

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.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 2005 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2006 shall not be made and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. No provision that is included in an appropriations Act listed in section 101(a), but that was not included in the applicable appropriations Act for fiscal year 2005 and by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 112. No provision that is included in an appropriations Act listed in section 101(a), and that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 106(3).

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2005, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2005, to be continued through the date specified in section 106(3) of this joint resolution.

(b) Notwithstanding section 106 of this joint resolution, funds shall be available and obligations for mandatory payments due on or about November 1, 2005 and December 1, 2005, may continue to be made.

SEC. 115. The provisions of, and amendments made by, sections 1011, 1012, 1013, 1023, and 1026 of Public Law 109-13 shall continue in effect, notwithstanding the fiscal year limitation in section 1011 and the provisions of sections 1012(i), 1013(e), 1023(c), and 1026(e) of that Public Law, through the earlier of (1) the date specified in section 106(3) of this joint resolution, or (2) with respect to any such section of Public Law 109-13, the date of the enactment into law of legislation that supersedes the provisions of, or the amendments made by, that section.

SEC. 116. The authorities provided by section 1306 of Public Law 107-314 shall continue in effect through the date specified in section 106(3) of this joint resolution or the date of the enactment into law of a defense authorization Act for fiscal year 2006, whichever is earlier.

SEC. 117. Section 6 of Public Law 107-57, as amended, shall be applied by substituting the date specified in section 106 of this joint resolution for "October 1, 2005", and sections 508 and 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108-447, div. D), as made applicable to fiscal year 2006 by the provisions of this joint resolution, shall not

apply with respect to Pakistan through the date specified in section 106(3) of this joint resolution.

SEC. 118. (a) Funds provided in section 101 of this joint resolution for "Social Security Administration-Limitation on Administrative Expenses" may be used to complete the processing of appeals received prior to July 1, 2005 under sections 1852 and 1869 of the Social Security Act, notwithstanding section 931(b) of Public Law 108-173.

(b) The Commissioner of Social Security may enter into a reimbursable agreement with the Secretary of Health and Human Services to process, during fiscal year 2006, appeals received after June 30, 2005 and prior to October 1, 2005.

SEC. 119. For the purposes of section 101 of this joint resolution, amounts obligated in fiscal year 2005 from funding provided in section 1015 of Public Law 108-173 shall be deemed to have been provided in an applicable appropriations Act for fiscal year 2005.

SEC. 120. Notwithstanding section 101 of this joint resolution, amounts are provided for "Department of Health and Human Services-Office of the Secretary-Medicare Appeals" at a rate for operations not exceeding the rate set forth for such account in title II of H.R. 3010 of the 109th Congress, as passed by the House of Representatives.

SEC. 121. Section 1015(b) of Public Law 108-173 is amended by striking "2005" and inserting "2006".

SEC. 122. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 123. The authority provided by section 2808 of Public Law 108-136, as amended by section 2810 of Public Law 108-375, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 124. The amendment made by section 1022 of Public Law 109-13 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 125. Funds appropriated by section 101 of this joint resolution for the National Aeronautics and Space Administration may be obligated in the account and budget structure set forth in the pertinent Acts specified in section 101(a)(8).

SEC. 126. Funds appropriated by section 101 of this joint resolution for "National Science Foundation-Research and Related Activities" may be used for Arctic and Antarctic icebreaking maintenance and operations.

SEC. 127. (a) Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" at the rate set forth for such programs and activities under title V of H.R. 3058, One Hundred Ninth Congress, as passed by the House of Representatives, and in addition, funds under "District of Columbia Funds-Enterprise and Other Funds-Capital Outlay" as included in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 6, 2005.

(b) Section 2302 of Public Law 108-11, as amended by section 336 of Public Law 108-335 shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2005".

SEC. 128. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106(3) of this joint resolution, or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 129. Notwithstanding section 101 of this joint resolution, amounts are provided

for "Department of Transportation-Federal Transit Administration-Administrative Expenses" at a rate for operations not exceeding the total of budgetary resources made available for obligation for fiscal year 2005.

SEC. 130. Section 403(f) of Public Law 103-356 (31 U.S.C. 501 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2005".

SEC. 131. Amounts made available by this joint resolution for the Department of Defense that are related to amounts provided in title IX of the Department of Defense Appropriations Act, 2006, as passed by the House, or related to amounts designated as emergency requirements in previous defense appropriations Acts or supplemental appropriations Acts, are designated as appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, except that amounts so designated under this section shall not exceed \$50,000,000,000.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 469, 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. Speaker, I yield myself such time as I may consume, and I hope I do not consume very much.

