solve tomorrow's problems today and the insidious danger of the weakening effect of such amendments on the moral force of the Constitution.

I continue to share the sentiment and spirit of this quote with my colleagues on the other side of the aisle because they continue to tread the unwise path of unnecessarily amending the Constitution. Mr. Speaker, for these reasons, I strenuously urge my colleagues to vote "no" on H.J. Res. 10.

Mr. OXLEY. Mr. Speaker, I stand in strong support of H.J. Res. 10, which calls for a constitutional amendment permitting Congress to protect our nation's flag.

Old Glory is far more than a piece of cloth. Especially in this post-September 11 era, it is the most visible symbol of our Nation and the freedoms we have too often taken for granted. It is a unifying sign in times of peace and war, instilling pride in our great country and continued hope for our future.

Americans from across the political spectrum and from every walk of life support the passage of this amendment. Since the Supreme Court in 1989 invalidated state-passed flag protection laws, the legislatures in each of the 50 states have passed resolutions petitioning Congress for this amendment. I am proud that the House is taking this important step toward a constitutional amendment today.

Mr. Speaker, my hometown of Findlay, Ohio, is well known for its civic pride and spir-

ited celebration of the flag. The annual display of thousands of flags on houses and businesses throughout Findlay earned the community the designation "Flag City USA." Arlington, Ohio, which I am also privileged to represent, has been named "Flag Village USA" for the patriotism inherent in its citizens. The letters, phone calls, and e-mails I have received from Findlay, Arlington, and throughout my congressional district in recent weeks express strong support for the protection of Old Glory.

I am proud again this year to be a cosponsor of DUKE CUNNINGHAM's joint resolution, and recognize him for his unwavering leadership on this issue. I urge my colleagues to support their constituents and vote in favor of sending this amendment to the states for ratification.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this resolution.

I am not in support of burning the flag. But I am even more opposed to weakening the First Amendment, one of the most important things for which the flag itself stands.

I think that point was well put by Bill Holen of Littleton, Colorado, who wrote to express agreement with a recent *Denver Post* editorial against this proposed constitutional amendment. As he put it, "As a Vietnam veteran and one who fought honorably for this nation . . . Like Colin Powell, while I personally abhor the thought of anyone burning the American flag, the symbol under which I fought for this nation, I believe the principles embodied in the Constitution and the Bill of Rights are far more important."

I do not think there is a real need for this amendment. On that point, I agree with the *Rocky Mountain News* that "Flag-burning is not really a problem, as actual incidents of it are rare. It is disproportionately denounced rather than actually done. And defining desecration is tricky, especially given the widespread commercial and decorative use of the flag." And, in particular, I share that newspaper's view that "More importantly, tampering with the First Amendment opens the way to those laws of the kind that less democratic governments impose to shield themselves from criticism."

Mr. Speaker, every day, at home and abroad, our brave men and women in uniform are on guard to defend our country and our constitution from those who have no respect for either. In my opinion, anyone who thinks that burning the flag under which they serve would be an effective way to influence public opinion is grotesquely mistaken. And I think to say we need to amend the constitution in order to respond to people suffering from that delusion is to give them more importance than they deserve.

For the benefit of our colleagues, I attach the text of the newspaper editorial to which I referred earlier.

[From the *Rocky Mountain News*, Sept. 17, 2004]

FLAG-BURNING ISSUE A WASTE OF TIME

Today is the 217th anniversary of the signing of our Constitution. To celebrate that happy event, the White House has announced that scholar and historian Lynne Cheney, the wife of the vice president, will speak at Gunston Hall Plantation in northern Virginia.

Gunston Hall was the home of George Mason, whom the White House properly described as "Father of America's Bill of

Rights." Mason wrote the prototype of the Bill of Rights for Virginia's constitution in 1776, and it was his intransigence that led to the adoption of those rights as the first 10 amendments to the Constitution.

The anniversary comes as the Republican Senate leadership is considering, with breathtaking political cynicism, bringing back for a vote a constitutional amendment outlawing flag-burning.

The Supreme Court has ruled simply and correctly that flag-burning is political speech and as such has the absolute protection of the First Amendment. Thank you, Mr. Mason.

Flag-burning is not really a problem, as actual incidents of it are rare. It is disproportionately denounced rather than actually done. And defining desecration is tricky, especially given the widespread commercial and decorative use of the flag. More importantly, tampering with the First Amendment opens the way to those laws of the kind that less democratic governments impose to shield themselves from criticism.

Given her credentials, Lynne Cheney is the ideal person, Gunston Hall the ideal venue and Constitution Day the ideal occasion to denounce this latest attempt to undo George Mason's handiwork.

Mr. KOLBE. Mr. Speaker, today, I rise in opposition to H.J. Res. 10, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States. Since 1990, I have voted in opposition to a Constitutional amendment banning flag desecration or flag burning. I find flag desecration disgraceful, and I get as angry as anyone does when I see or hear about such things. But, I do not believe we should amend the U.S. Constitution to deal with this matter.

Not once during the 15 years I have voted on this amendment to the Constitution has a crisis occurred with people burning flags. As a combat veteran of the Vietnam War, I know well the sacrifices that have been made by many generations of Americans to protect our freedom. We, as Americans, should honor our flag. It is a symbol of our freedom. I am immensely gratified when I see all the flags flying in the face of terrorist attacks and in support of our troops fighting overseas. They make me very proud.

However, I am not at all comfortable with changing the Bill of Rights that guarantees our freedoms. The Bill of Rights guarantees freedom of expression including dissent. Individual freedom and opportunity have built our nation into the strongest on earth where liberties are enshrined in our Constitution. The First Amendment to the Constitution protects free speech and allows us to openly debate any issue in this country. As vile as flag desecration may be, the Supreme Court has ruled that it is political speech and, therefore, protected under the First Amendment.

I remain committed to preserving freedom and opportunity. In the true spirit of America, freedom must be maintained for those with whom we agree and, yes, those with whom we disagree. I believe we, as individuals, should honor the flag as a symbol of that freedom. Applying government coercion to prevent flag desecration actually chips away at that freedom of expression.

Old Glory can withstand a few exhibitionists looking for attention. We don't have to jeopardize our freedoms to protect it. It is a symbol of what protects us.

Mrs. CUBIN. Mr. Speaker, I stand before you today in strong and wavering support of

the Flag Protection Amendment. I'm proud to be an original cosponsor of this important measure.

Our flag is more than just a piece of cloth. From Lexington to Gettysburg to Falluja, more than a million brave Americans have given their lives in defense of our flag and the American ideals it represents. We must honor their ultimate sacrifice, and the sacrifices made by the almost 60,000 veterans in my home state of Wyoming, by defending our flag with the courage and resolve they proved possible.

The Flag Protection Amendment will protect from desecration the most widely recognized symbol of freedom and democracy worldwide, one that offers hope and comfort to the students and teachers, lawmakers, and military men and women who pledge allegiance to the flag every day across the nation.

With that, I strongly urge final passage of the Flag Protection Amendment.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the joint resolution has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT

Mr. WATT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

The amendment in the nature of a substitute offered by Mr. WATT:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States."

The SPEAKER pro tempore. Pursuant to House Resolution 330, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this marks the sixth consecutive term of Congress in which I have engaged in this debate. I actually, when I first came to Congress and the first time I had the opportunity to participate in this, I resented having to go through this. But over the years I have come to believe that this is a healthy debate; and if we conduct it in a dignified way, the debate actually can be good for the entire country, and people can come away with a greater understanding and appreciation of how delicate our Constitution framework is.

This is about how individuals in our country perceive patriotism, the rights of free speech, the rights of protecting the views of people who quite often they may disagree with in content, but that is what our country has been about.

So I want to start by complimenting the chairman and the ranking member for the dignified way the debate has proceeded up to this point. And I hope that this amendment in the nature of a substitute does not get us off onto a different track, because this is the second or third time I have offered the amendment in the nature of a substitute, and I did it originally for the purpose of trying to get to a higher quality of debate and forcing my colleagues and whoever may be listening to the debate to think about some of these things.

What does the first amendment mean? What rights do we owe to people in our country whose views we may disagree with? What rights do we owe to the people in our country who may express those views in ways that we disagree with?

And I am confident that everybody in this body would think that desecration of the flag, burning of the flag would not be something that we would be supporting, so that is not what this amendment is about.

My amendment simply says if we are going to do a constitutional amendment, it should not just say that Congress has the authority to pass a law that prohibits the physical desecration of the flag. Whatever we do should be subject to the first amendment to the Constitution. And the amendment under my version would read, not inconsistent with the first article of amendment to the Constitution: "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

My amendment, I believe, recognizes the long-standing legacy of the Bill of Rights. In over 200 years of history, our Constitution has been amended only 27 times and the Bill of Rights has never been amended, not once has the Bill of Rights been amended; and this proposed resolution would be the first time to do that.

I understand that the proposed resolution seeks to uphold the integrity of our flag; but my amendment seeks to ensure that the principles for which the flag stands, particularly freedom of expression and freedom of speech, are also reserved.

The first amendment to the United States Constitution stands for the proposition that all voices of dissent should be heard without governmental suppression. Disrespect for the flag is offensive to every Member of this body, but this is not a debate about patriotism. It is not a debate about whether flag desecration is good or bad. It is a debate about the values that underlie our Constitution. And I think former Secretary of State Colin Powell said it best when he said these words:

"The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy, the Constitution, to humor a few miscreants," he said. "The flag will be flying proudly long after they have slunk away." And that is the end of his quote for my purposes today.

It is the underlying values represented by the flag, not the cloth on which the stars and bars are sewn that our Constitution protects. Those are the values my amendment would preserve.

Mr. Speaker, following the horrific acts of terrorism against our country, our citizens were repeatedly cautioned not to cower in the face of terrorism. Do not curtail our freedoms, we were told, for to do so would be to surrender our way of life, to give up and give in to the terrorists. The terrorists would win.

I think if we pass the amendment as it has been proposed, we give in to those miscreants, as Colin Powell has characterized them, those people who we disagree with. We should be protecting their rights also to free speech.

I want to put this in context. I started by saying that I used to resent this debate and I would tell you, Mr. Speaker, that I came to Congress thinking that, I guess, I thought I had a monopoly on what the meaning of the Constitution was. And there is a history to that, because I had graduated from Yale Law School, took my constitutional law from Professor Robert Bork, who became so controversial when he was nominated to the United States Supreme Court. And in that class with me was a student by the name of Duncan Kennedy who is now a professor at Harvard Law School and for whom a whole theory of law has been patterned.

In that class with me, in that constitutional law class, was a guy named Paul Gewirtz, who is now a professor of constitutional law at Yale University Law School. So it was one of those law school classes that people would die for. And we analyzed the first amendment back and forth, right and left, Bork against Duncan, Bork against Gewirtz. I mean, there were good students in the class and then there were people like me who were sitting in the back of the room hoping that nobody would ever realize that we were there and I could avoid getting involved in that high level of debate.

But I was listening and understanding that the Constitution, the first amendment had different meanings to different people. And I thought I got a good balanced view. Actually, I thought I got a good balanced view until I went back to North Carolina and went into a law firm that was generally known as a civil rights law firm.

And one day my senior law partner, a gentleman by the name of Julius Chambers, called me in and said, I

want you to go to eastern North Carolina to one of the counties in which Native Americans represent a high portion of the population, because a number of the Native Americans in that county have been charged with parading, using tomahawks, parading around; and they have been charged with resisting arrest and various other criminal offenses. And he did not tell me what they were down there demonstrating about. He just told me to go down there and represent them.

□ 1230

I went and I started my interviews with the Native Americans, and during the course of my interviews with them, it became apparent that the reason that they had these tomahawks out there and they were demonstrating and parading was that they had a desire not to have to go to school with black people. They thought that the schools that they were going to be sent to with African Americans were inferior, and they did not want to do it.

Well, I being an African American myself, swallowed very hard and said, What has my law partner gotten me into? I could not wait until the end of the day to get in my car and race back to Charlotte, North Carolina, and confront my senior law partner.

I walked in and I said, Chambers, why would you send me to this county to represent these Indians who were demonstrating against going to school with African Americans? His response taught me more about the first amendment than either Robert Bork or Duncan Kennedy or Paul Gerwitz or any of the discussions that I had participated in in law school. He simply asked me one question. He said, Do you not believe in the first amendment?

This is a difficult issue, and this is not about patriotism, and I have come to understand over the years of debate that we have had this amendment under consideration, I started out saying to people on the opposite side, people like the gentleman from California (Mr. CUNNINGHAM) and people who served their country, You are unpatriotic because you do not agree with me about my interpretation of the first amendment; the first amendment was passed to protect the right of people to demonstrate and burn flags and you are unpatriotic because you do not agree with me.

But then I started to listen to what the gentleman from California (Mr. CUNNINGHAM) was saying and what my colleagues were saying and studied this issue more. Could it be that Justice Scalia and Justice Rehnquist, two conservative jurists, could be on opposite sides of this issue and it not be a difficult issue from a constitutional perspective? That is, can you imagine the debate that was taking place in the Supreme Court? I cannot imagine that Justice Rehnquist looked at Justice Scalia and said, You are unpatriotic because you do not agree with me. I cannot imagine that Justice Scalia

looked at Justice Rehnquist and said, oh, no, you are unpatriotic because you disagree with me. They came down on opposite sides of the landmark case.

This is a difficult issue and it is all about what you think ought to be protected under the first amendment. It is not about whether you are patriotic or not.

Well, there is one thing I want for sure my colleagues to acknowledge, that this amendment, when it was first offered, started out just saying there shall be no physical desecration of the flag. For a couple of years it said that, but then the more recent versions of what we are considering today say that Congress shall have the power to prohibit the physical desecration of the flag. That means that Congress must pass a statute, which must then go to the Supreme Court ultimately to be evaluated. So, at some point, the Supreme Court is going to evaluate whether that statute complies with the first amendment or not.

In that sense, the language that I am proposing, I am going to first and foremost acknowledge, is redundant. It just specifically says that whatever we do as a Congress has got to be subject to the first amendment. That is redundant. As my colleagues know, whatever we do as a Congress is supposed to be subject to everything in the Constitution anyway, but I want to remind us that, at the same time, we protect the flag.

A principle of our Nation is also to protect speech, whatever that is; is it burning the flag, is it hollering "fire" in a crowded theater? Whatever it is, there needs to be some kind of balance. And this Congress, whether it adopts my amendment or does not adopt my amendment, is going to be subject to that anyway.

The proponents of this amendment who say that this is going to do something earth shattering or that my amendment is going to undercut their proposal, it is just not the case.

I just want to be sure that we acknowledge that whatever we do, we acknowledge it, that the first amendment is just as important as the flag. Just as important. Some people might argue that it is more important than the piece of cloth. My colleagues might argue that it is, that it is equal in value, but we at least need to come to grips with that, and that is what the Constitution, that is what the Supreme Court has been trying to do for a number of years. It is not an easy thing to do.

We have heard a lot of discussion about activist judges. This proposal encourages judges to be activists because it says you are giving Congress the right to prohibit the physical desecration of the flag. Do my colleagues think the Supreme Court is not going to exercise its constitutional responsibilities just because we said Congress can prohibit the physical desecration of the flag? It is going to have to. It is going to have to decide what that

means. It is going to have to decide how we balance this provision, this statute, statutory authority that Congress gives against the first amendment. We are not going to be able to get around the Supreme Court here.

We like to punt these things and pretend that we are doing something earth shattering here, but the Supreme Court, I hope, is still going to be there, and I believe the Supreme Court is going to wrestle with this as they have in the past.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened attentively to the arguments made by the gentleman from North Carolina (Mr. WATT) in support of his amendment, and he said that his amendment is redundant. It is redundant, but it also is a gutting amendment to the base text of the constitutional amendment that we are debating today.

This substitute amendment should be rejected because it would constitutionally ratify the Supreme Court's decision in *Texas v. Johnson* and *United States v. Eichman*, rather than empower Congress to pass legislation to protect the flag from physical desecration.

In *Johnson* and *Eichman*, the Supreme Court held that flag desecration is expressive conduct protected by the first amendment. These decisions effectively invalidated the laws of 48 States and the Federal Government. In addition, based on these precedents, any law that prohibits the physical desecration of the flag will be struck down as an unconstitutional suppression of free expression, thus defeating the goal of our efforts to provide protection for the flag.

A constitutional amendment must be passed if the flag is to receive legal protection. Under the Watt substitute, the flag would not receive such protection because the Court would simply strike down as inconsistent to the first amendment any implementing legislation enacted into law.

Adoption of the substitute would not only render H.J. Res. 10 ineffective, but it would also constitutionally codify the Supreme Court decisions that a vast majority of the American public were erroneously decided, and which did not exist for the first 200 years of the Constitution's existence.

In other words, if the Watt amendment is passed and then a constitutional amendment is passed and ratified by the States, the Supreme Court can, in the future, recognize that it made a mistake, and that is why this amendment should be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from North Carolina (Mr. WATT) has 11 minutes remaining.

Mr. WATT. Mr. Speaker, I yield myself 1 minute just for the purpose of responding to this.

I do not agree at all with my chair, as much as I respect him, that this codifies anything. What it does is that it codifies and reaffirms and acknowledges the state of affairs that exists right now, that in the final analysis the Supreme Court is the ultimate arbiter of the Constitution and laws of our country. After we pass my amendment or the underlying amendment, the Supreme Court is still going to be the ultimate arbiter of that, and so my amendment neither does that or does not do it.

His amendment does not do it. If the Supreme Court changes its mind, the composition of the Supreme Court changes, and they decide that burning a flag is prohibited, is not protected under the first amendment, then that is going to be the last word on it. We do not have any way to go on that.

So I do not think I can agree with him that I am doing anything different than preserving the state of affairs.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), my good friend.

Mr. SCOTT of Virginia. Mr. Speaker, let me just begin by saying our flag does not need protection from an occasional protester, we call them miscreants I think, who cannot see how ridiculous it is to try to protest by destroying the symbol of his right to protest. If he cannot see how ridiculous that is, obviously we do not need much protection from him.

Contrary to what has been suggested on the floor, the underlying amendment does not regulate conduct. Without the Watt amendment, it clearly regulates message.

Now, as the gentleman from North Carolina, sponsor of the amendment, points out, the underlying amendment does not repeal the first amendment. Even if we adopt this constitutional amendment, the first amendment will still be there, and so the amendment is, in fact, redundant, but it makes it clear and reminds people that it is still there.

What he seeks to clarify is whether or not it is indeed the message that is being criminalized rather than the conduct, whether or not those who support government policy, for example, and burn a flag without offending anybody, apparently they will be okay. But if you are a war protester who burns a flag, you can be arrested, and if you are a veteran, so disgusted with veterans health care, and burn the flag in protest, are we making him a criminal? Or if you are a member of a fringe political organization who burns his own flag on his own property, in private, can they be arrested if somebody finds out?

The question is whether or not we are criminalizing the message or the conduct. So the Watt amendment makes it clear that we are still protecting freedom of speech. The message, that will

be clear, that we if we do not support the Watt amendment we just ought to acknowledge it is indeed the message, not conduct, which is the target of the underlying amendment.

□ 1245

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong opposition to the Watt substitute and in support of H.J. Res. 10, which would amend the Constitution to give Congress the authority to prevent the physical desecration of the American flag. The gentleman from North Carolina (Mr. WATT) says that the Bill of Rights has never been amended. It may be that the words have never been changed, but the United States Supreme Court on many, many, many occasions has amended the first amendment and other provisions in the Bill of Rights by changing the meaning of those words. This is one of those such occasions.

For 200 years, many Supreme Court Justices opined that flag desecration laws which were in effect in 49 States were not in violation of the first amendment of the Constitution. This is in defiance of the will of the overwhelming majority of the American people, the will of the overwhelming majority of the State legislatures, and as we will see later today, the will of the overwhelming majority of the United States Congress.

Clearly, free speech goes beyond the written or spoken word to include other forms of expression, including the wearing of symbols and other actions. However, not all actions constitute free speech, and I am hardly alone in asserting that flag desecration is not speech to be protected under the first amendment. In 1989, the United States Supreme Court in *Texas v. Johnson* unilaterally invalidated flag protection laws in 48 States and the District of Columbia, overturning 100 years of Federal and State precedent, banning the physical desecration of the American flag. When that occurs, and when the people and the Congress believe that is wrong, it is a constitutional amendment that corrects the error of the Supreme Court.

Following this decision for the first time in our Nation's history, an overwhelming 49 State legislatures petitioned Congress to send a flag desecration amendment to the States for ratification. The physical desecration of the American flag constitutes an assault on the most deeply shared experiences of the American people. Our flag is more than a piece of cloth; it is a symbol of our freedom. It represents the sacrifices of those who gave their lives to win and preserve freedom.

There have been those who have gone unarmed into battle carrying the flag, and many have died to keep the flag from falling into the hands of our enemies. To burn a flag in front of a veteran or someone else who has put his

or her life on the line for their country is an act not deserving protection.

Our Nation is unique in the world because our citizens represent a variety of heritages, religions, ethnicities, and political viewpoints. Indeed, we debate our differences openly and vigorously; yet we can always look to the flag and remember that we share certain core values that bind us together as a people.

For over 200 years, our flag has flown proudly over our Nation, a visible promise of our commitment to the preservation and expansion of democracy. However, symbols, like values, are eroded gradually. Each time they are desecrated, their symbolism is diminished. We must act now to protect one of our Nation's most sacred symbols because the Supreme Court has struck down Congress' effort to protect the flag by statute. It is now necessary to amend the Constitution to give Congress the authority to protect the flag.

Supreme Court Justices as varied as William Rehnquist, Warren Burger, and Hugo Black have all recognized the appropriateness of these desecration statutes that were struck down by the Court.

I urge my colleagues to support H.J. Res. 10.

Of course, words or other forms of expression do not have to be correct in order to be protected. And clearly, free speech goes beyond the written or spoken word to include other forms of expression, including the wearing of symbols and other actions. Not all actions constitute free speech, and I am hardly alone in asserting that flag desecration isn't free speech to be protected under the First Amendment.

"I believe that the states and federal government do have the power to protect the flag from acts of desecration and disgrace," wrote former Chief Justice Earl Warren. This view is shared by many past and present justices of the U.S. Supreme Court across the ideological spectrum, including Hugo Black, Abe Fortas, Byron White, John Paul Stevens, Sandra Day O'Connor and current Chief Justice William Rehnquist. These eminent men and women haven't taken a merely political stance based upon "shallow assumptions" or "perilously sloppy thinking." Rather, they rely upon well-established principles.

"Surely one of the high purposes of a democratic society," wrote Rehnquist, "is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people whether it be murder, embezzlement, pollution or flag burning." Free speech isn't the right to do anything you want to do anytime you want to do it. Rather, it's a precious liberty founded in law—a freedom preserved by respect for the rights of others.

To say that society isn't entitled to establish rules of behavior governing its members is either to abandon any meaningful definition of civilization or to believe that civilization can survive without regard to the feelings or decent treatment of others. To burn a flag in front of a veteran or someone else who has put his or her life on the line for their country is a despicable act not deserving protection.

It's well-established that certain types of speech may be prevented under some cir-

cumstances, including lewd, obscene, profane, libelous, insulting or fighting words. When it comes to actions, the proscriptions may be even broader. That's where I have voted to put flag desecration—back where 48 state legislatures thought it was when they passed laws prohibiting it.

This amendment doesn't, in any way, alter the First Amendment. It simply corrects a misguided court interpretation of that amendment. As Justice Rehnquist eloquently observed in concluding his dissent: "Uncritical extension of constitutional protection to the burning of the flag risks the frustration of the very purpose for which organized governments are instituted . . . The government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight." I am proud to play a part in trying to right that wrong.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to filibuster because I am waiting for some Members who would like to speak on this.

Let me respond to the comments of the gentleman from Virginia (Mr. GOODLATTE) that the Supreme Court has amended the Bill of Rights on a number of occasions. It did not amend the language of the Bill of Rights. It amended the interpretation of the Bill of Rights.

On a number of those occasions I have been really unhappy about the way the Supreme Court ruled and took away a right that I thought I had. I suspect if there were ever anybody in this institution who would be, should be railing against the Supreme Court, either the current Supreme Court or Supreme Courts throughout history, it might be the members of the Congressional Black Caucus who would have the highest standing and right to do that because in a number of cases the Supreme Court has ruled in ways that were absolutely counter to our interest.

I just want my colleagues to understand that this document that our drafters crafted for us has survived so much the test of time, the comings and goings of members of the Supreme Court differing in interpretations, as the gentleman from Virginia (Mr. GOODLATTE) said. If you want to look at it, they rewrote the Bill of Rights, but never changed the words.

I do not think that every time you get a Supreme Court decision that you disagree with in this country the way to resolve or to express your disagreement is to come to the Congress of the United States and propose that we amend the entire constitutional framework that we are operating under. I do not think that is the way to do it. Sometimes you win; sometimes you lose. Sometimes you have a progressive Supreme Court; sometimes you have a conservative Supreme Court. That does not mean that you do not go back and try to statutorily do what you think that you need to do to amend statutes, but amending our Constitution is an entirely different thing.

So one side of me says this is not a good idea to be amending the Constitution in this way. The other side of me really says this amendment has been made out to be a lot more than it really is because by saying that Congress can pass a statute that prohibits the physical desecration of the flag does not give us any more authority than we now have. We can pass a statute right now that prohibits the physical desecration of the flag.

The question is what would the United States Supreme Court say about that statute once it worked its way through the process and up to the United States Supreme Court. And if we pass this amendment, having amended for the first time in 200 years our Bill of Rights, gone through the whole process, the Supreme Court is still going to have the same right to do that.

This is a great, great discussion vehicle. As I said, I used to resent coming here and engaging in this debate every year or every 2 years. It always comes right before July 4. Somebody is always trying to make a political point. Democrats used to be saying Republicans were unpatriotic. Republicans used to be saying Democrats are unpatriotic. Now people are going whichever way they want to go. This is not a Republican or a Democratic amendment; this is a constitutional amendment. Democrats and Republicans have to exist in our constitutional framework. We have got to operate within our system. That is what I think this is about.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I am a little ashamed to confess my mother is around the age of the gentleman from North Carolina (Mr. WATT). My mother used to tell me stories when she was a young woman in the segregated South that she would drive through parts of rural and western Alabama and that she would see crosses burned. My grandmother used to tell me stories that after *Brown v. Board of Education*, she remembers riding through parts of rural Alabama and seeing crosses burned.

The interesting thing about that is the burning of those crosses did not keep a single black child out of a public school. The burning of those crosses, frankly, did nothing to slow down the march of justice in this country over the 40-or-so years I have been around. I think that is relevant to this debate today.

Mr. Speaker, 15 years ago the U.S. Supreme Court would not let Congress ban flag-burning. And here we stand 15 years later in a country that is still deeply patriotic, a country that is still full of love of Americans toward each other. Frankly, I would submit in this last 4 or 5 years we have seen a rising tide of patriotism. We feel a greater faith in each other and a greater faith in our fighting forces now than we ever

have. I wish advocates of this amendment understood we have won this battle. Those of us who believe in this country, those of us who believe in its decency, and those of us who believe in its power, we have won. Within our borders, we have won.

The people who would burn flags, just like the people who would burn crosses, have lost. And not only have they lost; they have been thrashed. They have been banished to the margins. They are not a legitimate part of our political debate. They are not acceptable viewpoints to most of us.

I wish we understood that every time we think about saying that one kind of speech is so obnoxious or so offensive that we ought to get rid of it, every time we even let ourselves think that, we would be so much better off if we trust in our better angels, because the best angels in our nature tell us that flag burners are wrong. They tell us that the instinct behind them is wrong and we have prevailed.

There is a reason we have had this 230-year constitutional tradition. It is because we have been strong enough and powerful enough and our values have been deep enough to withstand even the worst of ideas.

I thank the gentleman for offering this amendment and for calling us back to an understanding that even this august institution is limited by the United States Supreme Court, and that even the best values that we pronounce in this Chamber are limited by our Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I rise in opposition to the Watt amendment and support H.J. Res. 10.

It is interesting that we are hearing about freedom of speech right now. I was interested because yesterday in my district the ACLU, which holds itself as the arbiter of all freedom of speech in the Nation and in the world, actually shut down all comments from their own local chapter because one person was speaking out on an issue that they did not want him to speak on with their name hooked onto it. So the ACLU yesterday in the Second Congressional District of New Mexico actually said no freedom of speech is allowed if you are an ACLU officer.

□ 1300

Freedom of speech, we have also seen it compromised in our schools. We can talk about certain religions in schools, but we cannot talk about Christian religions in school and we find that the American public is saying, Why? Why can we not defend this sacred symbol of our freedom? It is not a difficult issue. When I see these World War II veterans coming to me with tears in their eyes knowing they are in the last year or two of their lives and saying, Why can't we do this finally, it is not a complicated issue. They do not see things in the complex legal arguments on the

floor of this House or in the Supreme Court.

Mr. Speaker, we do recognize that symbols do mean more than what they actually stand for. Look at the debate right now in Guantanamo Bay. It is being said by the same people who want the freedom of speech to desecrate the symbol of our flag that we should not have the freedom to desecrate the Koran or even allege that it has been desecrated.

Mr. Speaker, it is time that we recognize that a symbol is more important than the actual fabric that it is made of. It is time for us to pass this constitutional amendment, to reject the substitute amendment, and to bring clarity to this issue where 50 States have passed resolutions asking us to get clarity. It is time for the Congress to speak in the way that the majority of Americans would have them to speak. I support the amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the major argument that we have heard against the base amendment and in favor of the Watt substitute is that if we do not pass the Watt substitute, we will be amending the Bill of Rights for the first time in the history of this country. That is not true. In the Dred Scott decision, Chief Justice Taney claimed that the fifth amendment's due process clause, which he interpreted to include a substantive right to the protection of property, prohibited restrictions on slave ownership. The three amendments that were passed during the Civil War, the 13th, 14th and 15th amendments, corrected that gross constitutional misinterpretation and it slammed the door shut so tightly that that issue never has been raised again; and our country has been much, much better for it.

In a similar manner, House Joint Resolution 10 seeks to correct two Supreme Court precedents that repudiated 2 centuries of jurisprudence. The time to correct those two precedents is today. We must vote against the Watt substitute amendment which guts the thrust of House Joint Resolution 10 and then pass House Joint Resolution 10 by a two-thirds majority to send it to the other body.

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

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 330, the previous question is ordered on the joint resolution and on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WATT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 129, nays 279, not voting 25, as follows:

[Roll No. 293]

YEAS—129

Abercrombie	Grijalva	Olver
Ackerman	Gutierrez	Owens
Allen	Hastings (FL)	Pallone
Andrews	Hinchey	Pastor
Baird	Holt	Paul
Baldwin	Honda	Payne
Berman	Hoolley	Pelosi
Blumenauer	Inslee	Price (NC)
Boucher	Israel	Roybal-Allard
Brady (PA)	Jackson (IL)	Ruppersberger
Brown, Corrine	Jefferson	Rush
Butterfield	Johnson, E. B.	Ryan (OH)
Capps	Jones (OH)	Sabo
Capuano	Kaptur	Sánchez, Linda
Cardin	Kennedy (RI)	T.
Carnahan	Kilpatrick (MI)	Sanchez, Loretta
Carson	Kind	Sanders
Clay	Larsen (WA)	Schakowsky
Cleaver	Larson (CT)	Schiff
Clyburn	Leach	Scott (VA)
Conyers	Lofgren, Zoe	Slaughter
Cooper	Lowey	Solis
Costa	Maloney	Spratt
Cummings	Matheson	Stark
Davis (AL)	Matsui	Tanner
Davis (CA)	McCollum (MN)	Tauscher
Davis (IL)	McDermott	Thompson (CA)
DeFazio	McGovern	Thompson (MS)
Delahunt	McKinney	Tierney
DeLauro	McNulty	Towns
Dicks	Meehan	Udall (CO)
Dingell	Meek (FL)	Udall (NM)
Doyle	Meeks (NY)	Van Hollen
Emanuel	Millender-	Velázquez
Engel	McDonald	Viscloskey
Eshoo	Miller (NC)	Wasserman
Etheridge	Miller, George	Schultz
Evans	Moore (KS)	Watson
Farr	Moran (VA)	Watt
Fattah	Nadler	Waxman
Filner	Napolitano	Weiner
Gilchrest	Neal (MA)	Wexler
Gonzalez	Oberstar	Woolsey
Green, Al	Obey	Wu

NAYS—279

Aderholt	Cardoza	Forbes
Akin	Case	Ford
Alexander	Castle	Fortenberry
Baca	Chabot	Fossella
Bachus	Chandler	Fox
Baker	Chocola	Franks (AZ)
Barrett (SC)	Coble	Frelinghuysen
Barrow	Cole (OK)	Galleghy
Bartlett (MD)	Costello	Garrett (NJ)
Bass	Cox	Gerlach
Bean	Cramer	Gibbons
Beauprez	Crenshaw	Gillmor
Berkley	Crowley	Gingrey
Berry	Cubin	Goode
Biggart	Cuellar	Goodlatte
Bilirakis	Culberson	Gordon
Bishop (GA)	Cunningham	Granger
Bishop (NY)	Davis (FL)	Graves
Bishop (UT)	Davis (KY)	Green (WI)
Blackburn	Davis (TN)	Green, Gene
Blunt	Davis, Jo Ann	Gutknecht
Boehlert	Davis, Tom	Hall
Boehner	Deal (GA)	Harman
Bonilla	DeGette	Harris
Bono	Dent	Hart
Boozman	Diaz-Balart, L.	Hastings (WA)
Boren	Diaz-Balart, M.	Hayes
Boswell	Doolittle	Hayworth
Boustany	Drake	Hefley
Bradley (NH)	Dreier	Hensarling
Brady (TX)	Duncan	Herger
Brown (OH)	Edwards	Higgins
Brown (SC)	Ehlers	Hobson
Burgess	Emerson	Hoekstra
Burton (IN)	English (PA)	Holden
Buyer	Everett	Hostettler
Calvert	Feeney	Hoyer
Camp	Ferguson	Hulshof
Cannon	Fitzpatrick (PA)	Hunter
Cantor	Flake	Hyde
Capito	Foley	Inglis (SC)

Issa	Michaud	Schwartz (PA)
Istook	Miller (FL)	Schwarz (MI)
Jenkins	Miller (MI)	Scott (GA)
Jindal	Miller, Gary	Sensenbrenner
Johnson (CT)	Mollohan	Serrano
Johnson (IL)	Moore (WI)	Sessions
Johnson, Sam	Moran (KS)	Shadegg
Jones (NC)	Murphy	Shaw
Kanjorski	Musgrave	Shays
Keller	Myrick	Sherman
Kelly	Neugebauer	Sherwood
Kennedy (MN)	Northup	Shimkus
Kildee	Norwood	Shuster
King (IA)	Nunes	Simmons
King (NY)	Nussle	Simpson
Kingston	Ortiz	Skelton
Kirk	Osborne	Smith (NJ)
Kline	Otter	Smith (WA)
Knollenberg	Pascarell	Snyder
Kolbe	Pearce	Sodrel
Kucinich	Pence	Souder
Kuhl (NY)	Peterson (MN)	Stearns
LaHood	Peterson (PA)	Strickland
Langevin	Petri	Stupak
Lantos	Pitts	Sullivan
Latham	Platts	Sweeney
LaTourette	Poe	Tancredo
Lee	Pombo	Porter
Levin	Price (GA)	Taylor (MS)
Lewis (CA)	Pryce (OH)	Taylor (NC)
Lewis (KY)	Putnam	Terry
Linder	Radanovich	Thornberry
Lipinski	Rahall	Tiahrt
LoBiondo	Ramstad	Tiberi
Lucas	Regula	Turner
Lungren, Daniel	Rehberg	Upton
E.	Reichert	Walden (OR)
Lynch	Renzi	Walsh
Mack	Reyes	Wamp
Manzullo	Reynolds	Waters
Markey	Rogers (AL)	Weldon (FL)
Marshall	Rogers (KY)	Weldon (PA)
McCarthy	Rogers (MI)	Weller
McCotter	Rohrabacher	Westmoreland
McCrery	Ros-Lehtinen	Whitfield
McHenry	Ross	Wicker
McHugh	Rothman	Wilson (NM)
McIntyre	Royce	Wilson (SC)
McKeon	Ryan (WI)	Wolf
McMorris	Ryan (KS)	Wynn
Melancon	Salazar	Young (AK)
Menendez	Saxton	Young (FL)
Mica		

NOT VOTING—25

Barton (TX)	Doggett	McCaul (TX)
Becerra	Frank (MA)	Murtha
Bonner	Gohmert	Ney
Boyd	Herseth	Oxley
Brown-Waite,	Hinojosa	Pickering
Ginny	Jackson-Lee	Pomeroy
Carter	(TX)	Rangel
Conaway	Lewis (GA)	Smith (TX)
DeLay	Marchant	Thomas

□ 1328

Messrs. NEUGEBAUER, KOLBE, FLAKE, CROWLEY, LANTOS, COSTELLO, KUCINICH, and Ms. GRANGER changed their vote from "yea" to "nay."

Ms. ZOE LOFGREN of California and Mr. JEFFERSON changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BECERRA. Mr. Speaker, on Wednesday, June 22, 2005, I was unable to cast my floor vote on rollcall No. 293. The vote I missed was on agreeing to the Watt of North Carolina substitute amendment.

Had I been present for the vote, I would have voted "yea" on rollcall number 293.

Stated against:

Mr. GOHMERT. Mr. Speaker, on rollcall No. 293, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. BASS). The question is on the engross-

ment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

□ 1330

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. BASS). Is the gentleman opposed to the resolution?

Mr. TAYLOR of Mississippi. In its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Taylor of Mississippi moves to recommit H.J. Res. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, line 8, insert "SECTION 1." before "The Congress".

Page 3, line 9, strike the closing quotation marks and the period that follows.

Page 3, after line 9 insert the following:

"SECTION 2. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 3. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 4. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 5. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 6. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 7. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 8. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 9. Sections 2 through 8 of this article shall take effect beginning with fiscal year 2008 or with the second fiscal year beginning after its ratification, whichever is later."

Mr. TAYLOR of Mississippi. Mr. Speaker, given the nature of this motion, I ask unanimous consent that the Clerk read it again.

The SPEAKER pro tempore. Is there objection to the unanimous consent request of the gentleman from Mississippi?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, would the gentleman restate the unanimous consent request.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent, given the gravity of this motion, that the Clerk read the motion again since, apparently, no one on this floor, other than I, know what is in it.

The SPEAKER pro tempore. Is there objection to the Reading Clerk reading the motion to recommit again?

There was no objection.

The SPEAKER pro tempore. The Clerk will proceed.

The Clerk read the motion to recommit.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit is not germane to the original text of the House Joint Resolution 10.

House Joint Resolution 10 proposes an amendment to prohibit the physical desecration of the flag of the United States. The material proposed to be inserted in the motion to recommit, sections 2 and following, has nothing to do with the subject of prohibiting the physical desecration of the flag and, thus, is not germane under the rules of the House.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. TAYLOR of Mississippi. Mr. Speaker, what we are talking about today is a fairly simple thing. The text of the original bill is to give the 50 States the legal authority to, on a state-by-state basis, prevent the desecration of the flag, a symbol of our country. There is something a heck of a lot more serious going on than the desecration of the flag: it is the desecration of our Nation.

In the last 4 years alone, the national debt has increased by \$2.1 trillion. We have taken money out of the Social Security trust fund, \$632 billion out of that trust fund, and used it to run the country, leaving nothing there but an IOU. Money has been taken out of the Federal Employees Retirement System, now a total of \$614 billion.

Mr. Speaker, if any business in America had taken that money out of the employees' trust fund—

The SPEAKER pro tempore. The gentleman from Mississippi will suspend.

The gentleman needs to confine his remarks to the point of order.

The gentleman may proceed.

Mr. TAYLOR of Mississippi. Mr. Speaker, the point of order is, why would we take the time to protect the symbol of our country if we will not take the time to protect the financial future of our country as well? That is my point.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The gentleman from Wisconsin makes a point of order that the instructions contained in the motion to recommit offered by the gentleman from Mississippi are not germane.

One of the central tenets of the germaneness rule, clause 7 of rule XVI, is that one individual proposition is not germane to another individual proposition. The Chair finds that H.J. Res. 10, by proposing a constitutional amendment relating to flag desecration, presents a single, individual proposition.

The Chair also finds that the instructions contained in the motion to recommit offered by the gentleman from Mississippi, by proposing a constitutional amendment relating to the budget of the United States, constitutes a different individual proposition.

Therefore, the Chair concludes that the instructions contained in the motion to recommit are not germane to H.J. Res. 10.

The point of order is sustained and the motion is not in order.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, what is the procedure to appeal the ruling of the Chair? I would like the ability to speak to that, please.

The SPEAKER pro tempore. The ruling of the Chair may be appealed.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am appealing the ruling of the Chair, and I would like to speak to that point.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the appeal.

Mr. TAYLOR of Mississippi. Mr. Speaker, is that debatable?

The SPEAKER pro tempore. It is nondebatable. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is my understanding under the rule passed by the Committee on Rules that the minority is guaranteed a motion to recommit.

The SPEAKER pro tempore. Is the gentleman asking for a recorded vote?

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 194, not voting 17, as follows:

[Roll No. 294]

AYES—222

Aderholt	Barrett (SC)	Bilirakis
Akin	Bartlett (MD)	Bishop (UT)
Alexander	Bass	Blackburn
Bachus	Beauprez	Blunt
Baker	Biggert	Boehlert

Boehner	Harris
Bonilla	Hart
Bono	Hastings (WA)
Boozman	Hayes
Boustany	Hayworth
Bradley (NH)	Hefley
Brady (TX)	Hensarling
Brown (SC)	Herger
Brown-Waite,	Hobson
Ginny	Hoekstra
Burgess	Hostettler
Burton (IN)	Hulshof
Buyer	Hunter
Calvert	Hyde
Camp	Inglis (SC)
Cannon	Issa
Cantor	Istook
Capito	Jenkins
Castle	Jindal
Chabot	Johnson (CT)
Chocola	Johnson (IL)
Coble	Johnson, Sam
Cole (OK)	Jones (NC)
Cox	Keller
Crenshaw	Kelly
Cubin	Kennedy (MN)
Culberson	King (IA)
Cunningham	King (NY)
Davis (KY)	Kingston
Davis, Jo Ann	Kirk
Davis, Tom	Kline
Deal (GA)	Knollenberg
DeLay	Kolbe
Dent	Kuhl (NY)
Diaz-Balart, L.	LaHood
Diaz-Balart, M.	Laatham
Doolittle	LaTourette
Drake	Leach
Dreier	Lewis (CA)
Duncan	Lewis (KY)
Ehlers	Linder
Emerson	LoBiondo
English (PA)	Lucas
Everett	Lungren, Daniel
Feeney	E.
Ferguson	Mack
Fitzpatrick (PA)	Manzullo
Flake	Marchant
Foley	McCotter
Forbes	McCrery
Fortenberry	McHenry
Fossella	McHugh
Fox	McKeon
Franks (AZ)	McMorris
Frelinghuysen	Mica
Gallegly	Miller (FL)
Garrett (NJ)	Miller (MI)
Gerlach	Miller, Gary
Gibbons	Moran (KS)
Gilchrest	Murphy
Gillmor	Musgrave
Gingrey	Myrick
Gohmert	Neugebauer
Goode	Northup
Goodlatte	Norwood
Granger	Nunes
Graves	Nussle
Green (WI)	Osborne
Gutknecht	Otter
Hall	Paul

NOES—194

Abercrombie	Carnahan	Edwards
Ackerman	Carson	Emanuel
Allen	Case	Engel
Andrews	Chandler	Eshoo
Baca	Clay	Etheridge
Baird	Cleaver	Evans
Baldwin	Clyburn	Farr
Barrow	Conyers	Fattah
Bean	Cooper	Filner
Becerra	Costa	Ford
Berkley	Costello	Frank (MA)
Berman	Cramer	Gonzalez
Berry	Crowley	Gordon
Bishop (GA)	Cuellar	Green, Al
Bishop (NY)	Cummings	Green, Gene
Blumenauer	Davis (AL)	Grijalva
Boren	Davis (CA)	Gutierrez
Boswell	Davis (FL)	Harman
Boucher	Davis (IL)	Hastings (FL)
Brady (PA)	Davis (TN)	Higgins
Brown (OH)	DeFazio	Hinchey
Brown, Corrine	DeGette	Holden
Butterfield	Delahunt	Holt
Capps	DeLauro	Honda
Capuano	Dicks	Hooley
Cardin	Dingell	Hoyer
Cardoza	Doyle	Inslee

Israel	Michaud	Schiff
Jackson (IL)	Millender-	Schwartz (PA)
Jefferson	McDonald	Scott (GA)
Johnson, E. B.	Miller (NC)	Scott (VA)
Jones (OH)	Miller, George	Serrano
Kanjorski	Mollohan	Sherman
Kaptur	Moore (KS)	Skelton
Kennedy (RI)	Moore (WI)	Slaughter
Kildee	Moran (VA)	Smith (WA)
Kilpatrick (MI)	Murtha	Snyder
Kind	Nadler	Solis
Kucinich	Napolitano	Spratt
Langevin	Neal (MA)	Stark
Lantos	Oberstar	Strickland
Larsen (WA)	Obey	Stupak
Larson (CT)	Olver	Tanner
Lee	Ortiz	Tauscher
Levin	Owens	Taylor (MS)
Lipinski	Pallone	Thompson (CA)
Lofgren, Zoe	Pascarell	Thompson (MS)
Lowey	Pastor	Tierney
Lynch	Payne	Towns
Maloney	Pelosi	Udall (CO)
Markey	Peterson (MN)	Udall (NM)
Marshall	Price (NC)	Van Hollen
Matheson	Rahall	Velázquez
Matsui	Reyes	Visclosky
McCarthy	Ross	Wasserman
McCollum (MN)	Rothman	Schultz
McDermott	Roybal-Allard	Waters
McGovern	Ruppersberger	Watson
McIntyre	Rush	Watt
McKinney	Ryan (OH)	Waxman
McNulty	Salazar	Weiner
Meehan	Sánchez, Linda	Wexler
Meek (FL)	T.	Woolsey
Meeks (NY)	Sanchez, Loretta	Wu
Melancon	Sanders	Wynn
Menendez	Schakowsky	

NOT VOTING—17

Barton (TX)	Herseth	Ney
Bonner	Hinojosa	Oxley
Boyd	Jackson-Lee	Pomeroy
Carter	(TX)	Rangel
Conaway	Lewis (GA)	Smith (TX)
Doggett	McCaul (TX)	Thomas

□ 1355

Mr. KENNEDY of Rhode Island and Ms. LORETTA SANCHEZ of California changed their vote from “aye” to “no.”

