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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Lonnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington, offered the following prayer:

God of mercy, God of grace, pour out Your spirit upon those chosen to conduct the business of this great Nation in this legislative body.

We come to You, Lord, with deep reverence and confidence in Your power to sustain equality and justice for all through those who swore to uphold the Constitution of the United States of America.

We commend to Your care and guidance each member of the executive, legislative, and judicial branches of our government. Order their steps in Your word of truth that You may accomplish Your will.

Lord, we pray for those who have lost their lives from war or natural disaster. We pray for poverty-stricken lives all over this world. We pray for all families affected by life's calamities.

Lord, let freedom reign in the hearts and minds of our national leaders to bring about the ideology of the Founding Fathers: One Nation Under God.

Respectful of all faiths, I humbly ask this in the name of Jesus. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. WESTMORELAND) come forward and lead the House in the Pledge of Allegiance.

Mr. WESTMORELAND 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 REV. LONNIE MITCHELL, SR.

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

Mr. REICHERT. Madam Speaker, I rise today on behalf of Congresswoman CATHY McMORRIS in honor of Pastor Lonnie Mitchell, Sr. He has shepherded the people of Bethel AME Church in Spokane, Washington, for 14 years, overseeing numerous efforts to love and serve the people of Spokane. His church stands as a beacon in one of Spokane's neediest neighborhoods, truly striving to be a cathedral of love where everybody is somebody in Spokane and Jesus is the center of the attraction.

Under the direction of Pastor Mitchell, Bethel AME is changing the face of its surrounding community through many ministries, including the Richard Allen Youth Academy, the Richard Allen Apartments, Allen Enterprises, the GED education programs, the Neighborhood Networks Program, the Equal Justice Program, and others.

Pastor Mitchell and the Bethel AME family have recently stepped out again on a new mission to help the people of Spokane through the Emmanuel Family Life Center. This project will continue to help families and individuals receive the help they need to succeed and live freely.

In addition to being dedicated to his church family, Lonnie Mitchell is also a man devoted to his wife, Elisha, and his three children, L.J., ChaeAnna, and Camille.

Madam Speaker, I rise today to honor a man who is leading a church to reach out to those who need it most. I know Congresswoman McMORRIS is honored to have Pastor Mitchell in her home district and to know that he will always be laboring to help and love others in their community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain additional 1-minute speeches, up to 10 per side.

JOURNALIST NEAL PIERCE

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

Mr. BLUMENAUER. Last night, friends and colleagues gathered to honor 30 years of outstanding journalistic accomplishments of Neal Pierce, a founder of the National Journal, editor of the Congressional Quarterly, a prolific writer on public affairs, a syndicated columnist, and author of a dozen books.

His most important contribution has been his keen observations about State and local governments, especially about America's regions, our metropolitan areas that have been the location of the growth and cultural and economic progress that has made such an impact on America.

□ 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.



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He has not merely chronicled these developments. His insightful analysis has helped make communities better. That is the ultimate role of the journalist and is deeply appreciated by his many friends, admirers, and readers, to say nothing of millions of Americans who have benefited from his analysis. We thank you, Neal.

STEPHEN F. AUSTIN, FATHER OF TEXAS

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

Mr. POE. Madam Speaker, on this day 212 years ago, the Father of Texas, Stephen F. Austin, was born. Austin, only 27 years of age, organized, financed, and led the first legal colony of Americans to settle a portion of Mexico called Tejas, or Texas as we call it.

In 1822, 300 families entered Texas, this fantastic frontier on the plains of civilization. Although the settlers were loyal to Mexico, a new Mexican Government soon began abolishing the civil rights of the colonists, so Austin went to Mexico to voice concerns over the abuses, but he was imprisoned for over 2 years.

After finally being released, Austin and other Texans decided to go their own way. Texas declared independence from Mexico. Thousands of well-trained Mexican troops poured into Texas to stop the rebellion. The outnumbered Texas volunteers and settlers fought and died at the brutal battles of Goliad and the Alamo, but ultimate victory occurred at the battle of San Jacinto in 1836. Austin and others, like Crockett, Travis, Bowie, and Houston, finally won the day for freedom. Texas was free, a new nation, a new republic. The rest, they say, is Texas history.

MISPLACED PRIORITIES

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, on Wednesday of last week, the Education and the Workforce Committee, of which I am a member, passed the single largest cut to student aid in history.

By taking \$15 billion out of the Federal aid programs, the Republican leadership proved again that its agenda is replete with misplaced priorities. When we had the choice to lift up a generation of young Americans by helping them achieve the dream of a college education, we chose instead to give more comfort to the already very comfortable. Our differences are profound. It appears that so are our values and what we perceive to be America's priorities.

Future generations of Americans are entitled to a basic education, but they will not be able to afford it after we reconcile how to pay for the hurricane damage, the wars in Iraq and Afghani-

stan, and even two more tax cuts that have not yet begun to take effect and will not even benefit 97 percent of American families.

Madam Speaker, we cannot afford to hold sacred the tax cuts for the wealthiest Americans at the expense of the values, priorities, or needs of the middle class. Americans deserve better.

NEED FOR BUDGET RECONCILIATION

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

Mr. MCHENRY. Madam Speaker, I rise today to support our House Republican leadership and their pledge to control government spending through deficit reduction. We must restore fiscal discipline to the Federal Government, ensuring our children and grandchildren live in a society based on opportunity, not dependence on a bloated Federal bureaucracy swimming in greater debt.

It comes as no surprise to hear Democrats cry: raise taxes; spend more. I feel like Bill Murray in "Ground Hog Day," that great movie. Regardless of the day, regardless of the problem, Democrats have no new ideas, just crying: more taxes; more spending.

Higher taxes are a problem, not a solution, and always lead to larger, more intrusive governments, and larger budgets. As elected officials, Madam Speaker, we must make prudent decisions to reduce the deficit. I urge my colleagues to support deficit reduction and work constructively to control government spending.

REPUBLICAN BUDGET PRIORITIES

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

Mr. DEFAZIO. Well, the government is in a fiscal crisis. We are borrowing \$1.2 billion a day to run the government under the Bush administration and the Republican leadership. They have raised the national debt to \$8 trillion in 5 short years, but now they are newly born as fiscal conservatives, and they want to cut \$50 billion.

From where? Student loans, the school lunch and breakfast programs, those kids are eating too much, foster care and child support enforcement to help the deadbeat dads. They will, unfortunately, more than overspend their cuts to those struggling people and those good programs. They want \$70 billion of tax cuts, \$20 billion more added to the sea of red ink that is drowning America in tax cuts for, guess who, the wealthy because trickle-down is the highest form of achievement in Washington, D.C. these days. They want to bleed struggling Americans to float the yachts of the wealthy on a sea of red ink one more time while lying about what they are doing.

THE AMAZING AMERICAN ECONOMY

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

Mr. PRICE of Georgia. Madam Speaker, if you were to listen to many folks in this Chamber, you would think there was absolutely no good news to be heard anywhere. With the challenges this Nation has faced over the past couple of months, the economy ought to be in awful shape. Right?

Madam Speaker, there is news that you just will not see on the major television stations or read in the newspapers, the one success of our economy, the amazing American economy. The gross domestic product, the most clear measure of our economic activity, rose by 3.8 percent in the third quarter. That is an increase of 3.8 percent. That is in spite of Katrina and Rita and all the damage that they brought to our shores. The past 10 quarters have been phenomenal. That is 2½ years. Growth during that time has been greater than 3 percent in every quarter and more often more than 4 percent. That is good news.

And the deficit? Well, that has improved as well, decreasing nearly \$100 billion in the last fiscal year alone. That is good news.

Madam Speaker, Republicans have a plan to reform the government in order to achieve savings for the American people. I urge my colleagues to embrace the good news in our plan.

REGARDING IRANIAN PRESIDENT'S DISTURBING REMARKS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Madam Speaker, the world is much smaller today than it was; and when we particularly focus in on the Middle East, we need peace. However, I am deeply disturbed by the remarks of the new Iranian President, Mahmoud Ahmadinejad, when he was addressing 4,000 students, using the language of Ayatollah Khomeini, where he says and threatens: "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

Who is this guy? We cannot allow this kind of language to stand in this day and age. We must make sure that we condemn this kind of language and those kinds of acts. Here is a guy with a questionable background. Some of our hostages say that he is the individual who was there when they were held in Iran. The international community must come together and make sure that there are no nuclear reactors there. We must make sure that it is clear that we are going to stand by our friends and allies in Israel in this regards and that we are going to be the ones that are going to force peace to be in the Middle East and we are not going to have this kind of rhetoric language continuing. We cannot allow this

man with this questionable background to continue to go unchecked.

PRIVATE PROPERTY RIGHTS

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

Mr. WESTMORELAND. Madam Speaker, Republicans are moving forward to protect one of the most foundational rights we cherish, the right to own private property. One of our great former Presidents, John Adams, said: "Property is surely a right of mankind as real as liberty." The first Chief Justice of the United States Supreme Court said: "No power on Earth has a right to take our property from us without our consent."

We have seen our Supreme Court rule that property can be taken from one private owner and given to another. Republicans in Congress are taking action to fix this problem with legislation we will consider today on the House floor. Government should not and must not have the authority to take property away from private landowners for the sole sake of giving it to another private landowner.

Madam Speaker, I applaud the efforts of the majority in bringing forward this important legislation and look forward to supporting it on the floor this afternoon.

ADVANCE DIRECTIVES

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

Mr. GINGREY. Madam Speaker, I rise today in support of the 27th annual National Hospice and Palliative Care Month. This month health organizations all around the country will be educating individuals on what it means to have an advance directive, or living will. So today I am joining with these organizations to encourage everyone to take a moment and discuss with their loved ones what their wishes would be in a health care situation where they were unable to communicate them.

Madam Speaker, the term "advance directive" describes two types of legal documents that can enable you to plan for and communicate your end-of-life issues in the event you are unable to convey them yourself.

First, Madam Speaker, is a living will. It allows you to document your wishes concerning medical treatments at the end of life. The second is a medical power of attorney, or health care proxy, which allows you to appoint a person you trust as your health care agent. This person would be authorized to make medical decisions on your behalf.

Madam Speaker, living wills and medical powers of attorney are valuable tools to help communicate wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us.

In conclusion, I want to encourage all Americans to set aside time to have what may very well be one of the most important conversations that a family can have.

□ 1015

US VERSUS THEM

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

Mr. EMANUEL. Madam Speaker, an esteemed colleague recently said, it is much better to be us than to be them. He is probably right. It is better to be us than a middle-class family burdened with high energy costs, rising health care inflation and \$8 trillion in national debt. It is probably better to be a Republican Member of Congress than a college student whose loans are about to be cut, or a child who has lost their health care because of a Republican Congress.

After years of reckless spending, the Republican Congress has left the Nation \$3 trillion further in the hole.

But rather than going after corporate welfare, like the \$16.5 billion handouts to oil and gas companies, this Congress is about to cut \$50 billion from investments in middle-class families. They are eliminating nearly 40,000 children's nutritional programs. And while the average year of tuition at a State university is now \$15,000 a year, the Republican Congress is cutting student loan programs by \$14 billion. They are slashing \$12 billion from Medicaid, affecting nearly 20,000 children currently covered by the program.

For what? So the Republican Congress can cut taxes for the wealthiest 1 percent. There is no question, it is better to be a Republican Member of Congress than a middle-class family.

Madam Speaker, the American people deserve better. We can do better. We need a new set of priorities, a change in the status quo.

SUPPORT FOR THE WAR IN IRAQ

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

Mrs. BLACKBURN. Madam Speaker, night after night we watch the left come to the floor and beat the drums of retreat on the war on terrorism. They want us out of Iraq, they want us out of the Middle East, and they want us to end our aggressive war on terrorism.

I have to admit in my heart I would like to see the troops home, but my intellect tells me we cannot afford to leave our children a world in which Middle Eastern terrorists have free reign.

I want our troops to know that they have a grateful Nation behind them, regardless of what they may hear from some in this body. I want our Tennessee National Guardsmen, our Fort

Campbell families and, as we approach Veterans' Day, all of our Nation's patriotic veterans to know we appreciate their service and their commitment.

As of October 4, 2005, a total of 206,500 Iraqi security forces have been trained and equipped. That is progress, and the American people can be confident that progress is being made.

So do not believe the ranting of the left when they tell you all is lost, that hope is pointless and that we are losing. We are not.

EXPRESSING CONCERN ABOUT WAR IN IRAQ

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

Mr. MCGOVERN. Madam Speaker, I rise today to once again express my deep concern about this war in Iraq, which is a violent, endless quagmire. Those of us who dissent on this war support our troops. We honor our troops. We respect our troops. In fact, one of the things that we have tried to do is urge the other side of the aisle to provide budgets that actually support our troops when they come home.

It is shameful that our veterans' budgets get slashed each and every year. If Members of Congress are going to send young men and women over to Iraq to fight in this war, we had better make sure that when they come back they have the resources they need to get on with their lives.

We have lost 2,000 Americans in this war. There is no end in sight. There have been no weapons of mass destruction. There was no imminent threat. There was no nuclear threat. There was no tie to al Qaeda.

This war has nothing to do with the War on Terror. In fact, it has diverted important resources from the overall war on terror. We need to get our priorities straight. We need to focus on the war on terror. Let us end this war in Iraq.

HONORING PLAYERS, STAFF AND PARENTS OF COUNCIL ROCK-NEWTOWN LITTLE LEAGUE TEAM

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

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, it is my honor and privilege this week to host the players, staff and families of Bucks County, Pennsylvania's own Council Rock-Newtown Little League team to our Nation's Capital.

This past August, the CR-Newtown team defeated the Toms River American Little League team of Toms River, New Jersey, to qualify for a seat at the 59th Little League World Series. Their victory marked the first mid-Atlantic championship for Pennsylvania since 1960, and their 20 post-season victories

that led the team through the series has made Bucks County as well as Pennsylvania proud of their achievement.

I know that the team will remember this summer's season for the rest of their lives. They put their all into their sport, suffering injury and playing the underdog. Every one of the players on the team has done a wonderful job, and I am proud to acknowledge their achievement today.

Madam Speaker, I ask my colleagues to join me in congratulating them on their historic season.

AN OPPORTUNITY FOR APEC AND AMERICA

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

Mr. WILSON of South Carolina. Madam Speaker, next week, President Bush will attend the Asia-Pacific Economic Cooperation Forum in Pusan, Korea, with representatives from 21 other member governments. His attendance at this forum will highlight the significance of the APEC region, which now accounts for nearly 40 percent of the world's population, over half of world trade, approximately 60 percent of the world's gross domestic product and creates millions of American jobs.

By discussing his efforts to maintain a robust trade, security and global health agenda, President Bush will strengthen our valuable partnership with APEC countries.

As co-chair of the Mongolia Caucus, I am particularly proud that President Bush will be the first American President ever to visit the 800-year-old nation of Mongolia, a true ally in the global war on terrorism. Mongolia has troops courageously serving in Iraq and Afghanistan. The President's visit will be a fitting way to express our sincere appreciation for Mongolia's partnership for freedom.

In conclusion, God bless our troops, and we will never forget September 11.

IN SUPPORT OF JUDGE SAMUEL ALITO

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

Ms. FOXX. Madam Speaker, I rise today in support of President Bush's well-qualified Supreme Court nominee, Judge Samuel Alito.

Judge Alito has extensive experience in the American legal system. During nearly 30 years of public service, he has handled difficult and complex legal issues. He began his distinguished career with 15 years of service at the U.S. Department of Justice, where he served as an Assistant U.S. Attorney and Assistant to the Solicitor General.

Judge Alito has argued 12 Supreme Court cases and argued at least two

dozen court of appeals cases. After being unanimously confirmed by the Senate, Judge Alito served on the Third Circuit Court of Appeals for 15 years. He is widely respected for his fairness and even temperament.

Judge Alito is committed to the rule of law and understands the proper role of a judge in our society. His record as a Federal judge demonstrates that he strictly interprets the law and does not legislate from the bench or create new policies based on personal opinion.

Madam Speaker, Judge Alito has shown a deep commitment to justice and equality, a mastery of the law and strong personal character. I urge the Senate to study his record, hold fair hearings, and give him an up or down vote as soon as possible.

THE WAR IN IRAQ IS JUST

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

Mr. PENCE. Madam Speaker, it has been an extraordinary series of days: closed door sessions in the United States Senate, accusations and re-criminations by a former President of the United States.

President Jimmy Carter said in the last 24 hours that intelligence was "manipulated" in the runup to the war in Iraq. And yet, as the Wall Street Journal reports today, Madam Speaker, four separate independent investigations found otherwise.

Let me say from my heart, I was here the night we voted to give the President the authority to go to war, and it was a combination: Saddam Hussein's rejection of over a dozen United Nations resolutions, an appalling record on human rights, and the complete agreement of every intelligence service in the western world that he possessed weapons of mass destruction, a confidence that was derived from the fact that he not only had possessed them before, but Saddam Hussein had used weapons of mass destruction against his own people, killing thousands in the early 1990s.

There was no manipulation. The war in Iraq was just, is just, and the freedom of the teeming millions who established a constitutional republic 1 week ago supports that conclusion.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

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. 4128) to protect private property rights. 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 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 (Mrs. MILLER of Michigan). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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.

Madam Speaker, House Resolution 527 is a structured rule. It provides 90 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Agriculture.

It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. It makes in order only those amendments that are printed in the Rules

Committee report accompanying the resolution. It provides that the amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as 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 division of the question in the House or in the Committee of the Whole. This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in full support of House Resolution 527 and the underlying bill, H.R. 4128, the Private Property Rights Protection Act of 2005. I would like, first, to express my personal pleasure in seeing this important piece of legislation come before the House for consideration.

Since the Supreme Court's now infamous Kelo decision, homes and small businesses across the country have been placed in grave jeopardy and threatened by the government wrecking ball.

□ 1030

Madam Speaker, I also want to take this opportunity to commend Representative SENSENBRENNER, the distinguished chairman of the Judiciary Committee and the author of this legislation; Ranking Member CONYERS; Representative GOODLATTE, the chairman of the Agriculture Committee; and Ranking Member PETERSON not just for the underlying bill, but also for the thorough and expeditious way in which the committees have moved to legislatively address this Kelo decision.

With a margin of only one vote, a very divided Supreme Court struck down over two centuries' worth of precedent and constitutional protections for property owners across this great Nation. In response to the deplorable Kelo decision, this body passed House Resolution 340 that I proudly sponsored along with 78 other Members from both sides of the aisle; and on June 30, 2005, we passed this resolution by a wide margin of 365 to 33.

Madam Speaker, the very last subparagraph of House Resolution 340 states: "Congress maintains the prerogative and reserves the right to address, through legislation, any abuses of eminent domain by State and local government in light of the ruling in Kelo, et al v. The City of New London, et al."