Mr. Speaker, I am pleased to bring to the House the continuing resolution for fiscal year 2006. The CR will run through November 18. It is a clean CR without exception. Several Members are pushing the extension of dairy programs, adding emergency spending for the Corps of Engineers, and a whole host of other ideas. We have rejected them all. These items can be addressed in the next supplemental, regular fiscal year 2006 bills, or in reconciliation. The CR will fund agencies at the lower of three levels: the House-passed level, the Senate-passed level, or fiscal year 2005 current rates.

Agencies funded in the Labor-HHS, Treasury, Transportation and Defense bills will be funded at the lower of the House-passed or current rates since the Senate will not pass these bills by October 1. The House and Senate have not passed a CR under the current framework since 1994. By returning to a traditional CR that funds the government operations at the lowest possible level, it will provide a strong motivation for this Congress to complete its work in regular order and produce individual appropriations bills and conference reports.

I want the body to know the Committee on Appropriations is strongly committed to bringing back to this floor individual conference reports for each and every bill. The committee does not support an omnibus or mini-bus in any form and will do everything in its power to ensure that that does not happen.

I remain committed to moving these bills individually and within the framework of the budget resolution. In order

to help the Senate with the difficult process of passing the Treasury, Transportation and Labor-HHS bills, we will continue to push the lower rate, long-term continuing resolution prospect. I am convinced that this is the only way for us to get back to regular order. The House and Senate committees on appropriations are both committed to this goal.

With regard to the regular order appropriations bills, the Interior and Legislative branch conference reports have been signed into law. The Homeland Security conference concluded just this morning, and we expect to file a conference report today.

The Senate has now passed eight appropriations bills, and the ninth is expected to be completed by early next week. We have begun giving notional allocations to Energy and Water, Foreign Operations, Science, Justice, State and Commerce and Agriculture subcommittees so they can begin negotiating. We are making very good progress.

This continuing resolution is an important step toward achieving our goal of restoring regular order to the congressional appropriations process.

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

Mr. OBEY. Mr. Speaker, I yield myself 13 minutes.

Mr. Speaker, I do not know quite what to say about this continuing resolution. I have a lot of notes here, most of which I will not use, but let me simply note that this is another case of the failure to effectively govern by the Republican President and the Republican majority in this Congress. We are here facing an end of the fiscal year situation 3 days from now. We have failed in the basic test of governing, and I think it is important to understand why.

Throughout the year, we on the Democratic side of the aisle, in the minority, have worked with the majority on every possible procedural issue and cooperated with them procedurally at every juncture so that we could enable this House to pass the 10 appropriation bills that are necessary to pass, even though we disagreed in most instances with the content of those bills.

When I was asked by numerous Members of my caucus and a number of members of the press why we were cooperating procedurally when we opposed the substance of many of the bills, I made it clear. I said we were cooperating because I wanted the record to show at the end of the year, when the Republican majority failed to pass its appropriation bills by the end of the year, I wanted the record to show clearly why.

Now we are here and in spite of our procedural cooperation, the Republican majority has managed to pass only two of the 10 appropriation bills under our responsibility. Why? In my view it is because the majority caucus has such a fundamental disrespect for the basic functions of government that it has

sacrificed and squeezed so many education and health and veterans and other programs in order to pay for huge, supersize tax cuts for the most wealthy among us, that, in the end, they have not been able to convince their Senate colleagues to go along and go on record and endorse those cuts. So now we are faced with a stopgap funding bill which is brought to the House floor by the gentleman from California.

Normally, if Congress fails to pass its appropriation bills, then it continues funding at the existing rate until Congress can get its act together. Instead, this bill does something quite different. It says that for the time period under the continuing resolution, we will be spending at the lower of either last year or the House-passed bill or the Senate-passed bill. That results in a number of, I think, extremely inequitable realities. It, for instance, means that we are effectively cutting \$800 million below last year and \$400 million below the President in the field of education. It means that we are cutting essential job training programs below last year and cutting job training formula grants by \$138 million.

In health care, it means that we are cutting maternal and child health care, and we are cutting rural health outreach programs. It means that we are cutting the Community Service Block Grant, a program which deals with the needs of the poorest people in this society by 50 percent. It means that we are eliminating the 10 percent increase that this House had planned for veterans health care. It means that we are cutting the FBI by \$616 million below the House-passed bill. It means that we are freezing low-income heating assistance at a time when the cost of home heating for low-income Americans is going to rise by 40 to 50 percent. But it leaves intact, it leaves intact the huge, supersize tax cuts for the top 1 percent of earners in this society, people who make more than \$400,000 a year.