Mr. PICKERING changed his vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BASS). The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, I take it from what just occurred is that I will not be able to offer the amendment to require a balanced budget amendment to the Constitution.

Now, is that the net effect of that vote that just occurred? Because I do have a follow-up.

The SPEAKER pro tempore. The motion to recommit was ruled out of order.

Mr. TAYLOR of Mississippi. Mr. Speaker, having read the rule, it said that the minority was to be given a motion to recommit. If that motion to recommit was ruled out of order, does the minority still have the right to offer another motion to recommit?

The SPEAKER pro tempore. A Member opposed to the bill may offer a proper motion to recommit.

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit. The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of Mississippi. Mr. Speaker, I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Taylor of Mississippi moves to recommit H.J. Res. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, line 8, insert "SECTION 1." before "The Congress".

Page 3, line 9, strike the closing quotation marks and the period that follows.

Page 3, after line 9 insert the following:

"SECTION 2. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund shall not be counted as receipts or outlays of the United States.

"SECTION 3. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 4. Sections 2 and 3 of this Article shall take effect beginning with the first fiscal year beginning at least 180 days after its ratification."

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, this motion is also not germane under House rule XVI, clause 7, because it is one individual proposition attempting to amend another individual proposition.

The base constitutional amendment relates to flag desecration. The amendment proposed in the motion to recommit relates to the Old Age Survivors and Disability Trust Fund and is a separate proposition.

□ 1400

The SPEAKER pro tempore (Mr. BASS). Does the gentleman from Mississippi (Mr. TAYLOR) wish to be heard on the point of order?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

Mr. Speaker, the underlying bill is to prevent the desecration of the flag, the trampling of our flag, the misuse of our flag. The amendment that I have offered is to prevent the wholesale theft and desecration of the Social Security trust fund.

In the past 4 years alone, this Congress, of which I am a part, has taken \$632 billion out of the Social Security trust fund that we promised the citizens we would set aside just for Social Security payments and used to run the country.

The President has gone all around the country saying we have a crisis, that by 2017 we will be out of money.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) will suspend.

The gentleman needs to confine his remarks to the point of order, and not to debate the substance of the motion to recommit.

Mr. TAYLOR of Mississippi. The point of order is to my colleagues, if you think it is wrong to desecrate the flag, I would hope that you would think it is wrong to misspend money taken out of people's wallets that we promised to spend on their Social Security and to protect that money in the Constitution.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

As in the case of the previous motion, the Chair must adhere to the principle that, to a joint resolution embodying a single individual proposition, an amendment proposing a different proposition, even of the same class, is not germane.

The motion is not in order.

Mr. TAYLOR of Mississippi. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 190, not voting 21, as follows:

[Roll No. 295]

AYES—222

Aderholt	Cannon	Fitzpatrick (PA)
Akin	Cantor	Flake
Alexander	Capito	Foley
Bachus	Castle	Forbes
Baker	Chabot	Fortenberry
Barrett (SC)	Chocola	Fossella
Bartlett (MD)	Coble	Fox
Bass	Cole (OK)	Frank (MA)
Beauprez	Crenshaw	Franks (AZ)
Biggert	Cubin	Frelinghuysen
Bilirakis	Culberson	Gallely
Bishop (UT)	Cunningham	Garrett (NJ)
Blackburn	Davis (KY)	Gerlach
Blunt	Davis, Jo Ann	Gibbons
Boehlert	Davis, Tom	Gilchrest
Boehner	Deal (GA)	Gillmor
Bonilla	DeLay	Gingrey
Bono	Dent	Gohmert
Boozman	Diaz-Balart, L.	Goode
Boustany	Diaz-Balart, M.	Goodlatte
Bradley (NH)	Doolittle	Granger
Brady (TX)	Drake	Graves
Brown (SC)	Dreier	Green (WI)
Brown-Waite,	Duncan	Gutknecht
Ginny	Ehlers	Hall
Burgess	Emerson	Harris
Burton (IN)	English (PA)	Hart
Buyer	Everett	Hastings (WA)
Calvert	Feeney	Hayes
Camp	Ferguson	Hayworth

Hefley	McHenry	Royce
Hensarling	McHugh	Ryan (WI)
Herger	McKeon	Ryun (KS)
Hobson	McMorris	Sabo
Hoekstra	Mica	Saxton
Hostettler	Miller (FL)	Schwarz (MI)
Hulshof	Miller (MI)	Sensenbrenner
Hunter	Miller, Gary	Sessions
Hyde	Moran (KS)	Shadegg
Inglis (SC)	Murphy	Shaw
Issa	Musgrave	Shays
Istook	Myrick	Sherwood
Jenkins	Neugebauer	Shimkus
Jindal	Northup	Shuster
Johnson (CT)	Norwood	Simmons
Johnson (IL)	Nunes	Simpson
Johnson, Sam	Nussle	Smith (NJ)
Jones (NC)	Osborne	Sodrel
Keller	Otter	Souder
Kelly	Paul	Stearns
Kennedy (MN)	Pearce	Sullivan
King (IA)	Pence	Sweeney
King (NY)	Peterson (PA)	Tancredo
Kingston	Petri	Taylor (NC)
Kirk	Pickering	Terry
Kline	Pitts	Thornberry
Knollenberg	Platts	Tiahrt
Kolbe	Poe	Tiberi
Kuhl (NY)	Pombo	Turner
LaHood	Porter	Upton
Latham	Price (GA)	Walden (OR)
LaTourette	Pryce (OH)	Walsh
Leach	Putnam	Wamp
Lewis (CA)	Radanovich	Weldon (FL)
Lewis (KY)	Ramstad	Weldon (PA)
Linder	Regula	Weller
LoBiondo	Rehberg	Westmoreland
Lucas	Reichert	Whitfield
Lungren, Daniel	Renzi	Wicker
E.	Reynolds	Wilson (NM)
Mack	Rogers (AL)	Wilson (SC)
Manzullo	Rogers (KY)	Wolf
Marchant	Rogers (MI)	Young (AK)
McCotter	Rohrabacher	Young (FL)
McCrery	Ros-Lehtinen	

NOES—190

Abercrombie	Dingell	Marshall
Ackerman	Doyle	Matheson
Allen	Edwards	Matsui
Andrews	Emanuel	McCarthy
Baca	Engel	McCollum (MN)
Baird	Eshoo	McDermott
Baldwin	Etheridge	McGovern
Barrow	Evans	McIntyre
Bean	Farr	McKinney
Becerra	Fattah	McNulty
Berkley	Filner	Meehan
Berman	Ford	Meek (FL)
Berry	Gonzalez	Meeks (NY)
Bishop (GA)	Gordon	Melancon
Bishop (NY)	Green, Al	Menendez
Blumenauer	Green, Gene	Michaud
Boren	Grijalva	Millender-
Boswell	Gutierrez	McDonald
Boucher	Harman	Miller (NC)
Brady (PA)	Hastings (FL)	Miller, George
Brown (OH)	Higgins	Mollohan
Brown, Corrine	Hinchey	Moore (KS)
Butterfield	Holden	Moore (WI)
Capps	Holt	Moran (VA)
Capuano	Honda	Nadler
Cardin	Hooley	Napolitano
Cardoza	Hoyer	Neal (MA)
Carnahan	Inlee	Oberstar
Carson	Israel	Obey
Case	Jackson (IL)	Olver
Chandler	Jefferson	Ortiz
Clay	Johnson, E. B.	Owens
Cleaver	Jones (OH)	Pallone
Clyburn	Kanjorski	Pascarell
Conyers	Kaptur	Pastor
Cooper	Kennedy (RI)	Pelosi
Costa	Kildee	Peterson (MN)
Costello	Kilpatrick (MI)	Price (NC)
Cramer	Kind	Rahall
Crowley	Kucinich	Reyes
Cuellar	Langevin	Ross
Cummings	Lantos	Rothman
Davis (AL)	Larsen (WA)	Roybal-Allard
Davis (CA)	Larson (CT)	Ruppersberger
Davis (FL)	Lee	Rush
Davis (IL)	Levin	Ryan (OH)
Davis (TN)	Lipinski	Salazar
DeFazio	Lofgren, Zoe	Sanchez, Linda
DeGette	Lowey	T.
Delahunt	Lynch	Sanchez, Loretta
DeLauro	Maloney	Sanders
Dicks	Markey	Schakowsky

Schiff	Strickland	Visclosky
Schwartz (PA)	Stupak	Wasserman
Scott (GA)	Tanner	Schultz
Scott (VA)	Tauscher	Waters
Serrano	Taylor (MS)	Watson
Sherman	Thompson (CA)	Watt
Skelton	Thompson (MS)	Waxman
Slaughter	Tierney	Wexler
Smith (WA)	Towns	Woolsey
Snyder	Udall (CO)	Wu
Solis	Udall (NM)	Wynn
Spratt	Van Hollen	
Stark	Velázquez	

NOT VOTING—21

Barton (TX)	Hinojosa	Payne
Bonner	Jackson-Lee	Pomeroy
Boyd	(TX)	Rangel
Carter	Lewis (GA)	Smith (TX)
Conaway	McCaul (TX)	Thomas
Cox	Murtha	Weiner
Doggett	Ney	
Herseth	Oxley	

□ 1418

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TAYLOR of Mississippi. Mr. Speaker, in the interests of moving things along, I ask unanimous consent to engage the gentleman from Wisconsin (Mr. SENSENBRENNER) in about a 3-minute colloquy.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 3 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, to the gentleman from Wisconsin, you have, using the power of the majority, blocked the vote on a constitutional amendment to balance the budget and the constitutional amendment to vote to protect the Social Security trust fund.

Now, I have additional motions at the desk. The next one would be a constitutional amendment to protect the Medicare trust fund. Would it be your intention to object to that as well and prevent a vote on this House floor?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the points of order that the gentleman from Wisconsin has been raising have been pursuant to House rules, and we should not be waiving the rules relative to the germaneness of motions to recommit.

Should the gentleman from Mississippi offer more nongermane motions to recommit, then I think it is incumbent upon me, as the manager of the bill, to raise a point of order, should the rules of the House be violated by the motion to recommit, as they have been in the past.

Mr. TAYLOR of Mississippi. Mr. Speaker, reclaiming my time, I would remind the Members of this body that this bill came to the floor waiving all points of order.

The Medicare prescription drug bill that is going to increase the national

debt by \$1.5 billion came to the floor waiving all points of order.

We have acquired \$2.1 billion worth of new debt in just the past 4 years, waiving all points of order.

But if the gentleman is going to insist on not allowing a vote to protect the constitutional amendment to balance the budget, not allowing a vote to protect the Social Security trust fund, and not allowing a vote to protect the Medicare trust fund, I see no further reason other than to point out that I really thought the Republican majority meant it when they passed the Contract with America, that they said they would balance the budget.

I gave you an opportunity to do just that. I hope the Speaker will give us an opportunity in the near future for you guys to live up to your promises.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 286, nays 130, not voting 18, as follows:

[Roll No. 296]

YEAS—286

Aderholt	Clyburn	Goodlatte
Akin	Coble	Gordon
Alexander	Cole (OK)	Granger
Andrews	Costa	Graves
Baca	Costello	Green (WI)
Bachus	Cox	Green, Gene
Baird	Cramer	Gutknecht
Baker	Crenshaw	Hall
Barrett (SC)	Crowley	Harman
Barrow	Cubin	Harris
Bartlett (MD)	Cuellar	Hart
Bass	Culberson	Hastert
Bean	Cunningham	Hastings (WA)
Beauprez	Davis (FL)	Hayes
Berkley	Davis (KY)	Hayworth
Berry	Davis (TN)	Hefley
Biggart	Davis, Jo Ann	Hensarling
Bilirakis	Davis, Tom	Herger
Bishop (GA)	Deal (GA)	Higgins
Bishop (NY)	Delahunt	Hobson
Bishop (UT)	DeLay	Holden
Blackburn	Dent	Hostettler
Blunt	Diaz-Balart, L.	Hulshof
Boehlert	Diaz-Balart, M.	Hunter
Boehner	Doolittle	Hyde
Bonilla	Doyle	Inglis (SC)
Bono	Drake	Issa
Boozman	Duncan	Istook
Boren	Edwards	Jefferson
Boswell	Emerson	Jenkins
Boustany	English (PA)	Jindal
Bradley (NH)	Etheridge	Johnson (CT)
Brown (OH)	Everett	Johnson (IL)
Brown (SC)	Feeney	Johnson, Sam
Brown, Corrine	Ferguson	Jones (NC)
Brown-Waite,	Fitzpatrick (PA)	Kanjorski
Ginny	Foley	Kaptur
Burgess	Forbes	Keller
Burton (IN)	Ford	Kelly
Buyer	Fortenberry	Kennedy (MN)
Calvert	Fossella	Kildee
Camp	Fox	King (IA)
Cannon	Franks (AZ)	King (NY)
Cantor	Frelinghuysen	Kingston
Capito	Gallegly	Kirk
Capps	Garrett (NJ)	Kline
Cardoza	Gerlach	Knollenberg
Carnahan	Gibbons	Kuhl (NY)
Castle	Gillmor	LaHood
Chabot	Gingrey	Langevin
Chandler	Gohmert	Lantos
Chocola	Goode	Larson (CT)

Latham	Ortiz	Shaw
LaTourette	Osborne	Sherman
Lewis (CA)	Otter	Sherwood
Lewis (KY)	Pallone	Shimkus
Linder	Pascrell	Shuster
Lipinski	Pearce	Simmons
LoBiondo	Pence	Simpson
Lucas	Peterson (MN)	Skelton
Lungren, Daniel	Peterson (PA)	Smith (NJ)
E.	Pickering	Smith (WA)
Lynch	Pitts	Sodrel
Mack	Platts	Souder
Manzullo	Poe	Spratt
Marchant	Pombo	Stearns
Marshall	Porter	Strickland
McCarthy	Price (GA)	Stupak
McCotter	Pryce (OH)	Sullivan
McCrery	Putnam	Sweeney
McGovern	Radanovich	Tancred
McHenry	Rahall	Taylor (MS)
McHugh	Ramstad	Taylor (NC)
McIntyre	Regula	Terry
McKeon	Rehberg	Thompson (MS)
McMorris	Reichert	Thornberry
McNulty	Renzi	Tiahrt
Melancon	Reyes	Tiberi
Menendez	Reynolds	Towns
Mica	Rogers (AL)	Turner
Michaud	Rogers (KY)	Upton
Miller (FL)	Rogers (MI)	Walden (OR)
Miller (MI)	Rohrabacher	Walsh
Miller, Gary	Ros-Lehtinen	Wamp
Mollohan	Ross	Weldon (FL)
Moran (KS)	Rothman	Weldon (PA)
Murphy	Royce	Weller
Murtha	Ruppersberger	Westmoreland
Musgrave	Ryan (WI)	Whitfield
Myrick	Ryun (KS)	Wicker
Neal (MA)	Salazar	Wilson (NM)
Neugebauer	Sanchez, Loretta	Wilson (SC)
Northup	Saxton	Wolf
Norwood	Scott (GA)	Wynn
Nunes	Sensenbrenner	Young (AK)
Nussle	Sessions	Young (FL)

NAYS—130

Abercrombie	Hoekstra	Paul
Ackerman	Holt	Payne
Allen	Honda	Pelosi
Baldwin	Hookey	Petri
Becerra	Hoyer	Price (NC)
Berman	Inslee	Roybal-Allard
Blumenauer	Israel	Rush
Boucher	Jackson (IL)	Ryan (OH)
Brady (PA)	Johnson, E. B.	Sabo
Butterfield	Jones (OH)	Sanchez, Linda
Capuano	Kennedy (RI)	T.
Cardin	Kilpatrick (MI)	Sanders
Carson	Kind	Schakowsky
Case	Kolbe	Schiff
Clay	Kucinich	Schwartz (PA)
Cleaver	Larsen (WA)	Schwarz (MI)
Conyers	Leach	Scott (VA)
Cooper	Lee	Serrano
Cummings	Levin	Shadegg
Davis (AL)	Lofgren, Zoe	Shays
Davis (CA)	Lowey	Slaughter
Davis (IL)	Maloney	Snyder
DeFazio	Markey	Solis
DeGette	Matheson	Stark
DeLauro	Matsui	Tanner
Dicks	McCollum (MN)	Tauscher
Dingell	McDermott	Thompson (CA)
Dreier	McKinney	Tierney
Ehlers	Meehan	Udall (CO)
Emanuel	Meek (FL)	Udall (NM)
Engel	Meeks (NY)	Van Hollen
Eshoo	Millender	Velázquez
Evans	McDonald	Visclosky
Farr	Miller (NC)	Wasserman
Fattah	Miller, George	Schultz
Filner	Moore (KS)	Waters
Flake	Moore (WI)	Watson
Frank (MA)	Moran (VA)	Watt
Gilchrest	Nadler	Waxman
Gonzalez	Napolitano	Weiner
Green, Al	Oberstar	Wexler
Grijalva	Obey	Woolsey
Gutierrez	Olver	Wu
Hastings (FL)	Owens	
Hinchey	Pastor	

NOT VOTING—18

Barton (TX)	Conaway	Jackson-Lee
Bonner	Doggett	(TX)
Boyd	Herseth	Lewis (GA)
Brady (TX)	Hinojosa	McCaul (TX)
Carter		

Ney
Oxley

Pomeroy
Rangel

Smith (TX)
Thomas

□ 1440

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONAWAY. Mr. Speaker, I was detained and unable to cast a vote on H.J. Res. 10 on June 22, 2005. I was in Brownwood, Texas attending the funeral of Lance Corporal Mario Castillo, a Marine from the 11th District of Texas. Please let the RECORD reflect that had I been here, I would have voted "yea."

PROVIDING FOR CONSIDERATION
OF H.R. 2985, LEGISLATIVE
BRANCH APPROPRIATIONS ACT,
2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 334

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose

of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, H. Res. 334 is a structured rule that provides for the consideration of H.R. 2985, the fiscal year 2006 Legislative Branch Appropriations Act, as well as five amendments. The rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member on the Committee on Appropriations. It also provides for one motion to recommit with or without instructions.

Mr. Speaker, the legislation before us today appropriates \$2.87 billion for the operations of the legislative branch of government. The bill is fiscally sound and includes a modest 1.7 percent increase from the last fiscal year. It provides over a billion dollars for the operation of this House of Representatives.

□ 1445

This includes funds for Members' representational allowances, leadership, and committee offices. These funds will help our Members fulfill their duties to legislate, represent their constituencies, and oversee the executive branch. These funds are very important in that they provide for that possibility, which is constitutionally mandated, Mr. Speaker, oversight of the executive branch. The Constitution grants Congress broad powers that include the oversight power. This includes getting to know what the executive branch is doing, how programs are being administered, by whom and at what cost, and whether officials are obeying the law and complying with legislative intent.

For the Capitol Police, the bill appropriates over \$239 million. Also included is an Inspector General for the Capitol Police to help them with their financial management.

The bill also includes an important piece of legislation, H.R. 841, the Continuity in Representation Act of 2005. As we all know, on September 11, 2001, Flight 93 was headed toward Washington, D.C. If it were not for the truly heroic acts of the passengers on that flight, we could have been facing a situation where Congress would not have been able to function.

We have to do everything possible, Mr. Speaker, to prevent this from being a possibility even in the future. H.R. 841 would accelerate elections in case of a terrorist attack on the House of Representatives, in case such a terrorist attack left the House with over 100 vacancies. It provides for the expedited special election of new Members to fill seats left vacant in extraordinary circumstances.

The House of Representatives passed this bill earlier this year by an overwhelming bipartisan margin of 329-68. In the 108th Congress, the House passed a similar bill, H.R. 2844, by a vote of 306-97. However, each time the Senate has failed to consider this vital piece of legislation. I think it is time that we have legislation that can handle such a horrible possibility and does not leave our constitutional duty to legislate and oversee in limbo.

Mr. Speaker, H.R. 2985 was introduced by Chairman LEWIS and reported out of the Appropriations Committee on June 20 by voice vote. It is a good bill, essential to our continued ability to legislate, to our power of oversight, and to the continuity of our government. I would like to thank the chairman and the ranking member of the Appropriations Committee for their leadership on this important issue, as well as the subcommittee. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, we are here to debate the rule governing the debate for the fiscal year 2006 legislative branch appropriations measure. Through this bill, we will fund the operations for our institution and the many supporting bodies that we rely upon, such as the Library of Congress, the Government Accountability Office, and the Congressional Budget Office.

While I will ultimately support the underlying bill, I would first like to address a few aspects of the rule about which I have serious concerns, specifically, the committee's addition of legislative language providing for the continuity of Congress. One of the results of September 11, and we all agree, is that we need a mechanism to allow States to replace Members of Congress in the event of a major disaster. However, adding continuity language in the manner we are today is inappropriate.

While I am pleased that the Rules Committee voted to allow debate on the Baird amendment to remove this language from the bill, I am disappointed that this language was included in the bill at all. Legislation that will have a major impact on the representation of the American people, as this language unquestionably will, should be completely and thoroughly debated in an atmosphere conducive to debate. This proposal should be addressed in the same way any other authorizing legislation would be and as it was when the House passed this measure earlier this year in a stand-alone bill.

But the Republican leadership has decided otherwise, and I raise the question that if we are to discuss this weighty issue today, why then would the Rules Committee not allow an amendment by the gentleman from Massachusetts (Mr. TIERNEY) which would set up a select committee to look into contracting abuses in the Iraq war? To date, \$9 billion is missing or unaccounted for in appropriated funds for the Iraq war. This is an issue of equal significance, especially as we consider the tight budget constraints Congress faces.

Regardless of how one would vote on the amendment itself, this idea deserves the same consideration and debate as the continuity of Congress measure. I am disappointed that this amendment was not made in order as well.

Mr. Speaker, I look forward to resuming the debate on the issue of the continuity of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

This is an eminently fair rule. With regard to the issue of the continuity of government, twice before legislation has been brought to the floor on that issue, and there has been an extensive debate. So we certainly feel that the House has had a sufficient and very fair opportunity to consider this issue. In addition, as I stated before, the legislation we are bringing to the floor today includes H.R. 841, the Continuity in Representation Act of 2005, that is very specific on this issue. One of the great leaders in the House on the issue of making certain that even in a time, God forbid, of great crisis again in the Nation and specifically in the Congress, the Congress can function, is the chairman of the Committee on Rules.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and thank him for his very strong commitment to this institution and our country. That is really what this legislation is all about. The legislative branch appropriations bill is about the funding for the first branch of government. People often do not focus attention on the realization that article 1 of the U.S. Constitution is in fact the first branch, and we have a very important constitutional responsibility, and that is what this legislation is all about.

As we looked at addressing this rule, it is a very fair and balanced rule which makes in order five amendments, makes in order amendments that will allow for the opportunity to address a wide range of issues that we obviously have a responsibility to address institutionally.

One of the amendments that we chose to make in order is an amendment that was offered by our friend,

the gentleman from Washington (Mr. BAIRD). I believe it important that he again have an opportunity to address an issue that, frankly, has already been addressed by this institution. It has to do with the question of the continuity of Congress. As we sit here, I was just in a meeting with the Attorney General a few minutes ago, Mr. Speaker, and we were talking about September 11 and the PATRIOT Act and the challenges with which we contend on a regular basis, and one of the great tragic challenges that we do not even like to ponder is what would happen if there were to be an attack that would hit this building and that would see the loss of large numbers of Members of the people's House, the United States House of Representatives.

We passed, with nearly every Republican and 122 Democrats supporting, legislation that we call the Continuity of Congress legislation. It calls for special elections to be held on an expedited basis in the districts, where, when we have seen in excess of 100 Members of the United States House of Representatives killed, it would kick into place the structure that would allow for those special elections to take place in those States across the country that have been impacted.

Again, we do not like to think about this, we do not like to think about the possibility of this kind of attack, but we have a responsibility. We have a responsibility to this institution, to the Constitution, and to the American people to do just that. So what we have done is we have said, hold these elections, plan for these elections, and then the United States House of Representatives will remain exactly what it was envisaged as by James Madison, the Father of our Constitution.

He is the author, wrote the Constitution, and spent a great deal of time thinking about these issues. And one of the things that he was very careful about was in realizing that every single Federal office that exists can see someone attain that office by appointment. We all know that in the other body, the United States Senate, the body of the States, if a vacancy occurs, if someone resigns, if they are killed, pass away, whatever, if there is a vacancy, the Governors of States make those appointments.

We all learned in 1973 with the resignation of Spiro Agnew as Vice President that the then-minority leader in the House of Representatives, Gerald Ford, was, by appointment, made Vice President, and then when the resignation of President Nixon took place in 1974, Gerald Ford became President of the United States, having never had a single vote cast for him by the American people other than confirmation in the United States Senate.

The House of Representatives is the only Federal office where you must be elected by the people to serve. That is why this Madisonian vision of making sure that this is the body of the people was maintained. That is what the legis-

lation that we have passed again with a very strong bipartisan vote here is designed to accomplish.

Unfortunately, since March, we have seen this legislation languish in the Senate, and we have not been able to have the kind of success that we believe is important to get what is a House issue addressed. It is not even a Senate issue. It is an issue for the House of Representatives. So what we have done is we have decided that the Appropriations Committee in its great wisdom include this continuity of Congress legislation with the legislative branch appropriations bill. I believe that in so doing, when we pass this bill to the Senate, we will have a chance to put into place very, very important continuity legislation for this institution.

The gentleman from Washington (Mr. BAIRD) sees it differently. He would like to amend the U.S. Constitution, an amendment to the Constitution that would call for Members of the House of Representatives to serve here in a way that is other than an elective capacity. They would be appointed to serve here. I just think that that goes clearly against James Madison's vision for this institution, and I hope very much that we are able to maintain the language that has passed again with strong bipartisan support and is included in this.

But there will be an amendment that is offered by the gentleman from Washington to strike that, and I am going to urge my colleagues to oppose that amendment that he will be offering.

Again, if you look at the level of funding that we have for the legislative branch appropriations bill, it is actually lower than was requested by the President in his budget. So this is a very fiscally responsible bill. I believe that it is a correct measure for us to take. I urge support of this rule, it makes a number of amendments in order, and support of the bill itself.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise in opposition to the rule. Regrettably, although the Rules Committee apparently found it in order to allow in the continuity of Congress aspect, it did not make in order an amendment that I offered to establish a special commission, a committee, to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq. This amendment is critical toward ensuring that we effectively exercise our congressional oversight responsibilities.

Congress has already appropriated some \$277 billion for military operations in Iraq and Afghanistan and that does not include the \$45 billion in so-called bridge funding which was part of the defense appropriations bill which passed the House on Monday. We have

repeatedly and rightfully recognized that we have to meet the operational, technical, and equipment needs of our troops that are stationed over in Iraq and Afghanistan. That is paramount.

□ 1500

However, the fact of the matter is that when it comes to ensuring that those funds that we have appropriated for that purpose are properly managed and monitored, Congress has been largely silent.

I am heartened the gentleman from Connecticut's (Mr. SHAYS) subcommittee held a hearing yesterday, and I am heartened that the Committee on Armed Services held a hearing in a subcommittee back in 2004. But that is not nearly the amount of activity this Congress should be taking. We must do much better. Every single dollar that is wasted or lost in Iraq and Afghanistan because of mismanagement or fraud in contracting is one less dollar that can go to protect our troops, one less dollar for body armor, and one less dollar for protective equipment that can save lives.

To that point, on Monday the Boston Globe cited the Marine Corps Inspector General's report and reported that the estimated 30,000 Marines in Iraq need twice as many heavy machine guns, more fully protected armored vehicles, and more communications equipment to operate in a region the size of Utah.

One of the functions of this select committee that is proposed would be to see that our soldiers are properly equipped to carry out their mission. In fact, the original Truman Committee that was put in place during World War II is believed to have saved thousands of lives as the result of its success in cutting through the bureaucracy and making sure that effective weapons and other war supplies were not a part of the problem in that enterprise. The bottom line in this Congress, however, is that we have not lived up to our oversight responsibilities. We have abdicated them. We have relied on the administration to perform that role for us, and they have not done it, and we have shunned our responsibilities.

Here is their most recent record: In March and early April, we learned that the Pentagon auditors found that \$212 million was paid to Kuwaiti and Turkish subcontractors for fuel that the Pentagon auditors concluded was exorbitantly priced. Halliburton then passed those payments on to the taxpayer. In late April, according to the Washington Post, the Government Accountability Office found that officials from the Departments of Defense and Interior who were charged with overseeing a contract to provide interrogators at Abu Ghraib "did not fully carry out their roles and responsibilities, the contractor was allowed to play a role in the procurement process normally performed by the government."

In May, the Office of the Special Inspector General for Iraq Reconstruction found that out of \$119.9 million al-

located for rebuilding projects, \$96.6 million could not be sufficiently documented or fully accounted for at all.

In June, a Committee on Government Reform report, prepared by the gentleman from California's (Mr. WAXMAN) staff, cited an instance of \$600 million in cash being shipped from Baghdad to four regions in Iraq to allow commanders flexibility to fund local reconstruction projects. An audit of one of the four regions found that more than 80 percent of the funds could not be properly accounted for and that over \$7 million was simply missing.

A pattern exists here, whether it is revenues from the Iraqi oil sales or whether it is funds from the pockets of the American taxpayers. We are not taking our responsibility, and flagrant lack of contractor and bureaucratic accountability is taking place under our eyes. If we do not sufficiently account for these measures and have vigorous congressional oversight, how can we assure that our troops are going to get sufficient protection and that our taxpayers' interests will be protected?

My colleagues know that this is not the first time that we have had this amendment on the floor. They have now had at least four opportunities to stand up and be accountable to the American taxpayer, to make sure that our troops are protected. In every instance it has been essentially a party-line vote, with only two Members of the majority standing up for the rights of the taxpayer and the rights of our troops in this instance.

It is difficult to fathom that tomorrow this majority is going to bring on the floor of this House a bill for Health and Human Services and Education where they are going to cut to the bone, saying that there is no money. There will be less money for Pell grants for kids that want to go to college. There will be less money for elementary and secondary schools. We will fall further behind in our commitments to No Child Left Behind. We will not fund appropriate health care costs, like health clinics. We will not even fund the President's own commitment to high school reform and to community colleges. All, ostensibly, because there is no money. And yet the majority in this Congress refuses to do the oversight on over almost \$300 billion where we know there have been flagrant abuses.

We need to do the right thing in this Congress. This is time for us to take the previous question, defeat it, make sure that this amendment comes on the floor. We will give them yet another opportunity to show that this House will live up to its responsibilities and protect the integrity of this fine institution.

I urge my colleagues to vote "no" on the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I will be voting against this rule. I will be voting against the previous question on the rule. I will be voting against the bill itself. I will wait until debate on the bill in order to explain my vote on the latter.

But let me simply say two things with respect to the rule. The leadership of this House, the Republican leadership of this House, has chosen to insist that their continuity of Congress proposal, which is a totally unrelated matter, be added to the appropriation bill to finance the operations of the Congress. Our committee gave this all of about 10 minutes of consideration. No alternatives were presented. And what that means is that the House Republican leadership is insisting that a bill which the House has already passed once be passed again, because the Senate has declined to take up the bill that the House sent over in the first place.

I think they were wise not to take that bill up. I am in a distinct minority on this proposition. But what this proposition does is to say that, within 45 days of the Speaker's determining that 100 or more vacancies exist in the House, that he will call a special election.

A couple of problems with that. Number one, that means that a national election is left to the discretion of and to the timing selected by the Speaker. I do not think that is appropriate. Secondly, it means that for that 45-day period, if there are 100 vacancies in the House because of death and destruction associated with an attack, for instance, it means that those 100 districts would be unrepresented at a time when the most crucial decisions affecting the continuation of the Republic would be made. I do not think that is a good idea either.

If we are going to be forced to vote on any of those propositions, then, even though I am a Democrat, I much prefer the alternative presented by the gentleman from California (Mr. ROHR-ABACHER), a Republican. The alternative that he presented in the last session of Congress would have provided that each and every year when we are elected, we also have to supply a list of persons whom we feel are most qualified to take our place if something happens and we are killed by such a disastrous attack. I would submit to the Members that it is far more appropriate to have someone who is revealed ahead of time to be the person of choice in case a tragedy like that happened. I would suggest that is a far healthier situation than to have a situation in which a district was unrepresented for 45 days.

The gentleman from California (Mr. DREIER) suggested that it was important to maintain the distinction the House has that one must be elected in order to serve in this body. Well, obviously I would much prefer to have an elected person representing my district, but an appointed official is preferable to no one at all. And yet that is

what we are stuck with under this misbegotten attachment that the House leadership is insisting that we add to this bill in a power play. So that is one reason I oppose this rule.

The second reason is that the Committee on Rules steadfastly refused to make in order the creation of a Truman-like committee to review waste and fraud in the war in Iraq. When Franklin Roosevelt was running this country, Harry Truman was appointed to lead a congressional review committee. Truman held 430 hearings. He issued 51 reports. A Democratic Congress investigating the activities in a Democratic administration. It was good for the Democratic Party. It was good for the Republican Party. It was good for the Republic. A lot of money was saved. A lot of chicanery was exposed and corrected.

But here we have horror story after horror story of waste, incompetence, fraud, theft in Iraq, all of the taxpayers' money. And yet what does this Congress do? Virtually zip in terms of the oversight that it is providing on these matters.

I think this Congress is derelict in its duty by not appointing such a committee. And for that reason alone, I think we ought to vote "no" on the previous question so we can change the rule so we can at least provide some protection for the taxpayers' money.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Washington State (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman for yielding me this time.

A few moments ago, the distinguished chairman of the Committee on Rules was here, and I want to begin by expressing my appreciation that my amendment will be made in order to extract what I believe is an inappropriate clause inserted by the majority. The gentleman from Wisconsin (Mr. OBEY), I think, articulated the issue well. It is true that we had a vote in this Congress already on the issue of the continuity of the Congress, but it is also true that there was not a hearing on various opportunities to solve this problem. Essentially one version of the bill was brought forward without adequate hearing. I was present at the markup of my own bill. The distinguished chair of the Committee on the Judiciary did not allow me to even speak to my own bill, though he mischaracterized it.

Now, what the majority is doing is taking what is clearly legislative, and it is consequential legislation; let us be clear about this. What they are doing is taking legislation that provides for how we would replace this very body. Many of us, myself, the gentleman from California (Mr. ROHRBACHER), and others, tried to get this body, tried to get the leadership to say that we would have an open debate on multiple proposals, multiple proposals, with full

amendments and full debate by this entire body. We are now years post-September 11. This body still does not have an adequate plan to ensure that every person in this country will have representation if this body is eliminated. Indeed, this body is fully willing, according to the clause in this legislation today and appropriately placed in this legislation, to allow the executive branch to function completely unfettered.

I have to say to the distinguished gentleman from California, the chair of the Committee on Rules said I was contrary to Madison. Possibly so, in some ways; but I would warrant that he is even more contrary because Mr. Madison was absolutely clear that the fundamental principles of checks and balances are a core of this great Republic. The legislation being proposed by the majority would undermine that principle of checks and balances.

More importantly still, the average American needs to understand that this body is considering legislation which would prohibit them from having representation in the Congress and prohibit the Congress from having a check on the executive at a time of national crisis, and that is disastrous. If Members care about this body, if they believe in the principles of checks and balances, they should reject this clause, support the Baird amendment. They should insist not that we ram this through on an inappropriate appropriations bill, where it should not belong, but that we have a full and open debate with our colleagues from the other body.

I have to tell the Members that when I go home and talk to my constituents, and I would ask the Members to do this: Ask their constituents if they are comfortable, knowing that three or four people could serve as the House of Representatives under the rules we passed, which I believe are blatantly unconstitutional, if they believe that three or four people should be able to elect a Speaker of the House, that that person should then become the President of the United States, could declare martial law with absolutely no checks and no representation of hundreds of millions of Americans at the time that happens.

This is irresponsible. Madison and Jefferson and the rest would be spinning in their graves if they knew what you are up to here.

It is not just about germaneness, but that reason alone should cause Members to support the Baird amendment.

□ 1515

A matter of this importance should not be attached to an appropriations bill as a way to try to jam it through the Senate. It simply should not be.

Mr. Speaker, we owe it to posterity, we owe it to this institution to solve this problem, to solve it properly, and this amendment that I have introduced would at least prevent us from doing something bad. First, do no harm.

My friend, the gentleman from California, is wrong when he suggests that we are contrary to Madison.

Let me underscore the agenda here. The chairman of the Subcommittee on the Constitution of the Committee on the Judiciary of the United States House of Representatives said on this matter, we are going to have martial law anyway, we are going to have martial law anyway, so we do not need continuity provisions.

If that is your agenda, be straight with the American people. If that is the agenda, let us go home now. If that is the agenda, to believe that when our Nation has been attacked, we are going to leave the American people without representation, without a House of Representatives, with the Senate functioning without a House because they can be replaced more promptly, with an unelected President, probably a cabinet member serving, if you believe we would solve this problem, you are kidding yourselves. You can kid yourselves, but history will not look kindly upon this body if we have shirked our obligation. And passage of this legislation today with this provision in it is an insult to the Framers and an insult to the principles of representative democracy.

Vote "no" on the bill; vote "yes" on the Baird amendment.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to allow the House to consider the Tierney amendment on the Truman Commission that got defeated in the Committee on Rules last night by a straight party-line vote.

I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, the Tierney amendment will establish a select committee to investigate the awarding and carrying out of war-related contracts in Afghanistan and Iraq. In 1941, with the United States engaged in a major military buildup as part of World War II, Senator Harry Truman, a Democrat from Missouri, became aware of widespread stories of contractor mismanagement in military contracts and created a committee to investigate such spending.

Since 2003, there have been many examples of the misuse of American taxpayer dollars and Iraqi contracting. Nearly \$9 billion on money spent on Iraqi reconstruction is unaccounted for because of inefficiencies and bad management, according to the Special Inspector General for Iraqi Reconstruction. Ensuring vigilant oversight of

taxpayer dollars should not be a partisan issue. The Truman Committee was created while Democrats controlled the White House, the House, and the Senate. We owe it to American taxpayers and to our brave soldiers to oversee how the billions of taxpayer dollars are being spent in Iraq and Afghanistan. A new Truman Committee would allow us to get the facts on U.S. contracting in both military and reconstruction activities and to fix whatever problems exist.

As always, Members should know that a "no" vote on the previous question will not stop consideration of the legislative branch appropriation bill. A "no" vote will allow the House to create a much-needed select committee to investigate government contracts in Iraq and Afghanistan. But a "yes" vote on the previous question will prevent the House from establishing this important select committee.

Again, vote "no" on the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are bringing forth a very important appropriations bill today, with an issue that has received a tremendous amount of discussion and study and debate and actually has been voted on twice in overwhelming fashions by this House favorably. The last time, in the 108th Congress, the measure on the continuity of government, specifically of this House, which is included in the underlying legislation, had passed with 329 favorable votes and only 68 negative votes. Mr. Speaker, 122 of our friends on the other side of the aisle voted for this piece of legislation.

By the way, the rule, Mr. Speaker, by which we bring forth this legislation, also is permitting, as an amendment, a motion to strike that legislation by the distinguished gentleman from Washington (Mr. BAIRD). His alternative was debated previously in this Congress and received 63 votes; and we are, as I say, we are permitting him, under this rule, to strike, if he has the provision on the continuity of the House. So we are bringing this legislation forth in a very fair way.

In addition to the very important legislation which is included that has to do with, as we have heard debate about today, that has to do with continuity of this House in case of an emergency, the underlying legislation also provides for the funding of the legislative branch of government, and it does so in an efficient and effective way, and in a way which I think deserves the support of the entire membership of this House.

So, Mr. Speaker, I ask for the support of our colleagues for the rule and the underlying legislation being brought forth by the rule.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 334 RULE ON H.R. 2985 LEGISLATIVE BRANCH APPROPRIATIONS FY06

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 5 in the report of the Committee on Rules if offered by Representative Tierney of Massachusetts or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 2985, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

Page 6, insert after line 24 the following:

SELECT COMMITTEE

SEC. 102. (a) ESTABLISHMENT.—There is established in the House of Representatives a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism (hereinafter referred to as the "select committee").

(b) MEMBERSHIP AND FUNCTIONS.—The select committee is to be composed of 15 Members of the House, to be appointed by the Speaker (of whom 7 shall be appointed upon the recommendation of the minority leader), one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made. The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government to conduct activities in Afghanistan and Iraq and to fight the war on terrorism and make such recommendations to the House as the select committee deems appropriate regarding the following matters—

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

(c) RULES AND PROCEDURES.—

(1) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(2) POWERS.—For the purpose of carrying out this section, the select committee may sit and act at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena

or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including classified materials.

(3) ISSUANCE OF SUBPOENAS.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(4) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(5) APPLICABILITY OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this section.

(6) WRITTEN COMMITTEE RULES.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the Rules of the House of Representatives.

(d) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF STAFF.—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(2) POWERS OF RANKING MINORITY MEMBER.—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(3) COMPENSATION.—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(4) REIMBURSEMENT OF EXPENSES.—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(5) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(e) REPORTS.—The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not

in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 297]

YEAS—219

Aderholt	Emerson	King (IA)
Alexander	English (PA)	King (NY)
Bachus	Everett	Kingston
Baker	Feeney	Kirk
Barrett (SC)	Ferguson	Kline
Bartlett (MD)	Fitzpatrick (PA)	Knollenberg
Bass	Flake	Kolbe
Beauprez	Foley	Kuhl (NY)
Biggart	Forbes	LaHood
Bilirakis	Fortenberry	Latham
Bishop (UT)	Fossella	LaTourette
Blackburn	Fox	Lewis (CA)
Blunt	Franks (AZ)	Lewis (KY)
Boehlert	Frelinghuysen	Linder
Boehner	Gallely	LoBiondo
Bonilla	Garrett (NJ)	Lucas
Bono	Gerlach	Lungren, Daniel
Boozman	Gibbons	E.
Boustany	Gilchrest	Mack
Bradley (NH)	Gillmor	Manzullo
Brady (TX)	Gingrey	Marchant
Brown (SC)	Gohmert	McCotter
Brown-Waite,	Goode	McCrery
Ginny	Goodlatte	McHenry
Burgess	Granger	McHugh
Burton (IN)	Graves	McKeon
Buyer	Green (WI)	McMorris
Calvert	Gutknecht	Mica
Camp	Hall	Miller (FL)
Cannon	Harris	Miller (MI)
Cantor	Hart	Miller, Gary
Capito	Hastings (WA)	Moran (KS)
Castle	Hayes	Murphy
Chabot	Hayworth	Musgrave
Chocola	Hefley	Myrick
Coble	Hensarling	Neugebauer
Cole (OK)	Herger	Northup
Cox	Hobson	Norwood
Crenshaw	Hoekstra	Nunes
Cubin	Hostettler	Nussle
Culberson	Hulshof	Osborne
Cunningham	Hunter	Otter
Davis (KY)	Hyde	Paul
Davis, Jo Ann	Inglis (SC)	Pearce
Davis, Tom	Issa	Pence
Deal (GA)	Istook	Peterson (PA)
DeLay	Jenkins	Petri
Dent	Jindal	Pickering
Diaz-Balart, L.	Johnson (CT)	Pitts
Diaz-Balart, M.	Johnson (IL)	Platts
Doolittle	Johnson, Sam	Poe
Drake	Jones (NC)	Pombo
Dreier	Keller	Porter
Duncan	Kelly	Price (GA)
Ehlers	Kennedy (MN)	Pryce (OH)

Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry

Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

□ 1548

Messrs. STRICKLAND, MURTHA, LARSON of Connecticut, KANJORSKI, DINGELL and LEACH changed their vote from “yea” to “nay.”

Mr. MILLER of Florida changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 192, not voting 21, as follows:

[Roll No. 298]

AYES—220

Aderholt	Forbes	Lucas
Akin	Fortenberry	Lungren, Daniel
Alexander	Fossella	E.
Bachus	Fox	Mack
Baker	Franks (AZ)	Manzullo
Barrett (SC)	Frelinghuysen	Marchant
Bartlett (MD)	Gallely	McCotter
Bass	Garrett (NJ)	McCrery
Beauprez	Gerlach	McHenry
Biggart	Gibbons	McHugh
Bilirakis	Gilchrest	McKeon
Bishop (UT)	Gillmor	McMorris
Blackburn	Gingrey	Mica
Blunt	Gohmert	Miller (FL)
Boehlert	Goode	Miller (MI)
Boehner	Goodlatte	Miller, Gary
Bonilla	Granger	Moran (KS)
Bono	Graves	Murphy
Boozman	Green (WI)	Musgrave
Boustany	Gutknecht	Myrick
Bradley (NH)	Hall	Neugebauer
Brady (TX)	Harris	Northup
Brown (SC)	Hart	Norwood
Brown-Waite,	Hastings (WA)	Nunes
Ginny	Hayes	Nussle
Burgess	Hayworth	Osborne
Burton (IN)	Hefley	Otter
Buyer	Hensarling	Paul
Calvert	Herger	Pearce
Camp	Hobson	Pence
Cannon	Hoekstra	Peterson (PA)
Cantor	Hostettler	Petri
Capito	Hulshof	Pickering
Castle	Hunter	Pitts
Chabot	Hyde	Platts
Chocola	Inglis (SC)	Poe
Coble	Issa	Pombo
Cole (OK)	Istook	Porter
Cox	Jenkins	Price (GA)
Crenshaw	Jindal	Pryce (OH)
Cubin	Johnson (CT)	Putnam
Culberson	Johnson (IL)	Radanovich
Cunningham	Johnson, Sam	Ramstad
Davis (KY)	Jones (NC)	Regula
Davis, Jo Ann	Keller	Rehberg
Deal (GA)	Kelly	Reichert
DeLay	Kennedy (MN)	Renzi
Dent	King (IA)	Reynolds
Diaz-Balart, L.	King (NY)	Rogers (AL)
Diaz-Balart, M.	Kingston	Rogers (KY)
Doolittle	Kirk	Rogers (MI)
Drake	Kline	Rohrabacher
Dreier	Knollenberg	Ros-Lehtinen
Duncan	Kolbe	Royce
Ehlers	Kuhl (NY)	Ryan (WI)
Emerson	LaHood	Ryun (KS)
English (PA)	Latham	Saxton
Everett	LaTourette	Schwarz (MI)
Feeney	Leach	Sensenbrenner
Ferguson	Lewis (CA)	Sessions
Fitzpatrick (PA)	Lewis (KY)	Shadegg
Flake	Linder	Shaw
Foley	LoBiondo	Shays

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Herseth
Higgins
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeke (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)

Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Townes
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Akin
Barton (TX)
Bonner
Boyd
Carter
Conaway
Doggett

Hinojosa
Jackson-Lee
(TX)
Kucinich
Lewis (GA)
McCauley (TX)
Ney

Oxley
Pomeroy
Rangel
Smith (TX)
Thomas

Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney

Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp

Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Barton (TX)
Bonner
Boucher
Boyd
Carter
Conaway
Davis (AL)
Davis, Tom

Doggett
Hinojosa
Jackson-Lee
(TX)
Kucinich
Lewis (GA)
McCaul (TX)
Ney

Oxley
Pomeroy
Rangel
Sabo
Smith (TX)
Thomas

□ 1601

Mr. WELLER changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2985, and that I may include tabular and extraneous material.