Well, Madam Speaker, the day of reform is at hand, and this Congress has an excellent opportunity to set the record straight and to reaffirm the traditional meaning of the fifth amendment that guarantees no private property shall be taken except for public use and with just compensation.

Accordingly, H.R. 4128 will prohibit State and local governments from tak-

ing property from one private party and giving it to another private party. If a court determines that a State or a local government violates this prohibition, that State or local government will become ineligible for Federal economic development funds for a period of 2 years.

Nevertheless, any government found in violation of this provision will have an opportunity to restore fully the private property owner in order to preserve Federal economic development dollars; and by "fully," I mean completely restore to its original state prior to the government taking of this property. Additionally, this bill expressly prohibits the Federal Government from exercising its power of eminent domain for economic purposes. So not just the State and local governments, but the Federal Government, as well, is prohibited.

Madam Speaker, while the title of this bill, the Private Property Rights Protection Act, fits this legislation to a tee, one could also accurately call it the Private Property Rights Enhancement Act, for this bill will ensure that private property owners can take States and local governments to court in order to enforce the provisions of this act. And this bill also allows a prevailing property owner to recoup legal and expert fees for litigation involving the enforcement of this bill.

H.R. 4128 answers the call of almost every American and a diverse, expansive array of interest groups who have rallied against the Kelo decision and its judicial encroachment on our rights. Listen to these, Madam Speaker: the National Association For the Advancement of Colored People, the NAACP; the American Association of Retired Persons, AARP; the American Farm Bureau; and various religious groups that include the Becket Fund for Religious Liberty are just a few of the organizations who stood up in the face of Kelo to fight for the rights of the disadvantaged who might lose their home, business, or yes, even house of worship to some well-connected developer's sweetheart deal.

These organizations have stood up for the rights of rural America which grows our food and sustains our country. They have stood up for the rights of our houses of worship that should not have to fear because God does not pay enough in taxes. Madam Speaker, I am proud to say that today we in this House stand with them in defense of the private property rights of every American.

In closing, Madam Speaker, I want to again express my gratitude that this House has the opportunity to consider such a fundamentally important and fundamentally just piece of legislation. By a one-vote margin, the Kelo decision ripped from the Constitution the private property rights of the fifth amendment, and we are going to put them back. Madam Speaker, I look forward to the discussion of this rule, and I urge my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, today I rise in support of the underlying legislation.

H.R. 4128, the Private Property Rights Protection Act, demonstrates that a bipartisan, collaborative effort can produce sound legislation. This bill is directly aligned with H. Res. 340, a resolution passed by this House on a vote of 365 to 33, which expressed Congress's disapproval of the Supreme Court's decision in the case of Kelo v. The City of New London.

In taking the next step, H.R. 4128 contains appropriate measures to ensure the protection of private property and addresses the potential for abuse under the power of eminent domain. By providing effective deterrents to abuse, H.R. 4128 protects the constitutional and legal rights of private property owners.

The majority in the Kelo decision found that the City of New London, Connecticut, could condemn and take property as part of its economic revitalization plan. Essentially, this decision grossly expanded the use of eminent domain as granted by the fifth amendment.

Madam Speaker, this decision legitimized an abuse of the fifth amendment, specifically, the takings clause. According to the Constitution, the government's taking authority over land that is restricted for public use. Expanding the government's ability to strong-arm private property, not necessarily for public use, sets a troubling precedent.

Thankfully, H.R. 4128 discourages States and localities from exploiting eminent domain. Overall, this legislation will prohibit State and local governments from receiving Federal economic development funding should they use eminent domain to seize land for private economic development purposes. Federal funding will be lost for 2 fiscal years if a court determines that eminent domain was used improperly.

Madam Speaker, Congress, through its spending powers, is authorized to impose policies on State and local governments through appropriations of Federal funds. In the case of eminent domain abuse, it is the duty of Congress to intercede to protect the property rights of all Americans.

Protecting the constitutional rights of our citizens should continue to be on the forefront of our concerns. Economic development is clearly crucial for every community in this country, but economic development can and must be achieved without compromising our constitutional rights.

I believe that the Kelo case was wrongly decided. Eminent domain

must not grant State and local governments the power to take private property away from one and give it to another, all in the name of economic development. Economic development takings are not necessarily in the essence of public use and, therefore, do not constitute the use of eminent domain.

As Justice Sandra Day O'Connor wrote in her dissent in the case: "The specter of condemnation hangs over all property. Nothing is to prevent the States from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

Madam Speaker, as Members of Congress, we all took oaths to uphold and defend the Constitution. By supporting this bill, Members are fulfilling their constitutional obligations.

This bill, Madam Speaker, is not perfect; but it is needed and it is necessary. I am pleased that the Rules Committee made amendments by our colleagues, Congressman NADLER and Congressman WATT, in order. They and other Members have real concerns with this bill, and their perspectives deserve to be debated and deserve an up-or-down vote.

Madam Speaker, while I would prefer an open rule and I, quite frankly, cannot understand why we do not have an open rule here, the Rules Committee did make all the germane amendments in order, so we are not going to object to this rule.

I have no further speakers. I urge my colleagues on both sides of the aisle to support the underlying bill and to support the rule, and let us move on and get this thing done.

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

Mr. GINGREY. Madam Speaker, I will close the debate by again thanking both the Committees on the Judiciary and Agriculture for all the hard work in bringing this bill to the floor today. H.R. 4128 would restore the centuries-old protections guaranteed by the fifth amendment's takings clause. Property rights have been fundamental to the foundation of our society and have been one of the pillars that have supported our form of government and enabled our Constitution to endure the test of time. While it has only been 4 months since the Kelo decision, 4 months without these fifth amendment protections is 4 months too long; and one abuse of the eminent domain power is one abuse too many.

Therefore, Madam Speaker, following the passage in the House of Representatives today, I would encourage the other body to take up this legislation quickly and to pass it so that we can get it to the President's desk.

I also want to encourage all Members on both sides of the aisle to support this rule and the underlying bill. Let us get this done for the American people because it is simply the right thing to do.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the resolution.

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

Mr. GINGREY. Madam 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. WALSH. Madam 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 motion to instruct on H.R. 2528.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WALSH).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2528, be instructed to insist on the House level to support force protection activities in Iraq.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, let me say that this motion to instruct is, I think, fairly

straightforward and simple, although the context in which it is offered is certainly not.

What this motion attempts to do is simply insist that the \$50 million contained in the House bill, but not contained in the Senate bill, for the purpose of retrofitting existing facilities and constructing special overhead cover devices to protect soldiers in bases throughout Iraq, is maintained.

□ 1045

That overhead cover system would provide protection from artillery, rocket-propelled grenades and missile attack up to and including 122 millimeter rockets. That is virtually exactly what this does.

But let me, in the context of offering this proposal, make a few observations. Even if this motion is adopted, and I would certainly expect that it would be, I think that we still must face the fact that our troops will not be adequately protected, nor will American citizens abroad be adequately protected so long as our Government is still taking actions which discredit this Nation and this Congress is continuing to neglect its oversight responsibilities with respect to those actions.

Let me give three examples. In 2003, it came to the Nation's attention that the Secretary of Defense had established an operation known as the Office of Special Programs, the primary purpose of which was to vet intelligence and advise Pentagon leadership and the White House on plans for invading Iraq. That office was staffed by a select group handpicked by then Under Secretary of Defense Douglas Feith and Deputy Secretary Wolfowitz.

It was charged with developing the rationale for invading Iraq, and it was created out of a frustration on the part of the Vice President and the Secretary of Defense and their allies within the administration, their frustration that the normal intelligence operations in our Government were not being "sufficiently forward leaning," as the Secretary of Defense put it, in finding weapons of mass destruction and in building a case for going to war in Iraq.

The problem is that that office was established to provide information outside of the normal channels, and it was even designed to go around the Department of Defense's own intelligence operation unit.

The problem with that Office of Special Programs is that it relied on so-called intelligence from like-minded true believers, primarily Ahmad Chalabi and his allies in Iraq.

At the time, we asked that the Surveys and Investigations staff of the Appropriations Committee look into this matter and determine what the facts were surrounding the creation of this operation. We obtained some support from the majority party but not sufficient support under the rules of the House in order to allow that surveys and investigation study to proceed, and so it never took place.

Second, earlier this year, the committee became aware of intelligence actions that the Department of Defense was taking, actions of an under-the-table nature, which a number of us felt were highly inappropriate and highly dangerous, classified activities which cannot be discussed in public.

We tried to offer language to assure that in the future such actions would not be undertaken without proper notification to the Congress and to this committee. The fact is that when I offered language to try to do that, I received a phone call from Andy Card, the President's Staff Chief, and in that phone call he told me that if I would withdraw that language he would assure me that this matter would be worked out to the satisfaction of both the executive and legislative branches.

In fact, while we have made some small progress in reaching an understanding on this matter, there are still two very important issues that have not been resolved, that the administration has not agreed to, and they are key issues, including whether or not this Congress will be informed of those activities in a timely fashion so that the information provided to the Congress is, in fact, meaningful.

We are still being stonewalled on that matter, and the Congress still, in my view, has not lived up to its overarching responsibilities on that matter.

Now, yesterday, we see in the Washington Post a story which says CIA holds terror suspects in secret prisons. It notes that close to \$100 million evidently was spent to establish these secret compounds at which detainees were evidently subjected to torture-related activities, including water-boarding, and yet we are told that not a single member of the Appropriations Committee and not a single member of the staff have been told by the CIA that that had been going on.

This committee has an obligation to protect the power of the purse. In my view, until we take action on this matter, we stand vulnerable to the justifiable charge that Congress is ignoring its responsibilities to protect taxpayers' money and to protect the reputation of the United States internationally; And when we do that, we put at risk the very troops that we are trying to protect through this motion this morning.

Madam Speaker, I would hope that this language would be supported by the majority. But I would also hope that this Congress understands that even if it is, we are failing our fundamental responsibility to the American taxpayer if we do not exercise considerably more vigorously than we have up to date our responsibilities to see to it that matters related to Iraq are being handled in a manner which makes certain that the Congress knows what is going on, and gives the Congress an opportunity to try to make certain that what is going on is consistent with American values.

That certainly is not the case when we see these kinds of horrific headlines

in the paper, and I would associate myself with the remarks contained in the editorial in the Washington Post this morning.

Mr. Speaker, I include in the RECORD at this point the editorial which makes clear that Congress has not in any way, shape or form lived up to its responsibilities, and, in my view, they have enabled the administration to continue to cover up its activities with respect to Iraq, its activities with respect to manipulating intelligence, its activities with respect to allowing agencies to engage in conduct not at all consistent with American values or American interests.

[From the Washington Post, Nov. 3, 2005]

REBELLION AGAINST ABUSE

Last month a prisoner at the Guantanamo Bay military base excused himself from a conversation with his lawyer and stepped into a cell, where he slashed his arm and hung himself. This desperate attempted suicide by a detainee held for four years without charge, trial or any clear prospect of release was not isolated. At least 131 Guantanamo inmates began a hunger strike on Aug. 8 to protest their indefinite confinement, and more than two dozen are being kept alive only by force-feeding. No wonder Defense Secretary Donald H. Rumsfeld has denied permission to U.N. human rights investigators to meet with detainees at Guantanamo: Their accounts would surely add to the discredit the United States has earned for its lawless treatment of foreign prisoners.

Guantanamo, however, is not the worst problem. As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons, into which 100 or more terrorist suspects have "disappeared" as if they were victims of a Third World dictatorship. Some of the 30 most important prisoners are being held in secret facilities in Eastern European countries—which should shame democratic governments that only recently dismantled Soviet-era secret police apparatuses. Held in dark underground cells, the prisoners have no legal rights, no visitors from outside the CIA and no checks on their treatment, even by the International Red Cross. President Bush has authorized interrogators to subject these men to "cruel, inhuman and degrading" treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

This shameful situation is the direct result of Mr. Bush's decision in February 2002 to set aside the Geneva Conventions as well as standing U.S. regulations for the handling of detainees. Under the Geneva Conventions, al Qaeda militants could have been denied prisoner-of-war status and held indefinitely; they could have been interrogated and tried, either in U.S. courts or under the military system of justice. At the same time they would have been protected by Geneva from torture and other cruel treatment. Had Mr. Bush followed that course, the abuse scandals at Guantanamo Bay and in Afghanistan and Iraq, and the severe damage they have caused to the United States, could have been averted. Key authors of the Sept. 11, 2001, attacks, such as Khalid Sheikh Mohammed and Ramzi Binalshibh, could have been put on trial, with their crimes exposed to the world.

Instead, not a single al Qaeda leader has been prosecuted in the past four years. The Pentagon's system of hearings on the status of Guantanamo detainees, introduced only after a unanimous ruling by the Supreme

Court, has no way of resolving the long-term status of most detainees. The CIA has no long-term plan for its secret prisoners, whom one agency official described as "a horrible burden."

For some time a revolt against this disastrous policy has been gathering steam inside the administration and in the Senate; it is led by senators such as John McCain (R-Ariz.) and by the same military officers and State Department officials who opposed Mr. Bush's decision to disregard the Geneva accords. Their opponents are a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney. According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon's official doctrine for handling detainees. Mr. McCain is seeking to ban "cruel, inhuman and degrading" treatment for all detainees held by the United States, including those in the CIA's secret prisons.

There is no more important issue before the country or Congress. Yet the advocates of decency and common sense seem to have meager support from the Democratic Party. Senate Democrats staged a legislative stunt on Tuesday intended to reopen—once again—the debate on prewar intelligence about Iraq. They have taken no such dramatic stand against the CIA's abuses of foreign prisoners; on a conference committee considering Mr. McCain's amendment, Democratic support has been faltering. While Democrats grandstand about a war debate that took place three years ago; the Bush administration's champions of torture are quietly working to preserve policies whose reversal ought to be an urgent priority.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, addressing the substance of this motion, the House included \$50 million in the military quality of life bill for overhead cover systems to support force protection in Iraq. This money provides additional construction funds for protecting soldiers from indirect fire attacks, such as mortars and rockets.

This funding, along with funding that was included in the supplemental bill passed earlier this year for the same purpose, provides the amount the Department of Defense says is needed for these activities.

Unfortunately, the other body did not see fit to include these funds. We still believe additional money is necessary, and we will go into conference supporting the House position.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise to support my colleague from Wisconsin in his effort to shed some light on a large array of questions that are before us.

This cover-up theme of the cover-up Congress is so pervasive, and it is not just in this body, it seems to be in the other body. The other body in fact recently took some rather extreme parliamentary measures to force the issue, and some called it a gimmick. But it seemed to be the only way to break

through this cover-up, to get answers to questions that we have in our oversight role in the U.S. Congress, to provide a balance of power, to be able to serve the American people as we need to do.

I, for example, have introduced resolutions requesting information about the disclosure of identities of covert agents; and eight times in eight votes here in the House of Representatives those resolutions have been turned down in various committees. Eight times in eight separate votes in various committees, these efforts to get the information that we need in order to exert the oversight, to protect the men and women that we have asked to do dangerous jobs around the world.

Of course, some things clearly have to be kept quiet for the sake of the safety and effectiveness of our troops overseas and so forth. But Congress has a very important oversight role under the Constitution; and in order to exert that role, we need information.

I applaud the gentleman for doing all that he does to try to break through this cover-up theme.

Mr. WALSH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member on the Government Reform Committee.

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

Mr. Speaker, my colleagues, one of the most important jobs for Congress is not just to pass laws but to see how the laws are working. We need to do oversight and to have investigations. The Constitution envisioned we would do this when they had us as a separate branch, and this is a way to provide the checks and balances that our Government was supposed to have in order to avoid the concentration of power in any one branch of Government.

We have an executive branch that wants to act as secretly as possible. They do not want openness. They do not want transparency. They do not even want to hear alternative points of view.

I believe that the President of the United States surrounds himself with people who tell him exactly what he wants to hear, and the Republicans who run the Congress are abetting that. They are helping him avoid getting a full discussion of the issues when Congress does not pursue oversight and investigations.

Now there are many things that this Congress has failed to do. They have failed to look at the manipulation of intelligence by the President and others working for him in the prelude to the war. We have not had any hearings on that.

They have failed to look at the issues of how we are spending the taxpayers' money on some of these contracts in Iraq, for Katrina and others. They really are not doing the diligent job that needs to be done.

□ 1100

The Congress of the United States has even refused to look at and find out why we were not given information from the executive branch about the costs of the Medicaid prescription drug bill. A civil service actuary in the administration was prohibited from giving Congress that information. You would think that Democrats and Republicans would be outraged. Yet the Republicans who run the Congress refuse to hold hearings on this.

Oversight is very important, and it stands today in stark contrast to the way they are behaving with the way the Republicans handled oversight when President Clinton was in power. There was not an accusation too small for them to ignore. They ran and called hearings. They issued subpoenas. They brought people into a private room to take depositions. The Congress of the United States held more days, I believe it was over a week of public hearings, on whether President Clinton misused his Christmas card list for political purpose. Yet we cannot get them to hold a hearing on the manipulation of intelligence to get us into a war.

I think that when a Congress does not do its oversight, in effect what they are doing is covering things up. They are not letting the American people know what its government is doing. This is not the government of the Republican Party. This is not the government of President Clinton. It is a government that belongs to the people of the United States, and our democracy cannot work if there is no accountability and transparency.

We have never heard of anyone in this administration fired for doing a poor job. In fact, if they do a poor enough job, they get elevated. They even get a Medal of Freedom award. No one was fired, no one was held accountable for the failure to have accurate intelligence before we went into the war. No one has been fired for anything that is been done improperly by this administration. It is as if it did not happen.

I think the Republicans believe if you do not have oversight, no one knows about the problem; therefore, the problem never existed. Well, I think it is wrong. We have a responsibility and it is time that we speak out loudly and clearly to insist that the Congress of the United States live up to that responsibility.

Mr. Speaker, I support the motion of the gentleman.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, a moment ago I cited the Washington Post editorial which appeared in the paper today. I would like to read just a portion of that editorial. The editorial reads as follows:

"As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons into which 100 or more terrorist suspects have 'disappeared' as if they were victims of a Third World dictatorship."

When I see references to the disappeared, my mind goes back to Presi-

dent Pinochet in Chile and the "Disappeared" under his regime. And I wonder whether or not many Americans and many Members of this Congress are comfortable with our White House being tossed into the same terminology, into the same basket as the outrageous conduct of the Chilean Government a number of years ago.

The editorial goes on to say that under the policies of the CIA with respect to these institutions "prisoners have no legal rights, no visitors from outside the CIA, and no checks on their treatment, even by the International Red Cross. . . . President Bush has authorized interrogators to subject these men to 'cruel, inhumane and degrading' treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws."

It then goes on to point out that despite all of this, "not a single al Qaeda leader has been prosecuted in the last 4 years." It then goes on to say "the CIA has no long-term plans for its secret prisoners whom one agency official described as 'a horrible burden.'"

