

Miller (NC) Rangel
 Miller, Gary Regula
 Mollohan Rehberg
 Moore (KS) Reichert
 Moore (WI) Renzi
 Moran (KS) Reyes
 Moran (VA) Reynolds
 Murphy Rogers (AL)
 Murtha Rogers (KY)
 Musgrave Rogers (MI)
 Myrick Rohrabacher
 Nadler Ros-Lehtinen
 Napolitano Ross
 Neal (MA) Rothman
 Neugebauer Roybal-Allard
 Ney Royce
 Northup Rumpersberger
 Norwood Ryan (OH)
 Nunes Ryan (WI)
 Nussle Ryn (KS)
 Oberstar Sabo
 Olver Salazar
 Ortiz Sánchez, Linda
 Osborne T.
 Otter Sanchez, Loretta
 Owens Sanders
 Oxley Saxton
 Pallone Schiff
 Pascarell Schmitt
 Pearce Schwartz (PA)
 Pelosi Schwarz (MI)
 Pence Scott (GA)
 Peterson (MN) Scott (VA)
 Peterson (PA) Sensenbrenner
 Petri Sessions
 Pickering Shadegg
 Pitts Shaw
 Platts Shays
 Poe Sherman
 Pombo Sherwood
 Pomeroy Shimkus
 Porter Shuster
 Price (GA) Simmons
 Price (NC) Simpson
 Pryce (OH) Skelton
 Putnam Smith (NJ)
 Radanovich Smith (TX)
 Rahall Smith (WA)
 Ramstad Snyder

NAYS—31

Carson Jones (OH)
 Clay Kucinich
 Conyers Lewis (GA)
 Davis (IL) McDermott
 Farr McKinney
 Grijalva Meeks (NY)
 Hinchey Miller, George
 Honda Pastor
 Jackson-Lee Paul
 (TX) Payne
 Johnson, E. B. Rush

NOT VOTING—9

Boswell Gutierrez
 Culberson Harman
 Davis (FL) Kaptur

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1222

Ms. JACKSON-LEE of Texas, Mr. TOWNS and Ms. SCHAKOWSKY changed their vote from “yea” to “nay.”

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT UNITED STATES SUPREME COURT SHOULD SPEEDILY FIND USE OF PLEDGE OF ALLEGIANCE IN SCHOOLS TO BE CONSISTENT WITH CONSTITUTION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 245.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 245, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 31, answered “present” 8, not voting 11, as follows:

[Roll No. 504]

YEAS—383

Abercrombie Chocola
 Aderholt Clay
 Akin Clyburn
 Alexander Coble
 Allen Cole (OK)
 Andrews Conaway
 Baca Cooper
 Bachus Costa
 Baird Costello
 Baker Cramer
 Baldwin Crenshaw
 Barrett (SC) Crowley
 Barrow Cubin
 Bartlett (MD) Cuellar
 Barton (TX) Cummings
 Bass Cunningham
 Bean Davis (AL)
 Beauprez Davis (CA)
 Becerra Davis (IL)
 Berkley Davis (KY)
 Berman Davis (TN)
 Berry Davis, Jo Ann
 Biggert Davis, Tom
 Bilirakis Deal (GA)
 Bishop (GA) DeFazio
 Bishop (NY) Delahunt
 Waters DeLauro
 Blackburn DeLay
 Blunt Dent
 Boehlert Diaz-Balart, L.
 Boehner Diaz-Balart, M.
 Bonilla Dicks
 Bonner Dingell
 Bono Doggett
 Boozman Doolittle
 Boren Doyle
 Boucher Drake
 Boustany Dreier
 Boyd Duncan
 Bradley (NH) Edwards
 Brady (PA) Ehlers
 Brady (TX) Emanuel
 Brown (OH) Emerson
 Brown (SC) Engel
 Brown, Corrine English (PA)
 Brown-Waite, Eshoo
 Ginny Etheridge
 Burgess Evans
 Burton (IN) Everett
 Butterfield Fattah
 Buyer Feeney
 Calvert Ferguson
 Camp Filner
 Cannon Fitzpatrick (PA)
 Cantor Flake
 Capito Foley
 Capps Forbes
 Cardin Ford
 Cardoza Fortenberry
 Carnahan Fossella
 Carter Foxx
 Case Franks (AZ)
 Castle Frelinghuysen
 Chabot Gallegly
 Chandler Garrett (NJ)