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

There was no objection.

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 334 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2985.

□ 1603

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume.

The legislative branch bill, Mr. Chairman, provides for \$2.870 billion, an increase of only 1.7 percent over the fiscal year 2005. The bill represents a \$270 million reduction from the budget request.

Mr. Chairman, although we did not agree on every item on this bill, we worked very closely with the gentleman from Wisconsin (Mr. OBEY) to produce a bipartisan bill for the legislative branch. I want to thank all the committee members for their contributions in putting this bill together.

While small in size, this is the bill that funds the work of the Congress, and it is a bill that we all can be very proud of.

The bill includes funding for the operations of the House and several joint items, the Capitol Police, the Compliance Board, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress, the Government Printing Office, the General Accountability Office, and the Open World Leadership Program.

There will be no reductions in the current workforce.

The bill provides for all personnel cost-of-living increases and all other pay-related costs.

The bill also was reported out of the full committee on a voice vote.

The Capitol Visitor Center is funded at the cost-to-complete level of \$36.9 million. The bill does not include funding for CVC operating expenses.

The bill establishes an Inspector General for the Capitol Police. The bill terminates the mounted horse unit and transfers the horses and equipment to the U.S. Park Service.

As part of an amendment in the full committee, I offered, and the committee adopted, the Continuity in Representation Act at the Speaker's request. This bill has passed the House twice, and just recently, the vote in March was 329 to 68.

Mr. Chairman, this is a good bill and one that benefits the entire legislative branch. Ultimately, this is the bill that reflects the work of the House. We are all in this together, Mr. Chairman, and because of that, I feel very strongly that this legislation should have the support of the entire House.

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loftgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Kind
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress (emergency) (P.L. 109-13).....	162	---	---	-162	---
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker.....	2,708	2,788	2,788	+80	---
Office of the Majority Floor Leader.....	2,027	2,089	2,089	+62	---
Office of the Minority Floor Leader.....	2,840	2,928	2,928	+88	---
Office of the Majority Whip.....	1,741	1,797	1,797	+56	---
Office of the Minority Whip.....	1,303	1,345	1,345	+42	---
Speaker's Office for Legislative Floor Activities.....	470	482	482	+12	---
Republican Steering Committee.....	881	906	906	+25	---
Republican Conference.....	1,500	1,548	1,548	+48	---
Republican Policy Committee.....	---	307	307	+307	---
Democratic Steering and Policy Committee.....	1,589	1,945	1,945	+356	---
Democratic Caucus.....	792	816	816	+24	---
Nine minority employees.....	1,409	1,445	1,445	+36	---
Training and Program Development:					
Majority.....	290	290	290	---	---
Minority.....	290	290	290	---	---
Cloakroom Personnel:					
Majority.....	419	434	434	+15	---
Minority.....	419	434	434	+15	---
Subtotal, House Leadership Offices.....	18,678	19,844	19,844	+1,166	---
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses.....	525,195	564,536	538,109	+12,914	-26,427
Committee Employees					
Standing Committees, Special and Select.....	113,499	117,913	117,913	+4,414	---
Committee on Appropriations (including studies and investigations).....	24,726	25,668	25,668	+942	---
Subtotal, Committee employees.....	138,225	143,581	143,581	+5,356	---
Salaries, Officers and Employees					
Office of the Clerk.....	20,534	21,911	21,911	+1,377	---
Office of the Sergeant at Arms.....	5,879	6,284	6,284	+405	---
Office of the Chief Administrative Officer.....	143,645	119,804	116,971	-26,674	-2,833
Office of the Inspector General.....	3,986	3,991	3,991	+5	---
Office for Emergency Planning, Preparedness and Operations.....	1,000	5,000	5,000	+4,000	---
Office of General Counsel.....	962	962	962	---	---
Office of the Chaplain.....	155	161	161	+6	---
Office of the Parliamentarian.....	1,673	1,767	1,767	+94	---
Office of the Parliamentarian.....	(1,459)	(1,546)	(1,546)	(+87)	---
Compilation of precedents of the House of Representatives.....	(214)	(221)	(221)	(+7)	---
Office of the Law Revision Counsel of the House.....	2,346	2,453	2,453	+107	---
Office of the Legislative Counsel of the House.....	6,721	6,963	6,963	+242	---
Office of Interparliamentary Affairs.....	687	720	720	+33	---
Other authorized employees.....	156	161	161	+5	---
Office of the Historian.....	---	---	405	+405	+405
Subtotal, Salaries, officers and employees.....	187,744	170,177	167,749	-19,995	-2,428

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims.....	4,350	4,179	4,179	-171	---
Official mail for committees, leadership offices, and administrative offices of the House.....	410	410	410	---	---
Government contributions.....	203,900	214,422	214,422	+10,522	---
Miscellaneous items.....	690	703	703	+13	---
Capitol Visitor Center.....	---	9,965	3,410	+3,410	-6,555
Subtotal, Allowances and expenses.....	209,350	229,679	223,124	+13,774	-6,555
Total, Salaries and expenses.....	1,079,192	1,127,817	1,092,407	+13,215	-35,410
JOINT ITEMS					
Joint Economic Committee.....	4,139	4,276	4,276	+137	---
Joint Committee on Taxation.....	8,366	8,781	8,781	+415	---
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances.	2,508	2,545	2,545	+37	---
Capitol Guide Service and Special Services Office.....	3,844	4,268	4,268	+424	---
Statements of Appropriations.....	30	30	30	---	---
Total, Joint items.....	18,887	19,900	19,900	+1,013	---
CAPITOL POLICE					
Salaries.....	201,812	230,191	210,350	+8,538	-19,841
General expenses.....	39,657	59,948	29,345	-10,312	-30,603
Total, Capitol Police.....	241,469	290,139	239,695	-1,774	-50,444
OFFICE OF COMPLIANCE					
Salaries and expenses /1.....	2,402	3,112	3,112	+710	---
/1 Includes pending budget amendment of \$470,000.					
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses.....	34,640	35,853	35,450	+810	-403
ARCHITECT OF THE CAPITOL					
General administration.....	79,704	76,982	77,002	-2,702	+20
Capitol building.....	28,626	27,105	22,097	-6,529	-5,008
Capitol grounds.....	15,118	7,801	7,723	-7,395	-78
House office buildings.....	64,830	68,698	59,616	-5,214	-9,082
Capitol Power Plant.....	60,744	65,755	65,185	+4,441	-570
Offsetting collections.....	-4,365	-6,500	-6,600	-2,235	-100
Net subtotal, Capitol Power Plant.....	56,379	59,255	58,585	+2,206	-670
Library buildings and grounds.....	39,776	83,318	31,318	-8,458	-52,000
Capitol police buildings and grounds.....	9,906	34,959	16,830	+6,924	-18,129
Botanic garden.....	6,275	10,613	7,211	+936	-3,402

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
<hr/>					
Capitol Visitor Center					
CVC Project (cost-to-complete).....	---	36,900	36,900	+36,900	---
CVC Operations.....	---	35,285	---	---	-35,285
	=====	=====	=====	=====	=====
Total, Capitol Visitor Center.....	---	72,185	36,900	+36,900	-35,285
	=====	=====	=====	=====	=====
Total, Architect of the Capitol.....	300,614	440,916	317,282	+16,668	-123,634
 LIBRARY OF CONGRESS					
Salaries and expenses.....	381,593	409,079	388,144	+6,551	-20,935
Authority to spend receipts.....	-6,299	-6,350	-6,350	-51	---
	-----	-----	-----	-----	-----
Subtotal, Salaries and expenses.....	375,294	402,729	381,794	+6,500	-20,935
Copyright Office, salaries and expenses.....	53,182	58,191	58,601	+5,419	+410
Authority to spend receipts.....	-33,209	-30,657	-35,946	-2,737	-5,289
	-----	-----	-----	-----	-----
Subtotal, Copyright Office.....	19,973	27,534	22,655	+2,682	-4,879
Congressional Research Service, salaries and expenses.	96,118	105,289	99,952	+3,834	-5,337
Books for the blind and physically handicapped,					
Salaries and expenses.....	53,977	55,243	54,049	+72	-1,194
	=====	=====	=====	=====	=====
Subtotal, Library of Congress.....	545,362	590,795	558,450	+13,088	-32,345
Rescission, Chapter 9, Division A, Misc.					
Appropriations Act, 2001.....	---	---	-15,500	-15,500	-15,500
	-----	-----	-----	-----	-----
Total, Library of Congress.....	545,362	590,795	542,950	-2,412	-47,845
 GOVERNMENT PRINTING OFFICE					
Congressional printing and binding.....	88,090	92,283	88,090	---	-4,193
 Office of Superintendent of Documents					
Salaries and expenses.....	31,697	33,837	33,337	+1,640	-500
Government Printing Office Revolving Fund.....	---	5,000	1,200	+1,200	-3,800
	-----	-----	-----	-----	-----
Total, Government Printing Office.....	119,787	131,120	122,627	+2,840	-8,493
 GOVERNMENT ACCOUNTABILITY OFFICE					
Salaries and expenses.....	474,565	493,548	489,560	+14,995	-3,988
Offsetting collections.....	-7,360	-7,165	-7,165	+195	---
	-----	-----	-----	-----	-----
Total, Government Accountability Office.....	467,205	486,383	482,395	+15,190	-3,988
 OPEN WORLD LEADERSHIP CENTER					
Payment to the Open World Leadership Center					
Trust Fund.....	13,392	14,000	14,000	+608	---
	=====	=====	=====	=====	=====
Grand total.....	2,823,112	3,140,035	2,869,818	+46,706	-270,217
	=====	=====	=====	=====	=====

LEGISLATIVE BRANCH APPROPRIATIONS BILL 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request

RECAPITULATION					
House of Representatives.....	1,079,354	1,127,817	1,092,407	+13,053	-35,410
Joint Items.....	18,887	19,900	19,900	+1,013	---
Capitol Police.....	241,469	290,139	239,695	-1,774	-50,444
Office of Compliance.....	2,402	3,112	3,112	+710	---
Congressional Budget Office.....	34,640	35,853	35,450	+810	-403
Architect of the Capitol.....	300,614	440,916	317,282	+16,668	-123,634
Library of Congress.....	545,362	590,795	542,950	-2,412	-47,845
Government Printing Office.....	119,787	131,120	122,627	+2,840	-8,493
Government Accountability Office.....	467,205	486,383	482,395	+15,190	-3,988
Open World Leadership Center.....	13,392	14,000	14,000	+608	---
	=====	=====	=====	=====	=====
Grand total.....	2,823,112	3,140,035	2,869,818	+46,706	-270,217
	=====	=====	=====	=====	=====

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I know this seems a strange thing to say on a bill as small as the bill to fund the congressional budget, but I honestly believe, because of the attachment of the proposal for the continuity of Congress, that this bill is by far the worst bill to come to the floor in this session of Congress.

I believe that that continuity of representation provision attached to this bill is an assault on constitutional government. I believe it is an assault on checks and balances. It is an assault on the rule of law. It is an invitation to one-man rule and dictatorship. I think it is profoundly misguided, profoundly misgotten, and I think a profound disservice is done in not having months and months of hearings with constitutional scholars before such a drastic proposal is brought before the House.

I think there is a very good reason that the Senate has not taken it up. It is because it is a turkey of a proposal. It could leave us literally with 75 and 80 percent of the congressional districts in this country unrepresented in a time of crisis, at a time of terrorist attack, and unrepresented in the halls of Congress, and I think that is a bad way to do business.

What I would like to do now is to talk about another problem in this bill. That is the Congressional Visitors Center. I really believe that the Congressional Visitors Center has been mismanaged in such spectacular fashion that it is really sort of a metaphor for the way that the entire Federal budget deficit has been mismanaged, and let me explain what I mean.

This project originally started as a \$95 million project to have a modest expansion of the Capitol, to give tourists an opportunity to come in and see a movie about what the Congress was all about before they visited the Capitol. But the security assault on this Capitol and 9/11 has, in my view, been used as an excuse to expand this operation. We have also had other efforts from the Library of Congress and other institutions to further expand this proposition; and so as a result, today, this project is a \$500 million-plus project. It is more than a year behind schedule, and I think it is wasting taxpayers' money and wasting an opportunity that we had to provide much-needed usable space for the Congress at the same time.

What is happening out on the East Front is that over 2 acres of underground space is being added to the Capitol. Some of that is being added for purposes of a visitors center and some of the other space is being added for the purpose of expanding space under control of the Senate and the House to do their work.

We all know that this Congress needs more working space. In my view, the number one need of the Congress for working space is the need for addi-

tional rooms for conference committees between the Senate and the House because most of our hearings, especially on the Committee on Appropriations. When I came here, they were held behind closed doors. The press was not in, the public was not in. So there was plenty of room for a few people to get behind closed doors and work out deals and that is not the way government is supposed to work today.

Today, when we have a conference committee, the press has a right to be there. We need our staffs there, and the public has the right to be there, too. We have no real room in the Capitol for that kind of facility.

This is an opportunity to create that kind of room. Instead, what has happened? Instead, the only appreciable room of any quality in the new House space is what is called the House hearing room, but in plain language, that room is really a media center. That is going to be where the press focuses whenever there is a hearing in that room because it will have all of the creature comforts for the press. That room will have ample room for one hearing, one presentation, and whoever runs the Congress will be able to decide what subject it is that gets that attention. If you are trying to hold another public hearing on another subject in the Capitol, you are going to be stuck in tiny rooms that are worthless in terms of public access.

When I visited the visitors center, I asked the Architect why, with these vaulted ceilings that you have set aside for this hearing room, why could you not simply reduce the height of those rooms and at least provide two rooms of approximately the same size so that we had enough overflow room for the committees to do our work and to have conference committees? I have yet to get an answer from the Architect's office.

That is my problem. My problem is that with all of this space being created, much of it is not usable for the purpose that we need it used for.

Then we come to the other portion of the add-on, which is the portion devoted to the visitors center. Originally, that visitors center was supposed to have two media theaters so that the public could come in, see a short film about the Congress, and then be on its way.

Here is the problem. We have those two small orientation theaters, but in addition to that, we have this huge congressional auditorium, which is going to seat 450-plus people. I asked the Architect, and this is a vaulted theater, I asked why do we need another theater in the Capitol? What I was told by the Architect is, "Well, you can bring in large constituency groups." I would like to know how many Members of the House have ever brought 500 people into the Capitol. I do not think there are going to be many people would raise their hands.

The second thing the Architect told me is that, "Well, we need a place for

where the House of Representatives can meet when the House Chamber is being remodeled."

□ 1615

That I found a might strange, because we have just redecorated the Committee on Ways and Means room in the Longworth Building. That room was originally created to serve as an alternative meeting place for the House of Representatives when we had to repair this Chamber. So we have already got a spare room.

In addition, we have another spare room I cannot talk about because it is classified, but it is being built off campus somewhere. So in essence we will have three spare rooms. I do not know how much the off-campus room is costing the taxpayers or how much the Committee on Ways and Means room cost the taxpayers, but this room is going to cost a bundle.

I keep asking "What is the real purpose for this room?" You finally go back 10 years and look at the original plans, what do we find out. We find out that this was originally included in the plans at the request of the Library of Congress because they wanted another theater to show movies and give presentations. That might be nice for them to have, but this project is already 400 percent over original cost. I do not think it makes any sense. I think this is the last chance that we are going to have to reconfigure this center so we have some additional working space instead of the Taj Mahal show space we are going to have.

Another thing I do not like, we have been told we are likely to have three congressional seals in the new visitors center. Those seals, I have been told, will cost up to a million bucks. Does any Member really want to take the political heat when taxpayers find out that somebody is talking about spending \$1 million on three congressional seals? Do Members remember the Cain that was raised when marble floors were put in four of our elevators in the Capitol? Does anybody have any memory? I would like to think so, but I guess not.

Mr. Chairman, I consider myself to be an institutional man. I usually support this piece of legislation; but out of frustration, I am not going to support it today because I think this Capitol Visitors Center, when it is finally built, is going to draw flies in terms of bad stories about waste of taxpayer money, misuse of space, and we are going to wind up not having enough room for the principal function of government. If this is, indeed, supposed to be a working Capitol, then we ought to be able to do better than this floor plan.

I really believe this package has been brought to us by staff who do not really understand how committees work and do not really understand the principal needs of this institution. This is the last time we are going to have a chance to repair this package and

make it more usable for the 100 years at least that it will be used. I urge Members to vote against this bill so we can start over.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois (Mr. LAHOOD).

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, first of all, I want to extend thanks to the chairman of the full Committee on Appropriations, the gentleman from California (Mr. LEWIS). By this time next week, we will have completed all of the appropriation bills. This is a history-making event in the House of Representatives. I have been here for 11 years; and for the 11 years I have been here, I do not know of another time when we have completed all of our appropriation bills going right up to the July 4 recess break.

That is in large part due to the cooperation that the chairman received from the ranking member, the gentleman from Wisconsin (Mr. OBEY), but in large part also from the leadership exhibited by the chairman of the full committee. He set a very, very high bar, a high standard, and all of the subcommittee chairs comported with that; and we will have sent to the Senate all of our appropriation bills as of a week from today or a week from tomorrow. That is an accomplishment that should not go unnoticed, and I compliment the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) for their leadership and also the subcommittee chairmen for that kind of goal setting and then meeting those goals.

Secondly, this is an important bill. This is the legislative branch bill. This is the bill where we say to all of the people, and I personally say to all of the people around the Capitol campus, thank you for the good work you do. The clerks, the people taking down our words here, the CONGRESSIONAL RECORD that will be printed overnight, the Parliamentarians who do such good work in directing the proceedings of the House, all of the Capitol Hill police who stand guard 24-7 and protect the Capitol, the attending physician's office who keep us all healthy, the people who work in the cloakrooms, the people who help us write bills, the people at CRS who help us make sure that we get the words correct and get them done correctly in the bills that we prepare and take a lot of credit for.

The folks who work at the Library of Congress. The most magnificent facility on the Capitol campus is the Library of Congress. I hate to say it, but it is even more magnificent than this building, but the Library of Congress is a magnificent facility. Members have an opportunity to take full advantage of many of the books there and research that can be done. The Botanical Gardens is also a part of our campus. This is the bill that funds all of that.

This is Congress' opportunity to say thank you to all of the people who work around here. It includes the lawyers who make sure that we do things correctly, and all of the people who work hard day and night to keep this building open, keep Members on the right track, and make sure that the things we do are done by the book.

So I pay my compliments to all of the people who make this magnificent facility that we call the United States Capitol the great place that it is, where we make the laws and have the debates and have the opportunity to represent the people from all over the country. We could not do it without this bill, without the funding in this bill, and we could not do it without the people who provide all of the services, and are very dedicated, many of whom work late hours to keep this place going. I want to take my hat off to those folks.

I want to say a word about the visitors center. I want to say this: it is a done deal. The leadership decided several years we needed a visitors center. Has it been done all correctly? No. And the points that the gentleman from Wisconsin (Mr. OBEY) makes are correct points. A lot of the work that has been done has been done by direction of staff of the principals. The principals really have not been that involved. They said they wanted a visitors center, and then they allowed the staff over the last 4 or 5 years to give direction. The architects have had many masters on this visitors center, unfortunately.

But it is going to be built, and it is going to be a magnificent opportunity for people to have good shelter and safety. And after 9/11, we do not want people standing outside, we do not want people standing in inclement weather, and there will be an opportunity for people to get a little bit of history before they enter the Capitol. To say we should throw the whole bill out because of the visitors center does not make sense.

I also want to say something about a subject I have felt very strongly about for the last few years, thank the architect and the chief operating officer and others for helping me with this, and that is the development of a staff health fitness center. It is under way in the Rayburn garage. It is for the staff around here who work long hours. There will be a health fitness center that they will be able to take advantage of, to stay healthy and be able to exercise, to have an opportunity to do the same thing that all of the Members have the opportunity to do. I am grateful that we are finally getting that kind of opportunity for our staff to be able to make this happen.

With respect to the provision that was put in the bill having to do with respect to what do we do around here if another disaster happens, if the Members are injured or killed in some kind of an attack, there has to be something that guides the direction of the House in the event that something happens.

The Speaker decided in order to get this moving and in order to get the Senate to go along with something, it had to be included in a bill, and it was put in this bill. It was put in, really, to get something done, to make something happen, to have some provision in the event that something happens.

It is probably not the best way to do it, but maybe it will end up to be the most efficient way to do it, to get the Senate finally to come around and sit down and talk to us about what do we do if something happens around here and how do we account for succession.

The Constitution calls for elections, not appointment. When there is a vacancy, there has to be an election. That is the way we get Members to congregate in this House. That is the way it should be.

My point is the idea that this was included and is some sort of nonessential thing, it is essential that we have a provision in the law that allows us to account for a situation in the event that Members need to be replaced. That is really the reason it was put in.

It is a part of the process here. If we want to get things moving, this is one of the ways to do it. It is not unprecedented. We have included other provisions in bills before to try and get some compromise with the Senate. I congratulate the Speaker for trying to get something done on this. If it does not happen here, it probably will not happen. We need to have this provision in the law.

I ask every Member to consider the good work that goes on around here, the fact that this is the bill that funds all of this. This is the bill that takes care of all of the work that we do around here. It is a good bill. My compliments go to the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) and the work of the staff people that made it possible for this bill to come to the floor today.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member of the Committee on Appropriations for yielding me this time, but most particularly for his leadership.

The gentleman from Wisconsin (Mr. OBEY) made several points. Some of them were consistent with the comments of the gentleman from Illinois (Mr. LAHOOD) that there are a lot of good things about this institution and the facilities that we fund.

But the gentleman from Wisconsin (Mr. OBEY) pointed out some of the concerns that many of us share over the Capitol Visitors Center. I share those concerns as well, having been the ranking member of the legislative branch subcommittee before it was incorporated in the full committee. We raised these, the gentleman from Georgia (Mr. KINGSTON), and I.

It is not meant to be argumentative, but we have created a situation where

the Capitol Visitors Center is going to create some substantial problems in the future. We have a facility that is going to cost well over what was originally estimated. The original estimate was \$165 million. We are now over half a billion dollars. We were going to try to get private money. It is all Federal money now, of course. We were going to have it ready for the January 2005 inauguration. Obviously, we are way behind schedule; but that happens in a lot of construction projects.

We recognize this is going to be completed, and there will be a number of things that we will be proud to show. But some of these situations are going to cause more problems than they are worth. For example, we are creating an enormous capacity for visitors. One would think that would be a good thing, but what is going to wind up happening, they are going to be given a virtual tour of the Capitol. The reason for that is we have the capacity for twice as many people to come into that Capitol Visitors Center as can ever come into the Capitol itself.

Now, do you want to be the Member who tells your constituents, after traveling from any place in the United States, and for many of them it takes a whole day to get here, they stay here, they are all excited and they get to the Capitol Visitors Center and want to go to the Capitol and you have to tell them well, actually, there is no room?

Half of the people coming into the Capitol Visitors Center are probably going to have to be informed there is no room in the actual Capitol for you to be able to make a visit today. That is a substantial problem. I think we should have figured that out. I am glad we have capacity; but, again, is it consistent with our real objective, which is to enable all our constituents to see the U.S. Capitol itself?

□ 1630

The taxpayer is paying for this. A lot of the decisions have really not been made by the Members as much as staff, I have to say. It is not the staff of the appropriations subcommittee that has made those decisions, but we have got some major concerns. I think they are well-founded concerns.

I want to raise one now, though, that is not a matter of legislation, but it is one that has been brought to my attention as cochair of the Congressional Prevention Coalition. We have tried to do some things to address public health concerns.

One of them is in regard to smoking. We have a ban on smoking in all Federal buildings but we exempt congressional office spaces. I do not want to change that necessarily, I can understand why there is an exemption in place, but we have a particular problem with the Rayburn cafeteria.

With that, I would like to enter into a colloquy with the chairman of the full committee on this because I do think we need to address it. In the Rayburn cafeteria, the main dining

room is overflowing with patrons generally every Tuesday, Wednesday and Thursday; and so those patrons are forced to spill over into the designated smoking area. The same thing happens when we close the main cafeteria for receptions and special events. Because that main designated area is the only place available on that floor for smoking, it gets pretty asphyxiating according to many of the staff who have contacted me. I think we need to address it because some of these people have real serious health problems in terms of their breathing capabilities; some have asthma and other related problems. They just cannot deal with all of that smoke and they do not have any choice to avoid it given the situation that frequently occurs.

I yield to the chairman of the full committee to see if he has some suggestions in how we could alleviate this problem for the nonsmokers.

Mr. LEWIS of California. I appreciate very much the gentleman having this colloquy with me and raising this important issue. As we have discussed, the smoking policy in the House office buildings is under the jurisdiction of the House Office Building Commission. That commission is made up of leaders on both sides of the aisle; and, frankly, I am very hesitant to interfere with their responsibility or their work. But I think it is very important that the gentleman is raising this issue today, and I am happy to have this discussion with him.

Mr. MORAN of Virginia. I thank the chairman and I thank the interest of Ms. Johnson, the lead staff for the committee on legislative branch issues. Would the chairman be willing to make sure that this gets raised to the appropriate people so we could address it in a constructive way?

Mr. LEWIS of California. I would be very happy to join with the gentleman in that discussion. I think I probably will discuss it with my wife as well; but in the meantime, you and I work together on the committee, and I am happy to work with you on almost any issue you might raise.

Mr. MORAN of Virginia. I appreciate the gentleman's suggestion. I think we will pursue it in that manner rather than trying to find some legislative solution.

Mr. LEWIS of California. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to commend Chairman LEWIS, the committee and the staff for their fine work on this bill and the process. We are coming down the home stretch, and we should all be proud of that.

This bill contains \$10.5 million to pay our heating bill, natural gas. That is a 25 percent increase over last year. When we get that kind of an increase, the Architect asks us for more money

and we provide it. If natural gas prices continue as they are, next year we will be looking at a 3 to \$4 million increase to heat our Capitol complex for the same amount of heat. We can do that. We will provide the money. But when our folks back home heating their homes, running their businesses have these kind of natural gas increases, I think it is time for Congress to act.

As we speak, the fertilizer industry, the petrochemical industry, and the polymers and plastic industry are all making plans to leave this country permanently, because they use natural gas as heat and they use it to make products as an ingredient. Forty to 55 percent of their costs are natural gas. Natural gas prices in this country are an island to themselves. When we buy 58 or \$60 oil, the whole world does. Our gas prices this week are \$7.60. Canada's are \$6, Europe's are 5-something, China's are \$4 giving them a huge advantage, Trinidad \$1.60, Russia 90 cents and North Africa 80 cents.

Folks, we will be looking next year at a 3 to \$4 million increase to heat this Capitol. By that time, we will have lost some of the industries that I have talked about, and we will have seniors leaving their homes because they cannot afford to heat them. I am challenging this Congress to deal with the natural gas issue, the clean fuel, the fuel that does not have pollutants, the fuel we have an unlimited supply of for the next 50 to 100 years; and I am challenging this Congress to deal with natural gas.

Mr. LEWIS of California. Mr. Chairman, I yield 3½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from California for allowing me to participate in this discussion. Would the chairman enter into a colloquy with me regarding an amendment I had wished to offer relative to placing a plaque in Statuary Hall?

Mr. LEWIS of California. If the gentleman will yield, I would be pleased to do so.

Mr. PRICE of Georgia. As the gentleman knows, I was interested in offering an amendment today that would require a plaque to be placed in Statuary Hall which would recognize that church services were held in the House Chamber from 1800 to 1868. Throughout the 1800s, the Speaker's podium in the Old House Chamber was converted into a preacher's pulpit on Sundays for church services. These services were nondiscriminatory and voluntary. The services were open to the public and became so popular that Thomas Jefferson and James Madison attended regularly.

As the gentleman knows, I withdrew my proposal in light of ongoing activities relative to the exhibit in the Capitol Visitors Center. I wonder if the gentleman would not mind, please, explaining his understanding relative to Statuary Hall and the exhibit hall in the soon-to-be-opened Capitol Visitors Center.

Mr. LEWIS of California. Mr. Chairman, let me tell the gentleman that I am very appreciative of his interest in the institution's history. As he is aware, the Speaker controls the placement of plaques on the House side of the Capitol. Their placement is very restricted, and we attempt to achieve recognition of events and places normally through other means.

The Capitol Visitors Center is being designed to provide our visitors with a much fuller understanding and history of the House and Senate. Included in the CVC is a 16,000 square-foot exhibit hall. In this exhibit hall, the architectural and legislative history of the institution are highlighted.

As part of the currently proposed CVC exhibits are detailed sections on the history of the Capitol and included in this is the fact that when the Capitol was originally built, it was used for more than legislative meetings. It was commonly used as the community center for the citizens of Washington, D.C. During that time, there were few places for meetings or church services. Thus, it is correct that such religious services were held here.

All these facts are included in the CVC exhibits, and I would encourage that the education of citizens be pursued in this venue so that a more complete history beyond a plaque can be presented.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman, and I appreciate so much his working with me on this and look forward to appropriately recognizing the fact that there have been religious activities in this Capitol from the beginning of our Nation through the first 70 or 80 years.

Mr. LEWIS of California. There have been, and I very much appreciate the gentleman's interest in this matter. He and I will be pursuing it as we go forward in the months and, indeed, the years ahead.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this legislation and commend my chairman for the good job that he has done, but I am opposed to one portion of the bill. The Baird/Rohrabacher amendment, which we will debate in a few moments, will remove title III from this appropriations bill. Title III not only should not be in this appropriations bill; it should not become law no matter how it is brought up. Title III is a statutory plan that has been rejected by the United States Senate because it will not work. It will not work because it was intended to ensure not the continuity of Congress but, as it turned out, it was intended and it is intended by what you can see and what it does to ensure

the continuity of the election process, which are two different items.

The task force that got together to try to come up with a solution to this challenge of what we are going to do in case of a catastrophe where many of our people are killed or incapacitated became confused about what they were supposed to be doing. The idea is not to ensure the election process, but to ensure that this Congress can act in a time of emergency.

Instead, what we have gotten as our alternative, which is in title III of this bill, will put us in grave jeopardy for 7 weeks after a national catastrophe. I am pleading with my Republican friends to please open their eyes and not let the ego of the people on this task force who put together this and now will not look at any other alternative get in the way of watching out for the people of the United States.

If al Qaeda or any other enemy of our country manages to create a situation or explode a bomb or murder or incapacitate large numbers of our people, we cannot wait for 7 weeks of a special election in order to deal with that. What we have been offered is a plan that will lead to martial law at exactly the time when we need Congress functioning to represent the interests of the American people.

I am pleading with my Republicans to please not blindly follow along with a task force that got its working orders confused with what they were trying to do. Please think about what will happen if we have another major bombing in this country and it happens in this city. Let us not incapacitate Congress from working for 7 weeks, which is what title III does. Title III would say that we have to wait for special elections for up to 7 weeks. This is outrageous.

There is an alternative. The Baird/Rohrabacher constitutional alternative changes the rules. The alternative to what we have been offered by this task force which, as I say, lost their way on this is that we should change the way we do things so that we can cope with the challenge of this type of threat to our society, that is, we will run, we will select an alternate to run with us, the voters will vote for a team of people so that if we are incapacitated or murdered, the alternate can take that seat right away and Congress will not cease to function for 7 weeks.

□ 1645

That person is elected, just like the Vice President of the United States is elected and will take over for the President of the United States. No one claims that the Presidency would not be elected if the Vice President takes over.

We have to get rid of these cliches. We have got to get rid of these blocks on thinking what will happen. Put ourselves in a position of what will happen in a catastrophe. Waiting 7 weeks for special elections, as presented in this bill, would be a disaster.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I must say I understand the points that the gentleman is making. I believe he has a constitutional amendment that proposes an alternative approach. I must say the Speaker has been most concerned, and he asked me to put this in this bill, because a constitutional amendment takes so long to accomplish. We could be out there for Lord knows how long if it is ever accomplished. In the meantime, he has a proposal that will go forward and will be altered significantly as we go forward in order to expedite the process. That is what the Speaker is asking us to do here.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, is there any reason that we could not move forward with a constitutional amendment and a statutory proposal at exactly the same time that would accomplish the mission rather than leave us vulnerable for 7 weeks after a catastrophe?

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield further, he does have a constitutional amendment proposed. He knows how long and how risky constitutional proposals are. They hardly ever happen. And, therefore, the Speaker wants to make sure this proposal goes forward, and that is what we are suggesting.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

I want to simply say I congratulate the gentleman from California. I agree with the gentleman from California. I would be perfectly willing to vote for this proposition today if we had a constitutional amendment going at the same time, so that the solution in this bill would be only a temporary solution until we got a real one.

Without the Rohrabacher approach, or something similar, and I happen to prefer the one he introduced in the last Congress, but without something like that, we guarantee that we can have the President governing with literally a handful of people in the Congress. We could have hundreds of districts with no representation whatsoever. That is not continuity. That is chaos. That is martial law. That is one-man rule.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support both of the legislation and appropriation bill before us and also in strong support of the Capitol Visitors Center project. Having been very intimately involved in this project, I had the only two bills that were introduced and actually had congressional hearings on authorizing the visitors center, and then being the Speaker's designee to the Capitol Preservation Commission, which oversees this also on public

works. I followed this project from day one.

Let me just for the record set the record straight. First, about private money, we did start out raising private money. Mr. Chairman, the last fundraiser that was held to raise private money I participated in downstairs in the Speaker's dining room on the evening of Monday, September 10, 2001. As the Members know, our world changed and the project changed, and after that we put substantial money into the project. Correct, it then went to \$265 million. There was money put in the project prior to that time because we had two police officers killed at the front door of the Capitol. Go back and read the testimony of the Sergeant at Arms where he described the scenario that we should have prevented if we had built the structure in advance. So that is why there was additional money put in.

If we look at the record, in October of 2001, we put in \$38.5 million; and then in April of 2002, \$33 million. Add that up, and it is about \$70 million. It was all for security after September 11 to protect this, the people's House.

The additional \$70 million for expansion of space, when we built the project it was supposed to be smaller. I insisted, as a developer and former real estate person, that it be larger; that we create as much shell space as possible, because we are not going to dig up the front yard of the United States Capitol every year. So we built all of that shell space.

In November of 2001, we decided to build out the additional space for the House of Representatives. It was a wise decision because we will save a tremendous amount of money. As a developer, I could tell my colleagues if we go back afterwards, it will cost us twice as much. So we actually saved money.

Other improvements are for utilities. Some utilities fell apart as we dug them up, and we could see some of the results; so we will actually save money in utilities.

This is a wise investment. It gives the people of the United States a place to visit, to see the history, the artifacts, and also deal with the capacity issue, because we could never fit them all in this wonderful historic building that is overcrowded, without even the basic accommodations for visitors like restrooms.

So I strongly urge the adoption of this bill and also every Member's strong support of the largest addition in the history of the Capitol for the people of the United States.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I wanted to speak on this bill and in support of this bill. As a former chairman of the Legislative Branch Subcommittee, I had the honor of serving as the chairman, along with the gen-

tleman from Virginia (Mr. MORAN) as ranking member, and during our period of time, holding the gavel for this, we did a lot of reforms, and I think we worked very closely with groups that are well used but underappreciated, such as the Office of Compliance or the Library of Congress or the Government Printing Office. We tried to work with these agencies and come up with some reforms that we thought were helpful, and ideas, and we worked for them.

I wanted to say to the gentleman from Wisconsin (Mr. OBEY) we did a lot of work on the Capitol Visitors Center. I think we had a lot of good suggestions. Many of those suggestions were adopted by the House in our bill, but unfortunately as the bill progressed through the Chambers and got on the other side, the other body insisted on doing things which we thought could have addressed some of the concerns which he has raised today.

So I want to say the House is on record as trying to get a grip on the Capitol Visitors Center, unfortunately without the cooperation of the Senate.

Another group that we have had a lot of, I will say, growing pains with is the Capitol Hill Police. There are a lot of concerns about making the Capitol campus a fortress. As we walk up here with the eighth grade class from home to be greeted by officers with machine guns on the House steps, it is a little much; and this is something that we have a good discussion about on a Member-to-Member basis, how much security should we have?

The Chief of Police has suggested in the past, several times, that we build a wall all around the Capitol, to which, on a bipartisan basis, we have rejected the notion; and yet a wall is not just made out of bricks and mortars but can, in fact, be made out of human beings, and I think to some degree we do have that boundary right now.

And that is why it is perplexing to me that the Chief of Police would insist on a mounted horse unit, a unit which the House had decided was not cost efficient in the past and had cut out. This year the bill does not fund the horse mounted unit, and I think that it should remain that way. I know that there is going to be an amendment to restore it, but if we look at the strategic plan of the Capitol Hill Police, they do not even mention their own horse mounted unit. In fact, to quote the GAO report, it says: "Upon review of the draft United States Capitol Hill Police Strategic Plan for FY 2004 to 2008, and the United States Capitol Threat Assessment, it is unclear how the horse mounted unit supports the Capitol Hill Police strategic mission or how the horse mounted unit would be deployed against threats to the Capitol, because there is no mention of the horse mounted unit in the documents."

The point is that if the Capitol Hill Police feel that the horses are so important, why are they not mentioning it in their strategic plan? Last year during the debate on this, it was sug-

gested they are better for crowd control. But we do not have crowd control problems here at the Capitol. We do not have demonstrations. We do not have rock concerts. We do not have large masses of people who are coming out to watch or participate in an exhibit. We do have lines of people. We do have lots of people, but mounted police are used best on queuing up large groups of people and pushing back crowds, and that is a threat that we just frankly do not have.

But what is the cost of this? Their budget calls for \$145,000, they say, and we get free rent. But they do not mention that the stable for these horses is 20 miles away from the United States Capitol and that each day not only do the horses have to commute, and Members know what stress that must be on the horses because, good gosh, we have to put up for that, and I do not remember the horses being allowed to get on the Metro system.

But in addition to the horses having to commute, so does the manure. That is right. We have a gigantic pooper-scooper program for the mounted horses, that not only do they come here commuting like the rest of us, but then somebody has to follow behind them, I guess with a baggy from Safeway, as they do in the neighborhoods down in Alexandria. But they have to haul manure off campus at a cost, Mr. Chairman, of \$53,000 a year. And for what? To keep some guys on horses in a very tight, small area. This is not acres and acres of land that goes all the way to the Washington Monument. This is a confined area called the United States Capitol.

This is just one of the reforms that this House has gone on record of supporting. This bill does support it now. I think that we should pass the bill as it has been passed by the committee.

I do want to say one other thing. I am supporting the bill. I do think that the committee has done a good job on continuing a lot of the reforms that are in it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciated the gentleman from Illinois' (Mr. LAHOOD) earlier comments about the fitness center for our employees. When I first came here soon after the gentleman from Illinois (Mr. LAHOOD), I was struck that the showers that were available for our employees were kind of secret. We, I think, cracked the code, found out where they were, and published a map. And we were able to work with the gentleman from New York (Mr. WALSH), the gentleman from Virginia (Mr. KINGSTON), the gentleman from Virginia (Mr. MORAN), the former subcommittee chairs and ranking members in slowly moving some things forward. There are now some new showers. Now the fitness center is under construction.

I congratulate the gentleman from Illinois (Mr. LAHOOD) and the committee. I think this is an important development for our employees. It is important for their health, for their morale, for their efficiency, for their being able to bike and walk and run to work, I think it is an important signal for them that we value their work.

I also appreciated comments that he made about the gem, which is the Library of Congress. I must confess I have some concerns in looking at this budget. We basically flatlined the Library of Congress, and we have missing from this, and part of the reduction is, the money that has been set aside for facilities to deal with the massive amount of information that is compiled by the library. The Library of Congress is the largest repository of information in the world. We have an obligation in Congress to support their efforts, and it is time sensitive. Not only are they running out of space, running out of room, there are issues of being able to protect the materials that they have. And I am afraid that if we slip a year, then we slip another year, we end up putting a burden on the people who run the Library of Congress and we put part of that collection in jeopardy.

Look at what happened to the Library of Congress Jefferson Building being neglected for decades and it took a major renovation for the library, that gem that we are all so proud of, to be fit for use in time for its centennial.

□ 1700

I know the committee has a difficult time because there are tight spending restraints, but I would urge the Committee on Appropriations and, indeed, each Member of this body to take a careful look at our stewardship responsibilities for the Library of Congress.

We all direct our constituents there because we are proud of it. We all take advantage of the material. This is an important little detail that is going to make their job harder; and I am afraid in the long run, if we are not careful, it is going to be the abrogation of our responsibility to maintain this largest collection of information in the history of the world.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank my distinguished colleague, and I appreciate his leadership on this issue. The gentleman from California (Mr. ROHRBACHER) spoke eloquently about the need for the Rohrabacher/Baird amendment; and I would like to address it briefly, if I may.

Madison is quoted on this topic, but let me quote Madison from Federalist 47. He said: "The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be pronounced the very definition of tyranny."

Now, I would like, if I may, to ask my colleagues, before we pass this appropriations bill with legislative language in it alleging to maintain continuity, to maybe address a couple of questions, before my colleagues vote on this, and I will yield time. Not for a filibuster, but just to address some questions.

How will we, given Madison's concern, maintain checks and balances during the 49-day period until we have the special elections? I would be happy to yield 30 seconds to anyone who plans to vote for this bill to address that question.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I will address it in this way: I was here on 9/11, as the gentleman was. There is absolutely nothing for the Members of Congress to do. That is the answer to the gentleman's question. The whole thing was taken over by the administration. There is not going to be anything for any Member of Congress, any major decisions to be made during that period of time. We do not need to be around here.

Mr. BAIRD. Mr. Chairman, reclaiming my time, the fact is this Congress took a number of very important actions, as the distinguished gentleman from Illinois knows, during that same time period. Let me ask this: If what the gentleman is saying is that we are not going to do anything, the executive branch has all the control, then how do we not just define Madison's very definition of tyranny? And if that is the case, are we not with this bill promoting tyranny in this country?

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, we were all meandering around here trying to figure out what to do, trying to figure out how to get our phones working. All of the major legislation that was created was created long after the period of time that the gentleman is talking about.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I would beg to differ, and the gentleman, I think, is inaccurate historically.

Mr. LAHOOD. If the gentleman will further yield, what is the time frame?

Mr. BAIRD. Mr. Chairman, I do not have it on the top of my head, my friend; but I can say that it is much faster than 7 weeks. I would assert, furthermore, that if the gentleman's assertion is that we do not need the United States Congress post a catastrophic attack, I think you are making a mistake and doing a disservice. If that is what you are voting for, then let us be honest with the American public, as apparently the chairman of the Committee on the Judiciary has been.

We are voting with this bill to allow martial law, and I think that is a grave mistake.

Let me continue, if I may, and ask a few other questions. How many millions of Americans are you willing to leave without representation as article I, section 8 responsibility such as declarations of war, appropriations of funds, et cetera, are made? How many millions of Americans is the gentleman willing to leave without representation?

Mr. LAHOOD. I was going to respond to the gentleman's other questions.

Mr. BAIRD. Okay. So we do not have that answer.

Let me ask this question: under the bill, the section that is proposed, I have yet to figure out what happens to this body.

The CHAIRMAN. The time of the gentleman from Washington (Mr. BAIRD) has expired.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would suggest that with these questions remaining, we should not be passing this legislation in the manner in which we are. We need a full and open and extensive debate on this.

Mr. LEWIS of California. Mr. Chairman, I rise to yield time to the gentleman from California (Mr. DREIER); but before doing so, I just want to mention that the previous speaker had a constitutional amendment regarding the issue of continuity in the last Congress, and on that constitutional amendment the vote was 63 yeas and 353 nays. To say the least, the constitutional approach is difficult.

Mr. Chairman, I am glad to yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank the distinguished gentleman from California, the chairman of the Committee on Appropriations, for yielding me this time; and I want to congratulate him on the fine work that he has done, not only on this legislation, but on all of the appropriations bills.

We have debated this issue, Mr. Chairman. We debated this issue in the 108th Congress. We have had three markups on this issue, two in the Committee on House Administration, one in the Committee on the Judiciary, and we had 122 Democrats who joined with us in support of a responsible piece of legislation which, in fact, encourages the Madisonian vision of an elected people's House.

Now, I heard my friend from Wisconsin talk about the fact that if we are going to pass this legislation, he would support it if we went ahead with a constitutional amendment. It was the distinguished chairman of the Committee on Appropriations who just said we had that debate. Sixty-three Members of this House chose to support a constitutional amendment. The only reason that we are here at this moment having this debate is that the other body has refused, last year and since March of this year, to proceed with acting on this House's housekeeping

matter. It is a housekeeping matter for the House of Representatives to maintain the process of elections.