Then it notes that a congressional rebellion against this kind of activity is being led in the Senate by Senator McCain and that his main opponents are "a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney."

The editorial then goes on to say, "According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon official doctrine for handling detainees. Mr. McCain is seeking to ban cruel, inhumane and degrading treatment for all detainees held by the United States, including those in the CIA secret prisons."

So I would submit, Mr. Speaker, that in addition to passing this motion today, this House needs to stand as one; every single Member of this House ought to be willing to support the retention of the McCain amendment on the defense appropriations bill. And I would hope that we would see this House finally face up to its obligations on that score.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend for yielding. I rise in support of the motion.

Mr. Speaker, I left the Armed Services Committee hearing a moment ago and I heard Command Sergeant Major Citola in a very eloquent discussion of the troops in Iraq say that we are a Nation of laws. It was heartening to hear that. Then the report from The Washington Post to which the gentleman from Wisconsin refers is a dagger in that thought.

Our men and women in uniform are serving with tremendous distinction around the world in Iraq, Afghanistan, the Horn of Africa, Korea, Germany, and many other places; and they deserve the best protection and support we can give them.

We in Congress are tasked with ensuring these troops and our veterans have all they need. They deserve the very best. Part of our job comes in providing them with the best equipment, training, and benefits. Another part is providing oversight of the policies of the administration. One of the questions that I had earlier was when the Armed Services Committee did not adopt a subcommittee on oversight or investigations.

Hearken back to the days when the Chairman of the Joint Chiefs of Staff, David Jones, raised the issue that the Joint Chiefs of Staff is not working well and that there is a lack of jointness within our military. It was the committee on investigations under the gentleman from Alabama, Bill Nichols, that worked for some 4 years and came up with the landmark law that we now call Goldwater-Nichols. That was oversight.

By oversight, we must ensure that our military forces are employed appropriately; when there are problems, that they are investigated fairly and properly, as they were in Chairman Nichols' work.

I have supported calls for more vigorous investigations of the failure in prewar intelligence on weapons of mass destruction and for a likely post-war situation in Iraq. I have also supported a Truman-like commission to look at contracting problems in Iraq. Unfortunately, those efforts have not been undertaken; and they, sadly, fell on deaf ears.

In my own Armed Services Committee there have been many efforts that have been undertaken in a bipartisan manner. This is good. A noble example is our joint effort to ensure that more up-armored Humvees and other force protection equipment reached the field despite the failure to plan adequately for their needs. That is a very positive step we did. Yet even in our committee, we need to do better when it comes to oversight in key areas of our policy relating to Iraq and the war on terror. Notably, I feel there must be additional policy and additional oversight of our treatment of detainees in theaters around the world.

The question I have, Mr. Speaker, in regard to the article to which the gentleman from Wisconsin refers, was there any connection between what the allegations are by the CIA and the Department of Defense or anyone therein. That, I think, is a matter of oversight and one that we need to at least have a briefing or a hearing thereon.

Increased oversight will allow us both to understand the systematic causes of these cases of abuse, the right solutions to be enacted into law. That is our job. The Constitution charges

the Congress with raising and maintaining the military; and you cannot raise and maintain unless you oversight, unless you understand the problems that we can cure by law. That is our job. And I think we could do a much, much better job.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in keeping with the spirit of this motion to instruct, the purpose of which is to protect American troops, I want to simply say that no matter how hard we try, we are going to have a difficult time doing that unless we change some unpleasant facts on the ground in Iraq. When more than 80 percent of Iraqis tell pollsters that they want America to leave their country, when almost one-half of Iraqis respond to pollsters by saying that they believe that terrorist attacks on U.S. troop are justified, we have a serious problem.

In my view, we are not going to be able to turn that around until we make clear that our policies are consistent with our interests and our professed values. We need to get to the bottom of how we got into Iraq and how we are conducting this operation in Iraq now. We need to get to the bottom of that. We need to determine who is responsible for some of the stories that we have seen in the papers the past few days; and if we do not do that, we are going to continue to invite the kind of negative opinion around the world that is plaguing our ability to succeed in Iraq. I would hope that this House would recognize that responsibility.

Mr. WALSH. Mr. Speaker, as I stated at the outset, we believe that the House position to provide an additional \$50 million in the Military Quality of Life Subcommittee appropriations bill to provide additional overhead cover system is essential. And we would go into the conference hoping that the Senate would see the wisdom of what the House has done and retain the House position.

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

□ 1115

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding and for his leadership on this issue.

I am pleased to join the gentleman from Missouri (Mr. SKELTON) in saluting our troops. Wherever they are serving, at home or abroad, we owe them a deep debt of gratitude for their courage, for their patriotism, for the sacrifices they are willing to make for our country. We are very, very proud of them, and when they come home, we want to honor their service by giving them what they need as veterans, and those needs will be large.

Mr. Speaker, I strongly support the motion to instruct offered by the gen-

tleman from Wisconsin (Mr. OBEY). We must provide those we send in to fight in Iraq with everything they need to serve, to keep them safe and so that they can return as safe as possible.

It is tragic that more than 2½ years after the invasion of Iraq, that long a time, we are still encountering such appalling needs in the area of force protection. History will not treat kindly those who embarked on a war of choice without making sure that our troops were properly equipped. Not enough body armor, not enough jammers for protection against explosive devices, not enough armored vehicles, not enough overhead cover systems, the list goes on and on.

Once again, Congress must deal with the consequences of the Bush administration's bad planning. We have had to do it before in the appropriations bills, and we are doing it here today with the gentleman from Wisconsin's motion to instruct.

Congress has a responsibility to find out why so many things about Iraq have gone so terribly wrong. This Republican cover-up Congress has never lived up to the oversight responsibility to ask the questions.

One of the essential elements of the force protection, for example, is good intelligence. Our Nation spends billions of dollars each year on intelligence programs and activities, and when they do not produce timely and reliable intelligence, we make the American people less safe, and Congress has a duty to find out why.

The intelligence used as the justification for the administration's decision to go into war in Iraq was wrong. That Iraq possessed weapons of mass destruction, that was wrong. I said at the time that the intelligence did not support the threat that the administration was describing, but, nonetheless, the intelligence that they were using was wrong.

Given the enormous consequences of that decision, more than 2,000 American soldiers have been killed; more than 15,000 wounded, many of them permanently; more than a quarter of a trillion dollars spent; and enormous damage done to the reputation of the United States in the eyes of the world. The cost of lives and limbs and taxpayer dollars and reputation is enormous.

Congress has an obligation to identify and correct the problems that led to the production of false intelligence. Our troops are at risk until that is done; and yet, as we address other force protection issues, there is no sense of urgency to undertake a thorough review of what went wrong with the intelligence. Neither the issue of the quality of the intelligence nor the equally important issue of whether intelligence was politicized have been investigated by this Congress.

That is why shortly I will offer the House a chance to do more for force protection than provide the \$50 million in this motion to instruct, as important as that money is.

Democrats have continually asked for investigation of pre-war intelligence, and those requests have been repeatedly denied. The same is true for requests to investigate the other matters related to the war in Iraq: The prison abuse scandals, the no-bid Halliburton reconstruction contracts, the misuse of classified information to discredit administration critics.

Each of these matters has national security implications that need to be examined, particularly on the issue of going to war and the conduct of war. Congress has an obligation to make sure that decisions were made properly and that these decisions are based on truth and trust.

Until the Congress examines fully issues like whether intelligence was politicized, we have failed in a fundamental way to protect our troops and maintain a level of trust with the American people.

I urge the House to support both the Obey motion to instruct and my subsequent resolution on Iraq.

The SPEAKER pro tempore (Mr. GINGREY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

QUESTION OF PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, because the Republican-led Congress has not conducted any investigations of abuses by the Republican administration's decision to go to war in Iraq, and because the over 2,000 American soldiers have lost their lives and more than 15,000 have been wounded, therefore, pursuant to rule IX, I rise in regard to a question of privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution. The Clerk read the resolution, as follows:

PRIVILEGED RESOLUTION ON IRAQ

Whereas the war in Iraq has resulted in the loss of over 2,000 American lives and more than 15,000 wounded soldiers, and has cost the American people \$190 billion dollars;

Whereas the basis for going to war was Iraq's alleged possession of weapons of mass destruction (WMD) and the President made a series of misleading statements regarding threats posed by Iraq, but no weapons of mass destruction have been found;

Whereas the Republican Leadership and Committee Chairmen have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes;

Whereas the Vice President's Chief of Staff Lewis Libby has been indicted on five counts of perjury, obstruction of justice, and making false statements in connection with the disclosure of the identity of a CIA operative, and that disclosure was part of a pattern of Administration efforts to discredit critics of the Iraq war;

Whereas four separate requests to hold hearings on the disclosure of the CIA operative were denied in the Government Reform Committee, and Resolutions of Inquiry were rejected in the Intelligence, Judiciary, Armed Services, and International Relations Committees;

Whereas the American people have spent \$20.9 billion dollars to rebuild Iraq with much of the money squandered on no-bid contracts for Halliburton and other favored contractors;

Whereas Halliburton received a sole-source contract worth \$7 billion to implement the restoration of Iraq's oil infrastructure, and a senior Army Corps of Engineers official wrote that the sole-source contract was "co-ordinated with the Vice President's office";

Whereas despite these revelations, on July 22, 2004 the Republican controlled Government Reform Committee voted to reject a subpoena by Democratic Members appropriately seeking information on communications of the Vice President's office on awarding contracts to Halliburton;

Whereas prisoner abuses at Abu Ghraib prison in Iraq, Guantanamo, and Afghanistan have seriously damaged the reputation of the United States, and increased the danger to U.S. personnel serving in Iraq and abroad;

Whereas the Republican Leadership and Committee Chairmen have denied requests for hearings, defeated resolutions of inquiry for information, and failed to aggressively pursue serious allegations, including how far up the chain of command the responsibility lies for the treatment of detainees;

Whereas the oversight of decisions and actions of other branches of government is an established and fundamental responsibility of Congress;

Whereas the Republican Leadership and the Chairmen of the committees of jurisdiction have failed to undertake meaningful, substantive investigations of any of the abuses pertaining to the Iraq war, including the manipulation of pre-war intelligence, the public release of a covert operative's name, the role of the Vice President in Iraqi reconstruction, and the Abu Ghraib prisoner abuse scandal: Therefore be it

Resolved, That the House calls upon the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demands they conduct a thorough investigation of abuses relating to the Iraq War, and condemns their refusal to conduct oversight of an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedent.

The SPEAKER pro tempore. Does the minority leader wish to offer argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Ms. PELOSI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized.

Ms. PELOSI. Mr. Speaker, I do not hear an objection to my motion.

The SPEAKER pro tempore. The gentlewoman is recognized to offer argument on whether the resolution is privileged.

Ms. PELOSI. Mr. Speaker, I will reiterate some of what I said in the motion to instruct.

For the past 2½ years since our country has gone to war, we have paid a big price for a bad policy based on faulty intelligence which was wrong, based on

a false premise without proper planning and putting our young people at risk. In that period of time, that 2½ years, over 2,000 Americans have lost their lives. Every single one of them is precious to us, but, as the toll mounts, the grief does as well. Over 15,000 of our young people have lost their limbs, 15,000 have been injured, many of them permanently, many with loss of limb and sight, at a cost of over \$250 billion, a quarter of a trillion dollars, to the taxpayer and just endless cost to our reputation in the world.

I think it begs the question, are we safer in America because of this war? What is this war doing to the preparedness of our troops? I think that the answer to both of those is negative, and I think it calls for an examination of what the intelligence was to get us there in the first place. Was it manipulated? Why was there no plan for us to go into Iraq, a post-war plan for after the fall of Iraq, as well as an exit strategy?

The American people love freedom for ourselves and for people throughout the world, but we have to examine what the cost of this war is and why even the Republican Department of Defense has said—

Mr. YOUNG of Alaska. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair must ask the distinguished minority leader to confine her comments to the rule IX question.

Ms. PELOSI. Mr. Speaker, I thought there was no objection and that we were just speaking on the resolution. Is that a mistake? My impression from what you said when you yielded to me was that there was no objection, and did I wish to speak on the motion.

The SPEAKER pro tempore. The minority leader was recognized on the question of whether or not her resolution presents a question of the privileges of the House.

Ms. PELOSI. Mr. Speaker, then I will just conclude by saying, can the Chair please explain why it is not in order to discuss on the floor of this House, of this great democratic institution, a situation where our young people are in harm's way, the death toll mounts, the injuries mount, the cost to the taxpayer mounts, the cost to our reputation mounts, and we have a cover-up Congress that will not investigate, will not ask any questions about the intelligence which was wrong, which got us into war in the first place and the lack of a plan providing for our troops, what they need to serve and to come home safely and soon? Why is that not in order on the floor of the House?

The SPEAKER pro tempore. The question is not whether such a debate is in order but whether the resolution is a question of privilege.

Under rule IX, questions of the privileges of the House are those "affecting the rights of the House collectively, its safety, its dignity [or] the integrity of its proceedings." A question of the privileges of the House may not be invoked to effect an interpretation of the

rules of the House, or to prescribe an order of business for the House, or to establish a norm for the conduct of business by the House or its committees.

In some circumstances, the manner in which business is conducted might properly be arraigned by a question of the privileges of the House. But the Chair must maintain a distinction between, for example, an allegation of willful malfeasance by a Member, officer, employee, or committee of the House, on one hand, and an allegation that a Member, officer, employee, or committee of the House failed to follow a course of action that the proponent of the resolution or others consider advisable.

As Speaker pro tempore Cox noted in the decision of September 20, 1888 (which is recorded in Hinds' Precedents at volume 3, section 2601), there need be an allegation of, at least, impropriety.

□ 1130

The Chair must hold that the resolution offered by the distinguished minority leader does not affect the rights of the House collectively, its safety, its dignity, or the integrity of its proceedings within the meaning of rule IX. As such, the resolution does not constitute a question of privilege.

Mr. OBEY. Mr. Speaker, I must confess I am confused about where we are at this point. I thought I heard the Speaker—

The SPEAKER pro tempore (Mr. GINGREY). The gentleman is not recognized for debate.

Ms. PELOSI. Mr. Speaker, is it not appropriate for a Member to speak on a point of order? Is it not appropriate for the gentleman from Wisconsin to be able to speak on a point of order that was lodged by the other side?

The SPEAKER pro tempore. The Chair has ruled. The question of order has already been disposed of.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. OBEY. Mr. Speaker, I thought I just heard you indicate that for the motion to be in order one of the questions that might have to be present was the question of the dignity of the House. When we are told that \$100 million of taxpayers' money has been slipped into an appropriation bill for an illegal purpose, is that not, in fact, a challenge to the dignity of the House?

The SPEAKER pro tempore. That is not an appropriate parliamentary inquiry at this stage.

Ms. PELOSI. Mr. Speaker, I think it brings shame to the House for this Congress to be engaged in a cover-up when it comes to reviewing what is happening in Iraq, and 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. WALSH

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

The SPEAKER pro tempore. The question is on the motion that the appeal be laid on the table.

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

Ms. PELOSI. 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, this 15-minute vote on the motion to table will be followed by a 5-minute vote on adoption of House Resolution 527.

The vote was taken by electronic device, and there were—yeas 220, nays 191, not voting 22, as follows:

[Roll No. 562]

YEAS—220

Aderholt	Garrett (NJ)	Moran (KS)
Akin	Gerlach	Murphy
Alexander	Gibbons	Musgrave
Bachus	Gilchrest	Myrick
Baker	Gillmor	Neugebauer
Barrett (SC)	Gingrey	Ney
Bartlett (MD)	Gohmert	Northup
Barton (TX)	Goode	Nunes
Bass	Goodlatte	Nussle
Beauprez	Granger	Osborne
Biggert	Graves	Otter
Bilirakis	Green (WI)	Oxley
Blackburn	Gutknecht	Paul
Blunt	Harris	Pearce
Boehlert	Hart	Pence
Boehner	Hastings (WA)	Peterson (PA)
Bonilla	Hayes	Petri
Bonner	Hayworth	Pickering
Bono	Hefley	Pitts
Boozman	Hensarling	Platts
Boustany	Herger	Poe
Bradley (NH)	Hobson	Porter
Brady (TX)	Hoekstra	Price (GA)
Brown (SC)	Hostettler	Pryce (OH)
Burgess	Hulshof	Putnam
Burton (IN)	Hunter	Radanovich
Buyer	Hyde	Ramstad
Calvert	Inglis (SC)	Regula
Camp	Issa	Rehberg
Cannon	Jenkins	Reichert
Cantor	Jindal	Renzi
Capito	Johnson (CT)	Reynolds
Carter	Johnson (IL)	Rogers (AL)
Castle	Johnson, Sam	Rogers (KY)
Chocola	Jones (NC)	Rogers (MI)
Coble	Keller	Rohrabacher
Cole (OK)	Kelly	Ros-Lehtinen
Conaway	Kennedy (MN)	Royce
Crenshaw	King (IA)	Ryan (WI)
Cubin	Kingston	Ryun (KS)
Culberson	Kirk	Saxton
Cunningham	Kline	Schmidt
Davis (KY)	Knollenberg	Schwarz (MI)
Davis, Jo Ann	Kolbe	Sensenbrenner
Davis, Tom	Kuhl (NY)	Sessions
Deal (GA)	LaHood	Shadegg
DeLay	Latham	Shaw
Dent	LaTourette	Shays
Diaz-Balart, L.	Leach	Sherwood
Diaz-Balart, M.	Lewis (CA)	Shimkus
Doolittle	Lewis (KY)	Shuster
Drake	Linder	Simmons
Dreier	LoBlundo	Simpson
Duncan	Lucas	Smith (NJ)
Ehlers	Lungren, Daniel	Smith (TX)
Emerson	E.	Sodrel
English (PA)	Mack	Souder
Everett	Manzullo	Stearns
Feeney	Marchant	Sullivan
Ferguson	Marshall	Sweeney
Fitzpatrick (PA)	McCaul (TX)	Tancred
Flake	McCotter	Taylor (NC)
Foley	McCrery	Terry
Forbes	McHenry	Thomas
Fortenberry	McHugh	Thornberry
Fossella	McKeon	Tiberi
Fox	Mica	Turner
Franks (AZ)	Miller (FL)	Upton
Frelinghuysen	Miller (MI)	Walden (OR)
Galegley	Miller, Gary	Walsh

Wamp
Weldon (FL)
Weller
Westmoreland

Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene

Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
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)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Vislosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Bishop (UT)
Boswell
Boyd
Brady (PA)
Brown-Waite,
Ginny
Butterfield
Chabot

Cummings
Davis (FL)
Hall
Hastings (FL)
Istook
King (NY)
McMorris
Norwood

Pombo
Roybal-Allard
Schiff
Serrano
Tiahrt
Towns
Weldon (PA)

□ 1158

Mr. HIGGINS, Ms. ESHOO, Mr. DAVIS of Tennessee, Ms. WASSERMAN SCHULTZ, Messrs. GORDON, GENE GREEN of Texas, ABERCROMBIE, PASTOR, and RUSH changed their vote from "yea" to "nay."