And it leaves in place the President's edict, his unilateral edict in the wake of Hurricane Katrina, that the workers in the afflicted area who are trying to put that area back together are not even going to be allowed to get a decent prevailing wage that they would otherwise be guaranteed under Davis-Bacon. And yet while it is chiseling on the wages of those workers, it is saying to the persons who make over \$400,000 a year, on average you are going to get a \$32,000 tax cut.

Mr. Speaker, \$32,000 is a lot more than a lot of people in this country make in a year. A huge percentage of my district makes less than that \$32,000.

□ 1245

But we are going to give an average \$32,000 tax cut to the people in this society who need it least. The bill also assures the death of one part of the farm bill that was passed 3 years ago. It makes sure that the only major farm bill that is going to expire is the pro-

gram that is given some financial support to the smallest farmers in this country, the MILC program.

Now, the question is being asked in this town, "How are we going to pay for Hurricane Katrina?" In my judgment, Mr. Speaker, that is the wrong question. Katrina, no matter what the eventual cost is and it is going to be large. It is going to be somewhere between \$100 billion and \$200 billion, I expect. Let us say it is \$100 billion. That is a huge amount of money. But this economy is large enough to handle that because it is essentially a one-time bubble. Even though it will be spent out over the next 3 or 4 years, it is a one-time event, and this economy is always big enough to handle that.

But the right question to be asking is not how are we going to pay for Katrina? The right question is: "How are we going to be able to pay for the decisions already made by the Republican majority of this Congress and the White House to give away to the wealthiest people in this society, the top 1 percent, over \$1 trillion in tax cuts over the next decade?" We are going to give away, in tax cuts to the top 1 percent, ten times as much as Katrina is being estimated to cost. So the right question to ask is: "What are we going to do so that we can afford to pay for the Katrinas that come along and the Iraqi War, where we have a war of choice driven by a President who misled us into that war by giving us false and misleading information?"

So if the Members vote for this continuing resolution today, they are voting to keep those giant tax cuts in place. They are voting to do not one blessed thing to deal with the long-term fiscal impact that they have on the country and, yes, will be chiseling on some of the programs that I just mentioned.

Mr. Speaker, I am going to offer a motion to recommit, which does a number of things. I am going to offer a motion to recommit, which, number one, would provide that the funding levels in this bill be at the current rate rather than the three-headed rate spelled out by the gentleman, so that we do not, even for a month, cut back on what we are doing on job training or community service block grants or low-income heating assistance or other programs like that. Second, it will ask that we treat all farm programs the same. Third, it will restore Davis-Bacon prevailing wages. It will countermand the President's unilateral edict. And that is basically what I will be asking the House to do.

Under the rules of the House, as they have been jury-rigged, under the rule of the House, if a Member of the House lodges a point of order, this motion to recommit will not be allowed to obtain a vote. But if persons on the majority side of the aisle refrain from lodging a point of order, then the House would be allowed to vote on a measure which restores equity to the farm programs, on a measure which restores equity to

funding levels for all programs, and it would restore Davis-Bacon protections for workers as well. And it would also, I should add, instruct the Congress to come back with a change in the Tax Code so that we limit the size of the tax cuts for people who make over \$400,000 to the size received by persons in the top 5 percent of the economy. That means they still get at least a \$9,000 tax cut on average. That is not bad.

To those in the majority side of the aisle who say that we should not be doing that, I would say that does not surprise me because that represents the economic philosophy of the majority party. To those on the Democratic side of the aisle who might find it a little nerve-racking to vote to scale back tax cuts even for those well-off folks, my suggestion is if they cannot even stand up and do that, they might as well go and cross the aisle.

Mr. THOMAS. Mr. Speaker, I submit the following correspondence for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 29, 2005.

Hon. JERRY LEWIS,
Chairman, Committee on Appropriations,
Washington, DC.

DEAR CHAIRMAN LEWIS: I am writing concerning H.J. Res. 68, making continuing appropriations for the fiscal year 2006, and for other purposes, which is currently scheduled for floor consideration today.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning Medicare. There are two sections within the introduced resolution that are within the authorizing jurisdiction of the Committee on Ways and Means. Section 118 of the resolution allows the Social Security Administration to continue hearing Medicare appeals pending the transfer of that authority to the Department of Health and Human Services. Secondly, Section 121 extends for one year the availability of an appropriation provided to the Centers for Medicare and Medicaid Services and the Social Security Administration under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this resolution. This is being done because of the agreement reached by our respective committees' staff. An e-mail on this issue, sent by the committee, states, "We are happy to concede your jurisdiction in this matter, and included the language solely because of OMB's [Office of Management and Budget] request that we do so. We don't believe that it prejudices any future action on your part."