Now, I think that if we look at the debate that we have had, if we look at the fact that we have continued since September 11 of 2001 to focus on a wide range of matters that impact this institution and the challenge that we never faced in our history, I believe that having this very important legislation that was passed by a margin of 329 in this Congress, 329 to 68, that including it now in the legislative appropriations bill is the most appropriate way to deal with it.

We chose in the Committee on Rules to allow the gentleman from Washington (Mr. BAIRD) to have an opportunity to strike this measure; and in just a few minutes, we are going to, once again, have a vote on whether or not we allow the process of elections to go ahead.

Now, it is very true, it is very true that it would be difficult, it would be messy, it would be ugly; but Walter Dellinger, the former Solicitor General, a great constitutional scholar from Duke University, made it very clear in his testimony before the Committee on Rules, when we talked about this issue, that he would prefer to see a House of Representatives that is comprised of fewer Members that are actually elected by the people than would be appointed.

Now, my friend from Washington State talks about the fact that these appointed people would be running our country and we would not have elected people. Under the constitutional amendment that my friend supports, we could see this institution, the people's House, consist of individuals who are appointed making decisions over those who are elected; and I think that is counter to the entire intention that was put forward by the Framers of our Constitution.

So when this comes up, I am going to urge a "no" vote on the Baird amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, with respect to the Congressional Visitors Center, we are not saying there should not be one; all we are saying is that the one that is being proposed is screwed up and spectacularly wasteful and needs to be changed.

With respect to the assertion of my friend from Illinois that we do not have to worry about not having a Congress for 45 days because there will not be anything for Members of Congress to do, all I can tell my colleague is, if that is the case, then I wonder why it is that the gentleman from Florida (Chairman BILL YOUNG) and I negotiated a \$20 billion supplemental appropriation just a few days after 9/11; and I wonder why it is we were sitting in the office of the gentleman from Illinois (Speaker HASTERT) until 12:30 at night hammering out differences with people on the Senate side who did not

agree with what we had done; and why it is that the President made a commitment of \$10 billion to New York; and why we had to spend a lot of time backing him up.

I would also remind the gentleman we had a debate on the House floor when the Committee on Transportation and Infrastructure tried to slip into that bill an extra \$10 billion appropriation for the airlines.

There was plenty for us to do after 9/11; and thank God, in contrast to the proposition being set out today, thank God that then we had a Congress around to do it.

If you want to vote for a situation in which we can have no Congress whatsoever for 45 days, then by all means vote for this provision. If you do not, if you think we ought to have some kind of balance and check on the Presidency during that period by having somebody here to do the Nation's business, then my colleagues will reconsider and listen to what the gentleman from California (Mr. ROHRBACHER) and the gentleman from Washington (Mr. BAIRD) have to say.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, it was not my intention to speak in these closing moments.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, just one point. We did that 3 days after 9/11, 3 days.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I think it is important for the public to know that all of us are concerned about continuity of government in the event of a tragedy. We certainly would not be having this discussion if it had not been for 9/11.

But, indeed, there are differences in the approach that one might take. Some prefer a constitutional amendment; and yet we have tried that on more than one occasion. We have had the debate, and very few in this House have supported that proposition. So the Speaker has asked us to go forward with an idea that will be worked on carefully between now and the time we finish our work with the Senate.

But from that point forward, let me talk a bit about the Capitol Visitors Center. My colleague, the gentleman from Wisconsin (Mr. OBEY), and I, early on in this Congress, were not active supporters of a CVC. But, indeed, his leadership and my leadership, at a higher pay grade, made a different decision; so we are carrying forward their work in this process.

I have looked at the visitors center very carefully. It is rather a fabulous addition to the Capitol, the greatest addition that has been made in this century, I believe. Indeed, within the

mix of that, while I might change some things, I prefer not to suggest what the details ought to be that the Architect moves forward with. I am critical of the Architect; but in the meantime, I am not one. Therefore, we are going to add this major change whereby visitors can enter the Capitol, and it will have a very significant piece of our future history in the Capitol complex. It is going to be a fabulous addition. Indeed, it will be a very high-quality addition that we will all be proud of, but I think it would be a mistake for me to try to be the architect between now and then.

So with that, Mr. Chairman, this has been a very interesting debate about the work of the people's House. I am very happy to participate in this with my friend, the gentleman from Wisconsin (Mr. OBEY).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 2985 the Legislative Branch Appropriations for fiscal year 2006. However, I find it truly unfortunate that these Appropriations were consistently under-funded because of the tight budget due to the massive tax cuts given to the richest Americans. These Bush Administration tax cuts have created gaps in so many programs and these Legislative Branch Appropriations are no different.

The total funding for this legislation is \$2.87 billion which is only 2% more than current levels and \$270 million (9%) less than requested by the various legislative offices and agencies. This bill appropriates \$1.1 billion for operations of the House of Representatives which is only \$13 million (1%) more than current funding and \$35 million (3%) less than requested. It is unfortunate that these Appropriations are so tight, when the cost of operating the House of Representatives is in fact getting higher. These costs are becoming higher because the needs of our constituencies are becoming greater. With these unfortunate budget cuts in place it will be our constituents who suffer. Regardless of these cuts, Congress will continue to function properly and we will serve our constituents proudly, but these cuts in our funding undermine our efforts.

In addition to insufficient funding to the House of Representatives, the greatest deficiencies can be found in the legislative branch agencies that directly or indirectly support Congressional operations. This funding is only \$32.6 million (2%) more than current levels and a staggering \$234.8 million (12%) less than requested. Funding for the Capitol Police, who are entrusted with protecting the Capitol Complex and all those who work and visit here actually received \$2 million (1%) less than in FY 2005, and \$50.4 million (17%) less than requested in this Appropriation. The Architect of the Capitol who have worked so hard in the last year to make the Capitol Complex more accessible to visitors received only \$317.3 million, \$16.7 million (6%) more than current funding but a full \$123.6 million (28%) less than requested. The Government Printing Office (GPO) which serves the demanding printing needs of hundreds of legislators every year received only \$122.6 million which is \$2.8 million (2%) more than current funding but \$8.5 million (6%) less than requested. Indeed, even the Library of Congress, the resource for Members and staff to conduct research and the institution meant to be our nation's greatest repository of reading materials, even their

funding was cut in this Appropriation. The Library of Congress received \$543 million, about equal to the FY 2005 level but \$47.8 million (8%) less than requested. It is sad to see these legislative branch agencies, which work so hard and diligently to support the work of Congress, have their funding needs not met. Again, these agencies will continue to support Congress and they will do their jobs well, but these cuts in funding can only lessen their effectiveness.

However, the issue that has me most concerned about this Appropriation is the language of H.R. 841, which would require states to hold special elections within 49 days of the Speaker declaring that more than 100 vacancies exist in the House. First of all, this language has no business being in this Appropriations measure, it clearly legislates on what is supposed to be a spending bill. Truly, the other side of the aisle is trying to sneak in a piece of legislation within this Appropriation in order to force its passage upon the Senate. Furthermore, this language within this bill threatens to weaken the electoral process, to disenfranchise overseas, disabled, and lower-income voters and thereby reduce individual rights. The more expedited the process of replacing the members of the House and the smaller body constituted is, the less legitimacy it will have. Unless the House constitutes members from all 50 States and through a full, fair, and transparent process, this body will lack qualities that make it truly "representative."

Despite my objections with certain provisions of this legislation I will vote in favor of this Appropriation because it serves the needs of our Congress. However, I hope that soon our economic and budgeting practices would change so that we are not forced to make so many cuts in vital areas. I also hope that in the future we do not use these Appropriations bills as a way to further our legislative agendas. It is my sincere hope that the institution of Congress, which was made to serve the needs of the people, will continue to be effective no matter the obstacle.

Mr. NUSSLE. Mr. Chairman, at a time when nearly all Federal agencies are facing the need for spending discipline, it is imperative that we apply restraint to ourselves as well—to the operations of Congress itself. This bill—the Legislative Branch Appropriations Act for Fiscal Year 2006 (H.R. 2985)—does that it holds congressional spending to a modest 1.7 percent increase, compared with 2005. I rise in support of this bill, which complies with the budget resolution for fiscal year 2006.

Most of the funding in this bill goes to non-political agencies, and non-elected people, who make it possible to do our work: the people who provide vital data and analysis to inform our policy decisions; who keep our buildings and grounds functioning; and—of special importance—providing security for all of the legislative branch.

SPENDING TOTALS

H.R. 2985 provides \$2.87 billion in new budget authority and \$2.5 billion in new outlays for programs within the Legislative Branch. This funding covers various legislative support agencies such as the Architect of the Capitol, Library of Congress, Congressional Research Service, Congressional Budget Office and the Government Accountability Office, and the Capitol Police. The funding level represents an increase of \$42 million in BA and

\$241 million in outlays over last year, a 1.7 percent increase from FY 2005 levels. Consistent with a long-standing practice—under which each chamber of Congress determines its own housekeeping requirements, and the other concurs without change, appropriations for the Senate are not included in the bill reported to the House.

BUDGET COMPLIANCE

This measure, in providing \$2.865 billion in budget authority for the operations of the Legislative Branch excluding Senate functions, is well below the overall suballocation of \$3.719 billion. However a level was set within this \$3.719 billion for legislative operations excluding Senate functions of \$2.831 billion. Hence, though this measure complies with the relevant points of order under the Budget Act, it breaches the level internally set by the Appropriations Committee. It is expected that, when this measure is reported from conference committee, the overall level of spending for all legislative operations, including House, Senate and support agencies, will be at or below the level set pursuant to 302(b) of the Congressional Budget Act.

The bill contains a small recession in BA for the Library of Congress for the Copyright Re-engineering Project and no advance appropriations or emergency-designated spending.

PROGRAMMATIC SPENDING

The bill provides \$311 million to the Architect of the Capitol (AOC) for various operational and maintenance activities under the jurisdiction of the AOC, including, \$37 million to complete construction of the Capitol Visitor Center. This bill also recommends the establishment of a Capitol Visitors Center Governing Board to address the issue of daily operations of the visitor center.

\$543 million to the Library of Congress, a decrease of \$2 million from FY 2005, \$122 million to the Government Printing Office, an increase of \$3 million from FY 2005 and \$482 million for Government Accountability Office, an increase of \$15 million over FY 2005.

The bill also provides \$240 million for the Capitol Police. As we all know, ever since 9–11 the demands on these officers have grown significantly. Finally, the bill provides \$1.092 billion for operations of the House of Representatives and a modest increase of \$13 million or 1.2 percent, compared with 2005.

CONCLUSION

I commend the Committee on Appropriations for bringing us a bill that funds the operations of this House at levels generally consistent with the levels authorized under the Fiscal Year 2006 Budget Resolution.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2985 is as follows:

H.R. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, namely:

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,092,407,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$19,844,000, including: Office of the Speaker, \$2,788,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,089,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$2,928,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,797,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,345,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$482,000; Republican Steering Committee, \$906,000; Republican Conference, \$1,548,000; Republican Policy Committee, \$307,000; Democratic Steering and Policy Committee, \$1,945,000; Democratic Caucus, \$816,000; nine minority employees, \$1,445,000; training and program development—majority, \$290,000; training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$434,000; and Cloakroom Personnel—minority, \$434,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$538,109,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$117,913,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$25,668,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$167,749,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$13,000, of which not more than \$10,000 is for the Family Room, for official representation and reception expenses, \$21,911,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$3,000 for official representation and reception expenses, \$6,284,000; for salaries and expenses of the Office of the Chief Administrative Officer, \$116,971,000, of which \$3,306,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$3,991,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, \$5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, \$962,000; for the Office of the Chaplain,

\$161,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$1,767,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$2,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$6,963,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$720,000; for other authorized employees, \$161,000; and for salaries and expenses of the Office of the Historian, \$405,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$223,124,000, including: supplies, materials, administrative costs and Federal tort claims, \$4,179,000; official mail for committees, leadership offices, and administrative offices of the House, \$410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$214,422,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, \$3,410,000, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$703,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2006. Any amount remaining after all payments are made under such allowances for fiscal year 2006 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,276,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$8,781,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms,

and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$725 per month to two assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,834,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$2,545,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$4,268,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$210,350,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$29,345,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2006 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 1001. **TRANSFER AUTHORITY.**—Amounts appropriated for fiscal year 2006 for the Cap-

itol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. (a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

SEC. 1003. (a) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by inserting "United States Capitol Police," after "Architect of the Capitol,".

(b) The amendment made by subsection (a) shall apply with respect to reports filed under the Ethics in Government Act of 1978 for calendar year 2005 and each succeeding calendar year.

SEC. 1004. Section 1003 of the Legislative Branch Appropriations Act, 2004 (Public Law 108-83; 117 Stat. 1021), is hereby repealed, and each provision of law amended by such section is hereby restored as if such section had not been enacted into law.

SEC. 1005. (a) During fiscal year 2006 and each succeeding fiscal year, the United States Capitol Police may not carry out any reprogramming, transfer, or use of funds described in subsection (b) unless—

(1) the Chief of the Capitol Police submits a request for the reprogramming, transfer, or use of funds to the Committees on Appropriations of the House of Representatives and Senate on or before August 1 of the respective year, unless both such Committees agree to accept the request at a later date because of extraordinary and emergency circumstances cited by the Chief;

(2) the request contains clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of funds;

(3) the request contains a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until both Committees have approved the request; and

(4) both Committees approve the request.

(b) A reprogramming, transfer, or use of funds described in this subsection is any reprogramming or transfer of funds, or use of unobligated balances, under which—

(1) the amount to be shifted to or from any object class, approved budget, or program involved under the request, or the aggregate amount to be shifted to or from any object class, approved budget, or program involved during the fiscal year taking into account the amount contained in the request, is in excess of \$250,000 or 10 percent, whichever is less, of the object class, approved budget, or program;

(2) the reprogramming, transfer, or use of funds would result in a major change to the program or item which is different than that presented to and approved by the Committees on Appropriations of the House of Representatives and Senate; or

(3) the funds involved were earmarked by either of the Committees for a specific activity which is different than the activity proposed under the request, without regard to whether the amount provided in the earmark is less than, equal to, or greater than the amount required to carry out the activity.

SEC. 1006. (a) **ESTABLISHMENT OF OFFICE.**—There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the "Office"), headed by the Inspector

General of the United States Capitol Police (hereafter in this section referred to as the "Inspector General").

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the Capitol Police Board, in consultation with and subject to the approval of the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Speaker of the House of Representatives and President pro tempore of the Senate.

(4) SALARY.—The Inspector General shall be paid at an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) DEADLINE.—The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after the date of the enactment of this Act.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) SEMIANNUAL REPORTS.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Capitol Police Board shall be considered the head of the establishment, except that the Inspector General shall transmit to the Chief of the Capitol Police a copy of any report submitted to the Board pursuant to this paragraph.

(3) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of the date of the enactment of this Act.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) STAFF.—

(A) IN GENERAL.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than \$500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

(B) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) APPLICABILITY OF CAPITOL POLICE PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) EQUIPMENT AND SUPPLIES.—The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—To the extent that any office or entity in the Capitol Police prior to

the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

SEC. 1007. (a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the name of each person or entity who receives a payment from the Capitol Police;

(2) the cost of any item furnished to the Capitol Police;

(3) a description of any service rendered to the Capitol Police, together with service dates;

(4) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

(5) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) PRINTING.—Each report under this section shall be printed as a House document.

(d) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$3,112,000, of which \$780,000 shall remain available until September 30, 2007: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$35,450,000.

ADMINISTRATIVE PROVISION

SEC. 1100. (a) PERMITTING WAIVER OF CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584(g) of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting immediately after paragraph (6) the following new paragraph:

"(7) the Congressional Budget Office."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$77,002,000, of which \$350,000 shall remain available until September 30, 2008.

CAPITOL BUILDING

For all necessary expenses for maintenance, care, and operation of the Capitol, \$22,097,000, of which \$6,580,000 shall remain available until September 30, 2008.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$7,723,000, of which \$740,000 shall remain available until September 30, 2008.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$59,616,000, of which \$20,922,000 shall remain available until September 30, 2008.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$58,585,000, of which \$1,592,000 shall remain available until September 30, 2008: *Provided*, That not more than \$6,600,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$31,318,000, of which \$6,325,000 shall remain available until September 30, 2008.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, \$16,830,000, of which \$5,500,000 shall remain available until September 30, 2008.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$7,211,000: *Provided*, That this appropriation shall not be available for construction of the National Garden: *Provided further*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care, and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, \$36,900,000, to remain available until expended: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1201. (a) Section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849), is amended—

(1) in subsection (b), by striking “8 positions” and inserting “10 positions”; and

(2) in subsection (c), by striking “4 positions” and inserting “2 positions”.

(b) The amendments made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 1202. (a) Section 905 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (2 U.S.C. 1819) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) In the case of a building or facility acquired through purchase pursuant to subsection (a), the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b).”.

(b) The amendments made by subsection (a) shall apply with respect to leases entered into on or after the date of the enactment of this Act.

SEC. 1203. (a) There is hereby established the Capitol Visitor Center Governing Board (hereafter in this section referred to as the “Governing Board”), consisting of each of the following individuals:

(1) The Speaker of the House of Representatives, or the Speaker’s designee.

(2) The minority leader of the House of Representatives, or the minority leader’s designee.

(3) The majority leader of the Senate, or the majority leader’s designee.

(4) The minority leader of the Senate, or the minority leader’s designee.

(5) The chairman of the Committee on House Administration of the House of Representatives, who shall serve as co-chairman of the Governing Board.

(6) The ranking minority member of the Committee on House Administration of the House of Representatives.

(7) The chairman of the Committee on Rules and Administration of the Senate, who shall serve as co-chairman of the Governing Board.

(8) The ranking minority member of the Committee on Rules and Administration of the Senate.

(b) The Governing Board shall be responsible for establishing the policies which govern the operations of the Capitol Visitor Center, consistent with applicable law.

(c) This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library’s catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$388,144,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: *Provided further*, That of the total amount appropriated, \$13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, \$500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, \$11,078,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the amounts made available under this heading in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-194), \$15,500,000 is rescinded.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$58,601,000, of which not more than \$30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$5,465,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$35,946,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$99,952,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$54,049,000, of which \$15,831,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the obligatory authority of the Library of Congress for the activities described in subsection (b) may not exceed \$109,943,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and re-

volving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed \$1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. UNITED STATES DIPLOMATIC FACILITIES.—Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

SEC. 1304. (a) Section 208 of the Legislative Branch Appropriations Act, 1996 (Public Law 104-53; 109 Stat. 532), is hereby repealed.

(b) The amendment made by this section shall take effect on the date of the enactment of this Act or October 1, 2005, whichever occurs earlier.

GOVERNMENT PRINTING OFFICE
CONGRESSIONAL PRINTING AND BINDING
(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$88,090,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the pur-

poses of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$33,337,000: *Provided*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, \$1,200,000 for workforce retraining. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That not more than \$10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107-202.

GOVERNMENT ACCOUNTABILITY OFFICE
SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the

United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$482,395,000: *Provided*, That not more than \$5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That not more than \$2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$14,000,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2006 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures

are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. COMPENSATION LIMITATION.—None of the funds contained in this Act or any other Act may be used to pay the salary of any officer or employee of the legislative branch during fiscal year 2006 or any succeeding fiscal year to the extent that the aggregate amount of compensation paid to the employee during the year (including base salary, performance awards and other bonus payments, and incentive payments, but excluding the value of any in-kind benefits and payments) exceeds the annual rate of pay for a Member of the House of Representatives or a Senator.

TITLE III—CONTINUITY IN REPRESENTATION

SEC. 301. Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking "The time" and inserting "(a) IN GENERAL.—Except as provided in subsection (b), the time"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

"(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

"(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

"(A) a regularly scheduled general election for the office involved is to be held; or

"(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

"(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

"(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

"(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

"(4) EXTRAORDINARY CIRCUMSTANCES.—

"(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

"(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

"(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

"(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

"(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

"(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

"(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

"(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

"(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

"(6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—This subsection shall apply—

"(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

"(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa,

Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

“(7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

“(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

“(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

“(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

“(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

“(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

“(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

“(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.”

This Act may be cited as the “Legislative Branch Appropriations Act, 2006”.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109-144. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109-144.

AMENDMENT NO. 1 OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BAIRD:

Page 44, strike line 4 and all that follows through page 49, line 25.

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

I want to revisit this issue, and I want to clarify a couple of things. The opponents of a real continuity solution have asserted that the gentleman from California (Mr. ROHRBACHER) and I would take away the right to election. Nothing could be further from the truth. We believe we need real elections, not hasty elections, not elections in which the candidates are chosen by the party, but elections in which there is time for deliberation,

elections in which there is time for overseas people to vote, elections in which we can have real candidates, real debate, real primaries, et cetera.

So we all agree that we should have real elections; that is the ideal. But the question is, should we have a Congress in the interim?

I have heard the chairman of the Committee on the Judiciary point out that in the days post-9/11 it was an elected Congress, not an appointed Congress, that made decisions. He is absolutely right, because we had a Congress. My colleague from Illinois will recall that, in fact, the PATRIOT Act was passed during that 7-week interregnum; and interregnum may be the proper word because if we do not have a Congress, we would have effectively a monarchy or an appointed administration.

□ 1715

Let me raise a couple of other points. Article I, Section 8, of the Constitution, as we all know, details a host of functions of this Congress. I have yet to hear how those functions get carried out during this 7-week period, save for the apparent explanations that the Congress does not have anything to do, and the Constitution Subcommittee chair's explanation that we will have marshal law.

I for one did not run for this seat to bequeath marshal law as our legacy if we are eliminated by terrorists. People on the other side of this argument have said, oh, if we have anything but a direct election, the terrorists have won. I personally consider marshal law a substantial victory for the terrorists, a substantial victory.

Far preferable would be some mechanism in which the terrorists and the rest of the world could see the Congress of the United States reconvening with legitimacy and with distinguished statesmen from both sides of the aisle to conduct the people's business until such time as we had really elections.

It has been argued that we need to do this statutory fix because constitutional amendments take time. Yes, they do. But the Constitution did not say if it is going to take you too long to amend the Constitution, do it by House rule.

At the start of this Congress, the first order of business was to pass the House rules. The second order of business was to pass a rule that was unconstitutional. Sorry. The first order of business was to swear an oath to uphold the Constitution. The second order was to pass a rule that was patently unconstitutional. By that I mean we passed a rule that essentially says a quorum can be one or two people. The first order of business of the first Congress of the United States was to adjourn for lack of a quorum.

Now, the distinguished gentlemen from California (Mr. DREIER) likes to quote Madison. So do I. Madison was present in that first Congress. He was a Member.

He supported movements to adjourn because they lacked a quorum. And yet this body says, well, gee, you know, it takes too long to amend the Constitution, so let us do things unconstitutional at a time of national crisis.

This is not the way to go about it. The gentleman from Georgia (Mr. KINGSTON) was right. The gentleman earlier spent some time talking about horse manure. I think we need to spend more time on constitutional issues than we spend on horse manure, but we have not. In this Congress we have spent so much time debating so many things of much less importance, and it is fair enough to say that my amendment did not pass. I respect that. That is what this process is about.

But, here is what you have not said, that myself and the gentleman from California (Mr. ROHRBACHER) put forward a rules proposal that would have allowed multiple solutions to this to be debated. Multiple amendments. We could have had a serious and open and extensive debate. I have to tell you, when I talk to my colleagues and I ask them these questions, how many constituents are you willing to leave, how many millions of Americans with no representation at all, no representation, during a time of national crisis; how willing are you to have a Cabinet member serve as President, with no checks and balances, Secretary of Agriculture, Health and Human Services. Most Americans do not even know these folks.

If you are so concerned about elected representation, are you not equally concerned about an unelected President with no checks and balances? I certainly am.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I seek the time in opposition.

Mr. Chairman, I would like to begin by yielding 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Judiciary Committee, with whom I have been very pleased to work on this issue really since September 11, 2001.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Baird amendment. The gentleman from Washington has been very sincere in stating that there ought to be a Constitution amendment to provide for temporary appointments to the House of Representatives in case of a tragedy.

The House debated that amendment in the last Congress, and it was rejected by the resounding margin of 63 ayes to 353 noes. That should have closed the issue of having appointed Members serve, even on a temporary basis. Evidently it has not, and that is why we are debating this here today.

Earlier this year, the House passed the continuity of Representation Act. It was passed overwhelming, 329 to 68, a nearly 5-to-1 margin. And those who voted for that bill in February ought to vote against the Baird amendment today.

The expedited special election procedure will mean that the House will be filled up within 49 days. In this 49-day time frame, the election center has shown that there can be special elections that will have the vigorous debate that the gentleman from Washington (Mr. BAIRD) wants to have in terms of selecting replacement Representatives for those of us who are wiped out.

But I would say that if the gentleman from Washington (Mr. BAIRD) has his way, we could have a House of 350 appointed Members outvoting the 85 elected Members that survive the enemy attack.

That is not democracy. We would have an appointed House and perhaps an appointed Senate, and an appointed President of the United States. We ought to reject the Baird amendment. We ought to get the Continuity of Representation Act passed through the other body and made law because it is an important and vital homeland security measure.

Mr. BAIRD. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, it is a perverse reasoning that suggests that having no representation here at all somehow provides you better representation than to have someone appointed by the person you last elected.

You are trying to say that we do not have a Democratic Republic if the elected representatives from other States can have a vote equal to someone from your State. I believe the best way to have a Republic is to have representation from all of the constituents.

If that means temporary appointments, so be it. Finally, we have heard so many times one distinguished scholar quoted, and he is indeed a distinguished scholar. But let me point out to the gentleman from California (Mr. DREIER) as he well knows, the bipartisan 9/11 Commission, which included Newt Gingrich, Tom Foley, Alan Simpson, Lloyd Cutler, a host of other scholars, has rejected essentially the proposal by the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), and has concluded with great reluctance that we do indeed need a mechanism to amend the Constitution so that whatever mechanism is arrived at is constitutionally valid.

I would weigh the weight of their testimony and their objectivity and their bipartisanship against one single individual that you continually quote.

MAJOR VOTES IN THE U.S. HOUSE OF REPRESENTATIVES, SEPTEMBER 11–OCTOBER 26, 2001

September 13, 2001. H.R. 2884, Victims of Terrorism Relief Act of 2001. The bill exempted individuals killed in the 9/11 terrorist attacks, or who die as a result of injuries suffered in those attacks, from paying federal income tax in the year of their death.

September 13, 2001. H.R. 2882, Expedite Public Safety Office Benefits. This bill directed the Justice Department to expedite the benefit payment process for the public safety officers (and their families) that were

killed or suffered catastrophic injuries sustained in the line of duty in connection with the terrorist attacks of Sept. 11.

September 14, 2001. H.R. 2888, 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States. The bill appropriated \$40 billion in emergency funds to pay for the costs of recovery from the 9/11 terrorist attacks and to counter, investigate and prosecute terrorist activities.

September 14, 2001. H.J. RES. 64, Authorization of Force. The resolution authorized the president to use "all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on Sept. 11, 2001."

September 21, 2001. H.R. 2904, Military Construction Appropriations for FY 2002. The bill appropriates \$10.5 billion for military construction programs in FY 2002.

September 21, 2001. H.R. 2926, Air Transportation Safety and System Stabilization Act. This bill provided \$15 billion in assistance to the U.S. airline industry to help stabilize the financial condition of the industry in the wake of the terrorist attacks on Sept. 11—\$5 billion in immediate cash assistance and \$10 billion in loan guarantees.

September 24, 2001. H.J. RES. 65, Continuing Appropriations for FY 2002.

September 25, 2001. H.R. 2586, Department of Defense Authorization for Fiscal Year 2002.

September 25, 2001. H.R. 2944, District of Columbia Appropriations for Fiscal Year 2002.

October 5, 2001. H.R. 2646, Farm Security Act.

October 11, 2001. H.R. 3061, Labor-HHS-Education Appropriations for Fiscal Year 2002.

October 12, 2001. H.R. 2975, PATRIOT Act.

October 17, 2001. H.R. 3004, Financial Anti-Terrorism Act. The bill gives the Treasury Department new powers to combat money laundering by imposing additional record-keeping requirements and by restricting or banning dealings with suspect foreign financial entities.

October 17, 2001. H.R. 2904, Military Construction Appropriations for FY 2002.

October 17, 2001. H.R. 2217, Interior and Related Agencies Appropriations for FY 2002.

October 23, 2001. H.R. 3160, Bioterrorism Enforcement Act of 2001. The bill established criminal penalties for the unsafe or illegal possession or transfer of certain biological agents and toxins—including anthrax—and it required the Health and Human Services Department (HHS) to develop new regulations governing the possession and use of those substances.

October 24, 2001. H.R. 3090, Tax Incentives for Economic Recovery. The measure provided business and individual tax cuts totaling \$99.5 billion in 2002 and \$159.4 billion over 10 years.

October 24, 2001. H.R. 3162, USA PATRIOT Act Conference Report.

October 25, 2001. H.J. RES. 70, Continuing Appropriations for FY 2002.

Mr. DREIER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, James Madison said the problems of democracy are solved with more democracy. Now, we regularly talk about the fact that the worst, the worst attack on our soil, was what took place on September 11, 2001.

And it is very true that that is the case for what has happened in modern times. But I would like to remind my colleagues that the Civil War was a very tough time for the United States

of America. In fact, the Battle of Antietam saw Southern troops get within miles of this Capitol.

The President of the United States, Abraham Lincoln, made a very firm decision at that point: Proceed with elections. He felt it very important that the American people have an opportunity to participate through elections.

Now, when we think of the unthinkable, a tragic attack which would be launched against the United States of America, what is it that the people would do? Well, obviously, one would think about feeding and clothing their family, ensuring that they have a roof over their head.

And, Mr. Chairman, a very important part of coming together following a tragedy is the important role of choosing one's leaders. Now, I do not believe that appointed Members should be making the decision in the people's House. Yes, they can do that as Members of the other body. Yes, that can even happen for the Chief Executive of the country.

But in the people's House, no one has ever served here in our more than 200-year history without having first been elected. And this notion of creating a scenario whereby people could serve in the people's House without having first been elected is anathema to the entire basis on which the United States of America was founded.

We would have to deal with a crisis, but we would come up with a compromise. Forty-nine days is the amount of time during which people could come together and hold elections and have their representative, that is why we are called representatives, their representative could come here and have the chance to serve.

It is very clear to me that the House of Representatives has, as has been said, spoken. Sixty-three Members of 435 voted in favor of our proceeding with a constitutional amendment. Sixty-three Members for a constitutional amendment. We know that it takes a two-thirds vote. We found that out earlier today. And obviously that is not what the people's House wants.

And so, Mr. Chairman, I urge my colleagues to reject the Baird amendment, and create an opportunity for us to let the other body act on a House provision which is so vitally important to the deliberative nature of this great body.

Ms. MILLENDER-McDONALD. Mr. Chairman, I congratulate the gentleman from Washington for his long-time leadership on this issue.

Mr. Chairman, I support this amendment to strike legislation which has nothing to do with the appropriations process, legislation which has been improperly placed in this bill, the text of H.R. 841, the "Continuity in Representation Act of 2005." That bill has already passed the House twice, in slightly different forms, in the spring of 2004 and most recently on March 3, 2005. The Senate refused to consider it the first time, and it is currently pending on the Legislative Calendar in the Senate, where it

will remain unless objections by various senators are dealt with.

Make no mistake: there are senators who strongly oppose this bill, and virtually none who care about it, or strongly support it, or want to take up the Senate's time with it. This means that, if the bill is to move at all, its supporters need to take the objections seriously, be prepared to negotiate, and avoid further antagonizing the opponents.

As Ranking Member of the committee of actual jurisdiction, the Committee on House Administration, I have never been consulted by the Majority about beginning negotiations with the Senate to try to resolve the objections and get a bill which can clear both chambers. Whether such an effort could succeed is unclear, but—nothing ventured, nothing gained. Instead, the House Appropriations Committee has, to its obvious discomfort, effectively been hijacked by the House majority leadership to load the bill onto Legislative Branch Appropriations in the belief that the Senate will meekly submit to anything tacked into the House title.

I am not going to reargue the substantive issues here. H.R. 841 was and is a bad bill. I oppose it and voted against it. We should not be recycling failed legislation. If the bill's supporters ever hope to get it passed in some form, they need to make a serious effort to address the objections rather than to employ parliamentary games. They should not be misled by the margins by which the House has passed the bill. Congress consists of two chambers.

Unfortunately, some of the House sponsors appear to be treating a controversial and sensitive subject as if it were a perk of the House, as though the House alone somehow had acquired, contrary to the Constitution and other Federal laws, the right to control the procedure under which its Members are elected. This position has gotten them nowhere. I believe it is in fact counter-productive.

During the Appropriations markup, there were numerous questions about the continuity amendment which Chairman LEWIS, who offered it, was unable to answer. It was obvious that the committee had no idea what it was being asked to do and, based on the thunderous chorus of "nays" on the voice vote, was reluctant to be forced to do it.

Mr. Chairman, H.R. 841 is under the jurisdiction of the Committee on House Administration. It has nothing to do with the appropriations process. It has serious problems. The sponsors need to change their tune. Attempting an end run around the regular order on what is, despite their spin, a very controversial bill, does nothing to enhance credibility in potential negotiations with the Senate.

If this bill is to be saved, let the Members who care about and understand the issues engage seriously with those of differing views. That is how legislation becomes law. Not this way.

I urge adoption of the Baird amendment to strike Title 3.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of my colleague Mr. BAIRD's amendment to H.R. 2985 the Legislative Branch Appropriations for fiscal year 2006. The Baird amendment would strike the language of H.R. 841, which would require states to hold special elections within 49 days of the Speaker declaring that more than 100 vacancies exist in the House. First of all, this language has no business being in this Appropria-

tions measure, it clearly legislates on what is supposed to be a spending bill. Truly, the other side of the aisle is trying to sneak in a piece of legislation within this Appropriation in order to force its passage upon the Senate.

Furthermore, this language within this bill threatens to weaken the electoral process, to disenfranchise overseas, disabled, and lower-income voters and thereby reduce individual rights. The more expedited the process of replacing the members of the House and the smaller the body constituted is, the less legitimacy it will have. Unless the House constitutes members from all 50 States and through a full, fair, and transparent process, this body will lack qualities that make it truly "representative."

Forty-nine days is simply not enough time for a state to hold the most free and fair elections. Special elections on average, take four months. In the event of a catastrophic disaster, elections should be held on an expedited time schedule. The pillars of what makes American democracy unique, however, should not be toppled in the pursuit to do so. True democracy dictates that every eligible woman or man has the right to run for office and to vote freely and under fair circumstances. Under the guidelines of this language, this would not be possible. Many states would have to forgo party primaries and the system would lend itself to the wealthiest and most well-known candidates' ability to run virtually unopposed. All debate of the candidates' platforms or characters would be nearly muted, and in effect, Americans would vote "in the blind."

Significant disenfranchisement will likely occur in the unrealistic time frame that the language of H.R. 841 offers in this Appropriations measure. There would be no way to mail out and receive absentee ballots in time. Overseas Americans, including those in the military, would not have a realistic chance to vote. Yes, the legislation ostensibly offers military and overseas voters an opportunity to be heard, but 15 days simply are not enough. There is something unseemly about denying our men and women of the military the right to vote in the most consequential elections imaginable, when we would be replacing perhaps the entire House. Logistically, many states would not have sufficient time for voter registration. It would be difficult to even print the ballots in the time allotted under this Act. There are only a few ballot printing companies in this country and a limited supply of ballot-appropriate paper stock. In the case of electronic voting, programs must be written, and even under ideal circumstances, not all the technical glitches have been sufficiently worked out to assure voter privacy or the fidelity of the system.

The language of H.R. 841 in this bill proposes to make the issue of state elections a "federal question." However, just because this issue would become federalized does not mean that we should frustrate the essential elements of democracy. The processes of establishing the eligibility of state candidates, voter registration, voter freedom of choice, and equal access to voting under the Civil Rights Act must be preserved—even in the face of a catastrophe. Democracy should not be abandoned simply because our leadership may have to suddenly change.

Clearly, this language does not belong in this Appropriations bill, nor does it serve the

best interest of the American people. I urge all my colleagues to support the Baird amendment and remove this improper language from the Legislative Appropriations bill.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. BAIRD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. BAIRD) will be postponed.

It is now in order to consider Amendment No. 2 printed in House Report 109-144.

AMENDMENT NO. 2 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. JO ANN DAVIS of Virginia:
Strike section 1002.

The CHAIRMAN. Pursuant to House Resolution 334, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, my amendment is very simple. It strikes the language from the bill that prevents the Capitol Police from continuing the horse mounted unit, and it strikes language that requires the current horse mounted unit to be transferred to the Park Police.

This small yet valuable unit is irreplaceable in protecting the Capitol grounds against potential threats. The benefits of mounted patrols are recognized worldwide by law enforcement communities. Transferring the horse mounted unit to the Park Police is inadequate to meet the security needs of the Capitol complex.

In the past, the Park Police's horse mounted unit has been unavailable when requested by the Capitol Police. Additionally, with the Capitol Police's mounted unit dismantled, in the event the Park Police were able to respond, all of that manure that they were talking about, there would be no one to clean it, no mechanism in place.

The mounted unit is an important component of the Capitol Police's force to protect the Capitol grounds. I and Chief Gainer believe that the mounted unit is an inexpensive and effective resource in guarding the Capitol against potential threats, as well as an important part of improving community relations.

It is my understanding that the cost of maintaining this unit for fiscal year 2006 is somewhere around \$155,000 to \$160,000. Currently five horses are used by five mounted officers and two sergeants. The mounted unit provides greater mobility, increased visibility and an ability to view a larger area from a greater distance as compared to other officers.

Additionally the work of one mounted officer is akin to the work of 10 officers on foot. In these dangerous times with constant and changing threats against the United States Capitol Complex, the Capitol Police deserve all of the tools that they deem necessary at their disposal.

The mounted unit has proven very successful over the last 6 months. It has assisted with three arrests, worked 33 demonstrations, issued more than 200 notices of infraction, responded to assists in 9 reports of suspicious packages, responded to 16 calls for crowd control assistance, and responded to 28 calls for assistance in traffic accident incidents.

Mr. Chairman, I sincerely hope the Capitol Police's mounted unit can continue, as it provides an invaluable and unmatched service at protecting our Capitol grounds.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) control 2½ minutes of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the esteemed leader from Wisconsin for yielding me this time.

Mr. Chairman, this is a Trojan horse of a new and growing financial obligation that we really need to deal with now and to accept the committee's recommendation that it be consolidated with the U.S. Park Police mounted unit. That is what makes the most sense.

In May of 2004 we began with six horses. We were told it would cost about \$100,000. Now it costs \$145,000. They want another \$10,000 for a replacement horse. But, the salaries and the benefits of the Capitol Police officers that are involved in this come to approximately \$600,000. So it is not \$145,000, it is three-quarters of a million dollars.

Where they are housed is 20 miles away. These police officers have to travel for at least an hour mile down the whole distance of Route 1 to pick them up, another hour back. We are going to move another 18,000 people down to Fort Belvoir, so it is going to be a lot longer than that.

And now, Mr. Chairman, really, we are now told that they had not figured

this out, but they are going to need what is basically a giant pooper scooper to be able to clean the grassy area after the horses have gone by it.

Now, I would suggest to the Chairman and to this body that there is not much grass left to patrol.

□ 1730

I was out jogging today. It was one little grassy area left, and they were putting up a chest-high fence to keep the public off that grassy area. I do not know where these horses are going to be parading. And the little spot, what is left now is about the size of somebody's backyard, and I guess it makes it easier for the pooper scooper, but the problem is that we are paying a substantial amount of money, about three-quarters of a million dollars for very limited benefit.

I just cannot imagine why the Capitol Police need a mounted police unit, particularly given all of our other priorities.

Mr. OBEY. If the gentleman will yield, could the gentleman share with us the names of these horses?

Mr. MORAN of Virginia. I do not know the names.

Mr. OBEY. My understanding is that their names are Justice, Honor, Patriot, Freedom, and Tribute. Great names, but still not much of a purpose for their use.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I consider myself to be a horse person. As a matter of fact, at one time in my life I thought I might be a veterinarian because I loved horses and ducks so much. In the meantime, I watch them parade around the Capitol, and I have wondered from time to time about their relative value. The GAO has cited that the Capitol Police have difficulty quantifying the benefit the unit provides. GAO was not able to substantiate the claim of one horse doing the work of 10 people.

I do not see how the elimination of five horses is going to impact the patrol. We have scout cars, motorcycles, and mountain bikes all patrolling the same area. The real point is here I was concerned about the horses myself, but when the staff came up with the thought that perhaps we could transfer them to the Park Service and make sure they are well taken care of and used for meaningful activity, I felt very comfortable with this change. So, frankly, I think we ought to proceed with the language that is in the bill.

Mr. Chairman, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from Virginia (Mrs. JO ANN DAVIS) has 3 minutes remaining.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I heard my colleague from Virginia say the cost is now up to

three quarters of a million dollars. I do not think we are getting rid of the police officers; I think we are just moving the five horses. Their salaries, I think, would be fungible. So I do not think you can count that. As far as being something we do not need because the Park Police are already out there with their horses, let me state that the Capitol grounds are statutorily defined, and because of that the Park Police do not have jurisdictions over the Capitol grounds, it is my understanding.

This program has only been in existence and operational since May of 2004. The GAO study, as the chairman stated, said that it is hard for them to quantify the benefits of the horse patrol because the performance measures are evolving, he failed to say the rest of it, and that data is still being collected on these measures. So we are trying to get rid of something that we have not even given a chance to see if it works. We are talking about \$155,000.

I am quoting from the GAO results that they gave when they appeared before the Committee on Appropriations. The horses right now are housed, I heard my colleague from Virginia say earlier, that they were housed 20 miles away. That is correct, they are. And he says that they have to be under stress whenever they are in traffic. Well, I am a horsewoman. I have seven horses of my own. Let me tell you, it does not cost me \$155,000 for seven horses. We have five horses here, and it certainly does not cost three-quarters of a million dollars, and we do not have to provide health benefits and retirement and the like to the horses.

I think we are cutting short a program that we have not given a chance. I urge my colleagues to support my amendment. I think it is a good cause. I think the horses do a great job. It is great PR for us. I see folks going up and talking to our Capitol Police Officers. Yes, the police officers do have the bicycles, but I would venture to say the guys on the bicycles are not sitting up as high as the guys and gals on top of the horses. So if there is a problem, they cannot see over the cars; they cannot see through the crowds.

I am pretty passionate about this whole situation. Yes, I am. I just do not think we have given this program the time it needs to really be evaluated, and I go back to what the GAO study says, that it is still evolving. I will remind Members in the GAO study they do not recommend eliminating the mounted horse patrol. That is critical. They do not recommend eliminating it. Give it time. Let us let them have their day.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I found one other reason to love the gentlewoman from Virginia (Mrs. JO ANN DAVIS). Her caring for horses as much as I do is a thrill to me. The problem is I have studied this material

and cannot find that this is the best way to use our funding, especially when these horses will have a new home where they might be used more effectively.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. LAHOOD).

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, number one, when is the best time to eliminate a program other than before it gets fully established? So I think it is important to follow the committee's recommendation.

The second thing is that we know that the police have asked for stables. Once they establish stables, the costs goes up; the program is more established. We have got more investment. Now is the time to kill it. Consolidate it with the Park Police. I fully agree with the committee's recommendation. I thank the gentleman for yielding to me.

Mr. LAHOOD. Mr. Chairman, this is the second year that we have attempted to do this. That is pretty good time for eliminating a program. We had a big debate about this last year. We had a big debate about it this year. There is nobody who spends any time around here that does not think this place is secure. It is not going to be made any more secure by having a few people riding horses around here. Now, for the aesthetic part of it, it might be lovely; but for the security part of it, it is nonsense. It is a waste of money. They will be better used by the Park Service, certainly, than they will be around here. Vote down the gentleman's amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, as Ranking Member of the Committee on House Administration, which has jurisdiction over the United States Capitol Police, I rise to oppose the amendment offered by my friend from Virginia (Ms. JO ANN DAVIS).

The USCP mounted unit was not authorized by either the Committee on House Administration nor the Senate's Committee on Rules and Administration. It reportedly came into existence as the brainchild of a Senator from Colorado, now retired, without any formal examination of the merits and demerits of using horses in the Capitol Police environment. Unlike the U.S. Park Police, which must patrol thousands of acres of wooded parkland in northwest Washington, the Capitol Police patrols a confined area readily accessible to non-mounted officers, and much of which is not even accessible to the public at all.

Some argue that the mounted unit is especially useful in crowd control, and maybe that is so. However, on those occasions where crowds needing control may develop on the Capitol grounds—and these occasions are usually well anticipated—the Capitol Police can easily ask for assistance from their Park Police colleagues, who are well trained in the use of horses and can also be trained about the Capitol and working here.

Finally, some offer the intangible value of public relations as a justification for spending

the hundreds of thousands to maintain the horses and train their handlers. Maybe there is value in that, when elsewhere on and around the grounds, other Capitol Police officers are routinely brandishing automatic weapons. But what about the public relations cost of the horse manure deposited across the grounds, and the tens of thousands it costs to clean it up?

I urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mrs. JO ANN DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mrs. JO ANN DAVIS) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109-144.

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

Page 35, line 22, insert "(reduced by \$5,400,000)" after "\$38,090,000".

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Beside me I have a stack of CONGRESSIONAL RECORDS. It used to be that the Government Printing Office would print thousands and thousands and thousands of these because we did not use computers much. We did not have a searchable data base. These were very important and they still are, but by and large when these come around to congressional offices, they go straight to the waste basket.

We did an informal survey in our office of the CONGRESSIONAL RECORD. When the printed copy comes, we called about 20 offices or so, what do you do with them? Overwhelmingly, nearly all of them said it goes straight to the wastepaper basket because we have it online now, a searchable data base. You can search anything back to 1989 immediately the following day.