Messrs. MCHENRY, PENCE, SOUDER, and Mrs. BLACKBURN changed their vote from "nay" to "yea."

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.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the vote on adoption of House Resolution 527 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 11, not voting 21, as follows:

[Roll No. 563]

YEAS—401

Abercrombie	Cole (OK)	Gibbons
Ackerman	Conaway	Gilchrest
Aderholt	Conyers	Gillmor
Akin	Cooper	Gingrey
Alexander	Costa	Gohmert
Allen	Costello	Gonzalez
Andrews	Cramer	Goode
Baca	Crenshaw	Goodlatte
Bachus	Crowley	Gordon
Baird	Cubin	Granger
Baker	Cuellar	Graves
Baldwin	Culberson	Green (WI)
Barrett (SC)	Cummings	Green, Al
Barrow	Cunningham	Green, Gene
Bartlett (MD)	Davis (AL)	Gutierrez
Barton (TX)	Davis (CA)	Gutknecht
Bass	Davis (IL)	Harman
Bean	Davis (KY)	Harris
Beauprez	Davis (TN)	Hart
Becerra	Davis, Jo Ann	Hastings (WA)
Berkley	Davis, Tom	Hayes
Berman	Deal (GA)	Hayworth
Berry	DeFazio	Hefley
Biggert	DeGette	Hensarling
Bilirakis	Delahunt	Herger
Bishop (GA)	DeLauro	Herseth
Bishop (NY)	DeLay	Higgins
Blackburn	Dent	Hinche
Blumenauer	Diaz-Balart, L.	Hinojosa
Blunt	Diaz-Balart, M.	Hobson
Boehlert	Dicks	Hoekstra
Boehner	Dingell	Holden
Bonilla	Doggett	Honda
Bonner	Doolittle	Hooley
Bono	Doyle	Hostettler
Boozman	Drake	Hoyer
Boren	Dreier	Hulshof
Boucher	Duncan	Hunter
Boustany	Edwards	Hyde
Bradley (NH)	Ehlers	Inglis (SC)
Brady (TX)	Emanuel	Inslee
Brown (OH)	Emerson	Israel
Brown (SC)	Engel	Issa
Brown, Corrine	English (PA)	Jackson (IL)
Burgess	Eshoo	Jackson-Lee
Burton (IN)	Etheridge	(TX)
Buyer	Evans	Jefferson
Calvert	Everett	Jenkins
Camp	Farr	Jindal
Cannon	Fattah	Johnson (CT)
Cantor	Feeney	Johnson (IL)
Capito	Ferguson	Johnson, E. B.
Capps	Filner	Johnson, Sam
Capuano	Fitzpatrick (PA)	Jones (NC)
Cardin	Flake	Kanjorski
Cardoza	Foley	Kaptur
Carnahan	Forbes	Keller
Carson	Ford	Kelly
Carter	Fortenberry	Kennedy (MN)
Case	Fossella	Kennedy (RI)
Castle	Fox	Kildee
Chandler	Frank (MA)	Kilpatrick (MI)
Chocola	Franks (AZ)	Kind
Clay	Frelinghuysen	King (IA)
Cleaver	Gallely	Kingston
Clyburn	Garrett (NJ)	Kirk
Coble	Gerlach	Kline

Knollenberg	Neugebauer	Shadegg
Kolbe	Ney	Shaw
Kucinich	Northup	Shays
Kuhl (NY)	Nunes	Sherman
LaHood	Nussle	Sherwood
Langevin	Oberstar	Shimkus
Lantos	Obey	Shuster
Larsen (WA)	Ortiz	Simmons
Larson (CT)	Osborne	Simpson
Latham	Otter	Skelton
LaTourette	Owens	Slaughter
Leach	Oxley	Smith (NJ)
Lee	Pallone	Smith (TX)
Levin	Pascrell	Smith (WA)
Lewis (CA)	Paul	Snyder
Lewis (GA)	Payne	Sodrel
Lewis (KY)	Pearce	Solis
Linder	Pelosi	Souder
Lipinski	Pence	Spratt
LoBiondo	Peterson (MN)	Stark
Lofgren, Zoe	Peterson (PA)	Stearns
Lowey	Petri	Strickland
Lucas	Pickering	Stupak
Lungren, Daniel E.	Pitts	Sullivan
Lynch	Platts	Sweeney
Mack	Poe	Tancredo
Maloney	Pomeroy	Tanner
Manzullo	Porter	Tauscher
Marchant	Price (GA)	Taylor (NC)
Markey	Price (NC)	Terry
Marshall	Pryce (OH)	Thomas
Matheson	Putnam	Thompson (CA)
Matsui	Radanovich	Thompson (MS)
McCollum (MN)	Rahall	Thornberry
McCotter	Ramstad	Tiberi
McCrery	Rangel	Tierney
McGovern	Regula	Turner
McHenry	Rehberg	Udall (CO)
McHugh	Reichert	Udall (NM)
McIntyre	Renzi	Upton
McKeon	Reyes	Van Hollen
McKinney	Reynolds	Velázquez
McNulty	Rogers (AL)	Visclosky
Meenan	Rogers (KY)	Walden (OR)
Meek (FL)	Rogers (MI)	Walsh
Meeks (NY)	Rohrabacher	Wamp
Melancon	Ros-Lehtinen	Wasserman
Menendez	Ross	Schultz
Mica	Royce	Waters
Michaud	Ruppersberger	Watson
Millender	Rush	Watt
McDonald	Ryan (OH)	Waxman
Miller (FL)	Ryan (WI)	Weiner
Miller (MI)	Ryan (KS)	Weldon (FL)
Miller (NC)	Salazar	Weldon (PA)
Miller, Gary	Sánchez, Linda T.	Weller
Miller, George	Sanchez, Loretta	Westmoreland
Mollohan	Sanders	Wexler
Moore (KS)	Saxton	Whitfield
Moore (WI)	Schakowsky	Wicker
Moran (KS)	Schmidt	Wilson (NM)
Moran (VA)	Schwartz (PA)	Wilson (SC)
Murphy	Schwarz (MI)	Wolf
Murtha	Scott (GA)	Woolsey
Musgrave	Scott (VA)	Wynn
Myrick	Sensenbrenner	Young (AK)
Napolitano	Serrano	Young (FL)
Neal (MA)	Sessions	

NAYS—11

Grijalva	Nadler	Sabo
Holt	Olver	Taylor (MS)
Jones (OH)	Pastor	Wu
McDermott	Rothman	

NOT VOTING—21

Bishop (UT)	Davis (FL)	Norwood
Boswell	Hall	Pombo
Boyd	Hastings (FL)	Roybal-Allard
Brady (PA)	Istook	Schiff
Brown-Waite,	King (NY)	Tiahrt
Ginny	McCarthy	Towns
Butterfield	McCaul (TX)	
Chabot	McMorris	

□ 1207

Mr. JACKSON of Illinois changed his vote from “nay” to “yea.”

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.

PERSONAL EXPLANATION

Mr. BUTTERFIELD. Mr. Speaker, on rollcall No. 562, had I been present I would have voted “nay.” On rollcall No. 563, had I been present I would have voted “aye.”

APPOINTMENT OF CONFEREES ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the Chair appoints the following conferees: Mr. WALSH, Mr. ADERHOLT, Mrs. NORTHUP, Messrs. SIMPSON, CRENSHAW, YOUNG of Florida, KIRK, REHBERG, CARTER, LEWIS of California, EDWARDS, FARR, BOYD, BISHOP of Georgia, PRICE of North Carolina, CRAMER, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, be instructed to insist on section 603 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take anywhere near the time allotted. I will take a few moments to explain the motion which the gentleman from Alaska, the chairman of our committee, and I have discussed previously.

The subject of this motion is summed up by a committee hearing held earlier this year on the tragedy that occurred November 26, 2004. The *Athos*, 750-foot single-hull tank vessel, hit a submerged object in Delaware Bay just

south of Philadelphia, spilling 265,000 gallons of heavy crude oil.

In January of this year, our Subcommittee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The Coast Guard estimated that the costs of cleanup and natural resources damages resulting from the grounding of the *Athos* I could be in the range of \$200 million. Under current law, the owners of the vessel would be liable for costs of only up to \$45 million.

At that hearing, the Chairman, the gentleman from New Jersey (Mr. LOBIONDO), and our newly elected Member, the gentlewoman from Pennsylvania (Ms. SCHWARTZ), raised the concern that the limits of the vessel owner's liability for response, cleanup, and restoration to the damages caused by this spill were relatively modest, set when the Oil Pollution Act of 1990 was enacted over 15 years ago. The Chairman and I both remember, when we served on the Merchant Marine and Fisheries Committee, we were part of setting that oil pollution liability limit. We have not increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentlewoman from Philadelphia and to ensure that the limits do not again become out of date, Section 603 directs the President to adjust limits of liability. First, Section 603 adjusts the liability limits to account for the inflation of the past 15 years, since the Oil Pollution Act was enacted. Secondly, the provision requires that the President adjust these liability limits not less than every 3 years to reflect changes in the Consumer Price Index since the last adjustment.

I thank the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Philadelphia (Ms. SCHWARTZ), and especially our chairman who has concurred, and we worked together in crafting this language to ensure that the Coast Guard reauthorization bill includes this provision and the other provisions of H.R. 1412, the Delaware River Protection Act of 2005. I think it is an important step forward for the environment, for the taxpayers, and for safety of the future.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct.

H.R. 889, which was passed unanimously by this House, includes a provision that would increase liability limits by approximately 50 percent for double-hull tank vessels and would, for the first time, establish higher liability limits for single-hull tank vessels.

This legislation was developed through the regular committee process on a completely bipartisan basis.

Further, this bill is supported by the oil and shipping industries as a commonsense measure that both increases the industries' responsibilities and maintains the protections of the Oil Spill Liability Trust Fund to deal with any other major oil spills in the future.

Mr. Speaker, this motion to instruct is one I agree with and, therefore, I urge that we accept it.

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

Mr. OBERSTAR. Mr. Speaker, there is no comparable provision that I am aware of, and that is why I think it is important for the House to insist on this language, a position that I know the Chairman will stoutly defend, and we will have unanimous support on our side. We will have a bipartisan position.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of the gentleman from Minnesota's motion to instruct.

As the gentleman knows, this provision was originally included in H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision: Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOOLITTLE) at 2 p.m.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be allowed to file a supplemental report to accompany H.R. 4128, the Private Property Rights Protection Act of 2005, prior to its passage today.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

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.R. 4128.

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

There was no objection.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 527 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. 4128.

□ 1402

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. 4128) to protect private property rights, with Mr. KLINE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman

from Michigan (Mr. CONYERS) each will control 30 minutes and the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Restoration Act, overwhelmingly bipartisan legislation I introduced along with Agriculture Committee Chairman GOODLATTE and Judiciary Ranking Member CONYERS.

On June 23, the Supreme Court in a 5 to 4 decision in the case of *Kelo v. City of New London* transformed established constitutional principles when it held that the fifth amendment's public use clause permitted government to seize the private property of one small homeowner and to give it to a large corporation for a private business use.

As the dissent in that case made clear, under the majority's opinion: "Any property may now be taken for the benefit of another private party. The government now has the license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

Reaction to the *Kelo* decision has united strong opposition from across the political, ideological, and socioeconomic spectrum. The NAACP and the AARP faulted *Kelo*'s failing reasoning by stating: "The takings that result from the Court's decision will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly."

Representatives of religious organizations have also condemned the failed logic of the *Kelo* Court, stating: "Houses of worship and other religious institutions are, by their very nature, nonprofit and almost universally tax exempt. These fundamental characteristics of religious institutions render their property singularly vulnerable to being taken under the rationale approved by the Supreme Court."

Public reaction to the *Kelo* decision has also been swift and strong. The protection of private property rights is the number one issue that concerns Americans today, according to a Wall Street Journal/NBC News poll; and by an 11-to-1 margin, Americans say they oppose the taking of private property for private uses, even if it is for the public economic good.

According to an American Survey poll: "Public support for limiting the power of eminent domain is robust and cuts across demographic and partisan groups." Even Justice John Paul Stevens, who authored the Court's 5 to 4 decision, recently acknowledged that if he were a legislator, he would oppose the results of his own ruling by working to change current law. That is what we are doing here today, working to change current law.

A week after the Supreme Court's now notorious *Kelo* decision, I introduced H.R. 3135, the Private Property Rights Protection Act, to help restore Americans' property rights the Supreme Court took away. On October 25, I introduced an even stronger version of the bill which we are considering today, which has benefited greatly from the contributions of Ranking Member CONYERS, Ms. WATERS, Mr. GOODLATTE, and others, including Mr. CANNON and Mr. FLAKE.

H.R. 4128 helps restore the property rights of all Americans by establishing a penalty for States and localities that abuse their eminent domain power by denying those States and localities that commit such abuse all Federal economic development funds for a period of 2 years. Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse Congress is intending to prevent. If States and localities abuse their eminent domain power by using economic development as a rationale for a taking, they shall not receive Federal economic development funds that could contribute to similarly abusive land grabs.

I am very mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and the need to stop it. I am also very mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. I believe this bill accomplishes both goals.

The legislation contains an express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed to access the State or Federal court to enforce its provisions and includes a fee-shifting provision, identical to those in other civil rights laws, that permits the recovery of attorney and other litigation fees to prevailing property owners. The legislation gives the States and localities the clear opportunity to cure any violation before they lose any Federal economic development funds by either returning or replacing the improperly taken property to the property owner.

H.R. 4128 also includes carefully crafted refinements of the definition of "economic development" that specifically allow the types of takings that, prior to the *Kelo* decision, had achieved a consensus as to their appropriateness. These include takings in which the public itself owns the property, where the property is used by a common carrier or public utility, and for related infrastructure like pipelines, and where the property is abandoned.

Finally, in order to facilitate State compliance with its terms, the bill will not become effective until the start of the first fiscal year following enactment of the legislation, nor would it apply to any project for which condemnation proceedings have begun prior to its enactment.

Mr. Chairman, I urge all of my colleagues to join me in supporting this vital bipartisan legislation that will protect the property rights of the most vulnerable in our society and limit the effect of the now notorious *Kelo* decision.

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

Mr. CONYERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the measure before us today, the Private Property Rights Act of 2005. I am pleased to join with my chairman, Mr. SENSENBRENNER; the gentlewoman from California (Ms. WATERS); and the gentleman from Virginia (Mr. SCOTT) in support of this measure.

This legislation was introduced in response to the Supreme Court's decision in *Kelo* in June of this year, which shocked most Americans because if State and local governments can transfer property from one private owner to another based on a judgment which will produce the most taxes and jobs, then, in essence, no one's property is safe. Increasingly, governments across the country are taking private property for public use in the name of "economic development." Under the guise of economic development, private property is being taken and transferred to another private owner, so long as the new owner will use the property in a way that the government deems more beneficial to the public.

In fact, in Detroit, Michigan, we have faced the same kinds of issues that arose in the *Kelo* case. The infamous *Poletown* decision in the Michigan Supreme Court in 1981 allowed the City of Detroit to bulldoze an entire neighborhood, complete with 1,000 or more residences, 600 or more businesses, and numerous churches in order to give the property to General Motors for an automobile plant. This case set a precedent, both in Michigan and across the country, for widespread abuse of the power of eminent domain. In Detroit, eminent domain was subsequently used to make way for casinos.

Fortunately, the Michigan Supreme Court reversed its decision. Citizens in most other States, though, have not been afforded the same protection and have witnessed an increase in takings for economic development that has been rationalized in *Kelo*. As a result, a Federal legislative response to *Kelo* is warranted; and today I am pleased to say that we take up a response with friends on both sides of the aisle.

This act before us now will afford our citizens greater protections against governments' forced takings for private development. First, the State and local government will not be able to any longer exploit eminent domain for private development without consequence. Second, a more traditional view of public use is advanced so that we protect property interests as well as meet contemporary challenges. Third, we set an example for States and cities as to how our citizens' property rights must be protected.

Our measure before us is clear and states in no uncertain terms that State and local governments will lose economic development funding if they take someone's home or business for private commercial development.

□ 1415

Homeowners can also bring suit against those States and cities that want to continue violating their property rights. We are making the financial gains that come with replacing residential areas with commercial districts less attractive.

This legislation advances a more traditional view of public use. By restricting the use of eminent domain powers for economic development, we reserve those powers for projects that have traditionally been considered public use.

We can justify a State or city's takings when the taking is for a road, a school, a public utility, but we cannot agree with a State or city's takings when it is done for private uses like condominiums and shopping malls.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

Mr. Chairman, I support the Private Property Rights Protection Act.

Two hundred years ago, our Founders wrote into the Bill of Rights a guarantee of the right to private property. Such a right lies at the foundation of a democracy where citizens have the freedom to buy, sell, exchange or make a profit on all forms of property.

In recent years, it has become more and more common for the government to seize private property under the guise of eminent domain for public use.

Last year, the Supreme Court gave landowners more reason to worry. They decided that State and local governments can take property from a private landowner in order to give or sell it to another private owner. This 5 to 4 decision in *Kelo v. City of New London* threatens the legitimate rights of landowners. We must act to protect those rights.

In the months following the *Kelo* decision, several different bills aimed at preventing eminent domain abuses were introduced. The Private Property Rights Protection Act is a fair and sensible combination of all of those bills.

It prevents States or localities that seize private property in order to transfer it to other private owners from receiving economic development funding from the Federal Government for 2 years. But the bill is not automatically applied. It gives a State or locality the opportunity to correct any abuse of power by returning all property to the landowner or replacing any property that has been damaged. If the State or locality does so, they will still be allowed to obtain Federal funding.

Mr. Chairman, the right to private property ownership is one of the cornerstones on which this country was founded. H.R. 4128 will make sure that right continues to be protected.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the legislation, which is the congressional response to the Supreme Court decision *Kelo v. City of New London*. By enacting this legislation, we are undermining the States' rights and assuming the role of a city council. We should not change Federal law every time Members of Congress disagree with the judgment of a locality when it uses eminent domain for the purpose of economic development. We were elected to the United States Congress, not to local city councils.

Mr. Chairman, it is impossible for Congress to draw a bright line principle separating those cases in which economic development is appropriate for a particular area and when it is not. The Constitution does require that the taking be for public use. It is the role of a city council to weigh the needs of a particular community and consider when the government should use eminent domain.

Sometimes that might mean taking property for the purpose of economic development. Sometimes it may not. Sometimes we will agree with the judgment of the locality. Sometimes we will disagree.

I cannot think of a more fitting example of the quagmire this bill presents than the situation we have right here in Washington, D.C., where they are trying to build a baseball stadium. I find it ironic that, at the same time we are marking up the bill, Washington, D.C. is using eminent domain to build a baseball stadium.