I will place a copy of this letter in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. OLVER. Mr. Speaker, in the wake of Hurricanes Katrina and Rita, our country has been made brutally aware that there in fact are two Americas that exist in this country. Recently released census data shows that in 2004, 37 million people were living in poverty. In addition, this data shows that 1 in 6 children were living in poverty. Yet despite the overwhelming evidence of growing poverty rates and recent images of evacuees unable to leave New Orleans due to their economic situation, this Congress is proposing drastic cuts to Community Service Block Grants funding.

CSBG gives funding to a vast array of programs, including senior citizen congregate meal sites, home delivered meals, transportation programs, job training programs, Head Start, energy crisis assistance, housing programs, education programs, and many other programs to address the needs of low-income families and individuals.

The 50 percent cut to CSBG in the Continuing Resolution would have a devastating effect on evacuees and on low-income individuals. At a time when our country has been severely impacted by natural disasters, it is extremely urgent that Congress maintain CSBG funding at its current level so that the delivery of much needed services to low-income people is not disrupted.

We have a responsibility to ensure that all Americans have an opportunity to share in America's prosperity. It is irresponsible that we approve a Continuing Resolution that cuts funding for CSBG by 50 percent below current funding levels when there is such an obvious need for the services that this funding provides.

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

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

The SPEAKER pro tempore (Mr. FOLEY). All time for debate has expired.

The joint resolution is considered read for amendment and pursuant to House Resolution 469, the previous question is ordered.

The question is on the engrossment 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.

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 joint resolution?

Mr. OBEY. I most certainly am, Mr. Speaker.

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

The Clerk read as follows:

MOTION TO RECOMMIT HOUSE JOINT RESOLUTION 68, MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2006

Mr. OBEY moves to recommit House Joint Resolution 68 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

On page 2, line 7, insert after "fiscal year 2005," "at a rate for operations not exceeding the current rate".

On page 2, line 8, strike "would be" and insert "was made".

On page 2, line 12, strike "2006" and insert "2005".

On page 2, after line 12, insert "(2) The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2005".

On page 2, line 13, strike "(2)" and insert "(3)".

On page 2, line 14, strike "2006" and insert "2005".

On page 2, after line 14, insert "(4) The District of Columbia Appropriations Act, 2005", and renumber the succeeding subsections of section 101 accordingly.

On page 2, line 16, strike "2006" and insert "2005".

On page 2, line 18, strike "2006" and all that follows through page 2, line 21, and insert "2005".

On page 2, line 23, strike "2006" and insert "2005".

On page 3, line 3, strike "2006" and insert "2005".

On page 3, line 4, strike "Quality" and all that follows through page 3, line 8, and insert "Construction Appropriations Act, 2005".

Strike page 3, line 9 through page 3, line 13.

On page 3, line 14, strike "Housing" and all that follows through "Columbia" on page 3, line 16.

On page 3, line 17, strike "2006" and all that follows through page 3, line 22 and insert "2005".

On page 3, after line 22, insert "(1) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005".

On page 3, line 23, strike "Whenever" and all that follows through page 6, line 6 and insert "The appropriations Acts listed in subsection (a) shall be deemed to include supplemental appropriations laws enacted during fiscal year 2005".

Strike page 9, line 9 and all that follows through page 9, line 21.

At the end of the joint resolution add the following new sections:

"SEC. . Amounts made available by this joint resolution that are related to amounts designated as emergency requirements in previous appropriations Acts, other than amounts to which section 131 applies, are hereby designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (95th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. . During fiscal year 2006, notwithstanding the proclamation by the President dated September 8, 2005 or any other proclamation issued pursuant to section 3147 of Title 40, United States Code, the provisions of subchapter IV (except section 3147) of chapter 31 of title 40, United States Code (and the provisions of all other related acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all federally-funded contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the jurisdictions affected by Hurricane Katrina and Hurricane Rita.

SEC. . Section 1502 (f) and (g)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2005".