So our legislation would simply do this: it would save \$5.4 million annually by instructing the Government Printing Office to print 1,000 per day rather than the 6,000 per day that they are doing now. We simply need to move into the 21st century. It used to be that we needed a lot more of them than we need today. We simply do not need to do that. This would also save about 57 tons of paper that are discarded every year, and all of the environmental damage that goes along with that.

This is a good amendment. It is a commonsense amendment. We simply are moving away from buggy whips and other things. We need to recognize that we simply do not have the need any more for printed record. To the extent that we need them, we will still present them. One thousand a day is pretty generous, and we need to save money where we can. And we need to have credibility when we tell Federal agencies to cut their budgets to live within their means. For us to go on printing 6,000 of these a day when we simply do not need them is not right.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to yield 2½ minutes of that time to the gentleman from Wisconsin (Mr. OBEY) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fiscal year 2006 appropriations has been held at the fiscal year 2005 level. This is a decrease of \$2.5 million below the 2004 level.

The RECORD is distributed in accordance with title 44, chapter 9 of the U.S. Code; and within that there are 3,000 copies that go to Members, of the House and Senate, 153 copies to the Library of Congress, et cetera. I can provide the balance of this in the RECORD.

3,018 copies to Members, House 1,479 copies, Senate 1,539 copies; 153 copies to the Library of Congress; 754 copies to public agencies and institutions designated by Senators; 698 copies to Federal agencies that pay for the copies; 521 copies to subscribers who pay for the copies; 692 copies to Federal Depository libraries nationwide.

I would say to the gentleman from Wisconsin (Mr. OBEY), that it is my feeling that an amendment like this where people are kind of reacting to the CONGRESSIONAL RECORD, et cetera, will likely pass overwhelmingly. And if I am correct in that, I would be inclined for us to stand back in this discussion, if the gentleman agrees with me, and perhaps discuss this further as we go to conference.

What would be the gentleman's reaction to that?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that passing this amendment will not eliminate the distribution of the RECORD. It will simply create a financial shortfall which will have to be dealt with in the future. I personally prefer to use the printed RECORD than I do the online RECORD.

Mr. LEWIS of California. And I do as well.

Mr. OBEY. I do my work in lots of places besides the office, and I do not

use a computer. I use a pencil. So I would just suggest that I think the amendment is outrageous and misbegotten; but if the gentleman wants to accept it, we can deal with it in conference. We will work it out.

Mr. LEWIS of California. Reclaiming my time, the gentleman is always a gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I am pleased to join the gentleman in co-authoring this amendment. And I hope that our distinguished chair and ranking member of the Committee on Appropriations will be able to, in fact, deal with this in conference in a serious manner because it is not just a matter here of saving over \$5 million a year just in printing costs, and it is not a matter of saving some 57 tons of paper.

What this is about is being able to, with all due deference to the ranking member, not impose on this Congress a regimen of printing 6,000 copies of a relic of the past that is not necessary for everybody. There are 521 subscribers in America to the printed version of the CONGRESSIONAL RECORD. They will be, under this amendment, available to any Member of Congress who wants them; but it is important for us to have your help as members of the committee to be able to nudge us along to get into the 21st century.

This is an opportunity for us to be able to take advantage of paperless activities, having paper where people need it, having a certified smart person who works for us print off what we need and save us the time not to thumb through to try and find it.

□ 1745

I think it is important for us to approve this. This is not a minuscule item. This is symbolic of what we can do in the vast Federal bureaucracy to break the stranglehold of past action and move to take advantage of this technology that we have invested, not hundreds of millions, but billions of dollars every year.

This is a small important step to move us in the right direction.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for the time.

The only point I would like to make is that since 1995, this appropriation has only grown by 4 percent. So in more than 10 years we have only had a 4 percent growth, much less than inflation.

We have worked hard to reduce the number of copies. We have eliminated the bound copies of the CONGRESSIONAL RECORD. I do not know if people have noticed, but we eliminated that which used to be a tradition, and since 1995

we have reduced the number of copies from 18,000 per day to 6,000. I mean, that is substantial progress. The largest cost of the RECORD is preparing the data for printing and on-line dissemination, and that cost is going to be occurred regardless.

Ms. MILLENDER-MCDONALD. Mr. Chairman, as the Ranking Member of the Joint Committee on Printing, I oppose the amendment offered by my friends from Arizona (Mr. FLAKE) and Oregon (Mr. BLUMENAUER).

According to the GPO, the congressional printing and binding appropriation supports the distribution of 3,994 copies of the CONGRESSIONAL RECORD, of which 2,293 copies, or more than 57 percent, go to the Senate. If there are too many copies of the RECORD being charged to the Congress, the problem lies in the other chamber.

Mr. Chairman, Congress has addressed this problem in recent years. Not long ago, there were 18,000 copies of the RECORD produced each day. Now there are fewer than 4,000. The law provides for Members to receive three copies, and Members who don't need three copies can reduce printing costs by informing the Clerk of that fact. This is a reasonable approach, since the RECORD is available on-line, and perhaps for some Members the on-line version will suffice. But the printed RECORD remains an important resource for many Members of both Houses, and I don't believe the proper approach to this question is to reduce funds for the RECORD by 83 percent, as this amendment would do.

I believe the Appropriations Committee has looked at this very carefully over the past several years. Speaking for the minority side of the Joint Committee on Printing, I am certainly willing to examine this question further.

I urge a "no" vote.

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California's (Mr. LEWIS) time has expired. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining. The gentleman from Arizona (Mr. FLAKE) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, if the gentleman is willing to stop talking, I am willing to stop talking. I will vote for whichever side stops talking first.

Mr. FLAKE. Mr. Chairman, I am willing to save time and money, and I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109-144.

AMENDMENT NO. 4 OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Chairman, I offer an amendment as the designee of the gentleman from Texas (Mr. MCCAUL).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCHENRY: Page 9, line 23, insert "(increased by \$2,000,000)" after "\$29,345,000".

Page 35, line 22, insert "(reduced by \$2,000,000)" after "\$88,090,000".

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment for the gentleman from Texas (Mr. MCCAUL), my good friend and fellow freshman Republican colleague, who unfortunately could not be here this afternoon to offer this amendment. One of his predecessors in the 10th District of Texas died tragically just a few days ago, Congressman Pickle, and the gentleman from Texas (Mr. MCCAUL) did attend his funeral and could not be here today to vote nor could he be here today to offer this amendment. So I offer it in his stead.

As a good conservative and someone who minds the fiscal house of the United States Government, the gentleman from Texas (Mr. MCCAUL) offered this amendment that would simply rein in the cost of printing, just much like the gentleman from Arizona (Mr. FLAKE) offered a few moments ago.

This would simply take \$2 million out of the printing budget for our legislative branch and give that \$2 million to security. It would take care of security equipment and weapons for Capitol Hill Police.

So at this time, I would simply like to recommend the House do accept this amendment that would rein in excessive spending. It is not that I am against printing or paper, or it is not that I am against ink either, but certainly I think we should restrain spending where it has gotten out of hand, and our printing budget is clearly out of hand. I think we and each individual Congressman's office can actually rein in that spending ourselves and actually print out the bills that we need.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) control 2½ minutes of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, since 1999 we have appropriated over \$170 million to the Capitol Police specifically for security enhancement. In addition, we have provided \$84 million for the Architect for perimeter security. In addition to the \$2,345,000 provided in this bill for general expenses, the Capitol Police have \$32,653,000 in unobligated balances, for a total of almost \$62 million.

This \$2 million amendment is interesting, but the police, in this instance, do not need an additional \$2 million, and because of that, I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

As someone considerably more famous once said, The world will little note nor long remember what we either say or do here today on this matter.

Mr. Chairman, I yield back the balance of my time.

Mr. MCHENRY. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for the eloquence and the simplicity of his statement, and as a new Member here, I certainly respect my senior Member's opinions on this matter, and I do concur.

With that, I would certainly appreciate the kindness of the House in voting for this amendment that would somewhat restrain our spending in the matter of printing here in Congress. And we are not going to eliminate jobs in this instance. I just think we need to fund security rather than paper and printing, and with that, I would urge the adoption of this amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I oppose the amendment offered by the gentleman from North Carolina [Mr. MCHENRY].

As the Ranking Member of the Joint Committee on Printing, I can appreciate the gentleman's interest in reducing excessive printing and diverting the funds to more useful purposes. However, rather than shifting spending from GPO to the Capitol Police, the amendment has the potential merely to increase spending.

This is because the congressional printing and binding appropriation is not a traditional appropriation to support a predetermined amount of work by the GPO. It is a pre-payment for the work Congress orders from GPO. The GPO will perform whatever work Congress orders, and Congress will pay for it in a subsequent appropriation, if necessary. Merely reducing the printing and binding appropriation will not reduce the amount of printing.

By contrast, the amendment would shift the GPO funds to the Capitol Police, which could and presumably would spend the money for its general expenses. The Appropriations Committee has recommended the sum of \$29.3 million for the Capitol Police's general expenses. As Ranking Member of the House Administration Committee, which has jurisdiction over the Capitol Police, I believe we should accept the Appropriations Committee's recommendation. I urge a "no" vote.

Mr. MCHENRY. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The amendment was rejected.

The CHAIRMAN. It is in now order to consider amendment No. 5 printed in House Report 109-144.

AMENDMENT NO. 5 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HEFLEY:

Add at the end of title II the following new section:

SEC. 210. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The CHAIRMAN. Pursuant to House Resolution 334, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to cut 1 percent of the level of funding in this appropriation bill. This amounts to roughly \$28 billion for the legislative branch appropriations bill, and it is no reflection on the chairman or the ranking member. They have done some very good things in here, particularly in that hole of waste we have in the East Front of our Capitol which goes on and on and on. They have done a great job in trying to rein that in.

I simply think that with all of these appropriation bills, with most of them, we can find 1 percent to cut, and that will move us in a tiny way towards a balanced budget. So I offer the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate very much my colleague's comments. Mr. Chairman, during the markup of this bill, we pared down the total requests considerably from roughly \$3 billion to \$2.8 billion, a 9 percent reduction from the requested amount.

The bill is currently only 1.7 percent over fiscal year 2005. This increase barely sustains services. It provides for cost-of-living increases, some inflationary items, and a minimal number of projects to keep our buildings and grounds in reasonably good order.

A further reduction of 1 percent will adversely impact the operation of the legislative branch during the fiscal year ahead.

The amendment would reduce the total bill to a level that is less than 1 percent over current services.

The reduction will severely impair the ability of the House and legislative branch agencies to provide the full cost-of-living increases for all of our employees.

This is a good bill that has received balanced consideration. It is nice to say we will cut 1 percent across the board, but frankly, that is really not the way to legislate, and because of

that, I strongly oppose the gentleman's amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), my colleague.

Mr. OBEY. Mr. Chairman, let me simply say that while I am opposed to this bill because I think it wastes too much money on the visitors center, I agree that an across-the-board cut is not a responsible way to approach budgeting. If all of this cut came out of the visitors center, I would vote for it in a flash.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today against Mr. HEFLEY's amendment to H.R. 2985 the Legislative Branch Appropriations for fiscal year 2006, which would reduce this spending bill by 1 percent. The Hefley amendment is inappropriate at this time when funding needs have already been neglected in this Appropriation. Truly, the Committee had difficult decisions to make, but cutting even 1 percent more from this legislation would be a tremendous mistake.

The total funding for this legislation is \$2.87 billion which is only 2 percent more than current levels and \$270 million (9 percent) less than requested by the various legislative offices and agencies. This bill appropriates \$1.1 billion for operations of the House of Representatives which is only \$13 million (1 percent) more than current funding and \$35 million (3 percent) less than requested. It is unfortunate that these Appropriations are so tight, when the cost of operating the House of Representatives is in fact getting higher. These costs are becoming higher because the needs of our constituencies are becoming greater. If the Hefley amendment is to pass it will be our constituents who suffer. Regardless of any possible cuts, Congress will continue to function properly and we will serve our constituents proudly, but these cuts in our funding undermine our efforts.

In addition to insufficient funding to the House of Representatives, the greatest reason to reject the Hefley amendment can be found in the legislative branch agencies that directly or indirectly support Congressional operations. This funding is only \$32.6 million (2 percent) more than current levels and a staggering \$234.8 million (12 percent) less than requested. Funding for the Capitol Police, who are entrusted with protecting the Capitol Complex and all those who work and visit here actually received \$2 million (1 percent) less than in FY 2005, and \$50.4 million (17 percent) less than requested in this Appropriation. The Architect of the Capitol who have worked so hard in the last year to make the Capitol Complex more accessible to visitors received only \$317.3 million, \$16.7 million (6 percent) more than current funding but a full \$123.6 million (28 percent) less than requested. The Government Printing Office (GPO) which serves the demanding printing needs of hundreds of legislators every year received only \$122.6 million which is \$2.8 million (2 percent) more than current funding but \$8.5 million (6 percent) less than requested. Indeed, even the Library of Congress, the resource for Members and staff to conduct research and the institution meant to be our nation's greatest repository of reading materials, even their funding was cut in this Appropriation. The Library of Congress received \$543 million, about equal to the FY 2005 level but \$47.8 million (8 percent) less than requested. It is sad to see

these legislative branch agencies, which work so hard and diligently to support the work of Congress, have their funding needs not met. Again, these agencies will continue to support Congress and they will do their jobs well, but any further cuts in funding can only lessen their effectiveness.

I urge all my colleagues to reject the Hefley amendment as its passage will only make it more difficult for us to meet the needs of the American people. Cutting 1 percent from the Legislative Appropriations will not lead to any dramatic monetary savings, but it will hinder efforts to provide the best Congressional support services possible. It takes a lot to keep the great halls of Congress going and it is our responsibility to ensure that all of it is properly funded.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BAIRD of Washington.

Amendment No. 2 by Mrs. JO ANN DAVIS of Virginia.

Amendment No. 5 by Mr. HEFLEY of Colorado.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. BAIRD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. BAIRD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 268, not voting 23, as follows:

[Roll No. 299]

AYES—143

Abercrombie	Baird	Becerra
Ackerman	Baldwin	Berkley
Andrews	Bean	Berman

Berry	Honda	Pallone
Bishop (NY)	Hooley	Pascarell
Blumenauer	Hoyer	Pastor
Boren	Inslee	Markey
Boswell	Jackson (IL)	Marshall
Boucher	Jefferson	McCotter
Brady (PA)	Johnson, E. B.	McCrery
Brown (OH)	Kaptur	McHenry
Brown, Corrine	Kennedy (RI)	McHugh
Butterfield	Kildee	McIntyre
Capps	Kilpatrick (MI)	McKeon
Capuano	Kind	McMorris
Carnahan	Langevin	McNulty
Carson	Lantos	Melancon
Chandler	Larsen (WA)	Mica
Clay	Larson (CT)	Michaud
Cleaver	Lee	Miller (FL)
Clyburn	Levin	Miller (MI)
Conyers	Lipinski	Miller, Gary
Crowley	Lofgren, Zoe	Mollohan
Cummings	Lowey	Moore (WI)
Davis (AL)	Lynch	Moran (KS)
Davis (CA)	Maloney	Murphy
Davis (IL)	Matheson	Murtha
DeFazio	Matsui	Musgrave
DeLauro	McCarthy	Myrick
Dicks	McCollum (MN)	Neal (MA)
Dingell	McDermott	Neugebauer
Edwards	McGovern	Northup
Emanuel	McKinney	Thompson (CA)
Eshoo	Meehan	Thompson (MS)
Etheridge	Meek (FL)	Tierney
Evans	Meeks (NY)	Towns
Farr	Menendez	Udall (CO)
Filner	Millender-	Udall (NM)
Frank (MA)	McDonald	Van Hollen
Gordon	Miller (NC)	Velázquez
Green, Al	Miller, George	Visclosky
Green, Gene	Moore (KS)	Wasserman
Grijalva	Moran (VA)	Schultz
Gutierrez	Nader	Waters
Harman	Napolitano	Watt
Hastings (FL)	Oberstar	Waxman
Higgins	Obey	Weiner
Hinchey	Olver	Woolsey
Holt	Owens	Wu

NOES—268

Aderholt	Cuellar	Gutknecht
Akin	Culberson	Hall
Alexander	Cunningham	Harris
Allen	Davis (FL)	Hart
Baca	Davis (KY)	Hastert
Bachus	Davis, Jo Ann	Hastings (WA)
Baker	Davis, Tom	Hayes
Barrett (SC)	Deal (GA)	Hayworth
Barrow	DeGette	Hefley
Bartlett (MD)	Delahunt	Hensarling
Bass	DeLay	Henger
Beauprez	Dent	Herseth
Biggert	Diaz-Balart, L.	Hobson
Bilirakis	Diaz-Balart, M.	Hoekstra
Bishop (GA)	Doolittle	Holden
Bishop (UT)	Doyle	Hostettler
Blackburn	Drake	Hulshof
Blunt	Dreier	Hunter
Boehlert	Duncan	Hyde
Boehner	Ehlers	Inglis (SC)
Bonilla	Emerson	Israel
Bono	Engel	Issa
Boozman	English (PA)	Istook
Boustany	Everett	Jenkins
Bradley (NH)	Fattah	Jindal
Brady (TX)	Feeney	Johnson (CT)
Brown (SC)	Ferguson	Johnson (IL)
Brown-Waite,	Fitzpatrick (PA)	Johnson, Sam
Ginny	Flake	Jones (NC)
Burgess	Foley	Kanjorski
Burton (IN)	Forbes	Keller
Buyer	Ford	Kelly
Calvert	Fortenberry	Kennedy (MN)
Camp	Fossella	King (IA)
Cannon	Fox	King (NY)
Cantor	Franks (AZ)	Kingston
Capito	Frelinghuysen	Kirk
Cardin	Gallegly	Kline
Cardoza	Garrett (NJ)	Knollenberg
Case	Gerlach	Kolbe
Castle	Gibbons	Kuhl (NY)
Chabot	Gilchrest	LaHood
Chocola	Gillmor	Latham
Coble	Gingrey	Leach
Cooper	Gohmert	Lewis (CA)
Costa	Gonzalez	Lewis (KY)
Costello	Goode	Linder
Cox	Goodlatte	LoBiondo
Cramer	Granger	Lucas
Crenshaw	Graves	Lungren, Daniel
Cubin	Green (WI)	E.

Mack	Peterson (PA)	Sherwood
Manzullo	Petri	Shimkus
Marchant	Pickering	Shuster
Markey	Pitts	Simmons
Marshall	Platts	Simpson
McCotter	Poe	Skelton
McCrery	Pombo	Smith (NJ)
McHenry	Porter	Snyder
McHugh	Price (GA)	Sodrel
McIntyre	Pryce (OH)	Souder
McKeon	Putnam	Stark
McMorris	Radanovich	Stearns
McNulty	Rahall	Stupak
Melancon	Ramstad	Sullivan
Mica	Regula	Sweeney
Michaud	Rehberg	Tancred
Miller (FL)	Reichert	Tanner
Miller (MI)	Renzi	Taylor (NC)
Miller, Gary	Reyes	Terry
Mollohan	Reynolds	Thornberry
Moore (WI)	Rogers (AL)	Tiahrt
Moran (KS)	Rogers (KY)	Turner
Murphy	Rogers (MI)	Upton
Murtha	Ros-Lehtinen	Walden (OR)
Musgrave	Roybal-Allard	Walsh
Myrick	Royce	Wamp
Neal (MA)	Ryan (WI)	Weldon (FL)
Neugebauer	Ryun (KS)	Weldon (PA)
Northup	Saxton	Weller
Norwood	Schiff	Westmoreland
Nussle	Schwartz (PA)	Wexler
Ortiz	Schwarz (MI)	Whitfield
Osborne	Scott (GA)	Wicker
Otter	Sensenbrenner	Wilson (NM)
Paul	Sessions	Wilson (SC)
Pearce	Shadegg	Wolf
Pence	Shaw	Wynn
Peterson (MN)	Shays	Young (AK)
	Sherman	Young (FL)

NOT VOTING—23

Barton (TX)	Hinojosa	Ney
Bonner	Jackson-Lee	Oxley
Boyd	(TX)	Pomeroy
Carter	Jones (OH)	Rangel
Cole (OK)	Kucinich	Smith (TX)
Conaway	LaTourette	Thomas
Davis (TN)	Lewis (GA)	Tiberi
Doggett	McCaul (TX)	Watson

□ 1819

Mr. FORD and Mr. HOLDEN changed their vote from “aye” to “no.”

Messrs. SANDERS, AL GREEN of Texas and McDERMOTT and Ms. KAPTUR changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 226, not voting 22, as follows:

[Roll No. 300]

AYES—185

Abercrombie	Bishop (UT)	Boswell
Ackerman	Bono	Boucher
Baldwin	Boozman	Boustany
Barrow	Boren	Brady (PA)

Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capuano
Cardin
Carnahan
Case
Chabot
Chandler
Clay
Cleave
Clyburn
Cooper
Costello
Crowley
Cuellar
Cunningham
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Drake
Engel
Etheridge
Evans
Fattah
Filner
Fitzpatrick (PA)
Forbes
Fossella
Franks (AZ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hensarling
Herseth
Hinchey
Holden
Holt
Honda
Hostettler
Hunter
Hyde

NOES—226

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Butterfield
Camp
Cannon

Inglis (SC)
Inslee
Israel
Issa
Jefferson
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
King (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Mollohan
Murtha
Nadler
Napolitano
Ortiz
Otter
Owens
Pascarell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Radanovich
Rahall
Ramstad
Reichert
Reyes
Ros-Lehtinen

Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwarz (MI)
Scott (GA)
Serrano
Shadegg
Shays
Simmons
Simpson
Skelton
Smith (NJ)
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris
Menendez
Mica

Barton (TX)
Bonner
Boyd
Carter
Cole (OK)
Conaway
Davis (TN)
Doggett

NOT VOTING—22

Hinojosa
Jackson-Lee
(TX)
Jones (OH)
Kucinich
LaTourette
Lewis (GA)
McCauley (TX)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).
Members are advised that 2 minutes remain in this vote.

□ 1831

Mr. FORD and Ms. CARSON changed their vote from “aye” to “no.”

Messrs. SPRATT, PICKERING, FRANKS of Arizona and GORDON changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 294, not voting 25, as follows:

Rohrabacher
Roybal-Allard
Royce
Ryan (WI)
Sabo
Schwartz (PA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Smith (WA)
Snyder
Souder
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Wicker
Wilson (NM)
Wolf
Young (FL)

Ney
Oxley
Pomeroy
Rangel
Smith (TX)
Thomas
Tiberi

[Roll No. 301]
AYES—114
Garrett (NJ)
Gibbons
Gohmert
Graves
Green (WI)
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Herseth
Hooley
Hostettler
Hulshof
Cannon
Inglis (SC)
Cardoza
Chabot
Chandler
Chocola
Coble
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
Lewis (KY)
LoBiondo
Mack
Maloney
Manzullo
Marshall
Matheson
McCotter
McHenry
McMorris
Michaud
Miller (FL)
Miller, Gary

NOES—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleave
Clyburn
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson

Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes

Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Hyde
Israel
Istook
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Marchant
Markey
Matsui
McCarthy
McCollum (MN)
McCrery

McDermott	Platts	Sodrel
McGovern	Pombo	Solis
McHugh	Porter	Souder
McIntyre	Price (NC)	Spratt
McKeon	Pryce (OH)	Stark
McKinney	Putnam	Strickland
McNulty	Radanovich	Stupak
Meehan	Rahall	Sweeney
Meek (FL)	Regula	Tauscher
Meeks (NY)	Rehberg	Taylor (NC)
Melancon	Reichert	Thompson (CA)
Menendez	Renzi	Thompson (MS)
Mica	Reyes	Thornberry
Millender-	Reynolds	Tiahrt
McDonald	Rogers (AL)	Tierney
Miller (MI)	Rogers (KY)	Towns
Miller (NC)	Rogers (MI)	Turner
Miller, George	Ros-Lehtinen	Upton
Mollohan	Rothman	Van Hollen
Moore (KS)	Roybal-Allard	Velázquez
Moore (WI)	Ruppersberger	Visclosky
Moran (VA)	Rush	Walden (OR)
Murphy	Ryan (OH)	Walsh
Murtha	Sabo	Wamp
Nadler	Salazar	Wasserman
Napolitano	Sánchez, Linda	Schultz
Neal (MA)	T.	Waters
Northup	Sanchez, Loretta	Sanders
Nunes	Schakowsky	Watt
Nussle	Schiff	Waxman
Oberstar	Schwartz (PA)	Weiner
Obey	Schwarz (MI)	Weldon (FL)
Olver	Scott (GA)	Weldon (PA)
Ortiz	Scott (VA)	Weller
Osborne	Serrano	Wexler
Owens	Shaw	Wicker
Pallone	Shays	Wilson (NM)
Pascrell	Sherman	Wolf
Pastor	Sherwood	Woolsey
Payne	Simmons	Wu
Pearce	Simpson	Wynn
Pelosi	Skelton	Young (AK)
Peterson (MN)	Slaughter	Young (FL)
Peterson (PA)	Smith (NJ)	
Pickering		

NOT VOTING—25

Bachus	Doggett	McCaul (TX)
Barton (TX)	Farr	Ney
Bonner	Hinojosa	Oxley
Boyd	Jackson-Lee	Pomeroy
Buyer	(TX)	Rangel
Carter	Jones (OH)	Smith (TX)
Cole (OK)	Kucinich	Thomas
Conaway	LaTourette	Tiberi
Davis (TN)	Lewis (GA)	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1838

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, pursuant to House Resolution 334, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 2985, to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the motion to recommit be debatable for 4 minutes equally divided and controlled by the chairman and ranking member of the Committee on Appropriations.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I will only take 1 minute.

This is a straight motion to recommit so that we can fix the out-of-control visitors center, which is as out of control as the Federal deficit. It is also the last chance we will be able to have to remove the assault on constitutional government by removing the nongermane continuity provision, and it also is the last chance to establish a Truman-like committee to investigate waste and fraud in Iraq.

I urge an aye vote. And I will ask for a roll call vote.

Mr. LEWIS of California. Mr. Speaker, by way of suggesting that the leadership on both sides of the aisle made the decision about building our visitors center and that process has gone forward, and many a fit and start, but nonetheless it is going to be the largest expansion of the Capitol in modern time. It is going to be a fabulous visitors center when it is all completed.

The gentleman from Wisconsin (Mr. OBEY) and I have been on the other side of that issue in the past; but, nonetheless, like the visitors center, the Speaker has suggested we include the continuity of government item in this package. That too is at a pay grade that is above mine, and I feel very strongly we should have some mechanism to make certain that in times of a real tragedy the House can get its work done.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for the electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 180, noes 232, not voting 22, as follows:

[Roll No. 302]

AYES—180

Ackerman	Green, Gene	Olver
Allen	Grijalva	Ortiz
Andrews	Gutierrez	Owens
Baca	Harman	Pallone
Baird	Hastings (FL)	Pastor
Baldwin	Herseth	Payne
Barrow	Higgins	Pelosi
Becerra	Hinchey	Peterson (MN)
Berkley	Holt	Price (NC)
Berman	Honda	Reyes
Berry	Hooley	Ross
Bishop (NY)	Hoyer	Rothman
Blumenauer	Inslee	Roybal-Allard
Boren	Israel	Ruppersberger
Boswell	Jackson (IL)	Rush
Boucher	Jefferson	Ryan (OH)
Brown (OH)	Johnson, E. B.	Sabo
Brown, Corrine	Kennedy (RI)	Salazar
Butterfield	Kildee	Sánchez, Linda
Capps	Kilpatrick (MI)	T.
Capuano	Kind	Sanchez, Loretta
Cardin	Langevin	Sanders
Cardoza	Lantos	Schakowsky
Carnahan	Larsen (WA)	Schiff
Carson	Larson (CT)	Schwartz (PA)
Chandler	Lee	Scott (GA)
Clay	Levin	Scott (VA)
Cleaver	Lipinski	Serrano
Clyburn	Lofgren, Zoe	Sherman
Conyers	Lowey	Skelton
Cooper	Lynch	Slaughter
Costa	Maloney	Smith (WA)
Costello	Markey	Snyder
Cramer	Marshall	Solis
Crowley	Matheson	Spratt
Cuellar	Matsui	Stark
Cummings	McCarthy	Strickland
Davis (AL)	McCollum (MN)	Stupak
Davis (CA)	McDermott	Tanner
Davis (FL)	McGovern	Tauscher
Davis (IL)	McIntyre	Taylor (MS)
Davis (TN)	McKinney	Thompson (CA)
DeFazio	McNulty	Thompson (MS)
DeGette	Meehan	Tierney
Delahunt	Meek (FL)	Towns
DeLauro	Meeks (NY)	Udall (CO)
Dicks	Melancon	Udall (NM)
Dingell	Menendez	Van Hollen
Edwards	Michaud	Velázquez
Emanuel	Millender-	Visclosky
Engel	McDonald	Wasserman
Eshoo	Miller (NC)	Schultz
Etheridge	Miller, George	Waters
Evans	Moore (KS)	Watson
Farr	Moore (WI)	Watt
Fattah	Moran (VA)	Waxman
Filner	Nadler	Weiner
Ford	Napolitano	Wexler
Frank (MA)	Neal (MA)	Woolsey
Gonzalez	Oberstar	Wu
Green, Al	Obey	Wynn

NOES—232

Abercrombie	Brady (TX)	Deal (GA)
Aderholt	Brown (SC)	DeLay
Akin	Brown-Waite,	Dent
Alexander	Ginny	Diaz-Balart, L.
Bachus	Burgess	Diaz-Balart, M.
Baker	Burton (IN)	Doolittle
Barrett (SC)	Buyer	Doyle
Bartlett (MD)	Calvert	Drake
Bass	Camp	Dreier
Bean	Cannon	Duncan
Beauprez	Cantor	Ehlers
Biggert	Capito	Emerson
Bilirakis	Case	English (PA)
Bishop (GA)	Castle	Everett
Bishop (UT)	Chabot	Feeney
Blackburn	Choccola	Ferguson
Blunt	Coble	Fitzpatrick (PA)
Boehlert	Cox	Flake
Boehner	Crenshaw	Foley
Bonilla	Cubin	Forbes
Bono	Culberson	Fortenberry
Boozman	Cunningham	Fossella
Boustany	Davis (KY)	Fox
Bradley (NH)	Davis, Jo Ann	Franks (AZ)
Brady (PA)	Davis, Tom	Frelinghuysen

Gallegly	LaHood	Ramstad	Blunt	Goodlatte	Myrick	Weldon (PA)	Wicker	Wynn
Garrett (NJ)	Latham	Regula	Boehlert	Granger	Nadler	Weller	Wilson (NM)	Young (AK)
Gerlach	Leach	Rehberg	Boehner	Green, Al	Napolitano	Westmoreland	Wilson (SC)	Young (FL)
Gibbons	Lewis (CA)	Reichert	Bonilla	Gutierrez	Neal (MA)	Wexler	Wolf	
Gilchrest	Lewis (KY)	Renzi	Bono	Gutknecht	Neugebauer	Whitfield	Woolsey	
Gillmor	Linder	Reynolds	Boozman	Hall	Northup			
Gingrey	LoBiondo	Rogers (AL)	Boren	Harman	Norwood			
Gohmert	Lucas	Rogers (KY)	Boucher	Harris	Nunes	Andrews	Higgins	Pallone
Goode	Lungren, Daniel	Rogers (MI)	Boustany	Hart	Nussle	Baird	Honda	Pastor
Goodlatte	E.	Rohrabacher	Bradley (NH)	Hastert	Ortiz	Baldwin	Hulshof	Paul
Granger	Mack	Ros-Lehtinen	Brady (PA)	Hastings (WA)	Osborne	Barrow	Inslee	Payne
Graves	Manzullo	Royce	Brady (TX)	Hayes	Pascarell	Berry	Jones (NC)	Ross
Green (WI)	Marchant	Ryan (WI)	Brown (SC)	Hayworth	Pearce	Boswell	Kennedy (MN)	Salazar
Gutknecht	McCotter	Ryun (KS)	Brown, Corrine	Hensarling	Pelosi	Brown (OH)	Kildee	Sanders
Hall	McCrery	Saxton	Brown-Waite,	Herger	Pence	Cardoza	Kind	Schakowsky
Harris	McHenry	Schwarz (MI)	Ginny	Hinchee	Peterson (MN)	Chandler	Lee	Scott (VA)
Hart	McHugh	Sensenbrenner	Hobson	Hobson	Peterson (PA)	Cleaver	Lipinski	Shays
Hastert	McKeon	Sessions	Burgess	Hoekstra	Petri	Conyers	Lofgren, Zoe	Sherman
Hastings (WA)	McMorris	Shadegg	Burton (IN)	Holden	Pickering	Cooper	Lowey	Smith (WA)
Hayes	Mica	Shaw	Butterfield	Holt	Pitts	Davis (CA)	Maloney	Snyder
Hayworth	Miller (FL)	Shays	Buyer	Calvert	Hooley	Davis, Jo Ann	Marshall	Stark
Hefley	Miller (MI)	Sherwood	Champ	Cannon	Hostettler	DeLauro	Matheson	Stearns
Hensarling	Miller, Gary	Shimkus	Cantor	Cap	Hoyer	Duncan	McCollum (MN)	Stupak
Herger	Mollohan	Shuster	Hyde	Case	Hunter	Etheridge	McDermott	Tanner
Hobson	Moran (KS)	Simmons	Capito	Castle	Ingalls (SC)	Filner	McGovern	Taylor (MS)
Hoekstra	Murphy	Simpson	Capps	Chabot	Israel	Flake	Meehan	Thompson (CA)
Holden	Murtha	Smith (NJ)	Capuano	Chocola	Issa	Frank (MA)	Melancon	Tierney
Hostettler	Musgrave	Sodrel	Cardin	Clay	Istook	Goode	Menendez	Udall (CO)
Hulshof	Musgrave	Souder	Carson	Clyburn	Jackson (IL)	Graves	Miller, George	Udall (NM)
Hunter	Neugebauer	Stearns	Case	Coble	Rahall	Green (WI)	Moore (KS)	Wasserman
Hyde	Northup	Sullivan	Castle	Costa	Ramstad	Green, Gene	Oberstar	Schultz
Ingalls (SC)	Norwood	Sweeney	Chabot	Costello	Regula	Grijalva	Obey	Watson
Issa	Nunes	Tancredo	Chabot	Cox	Rehberg	Hastings (FL)	Olver	Watt
Istook	Nussle	Taylor (NC)	Chabot	Cramer	Reichert	Hefley	Otter	Wu
Jenkins	Osborne	Terry	Chabot	Crenshaw	Reynolds	Herseth	Owens	
Jindal	Otter	Thornberry	Chabot	Crowley	Rogers (AL)			
Johnson (CT)	Pascarell	Tiahrt	Chabot	Cub	Rogers (KY)			
Johnson (IL)	Paul	Turner	Chabot	Cuellar	Rogers (MI)			
Johnson, Sam	Pearce	Upton	Chabot	Culberson	Rohrabacher			
Jones (NC)	Pence	Walsh	Chabot	Cummings	Ros-Lehtinen			
Kanjorski	Peterson (PA)	Wamp	Chabot	Cunningham	Rothman			
Kaput	Petri	Weldon (FL)	Chabot	Davis (FL)	Roybal-Allard			
Keller	Pickering	Weldon (PA)	Chabot	Davis (IL)	Royce			
Kelly	Pitts	Weller	Chabot	Davis (KY)	Ruppersberger			
Kennedy (MN)	Platts	Westmoreland	Chabot	Davis (TN)	Rush			
King (IA)	Poe	Whitfield	Chabot	Davis, Tom	Sánchez, Linda			
King (NY)	Pombo	Wicker	Chabot	Deal (GA)	T.			
Kingston	Porter	Wilson (NM)	Chabot	DeFazio	Sanchez, Loretta			
Kirk	Price (GA)	Wilson (SC)	Chabot	DeGette	Saxton			
Kline	Pryce (OH)	Wolf	Chabot	Delahunt	Schiff			
Knollenberg	Putnam	Young (AK)	Chabot	DeLay	Schwartz (PA)			
Kolbe	Radanovich	Young (FL)	Chabot	Dent	Schwarz (MI)			
Kuhl (NY)	Rahall		Chabot	Diaz-Balart, L.	Scott (GA)			
			Chabot	Diaz-Balart, M.	Sensenbrenner			
			Chabot	Dicks	Serrano			
			Chabot	Dingell	Sessions			
			Chabot	Doolittle	Shadegg			
			Chabot	Doyle	Shaw			
			Chabot	Drake	Sherwood			
			Chabot	Dreier	Shimkus			
			Chabot	Edwards	Shuster			
			Chabot	Ehlers	Simmons			
			Chabot	Emanuel	Simpson			
			Chabot	Emerson	Skellton			
			Chabot	English (PA)	Slaughter			
			Chabot	Eshoo	Smith (NJ)			
			Chabot	Evans	Sodrel			
			Chabot	Everett	Solis			
			Chabot	Farr	Souder			
			Chabot	Fattah	Spratt			
			Chabot	Feeney	Strickland			
			Chabot	Ferguson	Sullivan			
			Chabot	Fitzpatrick (PA)	Sweeney			
			Chabot	Foley	Tancredo			
			Chabot	Forbes	Tauscher			
			Chabot	Ford	Taylor (NC)			
			Chabot	Fortenberry	Terry			
			Chabot	Fossella	Thompson (MS)			
			Chabot	Fox	Thornberry			
			Chabot	Franks (AZ)	Tiahrt			
			Chabot	Frelinghuysen	Towns			
			Chabot	Gallegly	Turner			
			Chabot	Garrett (NJ)	Upton			
			Chabot	Gerlach	Van Hollen			
			Chabot	Gibbons	Velázquez			
			Chabot	Gilchrest	Visclosky			
			Chabot	Gillmor	Walden (OR)			
			Chabot	Gingrey	Walsh			
			Chabot	Gohmert	Wamp			
			Chabot	Gonzalez	Waters			
			Chabot		Waxman			
			Chabot		Weiner			
			Chabot		Weldon (FL)			

NAYS—82

Andrews	Higgins	Pallone
Baird	Honda	Pastor
Baldwin	Hulshof	Paul
Barrow	Inslee	Payne
Berry	Jones (NC)	Ross
Boswell	Kennedy (MN)	Salazar
Brown (OH)	Kildee	Sanders
Cardoza	Kind	Schakowsky
Chandler	Lee	Scott (VA)
Cleaver	Lipinski	Shays
Conyers	Lofgren, Zoe	Sherman
Cooper	Lowey	Smith (WA)
Davis (CA)	Maloney	Snyder
Davis, Jo Ann	Marshall	Stark
DeLauro	Matheson	Stearns
Duncan	McCollum (MN)	Stupak
Etheridge	McDermott	Tanner
Filner	McGovern	Taylor (MS)
Flake	Meehan	Thompson (CA)
Frank (MA)	Melancon	Tierney
Goode	Menendez	Udall (CO)
Graves	Miller, George	Udall (NM)
Green (WI)	Moore (KS)	Wasserman
Green, Gene	Oberstar	Schultz
Grijalva	Obey	Watson
Hastings (FL)	Olver	Watt
Hefley	Otter	Wu
Herseth	Owens	

NOT VOTING—22

Barton (TX)	Hinojosa	Ney
Bonner	Jackson-Lee	Oxley
Boyd	(TX)	Pomeroy
Carter	Jones (OH)	Rangel
Cole (OK)	Kucinich	Smith (TX)
Conaway	LaTourette	Thomas
Doggett	Lewis (GA)	Tiberi
Gordon	McCaul (TX)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1906

Mr. PALLONE changed his vote from “yea” to “nay.”

Mr. FOSSELLA changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnestoa (Mr. GUTKNECHT) is recognized for 5 minutes. (Mr. GUTKNECHT 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 Texas (Mr. REYES) is recognized for 5 minutes.

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

NOT VOTING—22

Barton (TX)	Hinojosa	Ney
Bonner	Jackson-Lee	Oxley
Boyd	(TX)	Pomeroy
Carter	Jones (OH)	Rangel
Cole (OK)	Kucinich	Smith (TX)
Conaway	LaTourette	Thomas
Doggett	Lewis (GA)	Tiberi
Gordon	McCaul (TX)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McHUGH) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1859

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 330, nays 82, not voting 22, as follows:

[Roll No. 303]

YEAS—330

Abercrombie	Baker	Berman
Ackerman	Barrett (SC)	Biggart
Aderholt	Bartlett (MD)	Billakis
Akin	Bass	Bishop (GA)
Alexander	Bean	Bishop (NY)
Allen	Beauprez	Bishop (UT)
Baca	Becerra	Blackburn
Bachus	Berkley	Blumenauer

EXCHANGE OF SPECIAL ORDER
TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. REYES.)

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

There was no objection.

LOGICAL WITHDRAWAL FROM
IRAQ

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

Mr. McDERMOTT. Mr. Speaker, I rise today to talk about an issue which is beginning to be much more of an issue in this Congress, and certainly in this country, and that is the question of how long are we going to stay in Iraq?

There are those who think that we should stay endlessly, apparently. The military is preparing for a couple of years of staying. Last week a couple of oil workers from Iraq came through talking to various Members of Congress. These 55-year-old Iraqi oil workers said there will be no peace in Iraq until the occupation is over. Until you leave, the present conditions will continue.

Now, there are a lot of people who still believe the President. Remember, this is the President that told us that there were weapons of mass destruction and there were connections to al Qaeda, and that now they have the White House saying we are in the last throes of the insurgency.

But when you talk to Iraqis who live on the ground, work on the ground, work in the oil industry, they said we are at 1½ billion barrels a day, and we will never get any more than that until we are able to get some peace and calm and some investments to come in and change the oil industry.

Now, you say, well, that is just two oil workers. Well, 82, remember that number, 82 Iraqi Parliamentarians have sent a letter to their Speaker of the House demanding that the U.S. withdraw its troops from Iraq.

Those are not wild-eyed people in the United States who are calling for the withdrawal of American troops. This is 82 members of the Iraqi Parliament who were elected. I mean, we say they have a democracy over there. Some of these leaders come from the United Iraqi Alliance, which is a collection or a coalition of religious Shiite parties that has a majority of the 275 seats.

So, again, we are not talking about a splinter group somewhere, we are talking about people in the main governing group in the Iraqi Parliament are calling for an end. Their demand is still, although not a majority, it is a large majority, and it has not been endorsed by the Prime Minister yet.

But the demand will certainly come from an ever greater number of Parliamentarians as time goes on. At the moment, most Iraqi politicians already wish the United States would leave, but are afraid that the guerilla movement will kill them without U.S. protection.

This letter has not been released in the United States. You have to find it somewhere on the Web. Now, in this House we have a group called Out of Iraq Caucus.

And the question is, what are we up to? What do we really want to do? Well, I think you ought to have a plan. And there are certainly a lot of plans that have been laid out. One of them is laid out by Gerald Helman, who was a former Ambassador of the United States, who says, first of all, the United States should have a phased withdrawal to be completed in 1 year.

□ 1915

Why is that? Because you do not want to create chaos. If we walked away tomorrow, we would have chaos.

The second thing he says, by prearrangement before that withdrawal occurs, the Iraq and Arab League, or collection of Arab states, would ask the United Nations Security Council to establish a transition political, economic development, and peace enforcement authority to assist the Iraqi Government in its recovery efforts. And finally, the United States could offer logistical support. We are really the only ones capable of doing it, and the financial support as well as the military units on a transitional basis under U.N. command, under U.N. command.

I think we can handle a Brit or a German or somebody being in command. The United States, Japan and the other oil Arabs can contribute money and NATO could provide much of the staff, planning and headquarters personnel, but competent boots on the ground will be hard to find. They are going to have to use some of our people. We all watched the United Nations do this very same thing in Cambodia. Most people were unaware of it, but that is exactly the method.

We have to begin the process of withdrawal from Iraq. There is no way we are going to win it all and have peace and harmony as long as we are viewed as conquerors and occupiers, and 82 members of the Iraqi parliament have asked. That must be only the beginning.

HELMAN ON UN OPTION

Ambassador Gerald B. Helman writes: "... On replacing the US with the UN in Iraq[:] It seems clear that US public opinion is ready for a real exit strategy. But I suspect that the Administration has not yet given up its hope of turning Iraq into a long-term strategic base and asset allowing control of the Middle East and the oil that goes with it. And to turn it all over to the UN would be humiliating. Much would depend upon how the process is rolled-out. Here's an example:

The US would announce a phased withdrawal, to be completed one year hence;

(by prearrangement) Iraq and the Arab League (or a collection of Arab states) would ask the UNSC to establish a transition political, economic development and peace enforcement authority to assist the Iraqi Government in its recovery efforts; and

The US would offer logistical (we're the only one capable) and financial support, as well as military units, on a transitional basis, under UN command (we might be able to swallow the humiliation if the commander is a Brit or German). The UK, Japan, the oil Arabs and others can contribute lots of money. NATO could provide much of the staff, planning and headquarters personnel. But competent boots on the ground might be harder to come by.

I agree that the Cambodia operation (and, more recently, East Timor) could serve as a model. While Cambodia was a mixed success, it was nevertheless a success."

THE UNITED NATIONS STRATEGY AS A
RESOLUTION OF THE IRAQ CRISIS

The United States has failed militarily in Iraq, and the situation there is deteriorating rapidly. A protracted guerrilla war is increasingly becoming an unconventional civil war. The US can mount operations against infiltrators on the Syrian border, but cannot permanently close off those borders. The US can prevent set piece battles from being fought by militias. It cannot prevent nighttime raids. Seven bodies showed up Sunday in East Baghdad, executed. They were almost certainly victims of this shadowy sectarian war.

Eighty-two Iraqi parliamentarians have sent a letter to the speaker of the house demanding that the United States withdraw its troops from Iraq. Some of the leaders of this movement come from the United Iraqi Alliance, the coalition of religious Shiite parties that has a majority of the 275 seats. Their demand is still that of a (sizeable) minority and has not been endorsed by Prime Minister Ibrahim Jaafari. The demand will certainly come from an ever greater number of parliamentarians as time goes on. At the moment, most Iraqi politicians already wish the US would leave, but are afraid that the guerrilla movement would kill them without US protection.