The debate on this bill has already exposed the shortcomings of the legislation. For example, we found that if a stadium were built and owned by the city at taxpayer expense, it would clearly be allowed under the bill. On the other hand, if the owner offered to build a stadium at his own expense, that might not be allowed.

The bill requires public access to the stadium as "a matter of right." Does that mean that the skyboxes must be put to public auction, or can the owner pick and choose which businesses can acquire rights to skyboxes?

Anybody who surveys baseball or football stadiums around the country will find all kinds of public and private and joint public-private ownership combinations. Could some use eminent domain, while others be prohibited from using eminent domain based on the fact that they want to limit access to skyboxes or how the title of the stadium is held?

Mr. Chairman, the World Trade Center and Lincoln Center in New York,

the Baltimore Inner Harbor, even President Bush's baseball stadium in Houston, Texas, were all made possible by eminent domain takings for the purpose of economic development. And although we might agree or disagree with the wisdom of these projects, most would agree that they should not have been illegal. These are political decisions that ought to be left to the localities within the confines of their State legislature's parameters.

If Congress cannot leave eminent domain to the States, then we should focus on the real issues involved in eminent domain. We should require, for example, that just compensation should include replacement cost, not just technical appraisal value. We should require that relocation expenses be paid to owners and tenants.

As written, the bill does nothing to ensure that displaced individuals receive reasonable compensation for the replacement value and relocation expenses. The bill does nothing to ensure compensation for loss of goodwill of a business, nothing to ensure that due consideration is given for the length of time a family or business has been at a particular location. Nothing in the bill deals with the fact that the poor and minorities are usually the victims of eminent domain abuses. Let us put some protections in the bill so that those who are relatively weak politically can be protected from unfair use of eminent domain.

Mr. Chairman, I would like to place in the RECORD at this point letters from the National League of Cities, the National Conference of State Legislatures and the National Association of Housing and Redevelopment Officials.

Mr. Chairman, I believe that the decision-making power of eminent domain should remain at the State and local level and that congressional attempts to define when eminent domain is reasonable and when it is not will cause more problems than they solve. Therefore, I urge my colleagues to oppose the bill.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 27, 2005.

Hon. JAMES SENSENBRENNER,
Chair, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

Hon. JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: The National League of Cities (NLC) strongly opposes H.R. 4128, the Private Property Rights Protection Act of 2005. NLC is the country's largest and oldest organization serving municipal government, with nearly 1,600 direct member cities and 49 state municipal leagues, which collectively represent more than 18,000 United States communities.

NLC acknowledges the spirit underlying this bill and does not condone abuse of eminent domain power that violates state law. However, NLC believes this bill, or any anti-eminent domain bill pending in Congress, is unnecessary at this time because of the ongoing actions of state legislatures and the absence of direct evidence confirming that alleged abuses of eminent domain authority

are of a national scope and scale that demand immediate federal action.

Despite fearful rhetoric in the press, the Supreme Court's decision in *Kelo v. City of New London* did not expand the use or powers of eminent domain. The *Kelo* decision confirmed that eminent domain, a power derived from state law, is not a one-size-fits-all power. The Court declared that this power is one best left to the states and their political subdivisions. The *Kelo* Court, affirming federalism, did not preclude "any state from placing further restrictions on its exercise of the Takings power." Approximately 30 states are already reviewing or planning to review their eminent domain laws during upcoming legislative sessions, with the majority focused on just compensation and comprehensive planning process modifications. Since June 2005, Alabama, Texas, and Delaware enacted laws that tighten the application of eminent domain power in each state.

NLC urges Congress to let state governments act on their own eminent domain laws and not move forward with federal legislation.

Many aspects of H.R. 4128, led by the proposed definition at Section 8 of "economic development," trouble NLC. Economic development is a process, not the concrete act of taking private property from A and giving it to B for a "commercial enterprise carried on for profit." If enacted, the bill could have the unintended consequence of preventing hurricane-damaged communities from rebuilding. In those communities, eminent domain may be necessary to assemble land and help with negotiations associated with comprehensive redevelopment plans. Implementing those comprehensive redevelopment plans would "increase tax revenue, tax base, employment, or general economic health," violating the bill's further definition of economic development.

Moreover, the bill at Section 2(b) grants final authority to the appointed—not elected—judiciary to determine what constitutes "economic development." Curiously, this was an important argument against the *Kelo* decision raised by property rights activists.

The practical effects from this bill, including its loose definition at Section 8 of "Federal economic development funds" and its creation of a private right of action at Section 4 that invites forum shopping, would not chill, but rather freeze the process of economic development across the country.

Eminent domain is a powerful tool for local governments—its prudent use, when exercised in the sunshine of public scrutiny, helps achieve a greater public good that benefits the entire community.

Again, NLC opposes H.R. 4128 for the reasons stated in this letter. Please weigh carefully the unintended consequences from a rush to pass federal legislation in response to unsubstantiated fears over the Supreme Court's decision in *Kelo v. City of New London*.

Sincerely,

DONALD J. BORUT
Executive Director.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, October 25, 2005.

Subject: H.R. 3135.

Hon. JAMES SENSENBRENNER,
Chair, Judiciary Committee, House of Representatives, Washington, DC.

Hon. JOHN CONYERS,
Ranking Member, Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: On behalf of the National Conference of State Legislatures (NCSL), I write in strong opposition to H.R.

3135 the "Private Property Rights Protection Act of 2005" which is scheduled to be marked up on October 26. This ill-advised bill would severely chill state and local revitalization efforts, preempt state and local land use laws, and curtail many valid and constitutional state and local projects that require the use of the eminent domain power by prohibiting any federal funding that goes to the states from being used for "any activity, including increasing tax revenue, other than making private property available in substantial part for use by the general public or by an entity that makes the property available for use by the general public, or as a public facility, or to remove harmful effects." This means that if a state or locality were to use the power of eminent domain for economic development purposes, even if such action was completely in accordance with its own statutes and land use development ordinances and regulations, the state could lose all applicable federal funding. This piece of legislation amounts to federal blackmail of states for using a completely constitutional and valid state power.

The power of eminent domain has always been, and should remain, a state power. The *Kelo v. New London* Supreme Court decision did not expand state authority to condemn private property for economic development. It merely reaffirmed existing law on the subject. There is substantial Supreme Court case law dating as early as 1954 which upholds the power of state and local governments to take and retransfer property, upon payment of just compensation, in order to promote economic development.

It is also important to be aware that in the aftermath of the *Kelo* decision, twelve states—Alabama, California, Delaware, Illinois, Michigan, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas—have already introduced bills, and three of these states—Alabama, Delaware, and Texas—have already enacted legislation in special session to address the power of eminent domain in their state. We expect to see many more states address the issue of eminent domain in their next legislative session. All of our state materials on eminent domain can be found on NCSL's Web site: www.ncsl.org/programs/natres/EMINDOMAIN.htm

Again, I urge you to oppose H.R. 3135. If you have any questions, please contact Susan Pamas Frederick, Senior Committee Director at 202-624-3566, susan.frederick@ncsl.org. Thank you.

Respectfully,

Representative JANICE L. PAULS,
*Kansas House of Representatives, Chair,
NCSL Committee on Law & Criminal Justice.*

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
Washington, DC, November 3, 2005.

DEAR MEMBER OF CONGRESS: I am writing to convey the National Association of Housing and Redevelopment Officials' (NAHRO's) strong opposition to HR 4128, the "Private Property Rights Protection Act of 2005." NAHRO is the nation's oldest and largest association of housing and community development professionals and the leading advocate for adequate and affordable housing and strong, viable communities for all Americans—particularly those with low- and moderate-incomes.

The bill in its current form is unacceptable to our members. NAHRO acknowledges three amendments we understand will be considered. First, within the context of this bill, Congressman Michael Turner's proposed amendment to HR 4128 creates a broader and more reasonable scope of activities for which eminent domain takings would be appro-

priate. Second, Congressman Jerrold Nadler's amendment removes the bill's unreasonable and disproportionate penalty provisions, which would lead to unprecedented fiscal uncertainty for State and localities by forcing them to pursue community revitalization under the constant threat of losing all Federal economic development funding. Finally, Congressman Melvin Watt's amendment would remove most of the bill's objectionable content while still providing the Congress with an opportunity to express its sense that abuses of eminent domain are unacceptable and that eminent domain as a strategy for pursuing economic development deserves careful, ongoing scrutiny.

Although NAHRO believes that these amendments improve the legislation to varying degrees, I want to make clear that HR 4128, even if amended, would still undermine important community and economic development activities across the nation and should not be adopted.

NAHRO believes that eminent domain should properly remain an instrument of last resort. In those rare instances when eminent domain is needed, it must be used prudently. Nevertheless, eminent domain remains an important community and economic development tool that allows State and local governments to respond to community needs, and it must remain available to our nation's housing and community and economic development professionals as they work to revitalize American communities. It is therefore essential that the Congress not place new and overly burdensome restrictions on traditionally permissible, Constitutional uses of eminent domain employed by State and local agencies for the purpose of community and economic redevelopment.

The recent decision of the U.S. Supreme Court in *Kelo v. City of New London* broke less legal ground than many reports in the popular media would have led the reader to believe. The decision did uphold the ability of local governments to exercise the power of eminent domain to achieve economic development. However, the opinion of the Court did not provide carte blanche authorization for governments to take private property merely to hand it over to other private owners. To the contrary, the Court emphasized that the property at issue was taken pursuant to a carefully considered plan that would act as a catalyst for much needed job creation and further development. The Court also made it clear that its decision would establish only the constitutional permissibility of such takings under the Fifth Amendment.

Importantly, the Court in *Kelo* held that States and local governments are free to narrow the circumstances under which the power of eminent domain may be exercised. At least 31 States have recently taken steps to avail themselves of that right. NAHRO therefore believes this bill is unnecessary at this time. Indeed, instead of allowing States to exercise their rights in this area, HR 4128 in its current form would instead severely undermine state and local community revitalization efforts by placing every state and locality in permanent fiscal peril and bringing community and economic development to a grinding halt.

Again, while NAHRO acknowledges the efforts of some to improve the legislation, we believe the most responsible course of action would be to vote against HR 4128. Eminent domain policy remains a complex issue area and deserves careful ongoing scrutiny, not overly broad legislation that would leave a cloud of financial uncertainty hanging over nearly every local government in the nation. Congress should not, in an effort to preemptively redress speculative future consequences of the *Kelo* decision, trample the

concept of federalism embodied in the Constitution and the traditional prerogatives of local governments that exist under that system.

Sincerely,

SAUL N. RAMIREZ, Jr.,
Executive Director.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlemen from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I first want to thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, and also the ranking member, the gentleman from Michigan, for their leadership in this area.

This is a very important issue before Congress, and I am very pleased that Congress is acting. The idea that a person's home or business can be taken by the government and transferred to another private entity simply to allow the government to collect additional tax revenue seems anathema to the values that Americans cherish. But the Supreme Court has now thrown its weight behind this distinctly un-American ideal by ruling that economic development can be a public use under the fifth amendment's takings clause.

Few would question the Constitution provides a legitimate role for eminent domain when the purpose is a true public use and the property owner receives just compensation. That happens all of the time, and that is appropriate. Properly used, eminent domain should give communities an option of last resort to complete the development of roads and schools and utilities and other essential public infrastructure projects.

As a former Cincinnati city councilman and Hamilton County commissioner myself, I would be remiss if I did not mention my concern for some unintended consequences that congressional action could have on communities if we do not act carefully, and I think we have acted carefully in this bill, and I thank, again, the chairman and the ranking member for doing that.

We had testimony by the mayor of Indianapolis. I also want to commend the former mayor of Dayton, Congressman MIKE TURNER, who is the head of the Saving America's Cities Working Group, who has worked diligently to try to make this a better bill as well. Many people have worked on this.

I am very pleased that Congress is going to take this action to make sure that eminent domain is not used in an inappropriate purpose. If Kelo was left as it was ruled by the Supreme Court, it could be used in a way that could be dangerous, that could be to the detriment of communities all around this country.

So I am very pleased that we are acting on this today, and again want to commend the chairman and Congress for acting.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman yielding

me the time and permitting me to speak on this legislation.

Mr. Chairman, I understand the frustration that we have heard on the floor, the reaction to the Kelo decision which I personally looked at those circumstances. I was troubled in terms of what was proposed in that city.

But I am concerned that we have the big picture in mind, because we have been dealing with eminent domain for decades. We do not have a national crisis here. What we had was a State and local government that did not do their job appropriately.

The Supreme Court, appropriately, indicated that this was not a constitutional issue. There are tools. There are remedies.

I am a former local official. I dealt for years, as public works commissioner for the City of Portland, with things that dealt with redevelopment. We rarely if ever used eminent domain. The fact that it was there made a difference to be able to do things the public wanted.

I hope that Members reflect on the dangers of having the Federal Government rush into something that is appropriately the province of State and local affairs. Think about what the approach you are advocating here would have had on cleaning up Times Square. This was an area that for years was a center of violence and vice. Eminent domain was used to transform Times Square with the crime rate plummeting and change the face of that area.

There are communities around the country where this has been done. Look at the Roxbury neighborhood in Boston or look out the door here of the Capitol at Pennsylvania Avenue, where eminent domain was used in the 1960s and 1970s to reformulate the face of it.

I understand the sensitivity. We do not want it abused. But, for heavens sake, we should be careful before we rush in with a Federal solution which may have unintended consequences.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I so much appreciate the chairman and the proponents of this bill bringing it to the floor. What brings this about is one more reason why it is critical that we do not have Supreme Court justices who read the Constitution while they are having visual hallucinations.

That is what has been happening. There is no way to read this, "Nor shall private property be taken for public use without just compensation," that is in the fifth amendment without realizing that means public use. It does not mean taking property from someone who has lived there for generations or some farmer that has been farming the land, to give it over to some developer just because he is going to give a bigger kickback to the local government.

That goes back to the days of King George when he says, gee, you have been a good friend, you have paid

taxes, but this guy over here has promised me a bigger kickback, so I am kicking you off your property. We had a revolution to try to stop that kind of thing.

Anyway, I just want to put this question to my friends across the aisle. I know I have heard them express their concerns about constituents and the poor and those who cannot help themselves, and we ought to be helping them. Do you really want to go back to your constituents, do you really want to tell voters that you support this ridiculous Supreme Court notion that a government can take their property, not property that is a threat to the community, not that it is blighted, but take their property against their will to give it over to someone richer who is going to pay more taxes, and that is the only reason?

That is not the American way. That is not what the supporters and proponents of this bill want to see happen. We are sending a loud message, that is not what the Constitution says, it is not what is intended, it is not what we fought a revolution to end; and we will not stand by and allow a ridiculous Supreme Court decision to overrule that.

□ 1430

Ms. WATERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee (Mr. DAVIS).

(Mr. DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Chairman, I rise today in strong support of H.R. 4128.

Mr. Chairman, the people of my home State of Tennessee know the stories of eminent domain all too well. They know the stories of when the Corps of Engineers and TVA condemned property of hard-working farmers to impound lakes. The folks I represent were willing to give up their land for the benefit of the valley.

They knew the public works projects would bring about much needed economic opportunity. They knew that the readily available cheap power would spawn new industries and provide good jobs for hard-working individuals. Although the promised benefits did become a reality, many of my ancestors, like my grandfather, felt the government takeover of land was wrong. Often I would hear stories of dissatisfaction about the loss of lands that have been in families since their families moved to the Appalachians.

I firmly believe that if the taken property had been given to another property owner, my ancestors would have felt like declaring war on the government. Fortunately, my grandfather and others were able to accept that the taking of their land was good for the public.

Mr. Chairman, there is no doubt in my mind that the Court's decision in Kelo is wrongheaded and wronghearted. One of the basic founding principles of this country is the right to own private property. Since our founding, governments have had the leverage needed

to encourage capital and economic development for our communities, while still recognizing the intrinsic value of a family's private property.

Mr. Chairman, I know that without a constitutional amendment our actions today are about as far as this Congress can go to dehorn the impact of the Kelo decision. Although this bill addresses and puts in place compelling penalties to cities, counties, and States that violate private property rights, I really think it needs to go further.

It is my hope that some day we can bring about stricter penalties to local governments who choose to run roughshod over the property rights of private landowners. I know that is what my grandfather would have expected of me, and I hope that is what we can expect of this Congress as we work to solidify the intrinsic value of people who own private property.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the fifth amendment to the Constitution states that "no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation."

Thomas Jefferson said: "The true foundation of republican government is the equal right of every citizen in his person and property and in their management."

However, that was then. We have heard a lot of talk about the Founding Fathers; and they are not turning in their graves, Mr. Chairman, they are spinning.

Jefferson warned: "A government big enough to give you everything you want is a government big enough to take away everything you have."

It looks like we are at that stage.

A school does not generate tax revenue. A church does not generate any tax revenue, but that does not mean that a school ought to become a Starbucks and that a church ought to become the next Costco.

Thanks to the recent Supreme Court decision on eminent domain, the fifth amendment has been vastly expanded. In the past, public use meant projects for the common good, not for the bottom line. With this decision, no citizen's property is safe and the American dream of owning your own home is now at risk. Private ownership of property is a pillar of our freedom and our prosperity.

The Private Property Rights Act, H.R. 4128, will begin to right the wrong that was wrought on our Nation this past June. I urge all Members of this House to support this important legislation.

Ms. WATERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in very strong support of H.R. 4128.

I was one of those individuals who was shocked at the Supreme Court de-

cision. On June 23, 2005, *Kelo v. The City of New London*, the Supreme Court held in a 5 to 4 decision that the city's use of eminent domain to implement its area's redevelopment plan aimed at invigorating a depressed economy was a public use satisfying the U.S. Constitution, even though the property would be turned over from private homeowners and businesses to private developers.

Never in my wildest imagination did I think there would be a Supreme Court ruling that would take private property and give it to private individuals for private use.

This decision was born out of what took place with the giant pharmaceutical company Pfizer. Pfizer built a plant next to an area called Fort Trumbull, and the city determined that someone else could make better use of the land than the people who actually lived there: the Fort Trumbull residents. The city handed over its power of eminent domain, that is, the ability to take private property for public use, to the New London Development Corporation, a private body; and that private body then exercised eminent domain to take the entire neighborhood for private development.

The Supreme Court decision is wrong, and I cannot see how any Member of the House of Representatives could support the taking of private property for private use. Someone spoke of this as being a pillar of democracy. It is a strong American value that we hold dear, and I do not think that we should not do something, exercise our power in this House to deny the Supreme Court decision to be used by all of these cities and redevelopment agencies and other entities. I believe that we have to protect the American people.

As a matter of fact, one Member came and said, well, you know, this is an isolated case. It is not. I have over 125 cases throughout the United States where cities and other entities, community redevelopment agencies, in those cities where they can give the eminent domain rights to private developers, such as they did in this Kelo decision, are taking people's private property.

What is more, many of these entities are trying to take private property, take homes and businesses to give over to the big-box developers who need a lot of land to put down these big-box shops.