SEC. . Section 201(b) of H. Con. Res. 95 (relating to revenue reconciliation in the House of Representatives) shall be applied as if "(1)" was inserted after "(b)" and the following new paragraph was added at the end:

(2) REDUCTION IN TAX CUTS FOR TAXPAYERS WITH INCOMES IN THE TOP 1 PERCENT OF THE POPULATION.—The Committee on Ways and Means shall also include in the reconciliation bill reported pursuant to paragraph (1) changes in tax laws to increase revenues by reducing or offsetting the tax reductions received during 2006 by the top 1 percent of taxpayers as a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth and Tax Relief Reconciliation Act of 2003 such that the average tax cut received by that class of taxpayers equals the average tax cut resulting from those Acts for the top 5 percent of taxpayers."

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Wisconsin is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, very briefly, section 1 of the motion to recommit would simply provide that we fund the programs covered under the continuing resolution at the current rate rather than at the lower of either the current rate of the House-passed or the Senate-passed bill. I have already explained the impact of that on program. Section 2 would simply repeal the President's edict that workers in the Katrina-affected region would not be subject to the protections of Davis-Bacon wage protections. Section 3 would simply guarantee that the MILC program remains in force for the same length of time as other titles of the farm bill. And section 4 would require a reduction in the size of the tax cuts for taxpayers with incomes of over \$400,000, as I just described in my previous remarks.

POINT OF ORDER

Mr. LEWIS of California. Mr. Speaker, I make a point of order under clause 7 of rule XVI. The instructions proposed in the motion to recommit range far beyond the subject matter of the joint resolution.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. OBEY. Mr. Speaker, if the rules required equity in legislation we brought to the floor, this amendment would be in order. Unfortunately, they do not; so I must reluctantly concede the point of order.

The SPEAKER pro tempore. The point of order is conceded and sustained. The motion is not in order.

The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. POMBO. 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 the bill, H.R. 3824.

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

There was no objection.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 470 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. 3824.

The Chair designates the gentleman from New York (Mr. SWEENEY) as chairman of the Committee of the Whole, and requests the gentleman from Idaho (Mr. SIMPSON) to assume the chair temporarily.

□ 1258

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. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes, with Mr. SIMPSON (Acting Chairman) in the Chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) each will control 45 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

We bring up today the Endangered Species Reform Act with the purpose of trying to deal with what some of the real issues are, what some of the real problems are that we have had and have developed over the last 30 years.

If one goes back and reads the original Endangered Species Act, it becomes difficult to be critical of specific language that is in it because the purpose of the Endangered Species Act was to, first of all, prevent species from becoming extinct but, more importantly, to recover those species. And as we look at what has happened over the intervening 30 years, we begin to realize just what problems are with the Act and the way it is being implemented today.

I came into this debate originally because I did not like the way that private property owners were treated under the implementation of the law. That became a big issue in my district and throughout much of the West. Private property owners felt threatened that they would lose their private property and that they could lose control and the ability to use their private property under the implementation of the law.

□ 1300

That became a big problem, and it is something that we began to work on, to try to have some kind of property rights protections in the law.

But the more I got into the Endangered Species Act, the more I realized the law was just not working in terms of recovering species. About 1,300 species have been listed under the Endangered Species Act. Of those 1,300, 10 have been removed because they were recovered. More species have been removed from the list because they became extinct than were recovered.

That less than 1 percent is a complete failure, so we began to really look at the law and see are species really doing better under the Endangered Species Act, and we came to the conclusion that they were not. About three-quarters of the species are either declining in population or the Fish and Wildlife Service has no idea. That is not a success.

When people talk about the act and its importance, they are right, it is important. It is something we all share in terms of preserving wildlife and preserving species. But when the law is not working, we have to respond to that and step in and reauthorize the bill, put the focus on recovery and protect private property owners.

As we have gone through this last several months, I have had the opportunity to work with the ranking member, the gentleman from West Virginia (Mr. RAHALL), and his staff; and I thank them for all of the work that they put into this bill to get us to this point. We worked extremely hard to try and find a compromise bill.

In the end, there were a few issues that we just disagreed on, there were issues we could not come to a conclusion on, but the vast majority of what is in the underlying bill was an agreement that we were able to work out and that I stand by. I believe it is good work, that it is something that is extremely important.

But I will say that, in the end, private property rights, the protection of those property owners, has to be in the final bill, because the only way this is going to work is if we bring in property owners to be part of the solution and be part of recovering those species.

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

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California and I have been working together for the last several months to try to find common ground on the amendments to the Endangered Species Act. As the chairman knows and many of my colleagues, I came to our discussions with the view that the ESA does not need amendment, that most of its problems could be fixed by additional appropriations or administrative changes that this administration is not willing to make.

Recognizing reality, I decided to enter into good-faith negotiations with