As its allies draw down their forces in the next few months, the US looks increasingly as though it is going it alone in Iraq. As a unilateral power there, it lacks legitimacy. It is not going to be able to stay in that country, and will not be given permanent bases there by an elected Iraqi government.

The United States will eventually have to go to the United Nations and request that it send a peace-enforcing mission to Iraq, as the US military withdraws. The relevant model is the UNTAC experience in Cambodia, which, while it had substantial flaws, was also a relative success. In the long term, perhaps 5-10 years, the Iraqi government may develop its own military that could keep order. That development is far enough off, however, that there is likely to be a significant gap between the time the US leaves and the time the Iraqis can fend for themselves.

A US withdrawal without a United Nations replacement would risk throwing Iraq into civil war. Such a civil war, moreover, would very likely not remain restricted in its effects only to Iraqi soil. A civil war in Iraq would certainly lead to even more sabotage of petroleum production, reducing Iraq's production from the current 1.5 million barrels a day to virtually nothing. If a civil war broke out that drew in Iran, the unrest could spread to Iran's oil-rich Khuzistan province, which has a substantial Arab population, and which has seen political violence in recent

months. The instability could also spread to Saudi Arabia's Eastern Province, which is traditionally Shiite but dominated since 1913 by the anti-Shiite Wahhabis.

If the petroleum production of Iraq, Iran and Saudi Arabia was put offline by a vast regional conflict that involved substantial terrorism and sabotage, the price of oil would skyrocket. Only 80 million barrels of petroleum are typically produced daily in the world. Much of that is consumed by the producing country. What is special about the countries of the Gulf is that they have relatively small populations and little industry, and therefore export a great deal of their petroleum. Saudi Arabia produces 9 million barrels a day, and can do 11 in a pinch. Iran produces 4 million. Iraq could produce 3 million on a good day without sabotage. If nearly 20 percent of the world's petroleum supply became unavailable, and given ever increasing demand in China and India and political instability in Venezuela and Nigeria, the price could rise so high that it would throw the world into a Second Great Depression.

The old dream of James Schlesinger and Henry Kissinger that the United States could in such an emergency simply occupy and secure the Saudi oil fields has been shown to be a dangerous fantasy. Petroleum is produced in a human security environment. Where the political structures are felt by a substantial portion of the population to be illegitimate, they can and will simply sabotage the petroleum pipelines and refineries.

The US cannot risk this scenario, which while a little unlikely, is entirely possible as a consequence of its withdrawal from an Iraq that it radically destabilized.

The United Nations force put into Iraq should be a peace-enforcing, not a peace-keeping, force. That is, its rules of engagement should allow robust military operations to prevent the parties from massacring one another, and UN troops should always be permitted to defend themselves resolutely if attacked. Further, the United States should lend the United Nations forces close air support upon their request.

Moreover, the UN must at the same time enter into serious negotiations with the warring parties (Kurds, Shiites, Sunni Arabs) to seek a political settlement.

Satish Nambiar writes: "It is a matter of record that it is not possible to have successful peacekeeping without a determined and successful peace process. Peacekeeping and peacebuilding activities are not self-sustainable, they have to be nurtured by a process of negotiations, or peacemaking, during which the parties to the conflict are made to redefine their interests and develop a commitment to a political settlement. The fact that most successful missions in the last decade, or even the partially successful ones—Namibia, El Salvador, Cambodia and Mozambique—were the result of years of negotiations, in which many third-party international actors, including the USA, participated, is no accident. Although the wars in these areas went on for a long time, they illustrate that it is better to take the time to get the details of a settlement right, than to initiate a peacekeeping process that is flawed in its concept and content, as so glaringly made apparent in the inadequately planned and prepared United Nations deployment in the former Yugoslavia and Somalia. It takes firm political resolve and unified concerted action from outside actors to make the parties to the conflict come to terms with one another, and work towards a negotiated settlement."

All Iraqis would see the United Nations as having more legitimacy than the United States. The UN would be much more likely to be able to negotiate a settlement among

the Sunnis and Shiites than is the US. And, the world has more troops than the US does. (The Europeans are over-stretched, so the force would mainly come from the global South. Iraq does not want neighbors involved, so South and Southeast Asia seem likely providers of troops.)

Would the Iraqi government accept a United Nations military mission? Almost certainly. Grand Ayatollah Ali Sistani has often attempted to involve the UN, and would welcome such a development. The Sunni Arabs would also much prefer to deal with the UN than with the US.

Would the United Nations be willing to take it on? It would be a very hard sell. But remember that if the members of the military mission succeeded, they would have gained enormous good will from the Iraqi government, which would soon be able to pump 5 million barrels of petroleum a day. That is, participation could be worth billions in future contracts. The US could also provide substantial incentives. For countries like Pakistan, India, and Malaysia, such benefits could prove decisive.

Would the Americans be willing to cede Iraq to the blue helmets? It is not impossible. US Secretary of Defense Donald Rumsfeld appears to want to draw down US troop strength in Iraq on a fairly short timetable, and even he must realize the need for a replacement. Of course, the Bush administration may well resist this move right to the end. But that makes this plan an ideal platform for the Democratic Party in 2006 and 2008. Instead of Kerry's vague multilateralism, let us specify an UNTAC-like mission for the UN. The entire world depends on Gulf petroleum; the entire world should step up to ensure security for Iraq and the region. The US will continue to have to bear a significant share of the costs, but these would become bearable if several allies shared them.

As recently as the 1950s, President Dwight Eisenhower still saw the United Nations as a noble project essential to the welfare of the United States, and he denounced the 1956 invasion of Egypt by Britain, France and Israel for endangering the UN ideal. Ironically, the Bush administration's attempt to do a unilateral end run around the United Nations could afford the American Left the opportunity to make international cooperation and international law popular again with the US public. The alternative for Americans is to continue to squander blood and treasure on a task too big for one country, even the world's sole superpower.

45 DEAD, DOZENS WOUNDED IN GUERRILLA ATTACKS

The Associated Press reports that a guerrilla wearing a bomb belt walked into a restaurant near the Green Zone in downtown Baghdad that was popular with Iraqi police and soldiers, and detonated his payload, killing 23 and wounding 45. Patrick Quinn writes: "The Baghdad bomber detonated his explosives-laden vest at the Ibn Zannour restaurant, 400 yards from the main gate of the heavily fortified Green Zone—U.S. and Iraqi government headquarters. The cafe was popular with Iraqi police and soldiers. The dead included seven police officers. The bodyguards of Iraqi Finance Minister Ali Abdel-Amir Allawi and 16 other police were injured, police and hospital officials said. The minister was not in the restaurant."

Quinn's details make me wonder if the finance minister sometimes did eat at Ibn Zannour, and if the guerrillas thought he might be there. At the very least, wounding a man's bodyguards is a pretty obvious threat against his person. Allawi is related to current Vice Premier Ahmad Chalabi and to former interim Prime Minister Iyad * * *

The SPEAKER pro tempore (Mr. KUHLMAN of New York). 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

APOLOGIES NEEDED

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

Ms. WOOLSEY. Mr. Speaker, it is one of the first lessons we are taught as children, how and when to apologize for doing something wrong.

Our capacity for saying I am sorry is part of what makes us a functioning and civilized society. My parents always said I should apologize for hurting someone. But they never insisted that I apologize simply for pointing out when someone else was doing something bad or wrong.

Yet, here in Washington all of the sudden every time a Democrat uses strong rhetoric to condemn the policies of the Bush administration, there is a relentless pressure from the Republicans for an apology.

Maybe my memory is failing me, but I just do not recall any apologies when opponents of the Iraq war had their patriotism questioned. Now with a new poll showing that 63 percent of the American people want the troops to come home in the next year, maybe the right wing message machine owes an apology to nearly two out of three Americans. The fact is their apology demands on Democratic dissenters is just a convenient way to change the subject, to avoid any kind of question about the merits of the Iraq war and the way it has been managed.

And why do they want to avoid that discussion? Because the American people have completely lost confidence in the administration's Iraq policy. Instead of apologizing for words, it is time we started demanding apologies for deeds. Where, for example, is the apology for the deaths of more than 1,700 Americans? Not only is there no apology; Secretary Rumsfeld could not be bothered to personally sign condolence letters to their families.

Where is the apology for sending young men and women to war without the proper protective armor on their bodies and their vehicles? Where is the

apology for pinching pennies on veterans health benefits when these brave soldiers return home? Where is the apology for the immoral doctrine of this preemptive war? And where is the apology for the gross deceptions used to justify it, for the missing weapons of mass destruction, for the cooked intelligence, for the phony al Qaeda-Sadam link?

Where is the apology for wasting more than \$200 billion of taxpayer money on this mistake? Where is the apology for the poor leadership that led to torture and prisoner abuse at Abu Ghraib and Guantanamo? Where is the apology for committing our troops and our Nation to this mission without a post-war plan to secure the peace? And where is the apology for the arrogance that squandered international good will toward America and damaged our relationships with our closest allies?

There is something wrong with our moral compass if we have to apologize for speaking bluntly. But our leaders can commit the biggest foreign policy blunder since Vietnam and get away without apology or accountability.

Actually, an apology would not be enough for everything they have done. An apology, after all, is just more words. It is time for action. It is time for accountability. It is time for a tangible admission that the Iraq war was immorally conceived and has been incompetently managed. It is clearly time to end this war and bring our troops home.

CHUCK HAGEL, the senior Senator from Nebraska, a decorated Vietnam hero and a member of the President's party, recently had this to say about the war, "Things aren't getting better. They are getting worse. The White House is completely disconnected from reality. It's like they're just making it up as they go along. The reality is that we are losing Iraq."

I ask you, are they going to ask CHUCK HAGEL for an apology? After all, he has done the worst possible thing in the eyes of the administration: he has told the truth.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

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

There was no objection.

WOMEN AND SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-

LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I welcome this opportunity to speak about women and Social Security reform.

President Bush is exploring different ways to save Social Security for future generations. And as the mother of two young daughters, I realize that we must tackle this inevitable reform of Social Security now and not defer the debate to future generations. I applaud the President for his strong leadership and his vision.

Women have a particularly large stake in Social Security reform; and I thank my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), for her leadership on this issue, and we will hear from her later tonight. Social Security may be actually reflecting a bygone America where most American women worked at home and received a spousal benefit based on their husband's earnings.

Today, according to the Government Accountability Office, nearly 60 percent of American women participate in the labor force which helps make America the most productive economy in the world. Not only are more women working than when Social Security was formulated; they are working in ways that the framers of this program could not have imagined. The GAO has also found that women are more likely to work part time and work intermittently as they may take time out of the labor force to rear children or care for their elderly parents.

However, Social Security as currently formulated penalizes many of these working women. For example, a homemaker can receive a higher spousal benefit than a woman working in a low-wage job receives based upon her own earnings. In some cases, the household benefit from Social Security is no greater than if these women had never worked at all.

The fact is that under the current system, Social Security earnings cannot be transferred or shifted should a woman unfortunately become a widow. Sadly, this occurs all too often and a woman's total household income can be greatly reduced if she was receiving benefits based on the earnings while her husband was alive, compared to a widow whose benefits are based solely on her husband's earnings. So Social Security should not penalize women in their old age because they decided to join the workforce rather than stay at home.

Social Security must be reformed to better protect women and the invaluable roles that they play in our economy and in our society. We should reward those women who try to balance work in the home and work in the labor force and not ask them to choose one or the other. By reforming Social Security to include private accounts, we can ensure that women receive all of the benefits that they earn in the workplace as well as being entitled to

those that their husbands have earned once they have passed on. Forty percent of elderly women in America rely on Social Security for 90 percent of their income.

I join President Bush in assuring elderly women that Social Security reform will not impact their benefits by one penny. At the same time, the reforms that President Bush has envisioned will safeguard Social Security for those women's grandchildren and for all of our children and grandchildren. If we do not reform it, Social Security will be a pay-as-you-go system which is doomed to fail.

In the 1940s, as we have heard many times when Social Security was designed, there were 41 workers paying into the system for every person who was receiving benefits. Today there are only about three workers for every one person receiving benefits. By the year 2042 when workers who are currently in their mid-20s begin to retire, the system will be bankrupt. If we do not reform Social Security, those of us who are drawing or who will draw benefits will be doing so at the expense of our offsprings' future.

Without reform, we would also continue to penalize our daughters and our grandchildren for mixing a career in the workforce with a dedication to family life. Also, 2.3 million Hispanics receive Social Security benefits and 41 percent, a majority of them women, depend on it as their full source of income.

As the first Hispanic woman elected to Congress, I am committed to ensuring that all women are protected and all are afforded every opportunity. Remember, we are talking about American women here, not Republican women, not Democrat women, but American women. Social Security reform is too important an issue to be left to partisan politics.

SAVE SOCIAL SECURITY FIRST

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

Mr. EMANUEL. Mr. Speaker, today some Members of the Republican Party, House and Senate, unveiled a proposal to use a surplus in the Social Security trust fund for private accounts. And they said that in their words, we are going to keep the Social Security surplus Social Security.

Well, that is interesting. For the last 3 years my colleagues on the other side said there was never ever a surplus in Social Security; there were no accounts in Social Security. In fact, just a month ago or a little more than a month ago, the President of the United States went to West Virginia, unveiled an old filing cabinet, if I am using his words correctly, and said, look at it. That is the Social Security surplus. As I quote him, and this is the President, "There is no Social Security trust fund. Just IOUs stacked in a filing cabinet."

All of the sudden now they want to say they have discovered there is a surplus in Social Security. Well, to tell you the truth, we have always known there was a surplus in Social Security. In fact, the Republican Party over the last 5 years has taken \$650 billion out of the Social Security trust fund. And now they want to act like recent converts that we are going to keep the surplus for Social Security.

Democrats have said for well over 70 years, and as recently as 1998, save Social Security first. Do not go waste it on tax cuts for the wealthy. Do not waste that money. It is dedicated. It has been paid with the commitment for Social Security; and so now today under a new discovery, Republicans have realized that there is a surplus in Social Security. They are going to dedicate it, they say, to Social Security. But the problem is the President of the United States was in West Virginia just a short time ago, less than 2 months ago and said there is no surplus in Social Security.

I am sure within short order they will all collectively get their stories straight and figure out whether there is or is not a surplus. But whatever you do, do me one favor, just pay back the \$650 billion you have taken out of that Social Security trust fund that good, hard-working Americans who rely on it just like my colleague, the gentlewoman from Florida (Ms. ROSLEHTINEN), just a moment ago spoke about they rely on the Social Security checks. Forty percent of the households in America have no other retirement plan plus Social Security; 80 percent of small business employees in this country have no other retirement account plus Social Security. They rely on the checks they pay and the money they pay every month or bi-monthly into the trust fund.

□ 1930

So as you become recent believers that there is a surplus, you have been practicing some of the great absconding of resources; \$650 billion over the last 5 years you have taken out of that account.

I did not see anything about that in today's paper as some were touting that in their plan, but I am sure as they come to figure out their math that they will realize they owe some money back before they talk about integrity of the Social Security surplus.

Clearly, the American people understand that. So before we try to privatize Social Security or do anything fundamentally to alter the Social Security trust fund, the first thing we should do is guarantee that Social Security is there for future generations. To date, the President has yet to make a proposal, and the half-baked plan being out touted by the House and Senate today fundamentally misses the same objective.

The goal here is to strengthen Social Security. The head of the General Accountability Office, when testifying in

front of the Committee on Ways and Means, said the President's plan on privatization would actually exacerbate the issue of Social Security's solvency. The goal is not to change Social Security. The goal is not to exacerbate its solvency. The goal is to strengthen Social Security.

That is why the first order of business is return the \$650 billion. Both the President's past ideas and the plans talked about today would exacerbate the problem of Social Security solvency.

What we should deal with is the shortage of savings in this country, by the fact that Americans are stretched thin, they do not have the capability to save for their retirement because they are meeting their housing needs, their educational needs, their health care needs that are becoming more and more stressful on the paycheck, to get them from the 1st of the month to the 31st of the month.

There are ideas that exist out there. As I told you, 80 percent of all small business employees have no plan outside of Social Security. Social Security is their retirement plan. In 40 percent of all households in America, Social Security is the only retirement they can rely on, and I will tell you this as a Member of Congress, who represents people in the airline industry, specifically United Airlines, after what happened to their retirement plans that they saved for, one thing I can tell you about that is the United Airlines employees are happy Social Security is there. They like the security that comes with Social Security.

The ideas that we as Democrats have offered, let me run through them quickly, Mr. Speaker, if I can: automatic enrollment in 401(k)s for all Americans; direct deposit of tax refunds into personal savings accounts; a government match for the first \$2,000 you save, matching it 50 percent; a universal 401(k) to simplify the 16 different savings plans that exist on the Tax Code.

Mr. Speaker, the American people are not fools. They rejected the President's privatization of Social Security. They will reject this half-baked plan. To put it simply, people like the security that comes with Social Security.

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

(Mr. NORWOOD 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 Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida 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 Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK 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 Georgia (Mr. GINGREY) is recognized for 5 minutes.

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

SOCIAL SECURITY AND INEQUITIES TOWARD WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 60 minutes as the designee of the majority leader.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise tonight to speak about the challenges women face to a safe and secure retirement. Without changes to the Social Security program, this Congress will continue to uphold outdated policies and programs that actually punish working women, divorced women, and widows.

Every Member of Congress, regardless of which side of the aisle they are on, have seen the statistics that Social Security will be bankrupt in 2041, and that if changes are not made, all Americans will have guaranteed benefit cuts of more than 25 percent. That is right; if no changes are made, guaranteed benefits will be cut by 25 percent.

However, what the media and political pundits have not touched on is the effect Social Security reform will have on women in particular.

To begin with, Mr. Speaker, I would like to stress three important facts about American women and their retirement years.

First, women are more likely to live in poverty during their retirement years than are men.

Second, women are also comparatively more likely to rely on Social Security for the majority of their retirement income.

Third, Social Security's future cash shortfalls pose a heightened and disproportionate threat to women's retirement security.

Social Security is a plan that actually was designed in a much different time, in a different era, and with a different set of American demographics in mind.

In 2005, women are stuck with a Social Security program that is inherently flawed and biased against their needs and concerns for the future.

In 1935, when the program was first enacted, the great-grandmothers of today's young working women were faced with different choices and different futures. Few women actually went to college. Even fewer went to medical school or law school. Most American women, like most of our moms and grandmothers, stayed at home, raised children and had their husbands go to the traditional 9-to-5 job. Obviously, that no longer is the case.

In 1935, when Social Security was created, women were not in a position to advocate for their interests in Congress. At that time, only seven women were serving in the U.S. House and just one in the U.S. Senate. Amazingly to today's generation of women leaders, American women had only had the right to vote for 15 years.

Today times have changed and changed for the better. Today we have 69 women Members of the House and 14 women Senators. Unlike in 1935, women as a group have the opportunity to affect the terms of debate over the future of Social Security, over the future of our retirement security.

When we discuss any reform of the Social Security system, we must keep these facts in mind to guarantee that American women have their unique concerns addressed by this Congress.

Now, Mr. Speaker, I yield to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), for organizing this important Special Order for this evening.

As co-chair of the Women's Caucus and founder of the Women's Action Public Affairs team, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is a strong leader in this body, dedicated to improving the lives of women across the country.

Today, headlines in the newspapers across the country continue to address the issue of Social Security reform as they have for many months now. Here on the Hill, Members on both sides of the aisle continue to debate the nature of this crisis and argue what they think are the greatest problems within the current Social Security system and how they think we should best address the issues.

I do want to address the issue of women and retirement tonight, but first I would like to add a few comments based on our colleague from across the aisle who just gave a 5-minute about the state of Social Security.

He mentioned that in 1998 the Democrats took up the issue of Social Security. I was elected in 1998, and before I was even sworn in, which would have taken place in 1999, I was asked to join the Senators and House Members, both Democrats and Republicans, who were going to the White House Conference

on Social Security. There were 24 Senators and 24 House Members, and I was included as one of the 24, even though I had not been sworn in.

I was very proud to go, too, and we came down to Washington late in November. We were told we were going to solve Social Security that year, and by the next March we would have a bill to take to the House floor and to the Senate floor and we would do it early because this would be the first of the 106th Congress and we would have 3 months to do this. It would be before all of the election talks started, and we would be working together. I do think that Social Security reform needs to be bipartisan, and we are going to have to reach that in this debate at some time before we can find really meaningful reform.

What happened is we came down for 3 days to this great conference. We had speakers the first days and learned a lot about Social Security and reinforced what we had believed. Then the third day, we met with President Clinton. We sat over at Blair House, and we talked about how we were going to do this bill, who was going to do this bill, who would be the one to put it on the table.

The President said, I will do the bill and I will have it ready for you the end of December. There was a pause in my mind, because this is the one time that as an elected official you really have time to spend with your family, between Christmas and New Year's. I thought how am I going to go home and tell my family that I will have to be gone at that time, when we usually have taken our vacation, but for the good of the country, I will do this.

So I went home and then came back to Washington for orientation meetings as a freshman, and I asked one of my colleagues who I had worked with during this 3-day conference, Does the President have the bill ready yet; I have not received a time yet that we will be coming back. My colleague looked at me and said, Judy, are you naive? There is not going to be any bill. This has been a great PR campaign but nothing has been done yet. It is very difficult for somebody to come up with a bill, and the President is not working on it.

That was the last I ever heard of the Social Security reform for 1998. We are still working on it, and just a couple of other things.

Since 1935, this has been a pay-as-you-go system, and I always believed when I first started talking about Social Security that there was a little box that had my name on it and it had my benefits for when I retired. That is not true. We might talk about a trust fund, but this has been a pay-as-you-go system, and in fact the Federal Government cannot hold money like that in a bank account. So we have to deal with Treasury notes, and that is what we do now. That is what we have done.

I am here this evening because I think if the debate goes further than

whether or not we are going to implement personal accounts or raise the retirement age or have a pot of money there that we are going to be able to pay back now, and I think in the heat of debate that people fail to address the current inequities in this system that does single out one group of Americans, and the fact is that women, more than anyone else, continue to draw the short straw when it comes to Social Security benefits.

Right now, too many women who reach retirement age find themselves widowed or single, relying on their Social Security check for over half of their income. Women live an average of 5½ years longer than men, and consequently, they disproportionately rely on Social Security for their entire retirement income.

I can remember going door to door and going to the house of a woman who must have been about 95 at the time. She had been living on her Social Security check, which really did not give her even the money to be able to pay her rent and to be able to buy her food and such for a long retirement.

It is great that people are living longer, and this is what we want, but our Social Security system was not set up for that. It was set up at a time when people lived to be age 60 and the retirement age was age 65. It was easy to pay out the benefits then because there were not that many people that received them.

Now women represent 58 percent of all Social Security beneficiaries age 62 and older and approximately 70 percent of beneficiaries 85 and older, and I think these inequities are astounding.

The Social Security laws in the case of divorce are incredibly outdated. When Social Security was first created, few marriages ended in divorce. In fact, most of the women were nonworking. Fast forward to today, where the number of divorces has more than quadrupled since 1970 and under current Social Security rules must be married for at least 10 years to be entitled to the Social Security benefits of her husband, yet statistics tell us about one-third of all marriages end before 10 years has been reached. This translates into one-third of women who will receive zero Social Security benefits for those years that they were married.

We have all heard experts reference the fact that the number of divorces in our country is expected to continue rising, and almost half of marriages are expected to end in divorce. That is a pretty scary statistic, and we certainly hope that does not happen. But where does that leave women? Unfortunately, it leaves women, again, to bear the brunt of inequality.

We, as women, have fought for equal opportunity in the workforce for many years. Today, women have proudly gained a strong presence in the workforce. Now more women than ever are doctors, lawyers, CEOs, scientists, engineers and politicians, to name a few.

□ 1945

However, the current Social Security system continues to punish these working women. Our 1930s-style retirement system has led to an astonishing two-thirds of married women who do not receive additional benefits from their Social Security contributions. And when it comes to single- and dual-earner couples with identical incomes, the single-earner couple stands to receive the higher benefit.

Let me cite the Smiths and the Joneses. The Smiths have an income only from the husband of \$3,000. The Joneses have an income of \$3,000; but the husband earns \$1,500 and the wife earns \$1,500. What happens is only the higher income is considered for retirement. So if Mrs. Smith is widowed, she would receive \$3,000. And Mrs. Jones, if she is widowed, she receives the \$1,500, not both of those incomes.

And worst of all, the family of a single woman who dies before retirement age will not get back a single dollar from the Social Security system regardless of how much money she contributed to the system over the course of her working years. Widow benefits also favor single-earner households over dual-earner households, unnecessarily penalizing a woman who has chosen a life in the workforce and makes less than her spouse.

A widow is eligible for the greater of her husband's work benefit or her own, not both. And this translates into a potential cut in household income up to one-half after her husband's death.

So women here tonight stand together to call for changes to the system, changes that will ensure equal treatment for women under the law. The status quo of Social Security in this Nation today is unacceptable.

But in addition to all of the overall reforms, we need to encourage women from a young age to establish financial security and a sound plan for retirement. That is one of the reasons we have formed the Financial and Economic Literacy Caucus to promote financial and economic education. Women should be afforded the opportunities to learn the skills necessary to guide their financial futures and successfully manage their finances.

Surveys show that girls are less likely than boys to consider themselves very knowledgeable or confident about money management. In the United States, we live under the idea that all men are created equal; yet within the Social Security system, all men and women are not treated as equal. We need to work together to establish a system that creates equity among all Americans, individuals, men, women, divorced or widow; and we should not wait to do it until 2041 when we are faced with a largely depleted Social Security. So let us prepare for the future now. I urge all of my colleagues on both sides of the aisle to work together to help American women achieve financial certainty and equality. We must support the changes to the Social Security

system to bring it into a new millennium so women, and all Americans, are not left financially unequipped, but are financially secure. I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for leading this Special Order tonight.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the gentlewoman from Illinois (Mrs. BIGGERT) made some excellent points about the need to ensure that women are better protected in any Social Security reform package that comes before us. I commend the gentlewoman for taking the lead in the financial literacy area. I know many Members have joined the gentlewoman in that effort. And the more we can educate people, particularly women, the better chance they are of having a nest egg when they retire.

Mr. Speaker, I yield to the gentlewoman from Virginia (Mrs. DRAKE), and I look forward to having the gentlewoman's participation in this.

Each of us brings a different view from their States. I have the highest number of Social Security recipients of any Member of Congress, and it is always good to hear about how women in their districts are affected by any changes, by the need for changes in Social Security.

Mr. Speaker, I yield to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and thank her for her leadership in the House of Representatives and especially on the issue of Social Security.

Mr. Speaker, I rise today to speak on an issue that affects millions of women in America. As a woman, a former business owner, now a near senior and soon-to-be beneficiary of the Social Security program, it is important to me that we have this discussion and that we take the steps necessary to protect women who are penalized under a system meant to protect them.

I know all too well the harsh realities of the current Social Security system. This is not to disparage the concept of Social Security or to minimize its importance to millions of Americans. To the contrary, it is because Social Security is such an important program to so many that we need to have this debate. Some claim we seek to dismantle the program entirely when, in fact, the reverse is true. We seek to strengthen it for future generations. We seek to increase its promise of retirement security.

Social Security is not an entitlement or welfare benefit that people receive for free, or worse, on the backs of other hard-working taxpayers. It is a retirement insurance that people pay into for their own future security. And as with every other type of insurance, people expect coverage when the time comes. They expect that when the going gets rough and the day arrives to call on the insurance for help, that help will come.

Theoretically, Social Security should pay for itself, but currently it does not

and costs are skyrocketing. Furthermore, I have a hard time even calling Social Security "insurance" because whether or not it is there for you and your loved ones seems so arbitrary today. There are so many contingencies and what-ifs. For example, here is a what-if, and it is all too real for too many women and it represents a flaw in the Social Security system:

If a spouse dies, the children are grown and the surviving spouse has not reached retirement age, Social Security is not available until she is old enough to retire. It is even worse if she has never been gainfully employed, she has no income and finds herself searching for employment. If she is employed, yes, she has a paycheck, but faces a huge reduction in income and the reality that at retirement either her Social Security payments go away or his do, all those payments into the system gone. This is unacceptable. We need to do something about this now.

First, we must enhance and strengthen Social Security by allowing people the opportunity to turn a small portion of their Social Security into a personal nest egg, one that they can leave to their family upon their death when their needs are the greatest.

Second, we must ensure that positive, concrete changes are enacted to fix Social Security permanently and make it a solvent program. As more and more women own small businesses, they are more heavily impacted by high Social Security taxes. Women own 9.1 million businesses in this country, employ 27 million people, and have a \$3.6 trillion impact on our economy.

But Social Security is a matching system which means that each of the millions of employers in this Nation pays into your Social Security what you pay into it. You pay 6.2 percent of your paycheck into the program, and your employer matches that 6.2 percent with money from his or her own pocket. So who matches the employer's 6.2 percent? Your employer does. So the owners of small businesses are not only paying their full 12.4 percent, but the 6.2 percent of each of their employees as well.

The first thing I was told as a new Realtor over 20 years ago was that Social Security would not fund my retirement. Today, that would mean the 12.4 percent into Social Security for myself, 6.2 percent for my assistant, plus the other retirement investments necessary to secure my golden years. These 9.1 million female business owners are strong, independent women. I was so proud to be among them for 20-plus years before coming to Congress.

But having been there, I know the struggle of paying higher and higher Social Security taxes each year. That is why we cannot allow the current Social Security system to stifle their entrepreneurship. We must act now to protect the tax hikes or benefit cuts that will be inevitable if we do not.

Mr. Speaker, I support preserving Social Security today, and I am pleased

that my colleagues have outlined a solid plan that we can begin debating openly before the American people. I would like to thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for this opportunity to address the people and thank her for her service to our country.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I appreciate the fact that the gentlewoman brought up the fact that a Realtor with an assistant is not only paying the full 12.4 percent, but also paying half of any clerical assistants or any Realtor assistants he or she may have. We often forget the small business person, and I appreciate the gentlewoman bringing that up.

Now joining us, we have the gentlewoman from the great State of Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), and I thank her for her leadership on this issue. She mentioned earlier that she has one of the largest Social Security recipient populations in this country. She is passionate about being certain that Social Security is preserved, and I appreciate the attention that she puts on this issue every single day. She has been a champion of this, and her leadership means so much to so many of us, and I think to women in general.

It is so interesting that tonight we have had a female attorney, a female Realtor, a female college professor, and I am a small business owner. We all come from different walks of life; and I would venture to say, as we have our town hall meetings, that is the same mix we are seeing, women from all walks of life who are looking at how their family meets their financial goals and looking at their retirement security. They are serious about this. They want to be certain that they are planning ahead. And they know that, as they pull together what that template is going to be for their retirement, Social Security is an important part of that. So they are paying attention to what we do and what we do not do.

We know that the status quo is not acceptable for Social Security because we know what that means. We all have looked at the charts and at the figures, and we know we have to be aggressive and hard working to be certain that Social Security is stabilized, that solvency is guaranteed.

We know right now there are three workers for every retiree, and soon that is going to change. We know by the time we get to 2018, we are going to stop running that surplus each year and all of those IOUs that have been collected are going to come due. That requires action now and action on our part.

As the gentlewoman from Virginia mentioned, she was a Realtor and she looked at Social Security as she wrote that check for 12.4 percent: the individual share of 6.2 percent and the employer's share of 6.2 percent. That means all of our small businesses, and

female-owned small businesses are the fastest growing sector in the economy. Those women are writing that check for 12.4 percent. And then they come to the meetings, the town hall meetings that we hold, and they say if you do not do something soon, we are going to find out that we are paying this 12.4 percent, and it is our money. We have earned that money. We want to have our name on that money, not the government; and we know we are never going to see it in our retirement checks.

□ 2000

Women are many times not only the small business owner, they are the financial manager for their family and they are looking at that pay stub every month and they are looking at the amount that government is taking out in taxes, in Social Security, and they are expecting results and they are expecting action to be certain that there are more options for them to choose from in their retirement security.

As I said earlier, Social Security is a piece of that retirement security. They are also looking at long-term care. They are looking at long-term health care insurance. They are looking at pension plans and the solvency of those pension plans. They are looking at 401(k)s, and they want to be certain that the options are there. At the same time, they are wanting to be certain that it is not a burden to their children and grandchildren, not individually, not as we are looking at Social Security stabilization, not as we are looking at private accounts. They want to be certain that we are thoughtful, that we have generational fairness on the table as a component of that discussion.

Mr. Speaker, in the last few days, we have heard quite a bit of rhetoric about the Social Security debate. I would applaud some of our Members both on the Senate side and here on the House side that are looking at both components of this debate, the solvency issue and the personal accounts issue. I applaud the fact that they are looking to be certain that we are going to have individuals who get their money, that they get back what they have put into this system, and that they can depend on getting those benefits.

I think it is appropriate to know that we are really tuned toward being certain that Social Security meets its obligation, not only to today's seniors and today's near seniors but for American workers like my children who are in their early twenties who are looking at Social Security, they are paying into that system, and being certain that Social Security is there to meet its obligation to them.

This is an issue that does affect all Americans. It is an issue that affects families. It is an issue that we are appropriately focusing on to find solutions addressing retirement security for all Americans.

Mr. Speaker, I thank the gentlewoman from Florida for her leadership

on the issue and for organizing our time here on the floor tonight.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman from Tennessee for coming down this evening to share her views with the viewers and with the Members of Congress, because she certainly brings a very unique perspective.

This brings me to the discussion of how women are treated under the current system. Under the current pay-as-you-go Social Security system, not one person is actually guaranteed benefits. Yes, you heard me right. Not one person is guaranteed access to the money that they contributed to the program over their working life. You might ask why, and it is actually because the United States Supreme Court has ruled that Social Security is not a guaranteed benefit and can be changed at any time by an act of Congress.

As you can well imagine, this ruling disproportionately affects women, especially those women who were not in the workforce and who rely on their spouse's income and savings for their retirement. If a woman did not work and have the opportunity to save and invest on her own throughout her lifetime, she is often totally reliant on her family and Social Security for her retirement years.

In fact, Social Security is the only source of income nationwide for 29 percent of unmarried elderly women. That includes many widows. In my district, it is even higher. It is somewhere around 34 percent. Let me repeat that: in my congressional district, the Fifth Congressional District in Florida, about 34 percent of the Social Security recipients are unmarried elderly women. And that is their only source of retirement income. Social Security should certainly be there for elderly women during their golden years. It should not be taken away by the government inaction of a stubborn and hardheaded minority.

As we have heard from the previous speakers who have been here, women deserve better from Social Security than what we are promised under the program in place today. In fact, for many women who work today, they are taxed their entire life without the possibility of seeing any of their hard-earned tax dollars returned to them.

How, you ask? Well, in many families throughout the United States, both the husband and wife work outside the home, with the husband being most of the time the primary breadwinner. If the woman is a widow, once she reaches retirement, she will receive the greater of either her husband's benefit or her own, but not both. In some cases, the loss in income can be as much as a third.

Let me just demonstrate that for you on the chart next to me of two families. We have two families here. We have the Smiths and we have the Greens. The Smiths happen to be a single-earner couple. Mr. Smith earns \$3,000 a month, and Mrs. Smith is a

stay-at-home mom and earns nothing. The total Smith income per month is \$3,000. When it comes time for retirement, Mr. Smith's monthly benefit is \$1,300 a month. Mrs. Smith's monthly benefit is \$650. The Smith's total benefit is \$1,950.

The dual-earner couple, Mr. Green, Mr. Green earns \$2,000 a month, Mrs. Green earns \$1,000 a month, so they have the same combined income as the Smiths. Their combined monthly income is \$3,000. The retirement benefit, however, Mr. Green's monthly benefit is \$1,000; Mrs. Green's monthly benefit is \$650. The Greens' total monthly retirement benefits are \$1,650.

But take these same couples, the Smiths and the Greens, to make matters worse, under our current system when one spouse dies, the remaining spouse receives 100 percent of the larger earner's benefit. So the survivor benefit is in the Smiths' case, her monthly benefit is \$1,300. In Mrs. Green's case, the monthly benefit is \$1,000. Because Mrs. Green worked outside the home, she is penalized by Social Security upon the death of her husband. Mrs. Green will receive \$300 less per month than Mrs. Smith just for working.

It all began, actually, during World War II and Rosie the Riveter. You saw women out in the workplace and women continued to work over time. As you can imagine for a woman whose family relied on two Social Security checks before her husband's death, this can be a harsh financial burden. More importantly, though, if the husband dies and she chooses to receive her husband's Social Security benefits instead of her own, that means she will never receive the benefits of her own taxes paid over her lifetime of work.

While women certainly have made great strides toward pay parity in the past 30 years, there is still a gap in earnings between men and women in equivalent professions. Naturally, this pay inequity will mean that millions of women are forfeiting their benefits that they have paid for and deserve. More and more women are also entering the workplace. In 1950, just about 30 percent of women over the age of 20 worked either full-time or part-time. Today, that number is 60 percent. The more full-time women in the American workforce, the harsher the treatment when it comes to their retirement years.

Despite dramatic and positive changes in the workplace, women on average still receive less income, have less non-Social Security pension coverage, and are more likely to miss productive working time while raising and caring for a family. These statistics highlight the need for equitable treatment of women in the Social Security system.

Times certainly have changed since our Social Security system began, and family life has, also. Marriage in America today faces many challenges. We have seen a dramatic rise in the num-

ber of marriages that fail, and today millions of Americans divorce each year. As you can imagine, there are many divorced women who did not work outside of the home and instead chose to raise a family, which, as every woman knows, is a full-time job in and of itself. The Social Security system of the 1930s and 1940s, however, does not recognize the new world in which American women live.

Let me give you a hypothetical example. Phyllis Smith was married in October of 1995 to Jim Franklin. Jim, a successful real estate agent in the suburbs, was able to bring home enough money so that Phyllis did not have to work outside the home. After some time, Phyllis and Jim had two children and a happy life-style. Unfortunately, as the years passed, the couple grew apart until they divorced in September 2005. In this case, Phyllis is entitled to absolutely none of Jim's Social Security benefits. However, had Phyllis and Jim waited to divorce until October, a mere 1-month difference, she would have been entitled to half of his Social Security benefit. Women should ask, how is this fair to Phyllis? She has a fair claim to half of every other marital asset, half of the house, half of his 401(k), but because Social Security has not addressed this problem since its inception, her retirement is anything but secure.

Mr. Speaker, this is a clear example of why Social Security is a bad investment for women. Each year, thousands of single women who have never married between the ages of 25 and 64 pass away. We all know that heart disease is a major contributing factor along with cancer for early death among women. In 2001, according to the Census Bureau, 77,851 women in this age category died. That was in 1 year alone.

Assuming that at least three-quarters of them earned income and paid into the Social Security system, the hundreds of millions of dollars paid to Social Security by more than 55,000 women are gone. These hardworking women paid millions of dollars in taxes and their heirs will never receive a single dime for all of their years at work. Unlike income taxes, which go to general revenue and are used for building roads, maintaining an army and educating our children, today's Social Security taxes go to today's retirees. Your Social Security taxes do not get earmarked for you. As the gentleman from Illinois (Mrs. BIGGER) said, she thought that they were in a box somewhere with her name on it, all the money that she put into the Social Security system. It is not that way. You pay in today to pay the benefits of today's seniors.

□ 2015

The women who pass away before they receive Social Security, for them this is nothing but a tax from which they or their family will never receive a benefit. On the other end of the spectrum, these women who do live long

enough to collect Social Security face the challenge of being disproportionately dependent on the Social Security system for retirement income. Remember I cited facts of the percentage of women in our country who rely only on Social Security, and that number is much higher particularly in many areas in Florida. Women live an average of 5.5 years longer than men. Non-married women over 65 rely on Social Security for an average of 50 percent of their retirement income. Thirty-eight percent of unmarried women rely on Social Security for 90 percent or more of their retirement income.

These numbers make it clear that if a woman lives long enough to receive their benefits from Social Security that they are very likely to rely on that benefit as a major part of their monthly income. These facts are proof of the urgent need for this Congress to show some leadership necessary in a bipartisan manner to enact reforms that guarantee Social Security will be there for our future seniors and our current seniors when they need it the most.

In conclusion, Mr. Speaker, this Congress must recognize that the issue of Social Security reform is an important issue, and they must also realize how it affects women and that it is vitally important to the retirement of millions of American families.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO (during Special Order of Ms. GINNY BROWN-WAITE of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109-148) on the resolution (H. Res. 337) providing for consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CAFTA

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Oregon (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, I rise tonight to talk about the Central American Free Trade Agreement.

Before doing that, I would just like to make a couple of comments about what was said by my friend from Florida, who was joined by other members of the Republican Party to talk about their privatization plan, their plan to privatize Social Security. I applaud them for coming up with a plan. President Bush has for the last 4 months

gone around at town hall meetings, invitation only, where there is never any disagreement in these meetings, preaching Social Security change, never specifically saying what that change will be. The President, other than saying it is privatization, has not offered a specific Social Security plan. But what concerns me both about President Bush's comments and about the comments from my friends on the other side of the aisle is they really are engaging in what we used to call, when they privatized Medicare, "Mediscare" tactics. They are doing the same kind of Social Security scare tactics by saying people are paying taxes into Social Security but may never see this money that they have put in.

And I cannot imagine a more secure system than Social Security. It is a system that has been around for 70 years. It has never missed a payment month after month after month for 70 years. It is reliable. It is predictable. It is always going to be there.

And when people who are Members of Congress stand up and say that we cannot count on this money being there, the Supreme Court made a decision here and Congress could make a decision there that Social Security might not be available, it simply scares people. And I do not think there is any room for that in our political system to scare people of any age, whether they are retirees or whether they are soon to be retirees or whether they are my age or younger than I and simply are not so sure about Social Security, to scare them and say that it will not be there, when it has been there every month for 70 years. It is reprehensible, frankly.

In terms of solutions, the first thing we should do with the Social Security, as the gentleman from Illinois (Mr. EMANUEL) said earlier tonight, is quit stealing from it. Quit using money from the Social Security fund and spending \$1 billion a week on the Iraq war. Quit spending money from the Social Security fund and giving tax cuts to the wealthiest 1 percent of people in this country. That is how we start to change, to reform, to make even stronger the Social Security system.

Mr. Speaker, I turn my attention to the Central American Free Trade Agreement. In a White House news conference in May, President Bush called on Congress to pass the Central American Free Trade Agreement this summer. Last year the gentleman from Texas (Mr. DELAY), majority leader, the most powerful Republican in the House, promised that we would vote on CAFTA during the year 2004. Then the gentleman from Texas (Mr. DELAY) promised a vote on CAFTA prior to Memorial Day. Now the gentleman from Texas (Mr. DELAY) is promising a vote again, and this time I think he means it, that we are going to vote on this by July 4.

Mr. Speaker, many of us, the dozen of us, Republicans and Democrats alike, who have opposed the Central Amer-

ican Free Trade Agreement have one message about CAFTA: Defeat CAFTA and renegotiate a better Central American Free Trade Agreement, one that business and labor, manufacturers, small business, ranchers, farmers, environmentalists, religious people, religious figures, leaders in the six CAFTA, Central American, Latin American countries and the United States, one we can agree on. But as it is, religious leaders in each of our seven countries, the U.S. and the Dominican Republic and the five countries in Central America, labor union members, workers, small business people, farmers, ranchers in all seven countries think this CAFTA is wrong and we should renegotiate a better CAFTA.

The President commented that workers can excel anytime, anywhere, if the rules are fair. I agree with President Bush that workers in our country can always compete if the rules are fair. That is why it is too bad this administration negotiated a Central American Free Trade Agreement that fails so miserably to do that.

Today the President grossly generalized the opposition to CAFTA, lobbying the tired accusation of economic isolationism. Name-calling does not have a place in this debate. For the President to say we are backward looking, economic isolationists, protectionists, none of those terms means anything, and all of those terms lower the debate to the lowest common denominator.

Just to clarify for the President, those he calls economic isolationists, the fact is a majority of Members of this Congress oppose the Central American Free Trade Agreement. At least 23 business organizations represented at a rally just yesterday in Washington oppose the Central American Free Trade Agreement. Farmers and ranchers and small business people and workers all over these seven countries oppose this agreement and call for a renegotiation of the Central American Free Trade Agreement.

We want a trade agreement with CAFTA countries, but we want one that benefits the many, not the select few. CAFTA was a negotiated agreement, negotiated by the select few, including the drug industry, including the largest corporations in America, an agreement negotiated by the select few, for the select few, for the drug industry, for the largest corporations of America. That is what the White House is trying to force through this Congress, a failed trade agreement that was dead on arrival.

Just look at its history. Thirteen months ago President Bush signed the Central American Free Trade Agreement. Every other free trade agreement President Bush has signed, one with Morocco, one with Australia, one with Chile, one with Singapore, four agreements, each of these four agreements that the President signed was voted within 60 days by this Congress. The President signed it; within 2

months Congress voted on it and passed it.

This trade agreement is very different. He signed it 13 months ago, and the gentleman from Texas (Mr. DELAY), majority leader, the most powerful Republican House Member, has not brought it before this body or the Senate simply because it does not have the votes, because it has languished in Congress for more than a year, because this wrong-headed trade agreement is a continuation of failed trade policy in this country and Republicans and Democrats alike understand it.

Just look at what has happened with our trade policy in the last dozen years, Mr. Speaker. If we look at this chart, we will see that in 1992, the year I happened to be elected to Congress, the United States had a \$38 billion trade deficit. That means we imported \$38 billion more worth of goods than we exported; \$38 billion. That number grew and grew and grew until last year, in 2004, our trade deficit was \$618 billion.

In a dozen years, our trade deficit went from \$38 billion to \$618 billion. What does that mean? That is just a bunch of numbers. Well, it is not just a bunch of numbers. When we have a trade deficit grow like that, what it means is a lot of lost jobs. President Bush the first said that every \$1 billion in trade deficit, every billion dollars, and we had \$618 billion last year, over \$500 billion the year before, over \$400 billion the year before, and over \$300 billion the year before that, that every \$1 billion of trade deficit translates into, according to President Bush the first, 12,000 lost jobs. So if our trade deficit is \$1 billion, it is a net loss of 12,000 jobs. If we multiply that times 618, we have a lot of jobs lost in this country as a result of our failed trade policy.