I do not believe we can stand by and not do something. There are those who would argue that the Federal Government should not be involved. If not us, who will protect people? We know that you are getting lobbied, Members are getting lobbied by Members of city councils, even by mayors; but many of them are lying with these developers. They have relationships; money is changing hands. They are in bed with the very developers who want to take the private property for private development.

Again, we cannot afford to let this happen. What we do here today will help to slow down this taking of private property for private use. As far as I am concerned, the bill could have even been stronger because we have got a few exceptions in the bill that I question.

I wanted a pure bill with no exceptions. My chairman who worked so hard on this bill made a case for some takings for certain kinds of very, very important public use of private lands. And even though I am supporting the bill, I could support an even stronger bill because I think there should be no exceptions, none, zilch, zero, no exceptions. I do not believe in taking private property to give to someone else for private use to make money off of.

You will hear this described in any number of ways, the taking of private property to get rid of blight. Whose blight? By whose definition? The taking of private property by economic development. What kind of economic development? Who is going to make the money? Who is going to suffer?

Your home is your castle. And for those people who save their money and invest in their homes, raise their children, that home should be their castle in toto. That home should never be in jeopardy because some city government, some redevelopment agency decides that they want to take it. I do not care what for. The gentleman from Virginia (Mr. SCOTT) came and talked about the taking for ballparks. I disagree with that.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, while I do not have any problems with the bill at this time, there is some concern that the bill may adversely affect the transportation projects, including those constructed under public and private partnerships.

There is also a concern that the bill may have unintentional effects on the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

I would like to thank the gentleman for including the language changes that we have suggested in the manager's amendment to help fix these problems. These changes are meant to clarify that this bill does not have any adverse impacts on issues under the jurisdiction of the Transportation and Infrastructure Committee.

Mr. Chairman, I ask that if we discover any additional problems with this legislation for transportation projects, you will agree to work with me in conference on a mutually agreeable solution.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If unintended transportation consequences

are discovered, I would be happy to work with the gentleman from Alaska (Mr. YOUNG) to fix them in conference.

Mr. YOUNG of Alaska. I agree with the gentleman's goals and look forward to working with the entire delegation to meet the goals of this conference. I thank the gentleman for doing this.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE. As a former judge, I want to thank the chairman for leading the fight to protect private property rights.

One reason we started this country was because back in the days of England, the king and the nobles owned all the land, and regular folks like us had to work the land, but we could never own the land. That is one reason this country got started, because of the desire to own private property.

John Locke, the great philosopher who was influential in much of the law that came into our Constitution, said that we are all born with the right of life, liberty, and property. And Thomas Jefferson incorporated that concept in the Declaration of Independence when he said that we are given by our creator life, liberty, and the pursuit of happiness. And then we put in our Constitution in the fifth amendment that basic right, that we all have life, liberty, and property and it will not be taken without due process of law.

That simple phrase that is in that fifth amendment, that private property shall not be taken for public use without due compensation, it is the American dream to own a part of America, own a part of the land. More Americans own land and houses than ever before in our history. Then the Supreme Court came around and misinterpreted this very simple rule in our Constitution, allowing private property to be taken by local governments so they can give it to somebody else all in the name of money. It is all about the money. It ought to be all about what is right.

This law will prevent government land-grabbing authorized by the Supreme Court. Their ruling was an error in judgment of constitutional proportions and hopefully the Supreme Court will find its way and reverse this absurd ruling.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend, the gentlewoman from California (Ms. WATERS).

I must rise to object to this bill. I think it is too broad. The period of time within which you can take legal action is too long, and in some specific cases it is too restrictive. It will be subject to the law of unintended consequences.

My views, I have to acknowledge, are formed by having been mayor of Alexandria, Virginia. We did at times use the power of eminent domain primarily

to help lower-income people to restore blighted areas of the city. In those situations, the improvement of those run-down areas could not have happened without government intervention because the private sector simply was not willing to make the investment.

We were able to establish scattered site public housing throughout the city. We were able to achieve substantial economic improvements along the Alexandria waterfront which had been relegated to a place of neglect where only people of the lowest income lived. And now people of all incomes are able to take advantage of public use in these areas, and we have expanded the availability of affordable housing.

We could not have done it without this power. And, in fact, if our constituents did not like what we were doing, they had the ability to take us out of office through the normal democratic process. I understand that this is a power that can be abused, but that possibility does not warrant its elimination.

□ 1445

In fact, if you want it restricted, the proper place to do so is not at the Federal level. It is at the State and local level.

I have an amendment that will correct this bill so that it will not be subject to the law of unintended consequences. I intend to introduce that amendment shortly.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I rise today in support of H.R. 4128, a bill that seeks to undo the damage wrought by one of the worst Supreme Court decisions in my memory.

The court in Kelo decided that the fifth amendment of the Constitution can be hijacked by a rogue, private developer to take homes or private property from hardworking Americans to build new shopping malls and luxury resorts in their place to increase tax revenues.

Our Constitution, which every Member of this body has sworn to uphold and protect, has, in essence, been changed by five people who are charged only with interpreting the Constitution, not rewriting it.

I am not sure how many ways there are to interpret the clause: "nor shall private property be taken for public use without just compensation."

Mr. Chairman, it seems pretty clear to me that an office building owned by a private party that restricts its use to only those who pay rent is not a public use facility; or that a public use is a highway, not a high-rise; or that a public use is a park, not a private parking lot; or that a public use is a courthouse, not a condo.

A society that allows its big developers to take the private property of ordinary citizens in the name of economic development is not a free society.

The potential for greater profits and higher tax revenue is not what our Founding Fathers envisioned as public use.

Importantly, Mr. Chairman, one of those constitutional provisions is the protection of private property. The Founders of this great Nation knew that a government that can take a citizen's property on a whim is a government that can take away everything else as well.

H.R. 4128 offers a reasonable solution, and I urge my colleagues to support this bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, private property has been among the most sacred rights of the American people since our founding as a Nation. Likewise, the government's duty to protect private property has remained among its most sacred responsibilities.

John Adams once wrote, "The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

Well, Mr. Chairman, the recent Supreme Court decision in Kelo v. New London has commenced the tyranny. It is laying siege to the idea that a man's home is his castle.

While it is true that the principle of eminent domain is established in our Constitution, it exists for an extremely limited purpose.

The dissenters in the Kelo case correctly note that the Court has abandoned a "long-held basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner."

The Court essentially now gives local governments the power to seize property to simply generate tax revenue. Under their ruling, your local city council can now take your home and give it to Starbucks so they can sell vente mocha lattes. Mr. Chairman, are we still in America?

By passing the Private Property Rights Protection Act, Congress can help secure this most sacred right. H.R. 4128 will rightfully increase the penalties for States. We should stand for freedom and private property and support this act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I am proud to be a cosponsor of H.R. 4128, and I strongly urge my colleagues to support this bill on behalf of property owners across our Nation.

This legislation clearly prohibits economic development as a public use, period, with no room for misunderstanding. Eminent domain, for the purpose of economic development, is absolutely opposite our belief as Americans of our right to own private property.

Our role as Members of Congress is to protect the public. We have a responsibility to use legislative powers to clearly define private property rights.

I would like to thank the sponsors of the bill, the chairman and committees that have worked on it, and I urge my colleagues to vote in favor of H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, the power of eminent domain should never be abused to take private property for the private benefit of another, and I agree with the concept of the bill, but it is very poorly drafted. It goes too far and not far enough.

It will permit many of the abuses and injustices of the past, while bankrupting State and local governments.

It would allow highways to cut through communities and all the other public projects that have historically fallen most heavily on the poor and powerless.

It does nothing to protect displaced renters. They get no compensation, no day in court, but absentee slumlords, they get their day in court.

It allows a taking to give property to a private party "such as a common carrier, that makes the property available for use by the general public as of right."

Does that mean a stadium? It seems to me that is privately owned. It is "available for use by the general public as of right" at least as much as a railroad; you can buy a seat. Does that mean a shopping center? You do not even need a ticket. So this would not even prevent the use of public domain, apparently, for sport stadiums and shopping centers.

The World Trade Center, on the other hand, could not have been built under this law. It was publicly owned, but leased as office and retail space.

Affordable housing, like the Hope VI program would be prohibited.

Local governments under this bill would risk all their economic development funding for 2 years, even for unrelated projects. The financial cloud this would place over all cities would ensure that they could never issue a bond, for any purpose, and companies doing business with the city would face the threat of bankruptcy.

If we really want to help property owners, we should give them the right to stop the taking before it happens. This bill makes them wait until after the condemnation and offers them no damages. People do not want to bankrupt their communities. They want to keep their homes. This bill does not do that. I will offer an amendment that

will at least change this part of the bill and solve that problem.

A bill to prevent takings for improper purposes makes sense. It does not make sense to say that if the government makes a mistake, instead of giving private injunctive relief in advance to prevent that mistake to help the property owner, you put a cloud on the future finance of the State or city as they can never issue bonds for any purpose.

Let us protect property owners but not destroy our communities. We should do this right.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor as chairman of the Judiciary Committee which I have the privilege of serving on.

I rise today in support of the Private Property Rights Protection Act.

This spring, the Supreme Court put a "For Sale by Government" sign in front of every American home, farm and business. It does not matter how many coats of paint you put on your house or how much landscaping you do, no amount of your investment and upkeep can match the tax base provided by corporate America. If the government thinks that it can get more tax revenue from your property when put to a different use, a bigger house, a new factory, you are out of luck and out of your home.

We were taught as children and read in the Constitution that eminent domain meant that government could take property only for public use, like roads and railroads, but the 15 Connecticut citizens who had their homes and businesses taken away from them in the Kelo case found out that public use now means whatever the powerful want to do with your home, as long as it might bring in more tax dollars.

Whatever happened to our rights to life, liberty and property, which were the very rights so important to the people who founded this country?

Mr. Chairman, the Supreme Court took that right away. The Framers had no intention of allowing Federal judges to impart their wisdom on this issue. That is why they put the eminent domain clause directly into the Constitution by the Bill of Rights.

The Constitution here in my pocket says, "nor shall private property be taken for public use without just compensation."

If we do not act today, the consequences of that Supreme Court decision will not be hard to foretell. The winners are those with great influence, wealth and power. What happens when the potential buyer of a property is a foreign-owned entity? Or if a Nevada church is bulldozed to make room for a brothel?

Americans will not stand for usurpation of their constitutional rights by the Court. Today, we have the oppor-

tunity to restore those rights that we fought so hard for. I urge my colleagues to support H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank my colleague from California because not only is she supportive of this legislation but she has been speaking out consistently since the Kelo decision against that decision and the consequences.

Mr. Chairman, I have grown concerned with the increasing rate of eminent domain abuse cases across the country, so I appreciate that we will be able to vote on this bill today.

Many of us in Congress were shocked by the Supreme Court's 5-4 decision in Kelo, allowing the town of New London, Connecticut, to seize 15 homes so a developer could build offices, a hotel and convention center. This set a disturbing precedent and raised serious concerns about whether there are any limits to the government's power under the takings clause of the Constitution.

I believe the Private Property Rights Protection Act, this legislation, is a strong first step in the fight against eminent domain abuse. However, I think we can do better. I think we need to pass stronger legislation to ensure that we curb all abuses of eminent domain, not just those in areas where Federal funds are being used for a project.

That is why I have introduced my own legislation to curb the inappropriate use of eminent domain. The Protect Our Homes Act simply states that there should be no taking of homes for economic development unless there are rare and exceptional circumstances involving a public health or safety crisis. This legislation would render any State or local government that does otherwise ineligible for Federal financial assistance under any HUD program. It would also put in place appropriate safeguards to ensure that any eminent domain process is fair and transparent.

We have an obligation to protect our citizens as we revitalize our aging neighborhoods. We should not sit idly by and tolerate abuses of eminent domain in the name of economic revitalization. It is time to strengthen the Federal law to guarantee that homeowners throughout this great country are protected.

I am pleased to support the legislation before us which will send a strong message that taking private homes for generating revenue will not be tolerated. There is still much more for Congress to do to prevent eminent domain abuse, however, and I look forward to this bill passing and to working with my colleagues on both sides of the aisle.

It is very refreshing to see that this legislation has bipartisan support and that we are moving on this legislation today.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question before us today is not really whether we agree or disagree with the Supreme Court's interpretation of the term "public use," but, rather, who we stand with and what we stand for. Do we stand with large private developers or with ordinary private citizens? Do we stand for government assistance for the powerful economic interests, at the expense of ownership of small interests?

Let it be clear, this debate is about condemnation of property. Will we condemn our constituents by allowing their land to be taken without just cause? Will we condemn small business owners by allowing their stores to be removed simply because a big developer has a different idea for what the economy should look like? Or will we stand with our constituents and condemn the idea that their property can be sacrificed for the sake of a big corporate company's development plans?

The Declaration of Independence holds that all people are endowed with the right to life, liberty and the pursuit of happiness. The Supreme Court's Kelo decision would limit the right to the pursuit of happiness to large corporate developers at the expense of small businesses and private citizens.

We must take a stand today and reaffirm the unalienable rights of citizens and stand for our constituents and declare that everyone has the right to pursue happiness, and we cannot and will not take that right away.

I urge my colleagues to join me in standing with our constituents to support this bill.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman for the time.

I am very pleased to join my colleagues who are aware of the need to fix an issue that is broken. I join the chairman of this committee and thank the gentlewoman for her leadership, and I am glad to be an original cosponsor.

□ 1500

Mr. Chairman, the reason we are on the floor today is that the Supreme Court, some would say rightly so, relied upon State law in Connecticut that allowed for the taking of private property for economic development. In essence, a public entity sanctioned private developers in taking private property for an economic enhancement. I am here to say that the fifth amendment's due process and the protection of property rights, to the extent that we protect those who cannot speak for themselves, should allow this Congress to fix the problem.

I am also concerned that this very tool will be utilized to go into communities, poor communities, and have

them succumb, if you will, to untoward and unwelcomed investment or development without their input and without the opportunity to build communities that would embrace all economic levels.

The Kelo decision needs to be fixed by this Congress, and I welcome this legislation so that we can fix it and provide due process to all.

Mr. Chairman, I rise in support of the base bill before the Committee of the Whole today, H.R. 4128, the Private Property Rights Protection Act of 2005. It pleases me to join the Gentlemen, Chairman SENSENBRENNER and Ranking Member CONYERS in supporting this legislation, H.R. 4128, just as I was enthusiastic about co-sponsoring the resolution introduced by the Gentleman on the Floor of the House on June 30, 2005 that denounces the holding of the Supreme Court of the United States in *Kelo v. City of New London*.

The Supreme Court, with its five-member majority, made a wrong decision and ratified the unconstitutional acts of a local government, the City of New London, Connecticut.

The bill before this body rejects the act of the Supreme Court majority in giving these elected officials carte blanche to abuse the rights of the property owners in that case. Our highest court should stop the violation of constitutional rights. Our job is to address whether or not government can decide that there is a public purpose for a taking of private property and thereby make it so. There should exist better protection for the individual with less economic power—the individual that has only his or her land as an asset. The Framers of the Constitution were careful in addressing that issue, careful in the sense they wanted to make sure that the ruling powers that be could not come in and say, "I am going to take your property." That was not what the Framers envisioned free America.

A recently published law journal note stated our dilemma quite well: "But still more unsettling to many than the notion that property might be taken for an obvious general public benefit is the suggestion that this power might be used to transfer private property for another private owner's profit, along with all the traditional rights that permit sale, use, rental, disposition, and other choices of fee simple ownership. Seemingly, if property can be forcibly passed from one private owner to another, 'public use' is a phrase with no meaning and no end."

"If property can be forcibly passed from one private owner to another, 'public use' is a phrase with no meaning and no end." This legislation allows us as legislators to draw a thicker line of demarcation between private property and property that is truly intended for public use. The threshold must be higher for the ownership rights of individuals to be usurped—when the underlying objective is merely to engorge the pockets of developers.

I would hope that my colleagues will support me in the amendment that the Rules Committee made in order Mr. Chairman, as No. 12. Kelo held "economic development" to be a "public use" under the Fifth Amendment's Taking Clause. The Takings Clause states that "nor shall private property be taken for public use without just compensation."

In the 1990's, a state agency declared that New London, CT was a "distressed municipality" after its unemployment numbers hit

double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city's judgment and that the development would be a "catalyst to the area's rejuvenation."

The land use situation in the areas most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of "economic development." My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of \$200 billion. Eminent domain will play a major role in the local governments' ability to assemble properties to carry out their plans—whether the residents like it or not. NAACP representative Hillary Shelton stated that "the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back." My amendment seeks to clarify that, in redefining the boundaries of the federal government's Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that the Committee colleagues support this amendment.

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

Mr. Speaker, as you can see, this is not a Democrat-Republican issue. The people who care about property rights, the people who respect homeownership, the people who believe that this is an important value are standing up for the citizens of this country. Folks who believe that somehow the government has a right to take private property for private use are standing on the side of the developers.

While I respect Members on both sides of the aisle, I have had some Members on this side of the aisle talk about what they have done for poor people, and you will hear people talk about what they do for minorities, that they are doing this to get rid of blight, to create better communities. Well, on this one, I would like to say to all of my would-be friends who are helping poor communities and minority communities, we do not need you on this one.

We need you to respect the right of those minorities and those poor people to hold on to whatever it is they own, whether it is a little, small business or whether it is a two-room shack or a one-room shack or whatever it is. It is theirs. They have a right to it. And no one, no mayor, no city council member, no one has the right to think they know better; that they can take that property for a private use.

I think it is unconscionable for anybody that is elected by the people to

undermine the people by supporting the taking of private properties for private use. I would hope even those Members who have been past mayors, who have been past city council members who agreed with the developers, indeed listen to this debate here on the floor today and agree that if we want to do anything to support the right of citizens to own property, we will support this bill.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman from California for being so gracious in yielding me this time.

Mr. Chairman, our Nation's eminent domain laws exist to help our communities, not to deprive Americans of their businesses and homes. For 11 years, Harry Pappas and his family battled to win back property taken from them in downtown Las Vegas, property which they rightfully owned and that was home to seven shops the family leased to other businesses for more than 40 years. This was a 40-year holding of one family in Las Vegas.

In 1994, the Las Vegas Redevelopment Agency notified Mrs. Pappas that they were condemning her property. At a hearing only 7 days later, it was decided that the agency would take immediate possession of the property, and the family business promptly demolished.

The Pappases' dreams were torn down with the building they lost that day, and their dignity was taken from them as they were forced to watch as a for-profit parking garage was built on their family property.

The Pappas family took their case all the way to the United States Supreme Court, hoping that the justices would recognize their fundamental rights under our Constitution. But they were turned away by the Supreme Court, and their case seeking justice was dismissed.