Kolbe
 Kucinich
 Kuhl (NY)
 LaHood
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Leach
 Levin
 Lewis (CA)
 Lewis (KY)
 Linder
 Lipinski
 LoBiondo
 Lofgren, Zoe
 Lowey
 Lucas
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maloney
 Manzullo
 Marshall
 Matheson
 Matsui
 McCarthy
 McCaul (TX)
 McCollum (MN)
 McCotter
 McCreary
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMorris
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Melancon
 Menendez
 Mica
 Michaud
 Millender
 McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mollohan
 Moore (KS)
 Moran (KS)
 Moran (VA)
 Murphy
 Murtha
 Musgrave
 Myrick
 Napolitano
 Neal (MA)
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Osborne
 Otter
 Oxley
 Pallone
 Pascarell
 Paul
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Poe
 Pombo
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Rumpersberger
 Ryan (OH)
 Ryan (WI)
 Ryn (KS)
 Sabo
 Salazar
 Sanchez, Loretta
 Sanders
 Saxton
 Schiff
 Schmidt
 Schwartz (PA)
 Schwarz (MI)
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Sessions
 Shadegg
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder

NAYS—31

Ackerman
 Blumenauer
 Carson
 Cleaver
 Conyers
 DeGette
 Farr
 Frank (MA)
 Grijalva
 Hastings (FL)
 Hinchey
 Honda
 Johnson, E. B.
 Jones (OH)
 Lewis (GA)
 Markey
 McDermott
 Nadler
 Pastor
 Payne
 Schakowsky
 Scott (VA)
 Serrano
 Stark
 Towns
 Velázquez
 Wasserman
 Schultz
 Waters
 Watson
 Waxman
 Woolsey

ANSWERED “PRESENT”—8

Capuano Owens
 Green, Al Rush
 Moore (WI)

NOT VOTING—11

Boswell Gutierrez
 Culberson Harman
 Davis (FL) Issa
 Gibbons Lee

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1231

So (two-thirds having voted in favor thereof) the rules were suspended and

the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GIBBONS. Mr. Speaker, on rollcall No. 504 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ISSA. Mr. Speaker, I was present in the Chamber and voted "yea" on H. Con. Res. 245. However, due to a malfunction, my vote was not recorded. As the author of the legislation, you can rest assured that I am a "yea" vote.

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 and include extraneous material on H.J. Res. 68 and that I may include tabular material on the same.

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

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 469, I call up the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2006, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2005 for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2005, and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

(2) The Department of Defense Appropriations Act, 2006.

(3) The Energy and Water Development Appropriations Act, 2006.

(4) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (in the House of Representatives), or the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006 (in the Senate).

(5) The Department of Homeland Security Appropriations Act, 2006.

(6) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006.

(7) The Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (in the House of Representatives), or the Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006 (in the Senate).

(8) The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (in the House of Representatives), or the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006 (in the Senate).

(9) The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (in the House of Representatives), or the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006 (in the Senate) and the District of Columbia Appropriations Act, 2006 (in the Senate).

(b) Whenever the amount that would be made available or the authority that would be granted for a project or activity under an Act listed in subsection (a) as passed by the House of Representatives as of October 1, 2005, is the same as the amount or authority that would be available or granted under the same or other pertinent Act as passed by the Senate as of October 1, 2005—

(1) the project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the actions of the House and the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2005; or

(2) if no amount or authority is made available or granted for the project or activity by the actions of the House and the Senate, the project or activity shall not be continued.

(c) Whenever the amount that would be made available or the authority that would be granted for a project or activity under an Act listed in subsection (a) as passed by the House of Representatives as of October 1, 2005, is different from the amount or authority that would be available or granted under the same or other pertinent Act as passed by the Senate as of October 1, 2005—

(1) the project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lowest, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2005; or

(2) if the project or activity is included in the pertinent Act of only one of the Houses, the project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2005.

(d) Whenever the pertinent Act covering a project or activity has been passed by only the House of Representatives as of October 1, 2005—

(1) the project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2005; or

(2) if the project or activity is funded in applicable appropriations Acts for fiscal year

2005 and not included in the pertinent Act of the House as of October 1, 2005, the project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for fiscal year 2005 at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2005.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2005 or prior years; (2) the increase in production rates above those sustained with fiscal year 2005 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2005.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

(c) Notwithstanding this section, the Secretary of Defense may, following notification of the congressional defense committees, initiate projects or activities required to be undertaken for force protection purposes using funds made available from the Iraq Freedom Fund.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2005.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity; or (3) November 18, 2005.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.