Mr. Speaker, if we look at this next chart, we will see what those numbers mean. The States in red are States that have lost 20 percent of their manufacturing in the last 5 years: Ohio, 216,000; where I live; Michigan, 210,000 jobs lost; Illinois, 224,000; Pennsylvania, 200,000; Virginia and West Virginia, 95,000; North and South Carolina, 315,000; Alabama and Mississippi combined, 130,000.

The States in blue have lost 15 to 20 percent of their manufacturing: Texas, 201,000; Florida, 72,000; Georgia, 107,000; Tennessee, 93,000; California, 353,000.

Those are manufacturing jobs lost in the last 5 years in large part because of our trade policy. Yet President Bush wants us to pass another trade agreement called CAFTA, a dysfunctional cousin of NAFTA, an agreement that will cause the same downward spiral in our manufacturing situation in this country.

It is the same old story. Every time there is a trade agreement, the President promises three things: He says it will mean more jobs for Americans; it will mean more manufacturing done in the U.S.; it will mean better wages for

workers in developing countries. Yet with every trade agreement, their promises fall by the wayside. We lose jobs. The standard of living in the developing world continues to stagnate. Our own wages stagnate.

Mr. Speaker, Benjamin Franklin once said that the definition of insanity is doing the same thing over and over and over and expecting a different result. Mr. Speaker, we are doing the same thing on our trade policy over and over and over again, and for some reason, although not a majority of Congress buys this, but for some reason the President and the largest corporations in the country and some Members of Congress, Republican leadership, believe that the outcome will be better, will be different this time, will actually produce much better results.

Mr. Speaker, when we look at this job loss, again, these are just numbers, but think what 216,000 jobs lost in Ohio or in Akron or in Columbus or in Dayton or in Toledo or in Cleveland or in Lorain or in Youngstown, when a factory closes down and moves to Mexico, which happened to a plant in Elyria just in the last couple of years in my district, when a plant closes down, 800 jobs were lost. The schools suffer because there are fewer tax dollars for the schools. Police and fire are often laid off because there are not enough tax dollars. But it is what it does to those families, those 800 families, who generally cannot find jobs. The bread winners in those families simply cannot find jobs that pay nearly at the rate of those manufacturing jobs. So these families suffer. The kids suffer. The school district is hurt. All kinds of people lose when these trade agreements pass this Congress and we see this kind of manufacturing job loss.

The administration and Republican leadership have tried every trick in the book to pass this Central American Free Trade Agreement. This year the administration is linking CAFTA to helping democracy in the developing world. Defense Secretary Rumsfeld and Deputy Secretary of State Zoellick have said CAFTA will help us in the war on terror, but 10 years of NAFTA has done nothing to improve border security between Mexico and the U.S.; so that argument does not sell.

Then in May, Mr. Speaker, the U.S. Chamber of Commerce flew the six Presidents from Central America and the Dominican Republic around the Nation, hoping they might be able to sell CAFTA to the Nation's newspapers, to the public, to the Congress.

□ 2030

They flew to Albuquerque and Los Angeles, to New York and Miami, to Cincinnati in my home State. Again, they failed. In fact, the Costa Rican President announced, after the junket paid for by the Chamber of Commerce, that his country would not ratify CAFTA unless an independent commission could determine it would not hurt working families in his country.

Now, Mr. Speaker, the administration, finding that nothing else works to convince enough Members of Congress to vote for CAFTA, now the administration has opened the bank. Desperate after failing to gain support for the agreement, CAFTA supporters now are attempting to buy votes with fantastic promises.

I would hold this up, Mr. Speaker. This is called "Trade Wars, Revenge of the Myth, Deals For Trade Votes Gone Bad." It refers to a study of 92 documented promises made during trade agreements and how many of those promises by the administration to Members of Congress were actually honored. Fewer than 20 percent; 16 of these 90-some promises were actually honored by the administration.

Members are not going to fall for this kind of disingenuous, these kinds of disingenuous actions from the administration. Again, the President can open the bank, the President can promise bridges and highways, the President can promise campaign fund-raisers in districts, the President can make all kinds of promises, sugar deals and textile deals to Members of Congress; but this year, they are not buying it, Mr. Speaker.

Instead of wasting time with toothless side deals, our U.S. trade ambassador should renegotiate a CAFTA that will pass Congress. Republicans and Democrats, business and labor groups, farmers, ranchers, faith-based groups, religious leaders, environmental, human rights organizations in all seven countries, the Latin American Consulate of Churches, for instance, have opposed CAFTA. All kinds of labor organizations and small businesses, manufacturers in this country have opposed CAFTA. They all say they want a trade agreement, but they want to renegotiate this CAFTA so that we will have one which actually works for American businesses, for American small businesses, for American workers, and for workers in these developing countries.

This CAFTA will not enable Central American workers to buy cars made in Ohio or software developed in Seattle or prime beef in Nebraska. They make these promises. The CAFTA supporters have said, Mr. Speaker, they said that if the United States passes CAFTA, we will increase our exports to these six Latin American countries, they will buy our things. But if we look at this, Mr. Speaker, the United States average wage is \$38,000; Guatemala is \$4,000; Honduras, \$2,600; and Nicaragua, \$2,300. A Nicaraguan worker cannot buy a car made in Ohio, cannot buy produce from Mr. FARR's district in California. A Guatemalan worker cannot afford to buy software from Seattle. An El Salvadoran worker cannot buy prime beef from Nebraska or textiles or apparel from North Carolina. This is about CAFTA companies moving jobs to Honduras, exploiting cheap labor in Guatemala.

Mr. Speaker, in closing, our goal should be to lift up workers in those

countries so that they can buy American goods. When the world's poorest people, Mr. Speaker, can buy American products and not just make them, then we will know that our trade policies are working.

Again, Mr. Speaker, we must renegotiate CAFTA.

I am joined this evening by the gentleman from California (Mr. FARR), a friend of mine, a Member of Congress, who came the same year I did, in 1993, from Northern California; and I would like to yield some time to him.

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding, and it is a pleasure to be here on the floor with the gentleman. I wanted to be here for the discussion of CAFTA, and I wanted to say that as a former Peace Corps volunteer in South America, this issue of development of these countries is very, very important. I just think that we are putting the cart before the horse with this trade agreement.

We are dealing with the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and of those countries, Nicaragua and Honduras are two of the poorest countries in all of Latin America, Bolivia being the third poorest. These countries do not have, as the gentleman just pointed out, right now a level of living, a wage income to be able to afford imports of American products, which would probably have less of a tariff because of the agreement.

What is missing in this is that in order to really help these countries, we need to invest in education, we need to invest in clean water systems, we need to invest in very basic things. Frankly, they are agrarian countries, meaning they grow agricultural products. Do we think they can compete with any of the agriculture products that we grow in the United States? Absolutely not. There is no way in the world, as we saw with the corn going into Mexico after NAFTA, that even the smallest of those farms can continue to compete.

So I am very concerned and very opposed to CAFTA; and I think, as the gentleman pointed out, it needs to be renegotiated. These countries need investment in infrastructure. That is why the Peace Corps is involved in these countries. If you talk to the Peace Corps volunteers in these countries, I am sure that the discussions they have had with most of the people have nothing to do with CAFTA, because they are like most parents in the United States.

If anybody is listening to this and watching this debate, they will know that as parents, what you are interested in is education for your kids. There are no schools. There is nothing in CAFTA that promises new schools or new teachers or new water systems. There is just a hope that perhaps, with additional investment in these countries, that foreign firms will come in and invest. Why would they invest in these countries? Why? Because there is

cheap labor, cheap labor because people are not educated, because they do not have an infrastructure, tax structure that allows for the development of infrastructure.

So I think that to just jump in and talk about taking the most powerful economic Nation in the world and essentially entering into an agreement which allows us to bully up on the poorest countries in our hemisphere is the wrong way to go. I appreciate the gentleman bringing these issues forward, because I think there is not enough discussion.

Remember, part of CAFTA is also DR CAFTA, which is the Dominican Republic. And that has been bandied about; and of the six legislatures, El Salvador, Honduras and Guatemala, those three legislatures have ratified it. The others have not because they say that an agreement with the Dominican Republic, which is next to Haiti, the other poorest country in the region and in the Caribbean, that they do not have transparency about negotiation and the ratification process.

So we have political infrastructure problems, we have accountability problems, and I think we are missing the point. If we really care about bringing up the level of living, frankly, the way you do that is you invest in the simple things. You invest in rural roads and in rural schools and in rural water systems and definitely health care systems.

So I appreciate the gentleman bringing this forward. The other country here is Costa Rica, and they have an upper-middle-income country. It has one of the best tourism programs in all of Latin America. It did it without having to enter into a trade agreement with the United States. It did it with other kinds of U.S. aid. I would just point out that Nicaragua and Honduras have qualified as countries eligible for Millennium Fund accounts. It is a good program. It is a bottoms-up, sort of let the countries build what they think are important. The program is very good, and these countries qualify because they are the poorest countries there are.

But when it comes down to finding out what the Millennium Account is doing, I think it is being driven essentially by the people interested in CAFTA, because they are building not water systems, not schools, not infrastructure for the rural areas, but building highways from port to port, thinking that CAFTA is going to come along and have this superability for the farmers to compete with the American farmers, for people to be on a level to buy consumer goods that are sent to them from the United States.

Mr. BROWN of Ohio. Mr. Speaker, I want to point out the gentleman from California was a Peace Corps volunteer himself in Latin America and is a fluent Spanish speaker; and I think the perspective he brings shows that even though the wages are so much higher in these countries, it is not a question

of we just want to shut them off and keep them away and not let them compete and all of that in the world economy. It is a question of development and bringing up their standard of living. These trade agreements in the past have not done that.

Talk to us, if the gentleman will, about from your perspective what development means. The gentleman talked about water systems and all of that. Instead of a CAFTA that does not lift standards up, what kinds of things work the most and, in particular, the poorest of these countries in Nicaragua and Honduras and Guatemala whose income is about, in some cases, less than one-tenth of ours, one-fifteenth of ours, if the gentleman would.

Mr. FARR. Mr. Speaker, perhaps people do not like to hear this, but a country that has been able to put their priorities in perspective has been Cuba, and the reason Cuba did it is they invested in the infrastructure to keep the rural people in the rural areas so that they could have rural economic development. The countries that we are talking about, people are fleeing the rural areas to move into the cities. That is why there are all these poor barrios that are constructed without water.

I lived in a house that did not have water or sewer or lights. It is a pretty miserable situation because all you are doing is, in our case, we had kids haul water for us; they cannot go to school because they have to haul water. So you really begin to understand that if you are going to try to build up sort of an economic base, you have to stay with the basics; and the basics are, you have to have running water in the house. If you have to go and get it, that means that usually the children have to go get the water and bring it to the house.

And if you do not have any electricity, that means you have to build a fire or buy very expensive petroleum, now kerosene, to start a fire. Most people go out and try to get charcoal and get wood. So you are gathering the basics to make the meal so people can eat. You have to go out, and you certainly cannot afford to go to the supermarket, so you go at it piece by piece. It takes the whole day just to put together food on the table.

So if we want to really help these countries, let us make sure that there are some guarantees that this is going to happen. There is nothing in CAFTA that says that. This is about the rich getting richer.

Mr. BROWN of Ohio. No labor standards.

Mr. FARR. And the poor staying poor. Now, Latin America, I was in Honduras and Nicaragua, and I have to say from the government officials that you talk to, they are all excited about CAFTA. There are some that are worried about losing their identity, some politicians in Costa Rica, the most successful of these countries, that are very, very concerned that the CAFTA

agreement is going to have this dominant United States, just sort of the big, huge 800-pound gorilla move into these countries and wipe out their local identity, wipe out their local culture and customs and essentially homogenize the whole thing with American fast-food chains and American businesses.

So where I am concerned about this is that I think if we want to have a win-win, I mean, frankly, the Central American markets, these are small countries. These are poor countries. There is not a huge market down there. This is not going to put a big blip on America's foreign trade. This is not like trading with China or trading with Europe. These are some of the smallest countries in the entire; well, they are the smallest countries in the entire hemisphere. And the importance of these countries in a trade agreement for us as sellers is not that big. For us, as a country that is looking to stabilize the hemisphere, it is about infrastructure development. If you want to generate drug trade, keep a country poor. If you want to generate people that would be interested in terrorism because life is not getting better for them, so you go to extremes and start listening to that, keep them uneducated, keep them poor.

So if we really want to fight for our priorities and emphasize our priorities in this country, we ought to be ensuring, first of all, that these countries have an infrastructure development that has 100 percent access to education, 100 percent access to health care, 100 percent access to a safe place to sleep. And then, when you begin developing an educated middle class, you can begin these more sophisticated trade agreements.

Frankly, I do not see that the trade agreements, there is no responsibility for the outsiders in this agreement, for the countries outside, to do anything to improve the level of living. They are just going to assume that the free market enterprise is going to take care of us; it will trickle down.

The gentleman from Ohio (Mr. BROWN) and I know that it does not even work in the United States, the trickle down theory here. We had a tax cut for the most wealthy people in America with the idea that the wealthiest would take all of that tax cut and they would give it to the poor and they would start funding the necessary affordable housing, they would fund the educational stream in America, where the public sector does not meet it. They would fund, essentially, the charity of America. It has not happened. It does not work that way. And CAFTA is not going to solve the Central American problem, and it certainly is not going to solve America's trade balance, which is caused by primarily our trade with China, trade imbalance.

Now, my farmers, it is interesting, in California we grow \$3 billion of agriculture in my district. None of it is subsidized by the Federal Government.

These associations, they have all come out and said, we support trade agreements, they support all of these trade agreements; but as individuals, that is not the market we are interested in. We do not expect; in fact, if anything, they are going to be growing these products and trying to send them into us, because they are going to try to grow strawberries, which is a value-added project.

We grow the most strawberries in the world in my district, we grow the lettuce, we grow the things that you find that are fresh fruits and vegetables, and those countries have climates that they can grow those. So what are they going to do? They are going to compete with our farmers, if they can at all; and frankly I do not think the worry is that they can compete much, at least not on a large scale.

□ 2045

So this issue of the kind of the social conscience of CAFTA is missing the point. We need to invest in America's best, which is our social responsibility as the leading economic engine, the leading power of the world, to make sure that the level of living for the rest of the world is being improved by our business ventures, not being taken advantage of.

Mr. BROWN of Ohio. I think there were a couple of things that you said tonight that were very good. There is nothing in this agreement that will raise living standards when you look at the six countries here, and their incomes, especially Nicaragua, Honduras, Guatemala, and El Salvador, all make no more than about one-tenth of what Americans make.

There is nothing in this agreement to bring worker standards up, to bring environmental or food safety standards up. In fact, this agreement protects prescription drugs and the prescription drug companies; the agreement does that, but does not protect workers standards.

It protects Hollywood films, but does not protect the environment and food safety. And when you talk about the size of these economies not buying very much from the United States, the size of these five Central American countries, the economic output is about the equivalent of Columbus, Ohio or Memphis, Tennessee or Orlando, Florida. It is simply not a place that is going to buy from the United States.

But what we should be doing is a trade agreement, a renegotiation of CAFTA, in a trade agreement that will lift worker standards up so that these incomes begin to rise, so that over time they can in fact buy American products, they can send their kids to school.

You talk about children, particularly girls, not having any chance to go to school and get out of this situation. In this agreement, we found this in other places, this agreement just locks in that sort of exploitive sort of economic situation where people simply do not

have the opportunity that they should have.

Mr. FARR. It is very interesting. Before coming here I was in the State legislature and before that in local government, and before that in the Peace Corps. And what I learned in local government, and we are dealing with economic development all of the time, trying to encourage business development.

But, you know, in that process, you extract a lot from business. Because it is essentially sort of that corporate responsibility to be a citizen of your community. In California, we tax them a lot. If you are going to build hotels, we tax the hotels for tourism occupancy tax. That stays with the city.

We tax sales tax, high sales tax. And communities can raise it higher. We tax on gasoline. We have a huge tax. And people will say, yeah, California is a big high-tax State. But guess what? It is also the biggest economic engine, the fifth largest economy in the world. The most start-up businesses, the most everything.

California is not suffering by the fact that it is proud to have businesses that share in their prosperity through the taxation process and through being good corporate neighborhoods. Silicon Valley is out raising their own money to support local transit, their own money, private money, to build housing for people on the street, for the homeless and for people who cannot afford the rental rates, to have subsidized housing, and leverage that with public money.

That is the kind of agreement you ought to be making. It ought to be this quid pro quo. It is not just about trade. It is not just about going in and taking advantage of people, but, really, what is the social benefit that you get from allowing businesses to come into your community, or allowing businesses to come into your country. And I do not see that in this legislation. That is the problem. We are missing the leadership role that the United States has.

And these things could be negotiated out. Yes. The agreements are all about trade agreements under the GATT agreements, which are commodity by commodity. So it is not so broken that those things do not already exist. So you can deal in bananas, and you can deal in sugar. You do not need CAFTA to do that.

But you do need these side bar agreements. And here we have created the Millennium Fund. I compliment the President for creating it. But I think at the same time, the Millennium Fund has gone to these countries and said, What do you want? It is really ironic. I do not think they have talked to the poor people. I do not think they have talked to the people they need to talk to, even though it is supposed to be very good transparency, because they come back and say, We want big super-highways.

Well, that is not going to benefit the education of poor kids. We want bigger ports so bigger ships can come in here,

because when we do have the ability to trade with America, we are going to be needing places for a lot of these American goods for land and for our goods to go out. We are forgetting the basics.

We are losing the war on drugs in Colombia because we are fighting the war by eradicating crops. We are investing very little in alternative development and alternative crops. You cannot win on the war on poverty by just making businesses be more successful. I mean, the lesson in this country is that if you want to win the war on poverty, it has got to be a social collective responsibility to assure that there is investment in institutions that help the poor, and that the poor can help themselves through programs like Head Start, through programs like the welfare social services that we have.

And, you know, I just think that the debate here about our hemisphere, we ought to be prouder of this hemisphere. We ought to be more involved in this hemisphere. We ought to be looking at the responsibility, and we have seen that with all of the immigration issues. We debate immigration all of the time. It is sort of like if we build a higher fence and make the border secure, 10 million undocumented people will sort of disappear. It is not going to disappear as long as you have a border between the United States and Mexico, the changes between the richest and poorest border in the world, and the heaviest trafficked border.

We have not learned. The only way you are going to improve that is by investment in Mexico. We have NAFTA. NAFTA has not risen Mexico up to the level where people can stop coming across the border. So what makes you think that CAFTA is going to raise the level of El Salvador and Nicaragua so that they do not migrate up through Guatemala and up through Mexico, and are part of the illegal immigrants?

This is what I am saying, that we cannot deal with this on a piecemeal fashion. We have got to have a bolder, wiser, more inclusive commitment to raising, as you said, raising the ships, raising, you know, the tides for all ships, not just winners and losers.

Mr. BROWN of Ohio. You said something very perceptive about California, and whether it is the Silicon Valley or whether it is the Central Valley or whether it is Cleveland, Ohio, what our country has been successful in doing is workers in our country share in the wealth they create.

If you work for someone and you help that employer make a decent living and make a good profit, you as an employee share in the wealth you create. That company also pays taxes in that community, so that the community has safe drinking water and the community has decent road structure and other kinds of infrastructure.

But, as you know, whether you go to Nicaragua or whether you go to the Mexican border or any number of countries in the developing world, workers do not share in the wealth they create.

I have been to an auto plant in Mexico 3 miles from the United States. The workers work just as hard as workers in our country. It is a clean, productive plant, with the latest technology.

The difference between a Ford plant in my district and the city I live in, and a Ford plant in Mexico, is the Ford plant in Mexico does not have a parking lot, because the workers are not sharing in the wealth they create.

You can go around the world to Vietnam, and go to a Nike plant, and the workers cannot afford to buy the shoes they make. Or go to Costa Rica, the workers at a Disney plant, the workers cannot afford to buy the toys for their kids often.

So the workers are not sharing the wealth they create, and the companies are generally taxed very little, if at all, so they are not putting any money into those communities.

So if we would renegotiate CAFTA and put a program together like you talk about, with safe drinking water and infrastructure and schools so that boys and girls could go to school, and the workers were making enough that they could begin to buy some things, you would see their standard of living going up, and everybody would be better off, instead of just the largest corporations in the world.

And the interesting thing about all of that is even though the leaders of those countries, as you have said, most of them except Costa Rica like the idea of CAFTA, the workers in those countries, the citizens of those countries simply do not.

I would like to show you this here. Several months ago there was a demonstration in one of the Central American countries, I believe this is Guatemala. There have been 45 demonstrations against CAFTA in each of the six countries, and our country too, but 45 demonstrations where literally tens of thousands of citizens have shown up at the Parliament asking these countries not to ratify the agreement.

This is a case where the police attacked workers who were protesting peacefully. Two workers were killed. In place after place, it is clear that, like you understand, of course, they understand better than we possibly could why this agreement does not work. They know it will not raise their standard of living. They know they will not share in the wealth they create in a factory for their employer.

They know that these companies that come in will not pay taxes in their local communities so they can have safe drinking water and a better environment and better food safety standards and all that comes with an industry coming to town.

I know when an industry comes to Ohio, it means a lot for the community. It is good jobs. They pay property taxes for the schools. They build good roads because of their tax dollars. All that comes when these factories come, they mean continued misery.

Mr. FARR. Remember, when these companies come in, they are coming in

according to the zoning that has been adopted by the local community. They are coming because the community wants them there, and they know that they are going to be sharing in the responsibility.

I mean, I do not think we are trying to knock down responsible corporate entities, and companies that do a lot for their employees. But I think you cannot just do this on the fact that some of the companies do much better jobs than others.

Some of my companies in the Salinas Valley provide for all of their farm workers health care insurance, 401(k) plans, scholarships for every one of the farm workers' children that go to college. And I represent more farm workers than any other ag district in the United States.

And so I know that there are very responsible corporate entities that will do the responsible social thing. But you cannot just sort of, when you are dealing with a whole country like this, and dealing with major trade agreements, you cannot just sort of pick out that there will be some winners and losers.

The country cannot afford to have any losers. The country and the people in these countries, the poorest countries in Latin America cannot afford not to have a total commitment. And CAFTA does very little to ensure that the infrastructure is going to be improved. It only hopes that the trickle-down effect will make it better, thinking that there will be more capital in the country by investment and by productivity. At the expense of what?

Mr. BROWN of Ohio. History has taught us otherwise; that it does not.

We have been joined by the gentlewoman from California (Ms. WATERS) from Los Angeles who has been a real leader on all kinds of economic justice issues, especially trade issues.

Ms. WATERS. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for the time, and I applaud him for his efforts to expose what is wrong with CAFTA, the U.S. Central American Free Trade Agreement.

I must say he has put many hours into helping to organize us around this issue and to present the real facts about what CAFTA is and what it is not.

CAFTA is yet another unfair trade deal that will hurt working families in both Central America and the United States. CAFTA is not only the latest unfair trade deal in a decade of failed trade policies. Over the last 12 years, the U.S. trade deficit has exploded from \$39 billion in 1992, to over \$617 billion in 2004.

As a matter of fact, I think the most interesting thing about what is happening in the Congress of the United States is this tremendous trade deficit under what is supposed to be a conservative President.

And aside from the trade deficit, the United States deficit that we have here in America under this administration.

I think people should take note of that. In my home State of California, over 353,000 manufacturing jobs have been lost since 1998.

Nationwide, almost 2.8 million manufacturing jobs have been lost since President Bush took office in 2001. CAFTA is modeled on NAFTA, the North American Free Trade Agreement. And let me say I did not support NAFTA, as I do not support CAFTA.

The North American Free Trade Agreement had a devastating impact on many American workers. When NAFTA was passed in 1994, the United States had a \$2 billion trade surplus with Mexico. In 2004, we had a \$45 billion trade deficit with Mexico.

NAFTA caused almost 1 million American manufacturing jobs to be exported to Mexico. CAFTA will cause even more manufacturing jobs to be lost to American workers. I do not care whether it is a Democrat President or a Republican President, I do not support these unfair trade agreements that cause us to have such huge trade deficits and who displace American workers.

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for the press conference he organized where he had several business people who came to Washington, to explain how small- and medium-sized businesses will be unable to compete with cheap labor in Central America.

□ 2100

What I loved about that press conference was the fact that we had these representatives from small and medium-sized businesses coming to Washington, D.C. to tell the truth about how they have not been represented here in Washington. Many people think when the Chamber of Commerce speaks, they are speaking for all businesses. They made sure that everybody knew that this was not true.

They also made sure that everybody understands that the National Manufacturers Association was not speaking for everybody. These are small and medium-sized businesses that represent the heart and soul of America: Mr. Alan Tonelson with the U.S. Business and Industry Council, Mr. Jim Schollaert with the American Manufacturing Trade Action Coalition, Mr. Fred Tedesco with the PA-Ted Spring Company of Connecticut, Mr. Jock Nash with Milliken & Company of South Carolina and the National Textile Association, Mr. Mike Retzer with the W.W. Strohwig Tool & Die of Wisconsin, and Mr. Dave Frengel with Pen United Technologies of Pennsylvania and Manufacturers for Fair Trade.

These business persons are the kind of business people that we talk about all the time. Members of Congress on both sides of the aisle talk about how we support small and middle-sized businesses, how they are the heart and soul of America. And how they really are responsible for creating more jobs than even the big conglomerates and the

international corporate businesses. We talk about how we want to give support to them. Well, this is how we can support them. Enough of the rhetoric. Let us get down to business.

If we want to support our small and medium-sized businesses in this country, we will not support CAFTA. We will not support what they have come to Washington to tell us undermines their ability to stay in business.

I think we could not have had a more clear representation of what is wrong with CAFTA than to watch these American business persons talk about what is wrong with CAFTA. When American workers lose good jobs in manufacturing, they often have no choice but to take jobs with low wages and no benefits.

The countries of Central America that are included in this agreement are some of the world's poorest countries. The average Nicaraguan worker earns only \$2,300 per year, or \$191 per month. Forty percent of Central American workers earn less than \$2 per day. Central American governments do not enforce fair labor standards, and thousands of Central American workers work in sweatshops with dreadful working conditions.

CAFTA will do nothing to improve wages and working conditions in these impoverished countries. Opposition to CAFTA is wide spread, not only in the United States but in Central America as well. CAFTA will increase agricultural imports into Central America by large corporate agri-businesses. These imports will put an estimated 1.2 million farmers out of work, displacing families and causing an increase in world poverty. When poor Central American farmers lose their jobs, they will be forced to move into overcrowded cities and seek work in sweatshops producing manufactured goods that are currently made in America.

CAFTA will cause American workers to lose good manufacturing jobs and again seek jobs with lower wages and no benefits. At the same time, CAFTA will cause Central American workers to lose their farms and seek jobs in sweatshop with meager wages and no benefits.

CAFTA is not a free trade agreement at all. It is an outsourcing agreement. I say it again: this is not free trade; this is about outsourcing American jobs to third world countries for cheap labor. That is what it is. Let us call it what it is.

It allows profit-hungry corporations to ship American jobs to impoverished countries where workers can be forced to work long hours for little pay and no benefits. It is a bad deal for Central American workers, and it is an equally bad deal for workers here in the United States.

So I would urge this President, Mr. Conservative President, Mr. President who claims to have concern about American businesses, Mr. President who should not be the President, presiding over a big trade deficit, a huge

deficit in the United States, I would urge him to withdraw this CAFTA agreement and negotiate a trade agreement that will create good jobs and provide real benefits to the impoverished people of Central America as well as the working people of the United States.

Mr. Speaker, it is awfully ironic that I am, who is considered a progressive and a liberal, even more conservative than the President of the United States when it comes to preserving American jobs and getting rid of a trade deficit that we do not deserve to have.

Mr. BROWN of Ohio. The gentlewoman is exactly right when she talked about small businesses, those manufacturers that we all have in our districts. The gentlewoman from Toledo, Ohio (Ms. KAPTUR) has joined us. We all have seen these companies of 50 and 100 workers, often nonunion, usually family owned, usually Republican business, mostly men, some women. We had 23 business groups represented yesterday in this news conference; but more importantly, these small manufacturers understand when a big company outsources their jobs, these small companies simply have to close. This may be 50 jobs in Lorraine, Ohio or Akron, Ohio. There may be no article in the newspaper that this plant has closed, and nobody knows much about it except these 50 families whom it is just devastating to.

I thank both of our friends from California for joining us.

Mr. Speaker, I yield to the stalwart in fighting for economic justice and fair trade, not these free trade deals that do not work, my good friend, the gentlewoman from Lucas County, Ohio (Ms. KAPTUR). We share the same county, Lorraine County, in our districts.

Ms. KAPTUR. I want to thank the gentleman from Ohio (Mr. BROWN), the author of a book on fair trade, and my colleagues, the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. FARR), for joining us this evening.

I want to focus for a few minutes on the important issue of agriculture. And the new trade ambassador who happens to be from Ohio claims that our agricultural exports to Central America are going to increase by \$1.5 billion, or almost double our exports, to the region as a result of CAFTA. But you know what, that is what they told us when we debated NAFTA. They said that we were going to increase agricultural exports.

Let us look at the record. The record shows with Mexico we are dead even. It did not make any difference. And with Canada we have fallen over \$4.3 billion into the hole. We were promised by the former trade ambassadors we would get more food-processing jobs, and that sounded like a good thing back in the early 1990s.

They told us we would get 54,000 new food-processing jobs. Guess what? We did not get a single one. In fact, we lost 16,000 food-processing jobs in this coun-

try. Even Brachs Candy is locking up their doors in Chicago and moving south. Same thing in my district, Spangler's Candy.

NAFTA boosters said to us, oh, farm cash receipts are going to go up by 3 percent a year. Guess what? They have gone down by that amount. And net farm income during the NAFTA period has gone down by nearly 10 percent from \$52.7 billion to \$47 billion. So NAFTA's legacy for farmers in America is declining prices, and they know it: shrinking revenues, shrinking markets, and rising debt burdens. And now the same people who gave us NAFTA want to give us CAFTA, the same group.

And what did the gentleman from Ohio (Mr. BROWN) say, if you keep making the same mistake over and over again, it is a sign of insanity.

I agree with the gentleman 100 percent on that. In fact, the food consumption power of consumer markets in CAFTA countries is exaggerated. We already hold an \$812 billion deficit in agricultural products with the CAFTA countries. Already we are in the hole. With NAFTA and Mexico, we were almost even. We were in debt a little bit with Canada, and it has gone completely south.

We know CAFTA will mean more sugar imports into our country. We also know in one of the most important areas which hardly anybody has talked about, in ethanol production which is a brand-new market for our country. We have got about 54 ethanol plants in this country right now. A Corn Belt State like Ohio would benefit enormously from some of the new energy legislation we are working on in the Congress.

But what CAFTA would do is, guess what, it would open up exports from Argentina and from Central American countries of ethanol-based products, including ethanol made from sugar into our market. So in the same ways we are becoming and have become totally addicted to imported petroleum, now we will get addicted to ethanol by imports through agreements like CAFTA, rather than finding a way to help our farmers bring those markets up in this country.

Minnesota is really leading the way. I love the people of Minnesota, the farmers of Minnesota. I just wish I could do for America what they have done for Minnesota in the area of ethanol production.

So when we look at this CAFTA agreement, and I know time is limited this evening, I just wanted to come down here and say if we had a decent renewable fuel standard that would require an 8 billion gallon reserve, what we could do for real farm income, not subsidy income, but real farm income in the entire Corn Belt region, in the sugar beet region of this country, in the cane sugar region, all these areas of our country where we could really make a difference. Wow, what we could do here at home.

I just think CAFTA is a bad deal. I think we should learn from the past. And agricultural America knows it is a bad deal. The only people who are supporting this are some of the brokering companies. Whether they get their product in China or whether they get it in Argentina or in the United States, these transnationals, they really do not care. They just want to trade on the backs of those who are actually doing the work.

We should care about the American people. We should care about the farmers in our fields. We should care about those people who are working in our processing companies and keep that production here.

Mr. FARR. The gentlewoman and I are both on the Subcommittee on Agriculture of the Committee on Appropriations, and I cannot think of two people that fight more for small farms and the ability of rural America to have a successful economic development.

I am wondering if the gentlewoman is finding in Ohio, in the people the gentlewoman has run across, most of the agricultural trade associations are supporting CAFTA. As I run into the members of those associations, they are not so keen on it. They are very concerned. They think that these are agrarian countries, and so what is going to happen is the products that they grow and can get into the school lunch program, can get into the organic program, can get into essentially the multi-billion dollars that America spends on food for the military and food for food stamps and things like that, that these products will be produced not at the local farmers market and additional farmers markets; but these products will come from Central America, at the expense of small farmers in our country, particularly of specialty crops.

Ms. KAPTUR. I think the gentleman has raised an excellent point. I think the Washington trade groups are totally out of touch with their members at the local level.

I have had farmers say to me when we were debating the NAFTA agreement, why should we let bell peppers come in from countries that do not have environmental regulations like we do? Bell peppers coming in with DDT, when DDT was being banned in Ohio. They were not competing on a level playing field. They were on a different field. They would go down to these towns. You cannot even call them towns. Little dusty villages in Mexico where these bell peppers were grown. And the farmers would say, I have been going down there for 20, 30 years. They do not even have an asphalt road yet.

So the whole system of life was different, and they were being asked to compete with a country that really did not allow its farmers to earn more by virtue of the hard work that they did. They respect the people of Mexico, but they knew the system was rigged against them. They said, just give us a level playing field.

Mr. FARR. I think the difficult is, and we all agree on this, that you cannot just have these trade agreements which are private business contracts and expect the social responsibility of both sides of the agreement are going to raise those opportunities for people who are less educated, for people who are below living standards.

It has got to be a totality. If we are going to trade ideas and products, we have also got to trade in education. We have got to trade in social responsibility and minimum standards, minimum wages, minimum protection for labor, minimum protection for environment. The whole quality of life has to improve.

This is the most giant business deal that the United States will ever make. And it is tragic that in this giant business deal we are not dealing with all of these other issues that we came here to Congress to try and solve.

Ms. KAPTUR. I thank the gentleman for his comments on that. I think the gentleman from California (Mr. FARR) is exactly right and he understands how one has to have integrated policies.

I wanted to say as I am looking at the gentlewoman from California (Ms. WATERS) who has fought so hard for people to build a real middle class in this country and to help other nations help their people create a middle class, what is really sad about these trade agreements is it pits the poor against the more poor. It draws our living standards down. But one farmer that I met in Mexico said to me, what is really upsetting is that we feel like crabs in a bucket.

□ 2115

Every time we try to get up a little bit, somebody else pulls us down, and they were fighting this rush to the bottom, which is the expression that the gentleman from Ohio (Mr. BROWN) uses so well. One poor person pulling another person down, rather than having the standards that the gentleman from California (Mr. FARR) is talking about, where we all agree to a minimum standard. We bring people up, not pull them down.

Ms. WATERS. I think you are so right, and I thank you so very much for the leadership you have provided on these issues. I thank you for opening up opportunities for women to go down to Mexico and take a look at what is going on there. It is because of you that a lot of people in this Congress have become interested in this issue, and I appreciate the work you have done.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman for saying that. Also, 60 percent of those people who are employed in these Central American countries are women. They are working in banana companies trying to pack these crates, 40, 50, 60 crates an hour. They are being forced to make men's trousers, 400 to 600 pairs an hour, and they have to work 2 weeks to afford 2 pairs of slacks down there, which costs \$39.40, and yet, they are making 400 to 600 pairs of trousers an hour.

What kind of a continent, what kind of a world are we creating when we pay so little heed to those who work so hard for so little and then we put our workers out, largely women workers in the textile industry in this country, where we farmed out those jobs in places like North Carolina, South Carolina, are hollowing out of this production? At least they were in the middle class. They had finally made it to the middle class. What are we doing in this country?

Ms. WATERS. It could not have been better stated.

Mr. BROWN of Ohio. Mr. Speaker, I thank all of my colleagues. Our time is about up. Thank you very much for your passionate remarks in closing.

I thank the gentleman from California (Mr. FARR) and the gentlewoman from California (Ms. WATERS), the gentlewoman from Ohio (Ms. KAPTUR).

This Congress will likely vote on this agreement soon. It is pretty clear that the most powerful people in all seven countries, the Dominican Republic, the Central American countries and the United States, support this agreement but overwhelming opposition among the public, small business owners and family farmers and ranchers and workers and people who care about the environment.

If this Congress does its job, it is clear we will defeat this CAFTA and then renegotiate one that lifts up workers in all seven countries. I thank all of my colleagues for joining us this evening.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. INGALLS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to address the House for another week. The 30 Something Working Group has come to the floor to talk about issues that are not only facing young people but also facing Americans in general, and I think one of the greatest values we have in this country is caring about future generations and caring about those that cannot represent themselves.

It is important that we come to this House and in this great democracy that we celebrate every day and recognize the contributions of those individuals that go to work every day. Those individuals know what it means to punch in and punch out every day. Those individuals know what it means to not have health care; those individuals that are going to have to pay down this \$7.8 trillion deficit; those individuals that are running small businesses that would like to have assistance from this Federal Government to be able to carry

out their everyday needs, not only for their employees, but to make sure that we have a fair tax policy for the backbone of our economy.

So we meet weekly to talk about these issues and then we come to the floor. We would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader; and also in our leadership, the gentleman from Maryland (Mr. HOYER), as Democratic whip; the gentleman from New Jersey (Mr. MENENDEZ), who is our chairman; and also, the gentleman from South Carolina (Mr. CLYBURN), who is our vice chairman, for providing the kind of leadership within the Democratic Caucus that is needed not only for the caucus but for America.

We come here as young members of the Democratic Caucus in this Congress to shed light and bring clarification to statements and actions or inactions by this Congress.

I am pleased to announce, as I announced last week, that a number of the individuals in the White House and in the majority have now taken another look at Social Security. Once again, we come back to the floor to talk about that issue, Social Security. As they start to look at this issue, they are finding that Americans are just not with them on the privatization of Social Security.

I am far from receiving from Social Security as it relates to retirement, but let us just think of hypotheticals of how important Social Security is. Someone my age could receive survivor benefits from a parent who wants to leave survivor benefits, not my age but younger, or receive disability.

So when we start talking about Social Security on this side of the aisle, the Democratic Caucus, we are talking about strengthening Social Security. Even some of my friends over on the majority side, Republicans, are talking about strengthening Social Security, not weakening Social Security through schemes and privatization plans.

So we continue to fight and also let the leaders on the majority side know that we are willing to work together once again, like we did in 1983 with Speaker of this House Tip O'Neill and Ronald Reagan in the White House, of working out a way that we can strengthen Social Security, make sure that it is here beyond the 47 years that it will be here, providing 100 percent of the benefits that we are providing right now, and even 80 percent of the benefits after that period, of making sure that people can count on the fact that if they pay into Social Security, that it will be there for them when they need it.

It is important. Some 48 million Americans receive Social Security right now. A number of those Americans are retired, but many of them are receiving disability benefits due to an injury on the job, and they cannot work or individuals that their parents have paid into the Social Security and now their children are able to not only

educate themselves but help them make it through college with extra money to be able to help them to become productive citizens here in the United States.

So that is the reason why this debate is so important. Are there other issues that are important? Of course, there are. Is the environment important? You bet it is. Is education important? That is our future; of course, it is. Is health care important? Health care puts the backbone into education, into workforce, into making sure that we have a healthy economy and that we are able to compete against other countries as it relates to making our country strong.

So those are very, very important issues, but Social Security is in the halls of Congress now. It is important, Mr. Speaker, that we break down this debate to the point that individuals, everyone, can understand, every Member can understand, every American could understand, everyone that will be affected, and that is all Americans, from young to old.

It is important that we no longer allow the majority side to raid the Social Security trust fund, and the gentleman from Ohio (Mr. RYAN) is on his way to the floor, and we are going to talk about a proposal that was just introduced this week of saying that it is different than what the President is proposing. Well, another proposal that is supposed to be different than what the President is proposing.

As you know, the Social Security trust fund has been raided to some \$670 billion. So when we see proposals of individuals saying, well, we just take this from the trust fund and we will take that from the trust fund, the trust fund is there to make sure that individuals that are expecting their benefits out of Social Security, when they need it, Social Security when they need it, that it is there for them. It is not time to experiment. It is not time to say we want private accounts and this is just the way it is going to be.

Paper is paper, and if you go get a yellow sheet of paper and say that, well, it is yellow, it is different; well, if it has private accounts in it, we already know and the American people know that that means fewer benefits for those individuals that are enrolled in the private accounts or not enrolled in the private accounts. So it is important that we pay very close attention in what is going on and what is being said.

Now, there are a number of individuals that are very, very concerned, and I will tell you that for young people, and I do mean young people in America, and for parents that have young people that are in college or young people that are trying to make their way, you may have a son or daughter that is living in an apartment just trying to be independent, trying to get on their feet, trying to do what you have done, trying to build the kind of values that you placed in them, you try to place in

them as you were rearing them and as you were trying to develop them as men and women. They are trying to stand up, and it is imperative that this Congress does everything that it has to do to make sure that their government does not gamble on their retirement.

On average, young people are staying on jobs 3 to 4 years, on average. They need to make sure that Social Security is going to be there for them because a pension plan may never really develop in the way that it is supposed to. There are a number of Americans that are in pension plans right now that have failed them, and it is very, very unfortunate that is the case, but one thing that they can bank on literally is that Social Security will be there for them.

So when we have individuals running around here talking about private accounts, thinking that it sounds good or cool or something new to present to the Social Security debate, I must remind them that we will continue to rise up, and it is a one-sided debate thus far on the private account end. It is only the majority side, the Republican side, and the leadership who is talking about private accounts and now want to act on private accounts but call it something else.

It is not a tomato or tomato issue. It is an issue of being clear with the American people, and so it is important that we remember that 44 percent of young people are living in poverty, and that means people within our family. I know that I have individuals in my family that are living in poverty, whether it be a cousin or uncle or even a neighbor, and it is important that we recognize that.

Approximately 2 million young adults are without health care insurance for the entire year. That means young people are going to drugstores, trying to medicate themselves or trying to make themselves healthy when they should have health care, and this is important.

It is also important to understand that young people in America call on their parents and grandparents and family members to help them when they are running into hard types. So, when we start talking about taking anything away, either benefits or a right they may have as it relates to Social Security, saying that they are trying to help them, it is not going to help them, and it is important that we fight against that.

Now, as it relates to what the Democrats are talking about on this side of the aisle and what we are trying to do, and I think it is important, Mr. Speaker, that not only do I share with and remind the Members and those that expect Members on this side to be able to carry the ball in leadership, that by the rules, and I hate to be repetitive, but I think it is important that everyone understands, the rules of the House, the majority runs the operation here in the House. On the minority side, we cannot agenda a bill. We cannot agenda a bill in committee. We

cannot place a bill through the Committee on Rules here on the floor of the House. We can only recommend.

□ 2130

So when you see private accounts and when you see lack of health care, when you see as a small business person unfair tax policies, to be able to allow your business to prosper, when you see environmental laws falling short of what they should be, then you must understand that on this side of the aisle we try to do all we can. And I will give credit to some of my Republican colleagues that think in the same way and that are trying to do better as it relates to addressing those issues.

As to veterans, and I am from Florida and have many veterans in my district, and they come to me. Congressman, I cannot understand, it seems like the list is getting longer and longer every time I go to the VA. Well, that is because we are not standing by our veterans. We march up and down the street on Veterans Day and Memorial Day and recognize those that have paid the ultimate sacrifice. But on that Tuesday after recognizing the veterans, it will be business as usual and as it relates to VA hospitals and copayments that veterans have to pay more and more for.

We talk about individuals in Iraq, and 70 percent of those who are losing their life in Iraq are under 30 years old. So these are patriots. These are individuals that are going out there even before they are able to start their own family, in many cases even before they have an opportunity to be able to buy their first home. So it is important when we start saying we are doing something in light of our young people, it is important that we pay very, very close attention to this.

I am going to show one of these charts here. This is the President's priorities as it relates to tax cuts. It is greater than the funding that is available for veterans in this country. I will tell Members, I have a veteran in my family. My uncle is a veteran. He served in the Korean War. He is a soldier from the Army. He did what he had to do on behalf of this country because this country asked him to do it. We have \$1.8 trillion in permanent tax cuts. We also have tax cuts for the top 1 percent which is \$0.8 trillion, and then there is \$0.3 trillion as it relates to veteran budget authority.

I think it is important that Members understand that the way we work here in Congress, we talk a lot about veterans and what we should be doing for them, and we talk a lot about their contributions. And many of us walk and march and wave in parades. And, ho-hum, we salute the same flag. But better yet, when it comes down to where we put our dollars, where we put our priorities, how we take action as it relates to veterans, you can see where it falls short.

I will tell you once again, giving credit to some of my Republican col-

leagues, some of them have a real problem with this. The past chairman of the Committee on Veterans' Affairs was removed, removed from the chairmanship of the committee, because he did not pass the legislation that the leadership on the majority side wanted to see passed.

Mr. Speaker, he did the right thing and he paid. He paid with his chairmanship. So that is why it is important that I remind Members of the majority and the minority, and we will continue to bring factual, accurate debate on the issues that are either happening in this Congress or not happening in this Congress. When we are able to come together on issues that are facing America, fine. We can talk about that and we can be very proud of those accomplishments. But when our priorities differ, it is important for us to pay very close attention.

I have another chart here. Those of us in the 30-Something Working Group, we have a constant watch on this number. These are our recent numbers. As Members can see, we are close to \$1.8 trillion. This is as of June 20. Below that we have the share of the national debt for every American: Democrat, Republican, Independent, Green Party, you name it. Reform Party, just born 10 minutes ago, they already owe the Federal Government \$26,255.76. This has to be paid off. This is not monopoly money, this is not funny money. This is not the Meek Report or the 30-Something Working Group Report. This is from the U.S. Department of Treasury. We will give our Web site out a little later where you can look at it.