So now it is up to us, the United States Congress, to protect other families against the injustice that has been done to the Pappases as a result of the ever-growing expansion of eminent domain. Voting to limit the use of eminent domain for economic development will restore the rightful limits on this power that have been eroded by time. It is time to protect the Harry Pappases of the world.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I rise to engage in a colloquy with the chairman.

As the chairman knows, I have offered an amendment in the Rules Committee to address the problem of legal fees for property owners faced with the exercise of eminent domain by State and local governments. Homeowners in particular do not have the money to pay lawyers. Their main asset is tied up in a legal fight, so they cannot afford a challenge to the taking itself.

In addition, most eminent domain lawyers operate on contingency for a percentage of the eventual price of the property condemned, so it is hard to get anybody to challenge the taking, and you certainly cannot get it without paying.

The idea of the amendment is that owners are supposed to be no worse off after the condemnation than they were before. But if they have to pay their lawyer, whether by the hour or as a percentage of the sale price, they will always be worse off.

Would the chairman be willing to work with me on this issue in conference in a way to address the needs of private property owners without encouraging frivolous lawsuits?

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

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The answer is absolutely.

Mr. FLAKE. I thank the chairman.

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

Mr. Chairman, very briefly, this bill attempts to do what the Federal Government can to reverse the impact of the Kelo decision, and the heart of this bill is to deny Federal economic development funds for 2 years to any States or locality that attempts to use its condemnation powers to take private land for essentially a nonpublic use purpose and to turn around and resell it to another private developer who will bring in more tax revenue.

We have heard time and time and time again on this floor during the last hour that this is wrong. But the Supreme Court has said that it is not wrong if a developer can convince a majority of one on a city council or local governing board to authorize the local attorney to go and commence condemnation actions. That is true if somebody has lived in a house for all their life and the city council puts them in the cross hairs; it is true for a church that has got a prime piece of property on the corner of a busy intersection that a developer wants to build a strip mall on; and it is true for someone who has run a small business in a prime area of town and has made a lot of money but does not pay a lot of property taxes because they have a small shop, and they can be put out of business even for a competition that wants to have a larger and, thus, more tax-yielding facility on that piece of property.

Everything I have said is wrong, and everything I have said can be done with the use of Federal economic development funds under the Kelo decision. What we need to do now is pass this bill to right this wrong.

And I would just remind the membership, Mr. Chairman, that the author of the majority opinion in Kelo, Justice John Paul Stevens, recently spoke to a local bar association in Nevada and said that if he was a legislator rather

than a justice of the United States Supreme Court, he would have ruled the other way. So if Justice Stevens were sitting here as a representative in Congress today, he would be supporting this bill, too, and I think that is the reason why this bill should receive overwhelming support. We all should vote for it.

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

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate by the Committee on the Judiciary has expired.

It is now in order for general debate by the Committee on Agriculture, 30 minutes equally divided.

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

Mr. Chairman, I rise in strong support of this important piece of legislation. I want to thank Chairman SENSENBRENNER for his leadership on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETERSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I especially want to thank my colleague from South Dakota (Ms. HERSETH) who was the first Democrat to take a leading role on this issue in introducing the STOPP Act, and it is in part due to her leadership that we will have a very strong bipartisan vote on this legislation today.

Private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the fifth amendment to the Constitution, which requires that private property shall not be taken for public use without just compensation.

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public and that the government gives the property owners just compensation.

However, the Supreme Court's recent 5-4 decision in Kelo v. City of New London is a step in the opposite direction. This controversial ruling expands the ability of State and local governments to exercise eminent domain powers to seize properties under the guise of economic development when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the government takes property from one private individual and gives it to another private entity.

By defining public use so expansively, the Court essentially erased any protection for private property as understood by the Founders of our Nation. In the wake of this decision, State and local governments can use eminent domain powers to take the

property of any individual for nearly any reason. Cities may now bulldoze private citizens' homes, farms, and small businesses to make way for shopping malls or other developments.

For these reasons, I joined with Chairman SENSENBRENNER to introduce H.R. 4128, the Private Property Rights Protection Act. This important piece of legislation represents a merger between two pieces of legislation, H.R. 3135, introduced by Chairman SENSENBRENNER, and H.R. 3405, the STOPP Act, which I introduced along with the gentleman from Texas (Mr. BONILLA) and the gentlewoman from South Dakota (Ms. HERSETH) and which passed the House Committee on Agriculture by a strong bipartisan vote of 40 to 1.

I am pleased that H.R. 4128 incorporates many provisions from the STOPP Act. Specifically, this new legislation would prohibit all Federal economic development funds for a period of 2 years for any State or local government that uses economic development as a justification for taking property from one person and giving it to another private entity. In addition, this new legislation would allow State and local governments to cure violations by giving the property back to the original owner. Furthermore, this bill specifically grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill.

H.R. 4128 also includes a carefully crafted definition of economic development that protects traditional uses of eminent domain, such as taking land for public uses like roads, while prohibiting abuses of eminent domain powers.

No one should have to live in fear of the government snatching up their home, farm, or business; and the Private Property Rights Protection Act will help to create the incentives to ensure that these abuses do not occur in the future.

I urge my colleagues to support this important piece of legislation.

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

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

I rise in strong support of the Private Property Rights Protection Act of 2005. I want to thank the Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS, as well as Agriculture Committee Chairman GOODLATTE and Ranking Member PETERSON, for their hard work in moving this legislation to the floor today.

I would also like to acknowledge and thank the Agriculture Appropriations Subcommittee Chairman HENRY BONILLA for his strong leadership on this very important issue as well as the work of Chairman POMBO and Congresswoman WATERS who have been steadfast in their advocacy for private property rights in light of the threat posed by the Kelo decision.

This legislation is a priority for farmers and ranchers and landowners across my home State of South Da-

kota. I am extremely pleased that the Agriculture Committee acted swiftly on the legislation originally introduced by the gentleman from Texas (Mr. BONILLA) and myself, the Strengthening the Ownership of Private Property, or STOPP Act, and that Chairman GOODLATTE made reporting out the bill from the Agriculture Committee a priority.

I am equally pleased by the determined, thoughtful attention demonstrated by the Judiciary Committee and the collaborative approach taken as we put together the Private Property Rights Protection Act. It is important, commonsense legislation that deserves our attention.

As my colleagues know, the Supreme Court's decision in *Kelo v. City of New London* dealt a serious blow to the fundamental rights of property owners in the United States. The House overwhelmingly expressed its disapproval shortly after the decision by a vote of 365 to 33. This court ruling allows governments to take private property from one landowner and give it to another private individual so long as some economic development justification is given. In short, it means that governments can take your property and give it to someone else.

□ 1515

I have been impressed by the widespread support for the proposition that this decision requires prompt congressional action.

As I have said before, South Dakotans from all walks of life are outraged about the Supreme Court's *Kelo* decision. As I have repeatedly noted in previous discussions of the case and as noted by Chairman SENSENBRENNER earlier today, even Justice John Paul Stevens, the author of the *Kelo* decision, has expressed the feeling that the use of eminent domain by the City of New London was unwise as a matter of policy. And I agree.

I am pleased to have been part of the effort to craft a good bipartisan response that addresses these policy shortcomings by discouraging State and local governments from arbitrarily taking land from private landowners and giving that land to another private party. I felt compelled to take a lead in this process because of the people I represent and my roots on my family's farm in South Dakota. South Dakota is a rural State, and our population's livelihood is deeply tied to the land. This is true for virtually all of the State's citizens, whether they live in town or whether they live on the farm.

Because of this, the belief in private property rights runs strong and deep, and everyone I have talked to back home on this matter has delivered the same message: Landowners should not be vulnerable to the whims of a government that decides to take their land and often their livelihood just to give it to someone else who the government decides would deliver more in tax revenues. I am pleased to say that many of

my colleagues agree with this, which is why in the short term since its introduction, this act and other initiatives have garnered broad bipartisan support, because the legislation makes sense.

As many of you know and as Chairman GOODLATTE was discussing, Chairman BONILLA and I, along with Chairman GOODLATTE, drafted H.R. 3405 to provide a strong response to the *Kelo* decision. At the time we introduced the STOPP Act, other legislation which took a similar approach by withholding some Federal funds when eminent domain is used to facilitate a private-to-private transfer of property for economic development purposes left open the possibility that a creative community or State could essentially shift funds within its budget to render the Federal response less effective.

In the words of Bob Stallman, president of the American Farm Bureau, in his testimony before the Agriculture Committee: "All of the Federal bills introduced thus far take this approach. The differences among them are the degree to which such funding is withheld. While we support all the approaches taken in these bills, H.R. 3405 seems to offer the most effective deterrent to abuses of eminent domain."

The Private Property Rights Protection Act of 2005 incorporates the core components of the STOPP Act, namely, the withholding of all Federal economic development assistance for 2 years if communities choose to use eminent domain to take private property from one landowner and give it to another private individual for the purposes of economic development.

I think this development is a testament to the hard work of individuals like Chairman BONILLA, Chairman GOODLATTE, Congresswoman WATERS, Chairman POMBO, and others to define, develop, refine, and promote a strong commonsense approach to the situation presented by the *Kelo* decision.

As I have said, I am happy to have been a part of these important efforts, and I encourage my colleagues to join with me today in passing this important bill.

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

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA), the chairman of the Agriculture Appropriations Subcommittee and the author of the STOPP Act, which was passed out of the Committee on Agriculture.

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, this is a rare moment in this town when we have a major issue that has widespread bipartisan support. I want to thank the gentlewoman from South Dakota, my original partner in this cause, who just spoke about this and gave a little history as to how we got this bill rolling several months ago; and also Chairman GOODLATTE under whose jurisdiction

this bill originally fell, the STOPP Act that we filed, because so many of the programs that we are talking about here today that are funded come through the Agriculture Committee.

We would not have been able to come this far without this partnership with Ms. HERSETH and Chairman GOODLATTE; and I want to thank both of them, not just personally, but I know there are a lot of people out there that are very grateful for the support they have given this and have brought us to this day where we have a bill that, again, was reported out of the Agriculture Committee by a vote of 40 to 1 and then out of the Judiciary Committee with only three people voting against it. That is a profound statement across partisan lines in this Congress.

It also has widespread support among groups like the NAACP, the AARP, religious organizations, and the American Farm Bureau. I think people understood the impact this bill could have because it is very simple, Mr. Chairman. It says to communities that if they do not care about property rights, they are not going to get their money. No property rights, no money for 2 years. And that is going to make any local government or any State think long and hard before they take that first step toward trying to take someone's property for private gain.

This bill, of course, does not do anything to infringe on the community's rights and the constitutional history in this country of communities taking private property for public use, i.e., airports, roads, bridges, et cetera. It does not touch that at all. So I believe that is why we were able to come to this state. We have gone through the process, worked through regular order. We had our hearings. Attorneys scrubbed the bill. People asked questions, what if this happened, what if that happened. And we tried to address every issue that has come to us thus far.

Again, it is a great day when we have two committees coming together, two parties coming together. People from all over the country, whether they live in a rural area or whether they live in an urban area, have the same concern about property rights after the Kelo decision.

I look forward to a resounding victory today for the people of this country.

Ms. HERSETH. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from California (Ms. ZOE LOFGREN).

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, as a member of the House Judiciary Committee I had the opportunity to review quite carefully this bill. While I disagreed with the Supreme Court decision, I must confess that the bill before us today is not drafted as carefully and clearly as I would

have hoped. There will, in all likelihood, be litigation if this bill becomes law because the exemptions are written in such a way that reasonable people may disagree as to their meaning.

I hope that I can help clarify the application of this bill in at least one area: The meaning of the bill as it relates to affordable housing.

What follows are the concurring views in the Committee Report accompanying this bill. It is my hope that by including them here today during our floor debate that in the future this clarification will be of value to public entities, litigants and the courts.

At markup, I intended to offer an amendment to this legislation creating an exception to the definition of "economic development" for the development of affordable housing for low-income residents. I ultimately decided not to offer this amendment, however, based on my recognition, and the apparent recognition of my colleagues, that this bill as introduced does not in any way limit the ability of States and local governments to exercise their eminent domain powers for the building of affordable housing for low-income residents. In fact, during markup, I pointed this out and received no objections from my colleagues.

The provision of low-income housing, whether by a for-profit or a non-profit entity, should not constitute "economic development" under the definition in this bill because such activity constitutes neither "commercial enterprise" nor an activity designed to "increase tax revenue, tax base, employment or general economic health." Rather, the development of affordable housing for low-income residents constitutes a traditional public purpose for which eminent domain powers have long been recognized. Given that this bill will not in any way limit the exercise of eminent domain powers for the development of affordable housing, I concur in the Committee's report.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time.

Mr. Chairman, in my district, the values of faith, family, and commitment to community are sacred. We also hold sacred the right to own property without fear of its being taken away by government.

Unfortunately, local governments are seizing property in the name of economic development and transferring ownership to other private individuals. American citizens are losing their homes in the interest of building strip malls or big-box stores. Even more disheartening is the fact that the U.S. Supreme Court has endorsed this behavior in what I feel is a misinterpretation of the takings clause of the fifth amendment to the Constitution.

I voted to prohibit this kind of action when I was a State representative in Colorado, and I have also voted my disapproval of the ruling in the case of Kelo v. New London.

I rise today in support of H.R. 4128, the Private Property Rights Protection Act. I am a cosponsor of this bill, and I supported passage of the STOPP Act, H.R. 3405, in the Agriculture Committee just last month.

This important legislation will help prevent local governments from abusing their power of eminent domain. While local governments may be well intentioned, the fact is that people are losing their homes because of misguided economic development principles.

I urge my colleagues to join me in supporting this measure; and I thank Chairman SENSENBRENNER, Ranking Member CONYERS, Chairman BONILLA, and Congresswoman HERSETH for their dedication to persevering and protecting property rights.

The right to own property is a fundamental right of this country, and I will do whatever I can to ensure that it is preserved.

Mr. GOODLATTE. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Protection Act. The Supreme Court decision of Kelo v. City of New London is one of the most unpopular decisions ever rendered. I believe more than 90 percent of United States citizens oppose this ruling, and it may be that the other 10 percent do not fully understand it. So it has been certainly roundly denounced.

The Court states that "any property may now be taken for the benefit of another private property." So if one party has a project that will yield more tax revenue than is currently provided by a piece of property, that property may be taken. This gives local governments broad powers. This creates great concern in the Agriculture Committee, as has already been noticed. Farm and ranch land can be taken very easily because a golf course, a shopping mall, an amusement park can easily be classified as being more important as far as economic development than agricultural land. Nonprofits, such as churches, Salvation Army, Goodwill Industries, shelters, are very vulnerable. They generate little or no tax revenue. So almost any project can supersede them in this regard.

Small businesses are very vulnerable. I had a farmer athlete who played for me who had worked very hard to develop a small business in an old building, a restaurant, and a new hotel was coming into the area. The local city council was thinking about shutting him down, destroying the building, building a new hotel, which would be economic development. And this person was essentially very vulnerable. His whole life savings, his whole investment was going to be gone. So this bill would prevent that.

H.R. 4128 prevents States and local governments from receiving Federal economic development funds if they abuse their powers of eminent domain. These are important protections.

I would like to thank Chairman GOODLATTE, Chairman SENSENBRENNER, and others who have worked so hard on this bill; and certainly I urge adoption of it.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time. It is a pleasure to work with her on this, and I appreciate the opportunity to speak on this important issue on the House floor today.

As we all know, on June 23, 2005, the Supreme Court handed down its decision in the case of *Kelo v. The City of New London*. In *Kelo*, the Court addressed the city's condemnation of private property to implement its redevelopment plan aimed at invigorating a depressed economy. By a 5-4 decision, the Court held that the condemnation satisfied the fifth amendment requirement that property condemnations be for a "public use," notwithstanding that the property, as part of the plan, might be turned over to private developers.

The Supreme Court decision was indeed a wake-up call, Mr. Chairman, for many communities; and I have heard loud and clear from my own constituents in Georgia that they are worried that their property rights are in jeopardy. Today we are going to remedy this wrongful application of the law of eminent domain and restore important property rights to private citizens. This is very important, Mr. Chairman, what we are doing today. And as a cosponsor of H.R. 4128, the Private Property Rights Protection Act, I believe that passage of this legislation will ensure that no Federal dollars will be used to unjustly take any property at the local and State levels. In addition, I will continue to support efforts to curtail the power of eminent domain in an effort to protect private property rights.

H.R. 4128 is important, and I support it because it prohibits State and local governments that receive Federal economic development funds from using eminent domain to seize land for economic development purposes, except for the construction of public facilities such as hospitals or military bases, and for use by a public utility, aqueduct, or a pipeline.

In conclusion, Mr. Chairman, the States and local governments that take lands for private development could not receive Federal economic development funds for those years. I am therefore very pleased that the House is voting on this important bill today.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is a rare moment of bipartisanship in Congress, and it bears some reflection as I rise in strong support of the Private Property Rights Protection Act. I think that agreement

springs from our oath of office, which we take at the beginning of every Congress. It provides: "I do solemnly swear/affirm that I will support and defend the Constitution of the United States against all enemies foreign and domestic and that I will bear true faith and allegiance to same."

And I believe that is what Republicans and Democrats are doing today is bearing true faith to the Constitution, which in its fifth amendment provides that no person shall be deprived of life, liberty, or property without due process of law nor shall private property be taken for public use without just compensation.

The Private Property Rights Protection Act by virtue of its outstanding authorship, Chairman SENSENBRENNER, Chairman GOODLATTE, Chairman BONILLA, fulfills this oath of office in a profound way. In the wake of the June 2005 *Kelo* decision by the U.S. Supreme Court, which held that economic development could be a "public use" under the fifth amendment's takings clause, Congress and every Member of Congress, in my judgment, has a duty under that oath to support and uphold and defend the Constitution. Indeed, John Adams remarked: "The moment the idea is admitted into society that property is not as sacred as the law of God and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

As a Member of the House Agriculture Committee, I can say that the fear of development and the unbridled appetite of urban areas against rural areas makes this an especially important initiative of the Agriculture Committee and its distinguished chairman.

□ 1530

In the discharge of our duty to support and defend the fifth amendment to the Constitution, I urge my colleagues very humbly, say no to *Kelo*, say yes to the Private Property Rights Protection Act.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am proud to be a cosponsor of H.R. 4128 and glad to rise in support of it.

The Private Property Rights Protection Act prohibits States and localities from using eminent domain powers for economic development purposes if the State or local governing jurisdiction received Federal economic development funds during the same year.

In the past, governments were only able to acquire property from private owners if the property was going to be used for real public use, highways, roads, schools, parks, or to eliminate that property from endangering the public. These transactions have typically not occurred when the government buys a property by the power of eminent domain from a private owner

and then sells the property to a different private owner under the premise that the property would benefit the community with increased economic development.

We all support economic development, but if a community wants to do that, they need to go to that individual landowner and say, this what we want, we want to buy your property, and this is what we are going to do with it. We should not take it under the cloud of eminent domain.