Mr. Speaker, once again, to back up, I think it is important that we go through the fundamentals and talk about the difference. When this House was run by Democrats, we balanced the budget without one Republican vote. That is a fact. That is *prima facie* evidence, as they say in the courtroom. That is not a fabrication. That is not exaggeration. That is not something that some Democrat said on the floor and it is not true. We balanced the budget.

The number we have here was balanced and was going into surplus. As a matter of fact, it was not as high because this is the highest the national debt has been in the history of the Republic. Since we have been a country, the deficit has not been this high. Some may say well, it is the war in Iraq. That is not true.

Well, we ran into a hard time; 9/11 happened and we had to create a new department. That is not true. That is not why it is so high. The debt is where it is now because we have decided to give tax cuts to billionaires. That is a big part of it. And then we turned around and made it permanent. Now, middle-class tax cuts, I do not have a problem with that because that grows the economy.

But when we start talking about a fundamental difference in how we do business on this side of the aisle and

how the majority does business on that side of the aisle, there is a big difference.

Like I said, I am not a generalist because I do not like to generalize, but when I say some of my colleagues on the other side of the aisle have problems with some of the decisions being made by the leadership, that is true. So I think it is important that we focus on the things that we can continue to focus on as it relates to the priorities and how we work to make things better.

I am going to start talking a little bit about the plan that the President has put out and that some Republican Members of Congress have put on the table. The President has said that he wants to bring privatization to young people. Young Americans will be able to have private Social Security accounts; that they will be able to use their own money and have options and invest it in a way that they want to invest it.

The President has come to this Chamber and addressed this Congress in the last State of the Union and said if you are over 55, do not worry about it, it will not affect you. The President has also said he will fight to the end, making sure we have private accounts. Regardless of the fact that not only news reports but nonprofit and government entities have found, and the White House has admitted the fact that if you are in a private account, if you decide to take a private account or not, you will lose benefits.

So it really fights against logic to say well, I know I will lose benefits, but it is important that we go the private account route, even though Social Security is not in a crisis at this particular time, not an imminent crisis.

There have been words out of the White House that it is a crisis and it is about to go bankrupt, using words such as that. And media, along with some Americans who are informed on the issue of Social Security, have said, yes, we have to strengthen Social Security. Yes, we have concerns with the trust fund, but we are not about to go bankrupt.

So after the 60- or 90-day tour of burning Federal jet fuel, your tax dollars, the President went around the country speaking to Americans. And some were not allowed to come into the talks, or what have you, and still after all of that Federal money spent, Americans still came back and said no, we are not with you on this one. And so it is important that everyone understands.

So if you feel oh, well, and we are talking about what the majority is doing now. Until the American people say different, that is what the situation is going to be. We are going to bring balance to this debate. It is important. And I ask the Republican leadership to work in a bipartisan way not only with our leadership but with every Member of this House, making sure that we strengthen Social Security and not privatize Social Security.

Mr. Speaker, there have been hundreds of town hall meetings throughout the country, talking about this issue of Social Security, and young and old have said we want Social Security. It is the best government program that we have in many cases, and we want it to be strengthened, we do not want it to be privatized. We know that when you privatize something, you have to meet the bottom line. And the people that are in the business of so-called making you money, they have to make their bottom line. If they have to make their bottom line, I guarantee if they are in business and making their bottom line, they are going to take care of that business first and then maybe your investments may make some profit.

Mr. Speaker, I was about to go into the new plan or philosophy that has been brought to this House in the way of a press conference about private accounts, but since the gentleman just got here, and I have been talking about Social Security and privatization, going through the minority and majority issues. It would not be a discussion, if we were in the majority, that we would strengthen Social Security in a bipartisan way like we did in 1983, and that we would be dealing with issues such as health care and other issues that are facing us. We are going to talk about that, too.

Mr. Speaker, I welcome and yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, it is good to be back. I am sorry I am late, but I agree wholeheartedly with the portion I heard that the gentleman was saying.

I think the focus that the 30-Something Group has zoned in on is the issue of this borrowing, this raiding the trust fund, this taking away from investments that can be made in the next generation.

The President came out with a plan that said \$5 trillion would have to be borrowed over the next 20 years, 1.5 to \$2 trillion over the next 10 years. So imagine \$5 trillion being borrowed, taken out of the economy, borrowing it from the Japanese and Chinese in order to fund this scheme that the President was pushing.

Now, all of a sudden, we have a new privatization plan that is a little bit different, and we will get into the details in a minute. I think the principle is the same: We are taking money out of the trust fund. I think any time we do that, we are putting ourselves in a very, very difficult position.

The key principle for the Democrats is to make sure that we maintain the benefit we have now, make sure that we maintain the guaranteed benefit that our parents and grandparents have, and then make the system more solvent.

There are very few details. Unless there is new information, there are very few details to this plan.

Mr. MEEK of Florida. Mr. Speaker, we are giving it too much credit by calling it a plan. It is a philosophy. The

proponents are saying, and they have now come up with a new approach, it is different than the privatization proposal, but it is just like the privatization proposal.

□ 2145

It would take a portion of the Social Security trust fund revenues and put them into private accounts. That is privatization. It does not matter whether the total size of the account is limited to an amount each year as it relates to the Social Security trust fund rather than a percentage for the participants' payroll taxes. The gentleman from Ohio and I are very familiar with the Potomac two-step. We know what it means to say, Look over here but we're going over there. And so it is important that we not only come to this floor and let the Members know and say it out loud, A portion of what? How much? What is a portion? I can guarantee you it is in the trillions.

And if we start talking about, well, it is not necessarily the President's private account plan, but it is dealing with private accounts, that is privatization. I am sorry, any way you cut it, it is privatization. As we learn more about and as we start to unmask this GOP leadership vision, which is based upon theory, not fact, we will start to understand as it relates to the privatization scheme and how they are trying to get there.

I know as long as we have air in our body and God provides us another day to live, that as we see this old, Well, it's not private accounts, or we're going to take a portion, we are going to translate that not only for the Members but also for the American people, Mr. Speaker, and it is important that we do that, and we are going to continue to follow it. But the gentleman from Ohio is 100 percent right, we do have some additional information; but the bottom line is that they are going to go into the Social Security trust fund to be able to, I guess, secure these private accounts.

Mr. RYAN of Ohio. This is so eerily familiar to what has been going on with all these other different programs. I do not know if you got a chance to talk at all about this, but remember the Medicare program? Remember how they had this great program that was going to move the country forward and, God almighty, it was only \$400 billion.

Mr. MEEK of Florida. I am sorry, can I correct the gentleman? It was \$350 billion.

Mr. RYAN of Ohio. \$350 billion, it started, at the very beginning. Then it became \$400 billion. Then you and I sat in this Chamber until 3 in the morning and watched the arms get twisted, the eyes start to bulge, the chicken wings were coming in, they had the arms behind people's backs. A \$400 billion Medicare prescription drug bill passed this Chamber by just a few votes, with a lot of arm twisting.

Then we find out a couple of months later that the \$400 billion prescription

drug bill that was \$350 billion became \$700 billion. And then we found out that the \$700 billion prescription drug bill that was a \$400 billion prescription drug bill that was actually a \$350 billion prescription drug bill became over \$1 trillion when you start factoring in some of the out-years with absolutely no cost containment through reimportation or giving the Secretary the power to negotiate down the drug prices.

So now all of a sudden we go with the Social Security program, and let us not even talk about the war and all the nonsense that was given to us prior to the war and what ended up playing out, we will keep it on domestic programs, now we are in the Social Security and now they are telling us that, well, we had these private accounts and they were going to not cost too much and they were going to save us money in the long run; and we started the crunching the numbers, and we got to the fact that it was going to be \$2 trillion over 10 years, \$5 trillion over 20 years. Our national debt now is \$7.8 trillion, and we are going to add an additional 5 over the next 20 years.

But now that did not work so now we are going to go back to the drawing board, and we are going to start playing a shell game with the Treasury bonds, but the bottom line in this is that they are still taking surplus money that is being used right now going into domestic programs, going to reduce the amount of the debt. They are going to put this in some kind of private account somewhere that nobody really seems to know what it is and have no way of balancing the budget or making investments for the American people.

Mr. MEEK of Florida. It is like walking down the hall and you never get to the end as it relates to the deficit. Let me just tell you a little bit more about this plan, because I had an opportunity to jot some things down. Let me just further break this down and water it down a little bit more so that we can all understand, every Member of Congress can understand exactly what we are doing or what some individuals would like to do.

Under this new plan that they have put forth, Members of Congress, a Member in the House and another Member in the other body, they basically said under the current annual surpluses would shift to private accounts, so they are saying that what we have now as it relates to the surpluses in the Social Security trust fund would now be shifted to private accounts. The sponsors even admit the fact that this plan would do nothing to restore solvency to Social Security. This will not solve the Social Security issue.

Mr. RYAN of Ohio. Say it one more time.

Mr. MEEK of Florida. This will not. By the sponsors. This is not someone walking down the street.

Mr. RYAN of Ohio. This is not the Kendrick Meek-Tim Ryan quote.

Mr. MEEK of Florida. There you go. It is not. This is by their own admission. No, it will not solve it. Furthermore, when you start looking at it, it really has three serious flaws. When you are talking about Social Security, there is no time to play around and start talking about, well, I am smarter than the next person. I believe this will work. We cannot go on belief. We have to know for sure. One flaw. The plan would worsen the Social Security solvency issue in the long run and in the short run. This is not something that will be kind of off into the future.

The plan would also drain \$600 billion from the Social Security trust fund in the first 10 years, \$600 billion. This is what they are saying right now. You just talked about the prescription drug, quote-unquote, plan starting off at \$350 billion and now \$724 billion as we stand here today, and counting. This is what they are starting off with within the first 10 years. The third issue, the plan will cause Social Security to become insolvent 2 years sooner, in 2039 instead of 2041. This is not only saying, well, ladies and gentlemen, put your head down, we are going in for a crash landing; but we are going to hit the ground before we actually hit the ground. As a matter of fact, we are going to move the ground closer, or we are going to make the plane go faster to be able to hit the ground.

I will tell you this right now, it is important and it goes to show you how the Republican leadership is willing to stop at nothing to deal with this private account issue. Furthermore, let me just say that some of my friends on the Republican side have great issues not only with the President's plan but with this plan. I appreciate my colleagues who are trying to figure out a way, but there is a better way without private accounts. There is a way to strengthen Social Security. Better yet, a total Democratic plan is not the best plan. A bipartisan plan is the best plan. That is what we are saying.

Mr. Speaker, the people that I run into, they say, Well, goodness, can you guys and gals, can the Members, can you work together? Can you just get along? Can you just come together on this issue on Social Security? If we can come together on making sure our men and women in uniform overseas, thousands of miles away and three or four different time zones away from here, if we can try to do our best and make sure that they get what they are supposed to get in a bipartisan way, then we have to make sure that the individuals that are here and the families that are here and the individuals that have paid into this, even those that have died and left survivor benefits for their children, that they get a fair shake. It is our responsibility to make sure that happens.

We talked about the fact that we are in the minority, we would like to be in the majority, but in the minority we can fight, too. And we will make sure that the American people know exactly what is going on.

One other point. We have to give credit where credit is due. There are some individuals that are not in the leadership on the Republican side that are not with this private account thing. I am asking my friends, and I see them in the hall, we bump into each other here on the floor, they say, I saw your 30-something Working Group, you were talking about this, I am glad you said some Republicans are not with this privatization thing. I am one of them.

Do you remember the movie "Jerry McGuire" when they took Jerry McGuire out to fire him? The guy went out to fire him. He said, man, I'm sorry, but they sent me and I'm here to fire you. He is staring at this glass of water, and he is not saying anything. The guy said, You should say something. That is what I am saying to my friends on the opposite side of the aisle: you should say something. You should rise up and say, Enough with the private accounts. Maybe yes; oh, I think it's okay; let's try to find another plan. That is it. Let us strengthen Social Security, and let us just put this private account thing out the door so that we can get on with the business of the Congress in a bipartisan way. That is what we are saying.

Mr. RYAN of Ohio. That is a great point. Because here we are today, we are passing an amendment to the Constitution today that has not gone anywhere for 12 years, never goes anywhere. At the same time we are cutting benefits for our veterans, and here we go. All of a sudden we have got another Social Security plan. Let us fight about this one for 6 months. Let us have the 30-something Working Group come here and fight about this one and pick this one apart for 6 months.

When is this administration and this Congress going to start addressing the real problems in the country? That is the real issue. You go back to your district and you are in south Florida. No one is worried about their Social Security check coming to their mailbox. Look at this thing. We are good until 2047, 100 percent of your benefits, if we do not do a stinking thing here. Then for the next 20 years, you still get 80 percent of the benefits if we do not do a thing in this Chamber.

And we consistently have this debate on this plan and that plan, and we do not have a problem. We have got a challenge, but we do not have a big problem with the Social Security plan. I go back home and young kids have lead poisoning, thousands of kids in thousands of school districts around this country have lead poisoning. Kids do not have enough money to eat. Eighty-five percent of students in some of these school districts qualify for free and reduced lunch, and we are talking about 2047.

We are running a \$600 billion-plus deficit that is offset by the Social Security surplus. It is irresponsible to sit here and try to pretend that 2047 is somehow a crisis in the country. It is

irresponsible that we are going to consistently come up with new plans that we are going to argue over. Where is the new plan to make sure young kids have enough food? Where is the new plan to make sure we build new schools? Where is the new plan to make sure everybody in the country has health care?

This is a farce. This whole debate has become a farce and we are ignoring the real problems of the people in the country. All you have to do is check one of the polls that come out. This body here has a 30 percent approval rating in the whole United States of America. What are we doing? It is obvious that we are not addressing the needs of the problems. This is my third year, this is your third year, this is the President's fifth year, sixth year. The Congress has been in control of one party since 1994. Come on. We have not addressed the health care issue in the country. Forty-some million Americans do not have health care. I get calls from General Motors, Goodyear, small mom-and-pop businesses, food chains. No one can afford health care for their workers anymore.

Mr. MEEK of Florida. The States cannot even afford Medicaid. They are saying Medicaid reform. You know why? Because businesses are saying, when folks are signing up and filling out their employment information, they are saying, well, I think you are eligible for Medicaid. I think you need to apply there because you will get more benefits under the Federal program versus what we can provide you.

Mr. RYAN of Ohio. Look at Wal-Mart. They have gamed the system. They pay their employees just enough for them to qualify for Medicaid, so they do not pay them any more. They do not give them health care benefits and they qualify for Medicaid. That is corporate welfare. Everyone is worried about cutting welfare checks for poor people. How about the rich people that get at the public trough and pig out?

□ 2200

We are subsidizing Wal-Mart while they are forcing their suppliers to go to China.

Mr. MEEK of Florida. I wanted the gentleman to say that, Mr. Speaker.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate that. But on and on and on this goes, and we are sitting here having a debate, a curious intellectual debate, about whether the new Social Security plan is going to work or not. It diverts \$600 billion from the surplus. This is not working. The President's plan is not working. We really do not have a crisis for another 40 years, and meanwhile we are getting our clocks cleaned by the Chinese while they are taking the money and they are buying military equipment from the Russians. We are sitting here thinking who can come up with the next great Social Security plan.

I know the gentleman goes back to his district every weekend, and I do

too, and I know that people are not interested in our having intellectual debates about a problem that really does not even exist. That is left for the ivory towers. We are here to get the job done.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, getting back to talking about getting the job done, that is being shed light on, what the gentleman just shed light on as it relates to what is not happening and also what is happening to Americans versus for them.

The gentleman from Arkansas (Mr. SNYDER), one of our colleagues, put forth a piece of legislation, and once again if Democrats were in the majority here in the House, which we fight for every day, of responding to the national health care crisis as it relates to young people, it is the Health Care for Young Americans Act that he has put forth that many of us are cosponsors of, which would allow States the option of extending health care insurance coverage to many uninsured young adults. States provide health care coverage to low-income uninsured children largely through two Federal/state programs, Medicaid and the State Children's Health Insurance Program. However, these programs often reclassify children as adults when they turn 19, making them ineligible for coverage.

Mr. Speaker, we have to start on this health care issue somewhere, and we have solutions on this side of the aisle on how to deal with those issues. Just last week we talked about legislation that the gentleman from California (Mr. GEORGE MILLER), ranking member, has put before the Committee on Education and the Workforce, introduced bills with other Members here in the House that we are both cosponsors of, that replenish the issue of the Pell grants, because the Bush administration has changed the formula that are cheating young people next year, the next fiscal year, out of \$300 million of dollars that should be in that Pell grant program that they have taken away. We want to put those dollars back because we know, just like the gentleman said as it relates to competing against China, competing against other countries that are competing against us, where we have a negative trade deficit as it relates to dealing in business with them, but they are having a great time doing business with us; and meanwhile here in America we have people that are trying to put themselves to work and businesses that want to put them to work, but cannot afford to put them to work and are putting them out of work because they can no longer afford to keep them in work because the jobs have moved overseas and they cannot compete with the prices that are there.

But the 30-Something Working Group is not only pointing out the issues but also talking about what we have on the table that would be on this floor or going through the committee process in a bipartisan way to find the solu-

tion, not for Americans that happen to be Democrats, but for Americans that want a fair share from their government and being able to make sure that they have not only adequate health care but to make sure that their children have it.

I am a father, Mr. Speaker, and I was married 14 years ago, going on 14 years, and I was a different person before I got married. But when I got married, it was a totally different relationship. And then when we start having children, we change as an individual, and then when our children start to get older, we continue to change. And then when our children, and I have not seen this yet, start to talk about leaving and going to college or getting into some kind of trade or getting out on their own, which some parents say that never happens, but when they start to develop themselves as young adults, we still parent. We still care about them.

So when we start talking about health care for young people, when we start talking about making sure that they get a Pell grant to educate themselves, it is our issue. When we start talking about Social Security and we have the administration and some members of the Republican leadership saying privatization is the way to go when the only guarantee is \$944 billion would go to Wall Street, that is our issue. We are here to watch out for future generations.

I agree with the President in saying we have got to watch out for future generations, but we do not watch out for them. And seeing that deficit, that almost \$7.8 trillion deficit that the gentleman has there behind him, there is not a real debate on the majority side or even legislation to provide health care or to make sure that every American is able to receive health care or making sure that small business is able to provide health care. There is not a real agenda, and if it is there, then why is it not happening? Why are we here saying what we are saying if it is happening? Because it is not happening.

So that is the difference. People are asking, What is the difference between us and them? One, we are all Americans. Two, we have a Republican side and we have a Democratic side. Three, the majority runs the House of Representatives. So if people want change, if they want to bring about opportunity, then we have to put the pressure on the majority side to make them do the right thing, and hopefully they will do the right thing and then maybe it will work, or the American people are going to have to rise up, Mr. Speaker, and say they want different.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will further yield, that is a beautiful point. It is a beautiful point. The Republicans control the House, the Senate, and the White House. So obviously some agenda is getting implemented. Their agenda is getting implemented because they control all three Chambers. And when we look at what it is, it is obviously not

an agenda that is helping Middle America, small businesses, addressing the health care issue, education issue, and all of the things we have talked about.

The gentleman mentioned earlier business not being able to cover health care and all this, and forced to go to these other countries. And I even think the Democrats in many ways, Mr. Speaker, have not addressed this issue in the proper way. Small businesses and big businesses, they are not out to screw their employees. And sometimes many workers may feel that way, but they are not out to hurt people. If they could provide health care and they had the resources to do it, they would, especially the small businesses. Especially the small businesses.

So the question is, What have we done here? We cannot blame a big company for not providing health care to their workers if they are trying to compete with people coming and shipping goods in from China with low cost, with low overhead, because of all the situations that we have talked about here. The finger should be pointed at this Chamber. The finger should be pointed at the U.S. Senate and at the White House. We are the ones not addressing the health care issue in the country. We have not done anything.

I cannot tell the Members how many small business people I meet on a daily basis when I go back home that talk to me about health care, and they run a business of 100 to 200 people. They care about their workers. When someone in a worker's family gets sick, they know about it. When a worker gets sick, they know about it. They know the name of everybody on the floor in the machine shop. And to say that somehow they do not care, I think is wrong. I think it misrepresents what is going on.

And my point here, as scattered as it may be, is that the finger should be pointed to us. We swear an oath to the Constitution, and part of that means helping people, coming together in a democratic fashion to move society forward. And we are not doing it. We are leaving people behind left and right, whether it is health care or whether it is education or anything else.

So I know we are wrapping up here and we are running out of time, but I wanted to make that final point and let the gentleman make a point, and we will get our little chart up here and wrap things up.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman gets a chance, I would like him to be able to share the Web site information and e-mail information not only with the Members, Mr. Speaker, but making sure that everyone knows exactly what we are talking about here. And I think it is important that we couch this 30-Something Working Group hour in saying that we have a number of issues that have to be addressed in America. We have issues that are facing people that punch in and punch out every day, or once did; individuals that ran a small business,

put their kids through college, now having to really work hard to help their children or grandchildren make it in this America. And so it is important that we bring issue to that.

It is also important to let people know that we have ideas, not only concerns but ideas. And we present that every week, at least two proposals that our colleagues have put forth or we have put forth to be able to strengthen America. So it is important that we continue on this track. I want to thank the gentleman and other members of the 30-Something Working Group for doing what they do.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me, and I think he is exactly right. We have got to step up and pose the vision, an alternative to what is going on here. Give us an e-mail: 30somethingdems@mail.house.gov. Send us an e-mail and we will possibly read it here. We have brought in a lot of e-mail the last few weeks. We have been swamped with e-mail the last few weeks.

So I thank the gentleman for yielding, and we will be back again next week.

Mr. MEEK of Florida. Mr. Speaker, once again I thank the gentleman from Ohio (Mr. RYAN) for his comments, and, like I said, everyone in the 30-Something Working Group, we would like to thank not only the Democratic leader but the Democratic leadership for allowing us to be here once again. And it was an honor to address the House, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for today on account of medical reasons.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today after 4:00 p.m.

Mr. KUCINICH (at the request of Ms. PELOSI) for today after 3:00 p.m. in order to save jobs at NASA Glenn and DFAS.

Mr. POMEROY (at the request of Ms. PELOSI) for today and June 23 on account of official business.

Mr. RANGEL (at the request of Ms. PELOSI) for today on account of attending the memorial service for the late Hon. Jake J.J. Pickle of Texas.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of attending the funeral of the late Hon. Jake Pickle of Texas.

Mr. BONNER (at the request of Mr. DELAY) for today on account of business in his district.

Mr. LATOURETTE (at the request of Mr. DELAY) for today from 4:00 p.m. until approximately 1:00 p.m. on June 23 on account of a BRAC hearing.

Mr. NEY (at the request of Mr. DELAY) for today on account of a death in the family.

Mr. OXLEY (at the request of Mr. DELAY) for today on account of business in Ohio.

Mr. SMITH of Texas (at the request of Mr. DELAY) for today on account of attending the funeral of the Hon. J.J. "Jake" Pickle.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mrs. DRAKE) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, June 23.

Mr. GUTKNECHT, for 5 minutes, June 29.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. TERRY, for 5 minutes, June 23.

Mr. GINGREY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, June 23.

Ms. ROS-LEHTINEN, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, June 23, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2429. A letter from the White House Liaison, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2430. A letter from the White House Liaison, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2431. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2432. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2433. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the

Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2434. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2435. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2436. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2437. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2438. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2439. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2440. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2441. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2442. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2443. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period of October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2006 (Rept. 109-145). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee on House Administration. H.R. 1316. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limit on the aggregate amount of campaign contributions that may be made by individuals during an election cycle, to repeal the limit on the amount of expenditures political parties may make on behalf of their candidates in general elections for Federal office, to allow State and local parties to make certain expenditures using nonfederal funds, to restore certain rights to exempt organizations under the Internal Revenue Code of 1986, and for other purposes; with an amendment (Rept. 109-146). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 1158. A bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (Rept. 109-147). Referred to the Committee of the Whole House on the State of the Union.

Mrs. CAPITO: Committee on Rules. House Resolution 337. Resolution providing for consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-148). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3020. A bill to extend the existence of the Parole Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 3021. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3022. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 3023. A bill to suspend temporarily the duty on 2-amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3024. A bill to suspend temporarily the duty on formulated products containing mixtures of the active ingredient 2-chloro-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl benzenesulfonamide and application adjuvants; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3025. A bill to extend the suspension of duty on Esfenvalerate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3026. A bill to suspend temporarily the duty on 2-methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3027. A bill to reduce temporarily the duty on mixtures of sodium-2-chloro-6-[(4,6-dimethoxypyrimidin-2-yl)thio]benzoate and application adjuvants (pyrithiobac-sodium); to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3028. A bill to extend the suspension of duty on Methyl 2-[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl-3-methylbenzoate and application adjuvants; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3029. A bill to extend the suspension of duty on Benzyl carbazate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3030. A bill to suspend temporarily the duty on mixtures of N-[(4,6-

dimethoxypyrimidin-2-yl)amino]carbonyl-3-(ethylsulfonyl)-2-pyridinesulfonamide and application adjuvants; to the Committee on Ways and Means.

By Mr. EVERETT:

H.R. 3031. A bill to require the advance disclosure to shareholders of certain executive pension plans; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas (for himself and Mr. GONZALEZ):

H.R. 3032. A bill to require manufacturers and retailers to provide disclosure to consumers that analog televisions will no longer receive broadcast transmissions after the public broadcast spectrum changes to digital after December 31, 2006; to the Committee on Energy and Commerce.

By Mr. HERGER:

H.R. 3033. A bill to extend the temporary reduction in duty on certain educational devices; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. PAYNE, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Ms. CORRIE BROWN of Florida, Mr. VAN HOLLEN, Mrs. MCCARTHY, Ms. NORTON, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. LANTOS, Mr. JEFFERSON, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. CARDIN, Ms. LINDA T. SANCHEZ of California, Mr. WYNN, Mr. WEXLER, Ms. WATSON, and Ms. WATERS):

H.R. 3034. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3035. A bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHESON:

H.R. 3036. A bill to amend the Elementary and Secondary Education Act of 1965 with respect to teacher qualifications, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAUL (for himself, Mr. FARR, Mr. McDERMOTT, Mr. STARK, and Mr. GRIJALVA):

H.R. 3037. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marijuana, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. UDALL of Colorado, and Mr. OWENS):

H.R. 3038. A bill to affirm the authority of the executive branch to detain foreign nationals as unlawful combatants, to enable a person detained as an unlawful combatant to challenge the basis for that detention and to receive a disposition within 2 years, to provide for the President to establish military tribunals to try such persons, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3039. A bill to enact title 51, United States Code, "National and Commercial Space Programs", as positive law; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. ALLEN, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. SANDERS, Mr. McDERMOTT, Mr. ROSS, Mr. HINCHEY, Mrs. CHRISTENSEN, and Mr. BERRY):

H.R. 3040. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Ms. ZOE LOFGREN of California, Mr. MEEK of Florida, Ms. NORTON, Mr. MARKEY, Mr. LANGEVIN, and Ms. JACKSON-LEE of Texas):

H.R. 3041. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. WEINER:

H.R. 3042. A bill to require States to report data on Medicaid beneficiaries who are employed; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Ms. HARMAN):

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress regarding additional steps to expedite the success of the United States in Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. GUTKNECHT, and Mr. JENKINS):

H. Con. Res. 185. Concurrent resolution recognizing the Forest Service of the Department of Agriculture for 100 years of dedicated service and caring for the forest lands of the United States; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. SANDERS, and Mr. TAYLOR of North Carolina):

H. Con. Res. 186. Concurrent resolution expressing the sense of Congress that the President should provide notice of withdrawal of the United States from the North American Free Trade Agreement (NAFTA); to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress concerning Uzbekistan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. GOODE.

H.R. 23: Mr. KENNEDY of Rhode Island.

H.R. 42: Ms. GINNY BROWN-WAITE of Florida.

H.R. 49: Mr. GERLACH.

H.R. 63: Ms. DEGETTE, Mr. FORD, Mr. SERRANO, Ms. SOLIS, Mrs. JONES of Ohio, and Mr. EMANUEL.

H.R. 98: Mr. TOM DAVIS of Virginia and Mrs. KELLY.

H.R. 110: Mr. MOORE of Kansas.

H.R. 227: Mr. SHAYS.
 H.R. 282: Mr. LANGEVIN.
 H.R. 284: Mr. GERLACH.
 H.R. 303: Mr. SHAW, Mrs. BLACKBURN, and Mr. PORTER.
 H.R. 312: Mr. MENENDEZ, Mr. SERRANO, Mr. GENE GREEN of Texas, and Mr. CROWLEY.
 H.R. 408: Mr. PASTOR and Mrs. DAVIS of California.
 H.R. 534: Mr. INGLIS of South Carolina.
 H.R. 537: Mr. PRICE of Georgia and Mr. GINGREY.
 H.R. 581: Mr. BOEHLERT and Mr. COLE of Oklahoma.
 H.R. 662: Ms. MOORE of Wisconsin.
 H.R. 676: Mr. HONDA.
 H.R. 783: Mr. GOODLATTE, Mr. KENNEDY of Rhode Island, and Mr. CARDIN.
 H.R. 818: Mr. OLVER.
 H.R. 839: Ms. BALDWIN, Mr. BERMAN, Ms. CARSON, Mr. COOPER, Mr. CUMMINGS, Ms. DEGETTE, Mr. KIND, Mr. MCGOVERN, and Mr. PAYNE.
 H.R. 844: Mr. REYES.
 H.R. 865: Mr. CANTOR.
 H.R. 874: Mr. FORBES.
 H.R. 896: Mr. GONZALEZ, Ms. CARSON, and Mr. SWENEY.
 H.R. 923: Mr. EMANUEL, Ms. CARSON, and Mrs. BLACKBURN.
 H.R. 934: Mr. BOEHLERT.
 H.R. 960: Ms. WOOLSEY.
 H.R. 968: Mr. FARR and Mr. CRENSHAW.
 H.R. 976: Mrs. DRAKE and Mr. FITZPATRICK of Pennsylvania.
 H.R. 997: Mr. PICKERING.
 H.R. 1002: Mr. GONZALEZ and Ms. HARMAN.
 H.R. 1018: Mr. TOWNS, Mr. WATT, Ms. VELÁZQUEZ, Mr. NADLER, Ms. SLAUGHTER, Mr. CUMMINGS, and Mr. STRICKLAND.
 H.R. 1029: Mr. PRICE of North Carolina.
 H.R. 1067: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 1078: Ms. MATSUI and Mr. OWENS.
 H.R. 1080: Ms. MATSUI, Mr. SANDERS, and Mr. OWENS.
 H.R. 1088: Mr. PORTER.
 H.R. 1130: Mr. OBERSTAR.
 H.R. 1133: Mr. EVANS and Mr. CARNAHAN.
 H.R. 1146: Mr. DAVIS of Kentucky.
 H.R. 1182: Mr. EVANS.
 H.R. 1188: Mr. EMANUEL.
 H.R. 1202: Mr. LEWIS of Kentucky.
 H.R. 1227: Mr. MATHESON.
 H.R. 1246: Mr. TIBERI and Mr. CUELLAR.
 H.R. 1249: Mr. MOORE of Kansas.
 H.R. 1262: Mr. PLATTS.
 H.R. 1264: Mr. McNULTY.
 H.R. 1282: Mr. OWENS.
 H.R. 1288: Mr. JINDAL, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. INGLIS of South Carolina, Mr. FORBES, Mr. BARTON of Texas, Mr. JONES of North Carolina, Mr. TIAHRT, and Mr. KOLBE.
 H.R. 1295: Mr. MATHESON.
 H.R. 1376: Mr. BAIRD.
 H.R. 1397: Mr. KENNEDY of Minnesota.
 H.R. 1409: Mr. JENKINS.
 H.R. 1424: Mr. KILDEE and Ms. MATSUI.
 H.R. 1431: Mr. BARROW, Mr. FOLEY, and Ms. ESHOO.
 H.R. 1438: Mr. KLINE.
 H.R. 1468: Mr. FOLEY.
 H.R. 1494: Mr. KENNEDY of Minnesota, Mr. HAYES, Mrs. BLACKBURN, and Mr. MCHUGH.
 H.R. 1526: Mrs. MALONEY.
 H.R. 1548: Mr. RUSH, Mr. HYDE, Mr. HULSHOF, Mr. PORTER, Mr. LEWIS of Georgia, Mr. SAXTON, and Mr. BARROW.
 H.R. 1606: Mr. BISHOP of Utah.
 H.R. 1652: Ms. WATERS and Mr. JEFFERSON.
 H.R. 1653: Mr. OWENS.
 H.R. 1667: Mr. McDERMOTT and Mr. TAYLOR of Mississippi.
 H.R. 1671: Mr. THORNBERRY.
 H.R. 1678: Mr. MANZULLO.
 H.R. 1684: Ms. ZOE LOFGREN of California and Ms. HARRIS.

H.R. 1685: Ms. ZOE LOFGREN of California and Ms. HARRIS.
 H.R. 1736: Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. PICKERING, and Mr. UPTON.
 H.R. 1748: Mr. KLINE, Mrs. DRAKE, and Mr. RYUN of Kansas.
 H.R. 1879: Mr. LEWIS of Kentucky.
 H.R. 1898: Mr. GINGREY, Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. POE, Mr. HENSARLING, and Mr. WELLER.
 H.R. 1955: Mr. SALAZAR.
 H.R. 1959: Mr. HAYES.
 H.R. 2049: Mr. KINGSTON.
 H.R. 2121: Mr. OWENS.
 H.R. 2209: Mr. MELANCON and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 2229: Mr. MCCAUL of Texas.
 H.R. 2231: Mr. LEACH, Mr. BOEHLERT, Mr. MANZULLO, Mr. PRICE of North Carolina, Mr. CLEAVER, and Mrs. BIGBERT.
 H.R. 2290: Mr. BROWN of South Carolina, Mr. CAMP, Mr. HEFLEY, Mr. LUCAS, Mr. THORNBERRY, Mr. REHBERG, Mr. SHUSTER, Mr. UPTON, Mr. KELLER, Mr. WILSON of South Carolina, and Mr. CANTOR.
 H.R. 2295: Mr. WHITFIELD, Mr. BACHUS, Mr. TIBERI, Mr. BILIRAKIS, and Mr. GOODE.
 H.R. 2317: Mr. HOLDEN and Mr. PORTER.
 H.R. 2355: Mr. SHIMKUS.
 H.R. 2357: Mr. REHBERG and Mr. NORWOOD.
 H.R. 2366: Mr. BERMAN and Ms. WATERS.
 H.R. 2367: Mr. KUCINICH and Mr. McDERMOTT.
 H.R. 2428: Ms. LEE, Mr. FRANK of Massachusetts, Mr. KIRK, Mr. GEORGE MILLER of California, Mr. McNULTY, Mr. KILDEE, Mr. VAN HOLLEN, Mr. SHERMAN, Mr. McDERMOTT, Mr. NADLER, Mr. GRIJALVA, Mr. KUCINICH, Mr. SHAYS, and Ms. WOOLSEY.
 H.R. 2519: Mr. RAHALL.
 H.R. 2526: Mr. HIGGINS, Mrs. LOWEY, Mrs. CHRISTENSEN, and Mr. CONYERS.
 H.R. 2535: Mrs. MALONEY and Mr. HONDA.
 H.R. 2646: Mr. FORTENBERRY and Mr. DAVIS of Florida.
 H.R. 2662: Mr. VISCLOSKEY.
 H.R. 2683: Mr. MCGOVERN.
 H.R. 2695: Mr. FRANK of Massachusetts and Ms. CARSON.
 H.R. 2717: Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. LARSEN of Washington, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. LANTOS, Mrs. WILSON of New Mexico, and Mr. PAYNE.
 H.R. 2730: Mr. OWENS and Mr. CHANDLER.
 H.R. 2747: Mr. EMANUEL.
 H.R. 2793: Mr. MCCOTTER and Mr. SHIMKUS.
 H.R. 2794: Mr. TERRY and Mr. McDERMOTT.
 H.R. 2811: Mr. EVANS.
 H.R. 2828: Mr. OLVER.
 H.R. 2865: Mr. BUTTERFIELD and Mr. GEORGE MILLER of California.
 H.R. 2874: Mr. CHANDLER and Mr. FARR.
 H.R. 2876: Mr. KENNEDY of Minnesota, Mr. HYDE, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, and Mr. LATHAM.
 H.R. 2877: Mr. BOSWELL and Mr. SHAYS.
 H.R. 2933: Mr. MCCAUL of Texas.
 H.R. 2939: Mr. KENNEDY of Rhode Island.
 H.R. 2952: Ms. MOORE of Wisconsin, Mr. SENSENBRENNER, Mr. KIND, Mr. GREEN of Wisconsin, Mr. YOUNG of Alaska, Mr. FILNER, Mr. DEFazio, and Mr. SHERMAN.
 H.R. 2959: Mr. SNYDER, Ms. HERSETH, Ms. BERKLEY, and Mr. WAXMAN.
 H.R. 2960: Mr. KIND and Ms. WASSERMAN SCHULTZ.
 H.R. 2990: Mr. BAKER.
 H.J. Res. 53: Mr. TIBERI and Mr. REHBERG.
 H. Con. Res. 71: Mr. FEENEY.
 H. Con. Res. 85: Mr. PASTOR.
 H. Con. Res. 90: Mr. OWENS.
 H. Con. Res. 110: Mr. FATTAH.
 H. Con. Res. 111: Mr. FATTAH.
 H. Con. Res. 123: Mr. PASTOR.
 H. Con. Res. 128: Mr. ROYCE.
 H. Con. Res. 134: Mr. McNULTY, Mr. MCGOVERN, Ms. LEE, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. BURTON of Indiana, Mr. EVANS, and Mr. GRIJALVA.

H. Con. Res. 140: Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. FERGUSON, Mr. FOSSELLA, Mr. WELLER, and Mr. CHOCOLA.
 H. Con. Res. 155: Mrs. JO ANN DAVIS of Virginia and Ms. BERKLEY.
 H. Con. Res. 157: Mr. LANTOS, Mr. INSLEE, Mr. CLEAVER, Mr. SOUDER, Mr. SHERWOOD, Mr. McDERMOTT, Mr. DOYLE, Ms. MCCOLLUM of Minnesota, Mr. GENE GREEN of Texas, Mr. WAXMAN, and Mrs. JOHNSON of Connecticut.
 H. Con. Res. 181: Mr. GUTIERREZ, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. DAVIS of Kentucky, Mr. EHLERS, Mr. GILCHREST, Mr. GINGREY, Mr. GREEN of Wisconsin, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. KIRK, and Mr. WALDEN of Oregon.
 H. Res. 199: Mrs. MYRICK.
 H. Res. 246: Mr. SOUDER.
 H. Res. 261: Mr. BOREN, Mr. BARROW, Mr. WOLF, Mr. CLEAVER, Mr. HONDA, and Mr. GOODE.
 H. Res. 286: Mr. GUTIERREZ.
 H. Res. 312: Mr. SCOTT of Georgia and Mr. GORDON.
 H. Res. 323: Mr. KENNEDY of Rhode Island, Mr. ROGERS of Kentucky, Mr. KILDEE, Mr. MARKEY, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. BRADLEY of New Hampshire, Mr. KUHL of New York, Mrs. DRAKE, Mr. PRICE of North Carolina, Mr. HALL, Mr. McDERMOTT, Mr. BUTTERFIELD, and Mr. KUCINICH.
 H. Res. 325: Mr. BISHOP of Georgia.
 H. Res. 326: Mr. LEACH and Mr. ISSA.
 H. Res. 328: Mr. LANTOS, Mr. POE, Mr. BERMAN, Mr. KING of New York, Mr. EMANUEL, Mr. NEAL of Massachusetts, Mr. McDERMOTT, and Ms. BERKLEY.
 H. Res. 333: Mr. MEEKS of New York.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2985

OFFERED BY: MR. BAIRD

AMENDMENT No. 1: Page 44, strike line 4 and all that follows through page 49, line 25.

H.R. 3010

OFFERED BY: MR. TANCREDO

AMENDMENT No. 2: At the end of the bill (before the short title), insert the following: SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

H.R. 3010

OFFERED BY: MR. TANCREDO

AMENDMENT No. 3: Page 108, after line 21, insert the following section:

SEC. 5. The Secretary of Health and Human Services shall conduct a study to determine whether or not there is a link between thimerosal in vaccines and autism.

H.R. 3010

OFFERED BY: MR. NEUGEBAUER

AMENDMENT No. 4: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 5. None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).

(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).

H.R. 3010

OFFERED BY: MR. KIRK

AMENDMENT No. 5: In title III in the item relating to "SCHOOL IMPROVEMENT PROGRAMS" insert before the period at the end

the following: “: *Provided further*, That, of the funds made available under this heading, \$11,000,000 is for carrying out subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) (relating to gifted and talented students)”.

H.R. 3010

OFFERED BY: MR. POE

AMENDMENT No. 6: In title II, in the item relating to “NATIONAL INSTITUTES OF HEALTH—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT”, insert after the dollar amount the following: “(reduced by \$175,000) (increased by \$175,000)”.

H.R. 3010

OFFERED BY: MR. HEFLEY

AMENDMENT No. 7: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 5 _____. Of the amounts made available under title IV for the account “CORPORATION FOR PUBLIC BROADCASTING”, \$40,000,000 is transferred and made available under title II as an additional amount for the account “NATIONAL INSTITUTES OF HEALTH—OFFICE OF THE DIRECTOR”.

H.R. 3010

OFFERED BY: MR. FILNER

AMENDMENT No. 8: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

H.R. 3010

OFFERED BY: MR. POE

AMENDMENT No. 9: Page 29, line 6, insert after the dollar amount the following: “(increased by \$11,200,000)”.

H.R. 3010

OFFERED BY: MR. FLAKE

AMENDMENT No. 10: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to enforce Determination ED-OIG/A05-D0008 of the Department of Education.

H.R. 3010

OFFERED BY: MR. PAUL

AMENDMENT No. 11: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to create or implement any universal mental health screening program.

H.R. 3010

OFFERED BY: MR. STEARNS

AMENDMENT No. 12: Page 22, line 2, insert “(increased by \$10,000,000)” after “\$194,834,000”.

Page 22, line 8, insert “(increased by \$1,000,000)” after “\$1,984,000”.

Page 22, line 12, insert “(increased by \$9,000,000)” after “\$29,500,000”.

Page 82, line 10, insert “(reduced by \$10,000,000)” after “\$523,087,000”.

Page 82, line 12, insert “(reduced by \$10,000,000)” after “\$270,000,000”.

H.R. 3010

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT No. 13: Page 25, line 16, insert “(increased by \$10,802,000)” after “\$6,446,357,000”.

Page 48, line 7, insert “(reduced by \$10,802,000)” after “\$8,688,707,000”.

Page 50, line 4, insert “(reduced by \$10,802,000)” after “\$110,000,000”.

Page 27, line 15, insert “: *Provided further*, That of the funds made available under this heading, \$10,802,000 shall be made available for the healthy community access program” after “public office”.

H.R. 3010

OFFERED BY: MR. HAYWORTH

AMENDMENT No. 14: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

H.R. 3010

OFFERED BY: MR. HAYWORTH

AMENDMENT No. 15: At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

H.R. 3010

OFFERED BY: MR. HEFLEY

AMENDMENT No. 16: At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of \$1,425,140,000.

H.R. 3010

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT No. 17: In title I in the item relating to “OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES”, after the aggregate dollar amount, insert “(reduced by \$25,000,000)”.

In title III in the item relating to “SCHOOL IMPROVEMENT PROGRAMS”, after the aggregate dollar amount, insert “(increased by \$25,000,000)”.

H.R. 3010

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT No. 18: In title III in the item relating to “SCHOOL IMPROVEMENT PROGRAMS” insert before the period at the end the following: “: *Provided further*, That, of the funds made available under this heading, \$25,296,000 is for carrying out subpart V of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7251 et seq.) (relating to the Reading is Fundamental inexpensive book distribution program)”.

H.R. 3010

OFFERED BY: MR. KELLER

AMENDMENT No. 19: Page 99, line 5, insert “directly or indirectly, including by private contractor,” after “shall be used,”.

H.R. 3010

OFFERED BY: MR. KELLER

AMENDMENT No. 20: Page 75, strike lines 6 and 7 and insert the following:

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be \$4,150.

At the end of the bill (before the short title), insert the following:

SEC. _____. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$211,000,000.

H.R. 3010

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT No. 21: Page 108, after line 21, insert the following section:

SEC. 5 _____. The amounts otherwise provided for in this Act are revised by increasing by \$385,664,000 the account in title II, “HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES”, which increase is available for carrying out section 330A of the Public Health Service Act (relating to rural health), and by reducing each other account in this Act, other than accounts providing amounts that by law are required to be made available, by the amount necessary to produce aggregate reductions in the amount of \$385,664,000.

H.R. 3010

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT No. 22: Page 16, line 4, insert after the dollar amount the following: “(reduced by \$37,336,000)”.

Page 25, line 16, insert after the dollar amount the following: “(increased by \$37,336,000)”.

H.R. 3010

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT No. 23: Page 25, line 16, insert “(increased by \$11,200,000)” after “\$6,446,357,000”.

Page 29, line 1, insert “(reduced by \$11,200,000)” after “\$5,945,991,000”.

Page 27, line 15, insert “: *Provided further*, That of the funds made available under this heading, \$11,200,000 shall be made available for the healthy community access program” after “public office”.

H.R. 3010

OFFERED BY: MR. NADLER

AMENDMENT No. 24: In title III in the item relating to “SCHOOL IMPROVEMENT PROGRAMS”, after the aggregate dollar amount, insert “(increased by \$35,600,000)”.

In title III in the item relating to “DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION”, after the aggregate dollar amount, insert “(reduced by \$35,600,000)”.

H.R. 3010

OFFERED BY: MS. BORDALLO

AMENDMENT No. 25: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to enforce the limitations under section 1108 of the Social Security Act on the amount certified for fiscal year 2006 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, but only insofar as such amount provided by this Act does not exceed \$9,480,000 for Guam, \$9,720,000 for the Virgin Islands, \$6,120,000 for American Samoa, and \$3,480,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for “Centers for Medicare and Medicaid Services—Program Management” is hereby reduced by \$8,000,000.