The fifth amendment to the Constitution states that "private property shall not be taken for public use without just compensation." This did not seem to matter when the *Kelo* decision was made.

The *Kelo* ruling has essentially stripped the public of the constitutional right to own that property if someone thought they had a better use for it than they did. I think that is what bothers so many people on a bipartisan basis, rural, urban. The fact that a small business or home can be taken away from a private citizen simply to increase tax revenues is disturbing and shows a blatant disregard I think for the constitutional rights of our citizens.

In Texas, our State legislature has already taken steps to correct the decision, at least under State law, by passing legislation that would prohibit the local government or private entity from taking private property through eminent domain for private benefit or economic development purposes, and we should do the same, at least as much as we can do under our Federal laws.

So this bill does give us that opportunity to defend our fundamental constitutional rights of our constituents.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), another member of the House Agriculture Committee.

Ms. FOXX. Mr. Chairman, Chairman GOODLATTE and Chairman SENSENBRENNER are to be applauded for the excellent, prompt work they have done on this outstanding bill.

Fundamentally, this bill is truly one of the most important pieces of legislation that this Congress has or will consider. The Supreme Court's eminent domain decision contradicts the very ideals of liberty and property rights that have for 229 years defined the greatest government on earth.

Our forefathers put their lives on the line and took up arms to obtain the liberties and independence we enjoy. They left their wives and families to shed blood so their children would not be subject to British taxation, invasion of privacy and wrongful seizures of property.

The Framers of our Constitution clearly defined the rights to speak and worship freely, bear arms and hold personal property when they crafted the greatest form of government the world has ever known.

Property rights are a hallmark of what separates America from nations whose citizens live in fear of their own government. In fact, property rights and the opportunity for homeownership are principal reasons that citizens come from other nations desperately to America. However, as a result of the atrocious decision made by the Supreme Court, those exact rights became jeopardized.

As Members of Congress, we have a responsibility to uphold the Constitution and protect the rights of our constituents. We also have the responsibility to carefully monitor the actions of the judicial branch.

The bipartisan support this bill has both in Congress and in our districts loudly proclaims the widely held opposition to the Supreme Court's un-American eminent domain decision. I am proud to help ensure that such an appalling ruling will not be made again.

I hope and pray the newly appointed Supreme Court justices will never rule as irresponsibly as those five justices who supported the eminent domain decision did. We cannot let courts or local governments trample on property rights.

I urge all my colleagues to support this bill.

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

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT), the newest Member of Congress, who is standing up on this important issue.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 4128, of which I am a cosponsor, legislation to protect private property of all Americans. As my fellow Ohioan William Howard Taft, the only person to serve as President and Chief Justice of the Supreme Court, said, "Next to the right of liberty, the right of property is the most important individual right guaranteed by the Constitution."

When the Supreme Court decided in *Kelo* that the State and local governments can require homeowners to vacate their property to make way for commercial development, it failed property owners' rights and our Constitution.

This legislation is important to me because of residents in Norwood, Ohio. In Norwood, Ohio, these residents are suing right now saying that it misused the power of eminent domain by declaring a neighborhood was blighted and turning the property over to a private company for the development of a shopping center. The Ohio Supreme Court is taking this matter. We hope there is a better resolution than the one in *Kelo*.

I want to commend Chairman SENSENBRENNER and Chairman GOODLATTE for their good work and their coura-

geous effort in this most needed legislation.

Ms. HERSETH. Mr. Chairman, let me just conclude by commenting in my remaining time on some of the testimony that we heard in Chairman POMBO's Committee on Resources, on which I also sit, about the compelling testimony of individuals, business owners, who have been victims of abuses of eminent domain for the purpose of a private-to-private transfer.

So not only have we heard these compelling stories from individuals, families who have been affected, both in cities and in the country, but we have also had good bipartisan work in drafting sessions, our legislative hearings, our markups, in the Agriculture Committee, in the Resources Committee, now the Judiciary Committee. The bill that is under consideration today, that has attempted to respond in the most effective way to a ruling, as I mentioned, that received strong disapproval from this body shortly after the Supreme Court's ruling and on which even the opinion's author and, as I understand, even another member of the court who recognized that this is something the legislatures should contend with. And that is precisely what we are doing today on the House floor.

Congress needs to take action. We need to take it immediately. Our hope is certainly that we can make this bill law in short order, because, as some of the testimony before the Resources Committee last week also indicated, certain municipalities and other local units of government moved quickly after the Supreme Court's decision in *Kelo* to exercise their eminent domain powers for purposes of economic development for a public purpose, public benefit, beyond the plain language of the United States Constitution that limits the eminent domain power to public use. This has been a broad trend for a number of years, culminating in the Supreme Court's decision in *Kelo*, that requires the action of this body.

I urge my colleagues to support final passage of this bill that is a well-crafted, careful, thoughtful attempt to address a serious problem for property owners across the country.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to start by thanking some people who do not always get thanked, and that is the diligent, hard-working staff of the Agriculture Committee on both sides of the aisle, the Judiciary Committee on both sides of the aisle and my congressional office staff. They worked very, very hard on what I think is a comprehensive and carefully crafted piece of legislation.

We are going to begin to entertain some amendments, and some of those amendments could have a devastating impact, a gutting effect on this legislation, and I urge my colleagues to follow that debate closely and help us de-

feat amendments that would open this back up to the same kind of court misinterpretation that has been a problem here.

Finally, let me say that the United States Constitution protects private property rights as a fundamental right, and we need to make sure that we respond to a Supreme Court decision that has cast private property rights in America into question by passing this important legislation today.

Mr. TIAHRT. Mr. Chairman, I am pleased the House of Representatives is again taking action to curb further abuse of eminent domain for economic development purposes. Ever since the infamous *Kelo v. City of New London* Supreme Court decision in June, Kansans have voiced their strong opposition to this ruling.

I agree fully with my constituents that governments should not be given the authority to transfer private land from one owner to another for economic development purposes. Securing the right of individuals to own and manage their own property is provided for in the U.S. Constitution. The Fifth Amendment states, "nor shall private property be taken for public use without just compensation."

Every constituent who talks with me about this issue strongly believes the Supreme Court went too far when it said that a government can transfer private land from one owner to another if the second owner will supposedly generate more tax revenue. The court's decision does not pass the common sense test.

The court's flawed reasoning is precisely what the original Supreme Court, warned against at its inception in 1789 when it called eminent domain a "despotic power." Unfortunately, we have been forced to respond to the 2005 Supreme Court's decision with legislation to deter future land grabs by greedy local governments.

The Private Property Rights Protection Act of 2005, H.R. 4128, would deny federal economic development assistance to any State or local government that chooses to use the power of eminent domain for economic development purposes.

I strongly support H.R. 4128 and congratulate Chairman SENSENBRENNER for his leadership on this important land-rights issue. I support the bill's passage and am hopeful the Senate will act quickly so we can get it to the President for his signature.

Americans have relied on constitutional protection against abusive land transfers from one person to another for more than two centuries. History reminds us that nations that disregard the rights associated with private property ownership disregard other fundamental rights of the citizenry.

We have recognized there are times when governments need to purchase private land to build a road or construct a school for use by the general public. Occasionally, this has to be done against a landowner's wishes. But our Founders believed only under extreme circumstances should property be taken from a land owner for the greater public good. The idea that a government would use its eminent domain power to take land from one private owner and transfer it to another land owner for economic development is an abuse of the public good definition.

H.R. 4128 will prohibit States and local governments from exercising eminent domain for

economic development, or for property that is subsequently used for economic development, if the State is a recipient of Federal economic development funds that fiscal year. If a State or local government is in violation of this provision, it would be ineligible for Federal economic development assistance for 2 fiscal years following a final judgment.

Many farmers in my district have expressed particularly how harmful this court ruling could be to them if a local government wants to take their land for development. Many farms have been in the same family for generations. Under the Supreme Court's ruling, a government could forcefully take all or a portion of the family farm so more tax revenue could be generated by a developer. This scenario is a real possibility that demands the Congress take action to prevent such an unjust land grab.

The same situation could arise for a house of worship or other non-profit organization. Entities that do not generate tax revenue are particularly vulnerable to land grabs by governments interested in generating more tax dollars.

Small businesses are also in support of this bill because it protects their property from being handed over to a larger company, or even a competitor. Small shop owners that may be struggling to survive would be an easy target for a local government. It is important we pass legislation that helps protect small businesses. H.R. 4128 does just that by alleviating the threat a local body could pose to small businesses when it comes to supposed economic development.

I look forward to seeing this bill passed and signed into law. Support for this bill is support for home owners, small businesses, farmers, ranchers, houses of worship and anyone who believes in private property rights.

Ms. WOOLSEY. Mr. Chairman, today the House passed H.R. 4128, a bill that makes states and local governments ineligible for Federal economic development funds for 2 years if they exercise eminent domain in the name of economic development.

Protecting the rights of individual property owners is of the utmost importance. However, there are certain circumstances when the best interest of a town is served by the responsible use of eminent domain. As a former City Council Member, I know how effective this tool can be when it is used judiciously. In my State of California there are restrictions on local governments' use of eminent domain to ensure that situations like that of *Kelo v. City of New London* do not happen.

We have to trust local authorities to use this power responsibly and respectfully and only when it truly benefits the community at large and when property owners are fairly compensated. By restricting the use of eminent domain, we take away our local governments' ability to serve and improve their jurisdictions. As the leaders of our neighborhoods and towns, we must trust they know best how to use the resources and assets that are available.

Mr. Chairman, by restricting the use of eminent domain we have in fact impeded our local governments' ability to make necessary progress.

Mr. BLUMENAUER. Mr. Chairman, the Supreme Court Ruling in *Kelo v. New London* sparked many fears among citizens that their property was at risk of being taken away by

the government. These fears, however, are unwarranted and stem from a fundamental misunderstanding of eminent domain.

Eminent domain is a power granted local governments by the Fifth Amendment. The Supreme Court decision in no way precluded the rights of States to place further restrictions on eminent domain and to more narrowly define public use. The court leaves these rights to local officials and citizens for public debate. In my experience as a local elected official, eminent domain was the absolute last resort, but it was an important tool to have if it was absolutely necessary.

In the discussion on the House floor today, my colleagues failed to recognize the many benefits we experience thanks to eminent domain. Twenty years ago, Times Square was a notoriously dangerous neighborhood in New York City. Eminent domain was used to take 13 acres of land, condemning 56 lots and moving 404 tenants. The public-private redevelopment included a highly successful mixture of for-profit and non-profit theaters, retail facilities, hotels, and office buildings. What was once a blighted, unsafe neighborhood is now a safe and vibrant city center.

Connecting the U.S. Capitol and the White House, Pennsylvania Avenue is one of this country's most important thoroughfares. Fifty years ago, however, it was a street bordered by many problematic land uses and buildings that significantly detracted from its role in the life of Washington, D.C. and America. In 1972, Congress created the Pennsylvania A venue Development Corporation, which in turn exercised the power of eminent domain to revitalize this important avenue of American life.

This bill is a hasty political response to a narrow Supreme Court decision. I am concerned that it is overly broad and will have many unintended consequences for our States and communities and hamper their ability to build safer, healthier and economically secure neighborhoods. I urge my colleagues to defeat this bill and allow local governments to reform eminent domain laws in manners consistent with their communities' needs.

Miss MCMORRIS. Mr. Chairman, I rise today to offer my support of H.R. 4128 the Private Property Rights Protection Act of 2005.

I am pleased the House of Representatives recognizes the importance of protecting private property rights, and clarifying legitimate takings by the Federal Government and discouraging takings for private development.

Without a doubt, I am a strong defender of private property rights. Uncompensated regulatory takings of private property have become an immense problem across our Nation. As Federal, State, and local regulations have increased in number and scope, property owners have increasingly found themselves unable to use their property and unable to recover the losses that result.

In *Kelo v. City of New London*, decided June 23, 2005, the Supreme Court ruled 5-4 that the city's condemnation of private property, to implement its area redevelopment plan aimed at invigorating a depressed economy, was a "public use" satisfying the U.S. Constitution—even though the property might be turned over to private developers. The majority opinion was grounded on Supreme Court decisions holding that "public use" must be read broadly to mean "for a public purpose."

This decision does not take into sufficient account the distinction between projects where

economic development is only an instrumental or secondary aspect of the project, and those where economic development is the primary interest. I am concerned by this decision.

Our founding fathers believed so much in the sanctity and importance of private property that they felt it needed to be protected in the Constitution. However, due to the recent ruling, government officials can confiscate private property if they simply argue the local community will receive an economic benefit to do so. In fact, the Institute for Justice estimates that over 10,000 homes nationwide are in danger of being destroyed by aggressive local governments. Now officials can seize the homes of private citizens to generate more tax income to fuel big government spending programs.

Justice O'Connor had it right when she stated, "under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded—given to an owner who will use it in a way that the legislature deems more beneficial to the public—in the process."

Property rights are civil rights. There can be no individual freedom without the power of an individual to control their own autonomy through the free use of their own property. The Supreme Court's decision poses an immediate threat to that essential freedom, and the most likely victims will be the most vulnerable in our society if Congress does not act.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of this bill, H.R. 4128.

What we witnessed as a result of the Supreme Court's ruling in *Kelo vs. City of New London* was unfortunate.

I know that all across the country local governments are looking for ways to revitalize their communities. I believe these efforts are important and necessary to help their neighborhoods and families thrive, however, I believe that the City of New London acted inappropriately.

The Supreme Court's ruling in the case went too far and made governments' eminent domain powers too broad.

I am extremely concerned with the apparent disregard by a majority of the Supreme Court regarding the purpose of the Takings Clause under the Fifth Amendment. The *Kelo* ruling would allow the taking of private property for the benefit of another private entity.

When I was County Executive I put forward a plan to use eminent domain for the purpose of public safety although there were private entities that would have benefited. My goal was to revitalize a deteriorating community and I felt that eminent domain was a tool I needed to address revitalization of an area with high levels of poverty and a high crime rate.

As a consequence of the public debate on that experience, I have come to better appreciate the severity of the government intervening to benefit one private entity to the detriment of another private entity. I believe that using eminent domain to take private property should only be used in situations where there is an overwhelming public benefit such as roads, schools, hospitals, and public safety needs. I understand this legislation as preventing the use of eminent domain for economic development and that any use of eminent domain for the purposes of public safety is still permitted.

By prohibiting the Federal Government from using strictly economic development as a justification for condemnation of private property;

and by prohibiting States and local governments that receive Federal economic development funds from taking private property for strictly economic development purposes, the supporters of this legislation hope to prevent another New London.

This legislation would not prevent the Federal, State or local governments from exercising eminent domain for public facilities or other uses defined as public use.

It is vital that we protect the property rights of all Americans from arbitrary application of eminent domain by passing this legislation.

I urge my colleagues to support the bill.

Mr. MURPHY. Mr. Chairman, the Private Property Rights Protection Act would hopefully, once and for all, prohibit Federal, State and local use of eminent domain to take private property for economic development.

The Fourteenth Amendment's due process clause gives eminent domain authority to States and localities if seizing property for a "public use." However, in the Kelo decision, the Supreme Court ruled that New London, Connecticut's redevelopment plan was constitutional and, in fact, for a "public use"—largely ignoring the reality that the property, as part of the plan, would be turned over to private developers.

The Fourteenth Amendment also contains what's known as the equal protection clause, which states: "No State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws." But the Kelo ruling deliberately declares that heretofore, certain persons and their property will in fact be protected UNEqually. Or, in the case of Kelo, not at all.

In addition to prohibiting any level of government from using economic development as a reason for exercising its power of eminent domain, H.R. 4128 would also provide assurances that those who are victimized by eminent domain property seizures will get their day in court. Eminent domain victims suffering injuries from a violation of the protections in H.R. 4128 will be allowed access to State or Federal court to enforce its provisions.

Mr. Chairman, the home ownership rate is at the highest level in our Nation's history. Owning one's home and property is the cornerstone of the American Dream. The Kelo decision sets a precedent that can turn the American Dream into a nightmare for victims of eminent domain.

I salute Chairman SENSENBRENNER and Chairman SMITH of the Judiciary Committee and Chairman GOODLATTE of the Agriculture Committee for developing this strong, bipartisan legislative defense of private citizens. I am proud to cosponsor the legislation, and urge all Members to support this prudent bill.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4128, which bars local governments from using eminent domain for economic development.

The urban renewal of the last decade has benefited every part of the country and many cities in the 13th Congressional District. The very purpose of government is to make tough decisions that benefit the community, and I cannot support Congress taking away this essential government function.

This bill would also extend the Federal Government ever further into matters in which it doesn't belong—in this case—real estate planning and development. City councils are elected and empowered to make the difficult choice

when private property should be utilized for the good of the community. Congress cannot and should not tie the hands of locally elected leaders to do what they believe is in the best interest of their communities. If those local officials make the wrong choices, voters will no doubt respond.

Mr. LEVIN. Mr. Chairman, the bill before the House today is a good example of a legislative cure that is worse than the underlying disease.

I want to say at the outset that there have been some very questionable uses of eminent domain. The fifth amendment to the Constitution clearly states that private property may not be taken except for public use, and then only after just compensation has been paid to the property owner. In many cases, the use of eminent domain is justified, but it is invariably controversial. I remember the controversy that attended the construction of the Walter Reuther Freeway in my home State during the 1960s and 1970s. Some communities were furious over the project, but there was no doubt in anyone's mind that the road served a clear public use.

Other uses of eminent domain are much more questionable. In Washington, as in so many other cities, a decision has been made to spend hundreds of millions of taxpayer dollars to build a new stadium for the benefit of Major League Baseball and the future owner of the Washington Nationals. Indeed, the District Government filed court papers the other day to seize \$84 million worth of property from its current owners. Are stadium deals like this a legitimate public use? Evidently, they must be since the legislation before the House contains an exception that would seem to allow the use of eminent domain to build such facilities.

While lucrative stadium deals apparently enjoy protection under this bill, there is a blanket prohibition placed on the use of eminent domain for economic development purposes. States and localities that take land for private, for-profit projects or those designed to increase the tax base or employment stand to lose all their Federal economic development funding for 2 years. The penalty would extend to all economic development funds, even those going to meritorious projects that do not use eminent domain. The language of this legislation is so broadly written, and the penalties are so severe, that it will tie our cities and States in knots. Any use of eminent domain could conceivably trigger the overly broad penalties contained in this legislation. The potential liability facing cities and States that use eminent domain is open-ended and could extend for years or even decades into the future.

Land use planning is primarily a State and local function. Members of Congress frequently pay lip service to States' rights and local control, but this bill would overrule the limitations that many States have placed on eminent domain and land transfers to private entities for economic development purposes. In the case of my own State, in 2004, the Michigan Supreme Court limited the use of eminent domain by narrowly interpreting the State constitution's takings clause in *County of Wayne v. Hathcock*.

There is a lot of room for improvement in the use of eminent domain. Unfortunately, the legislation before the House is an unreasonable and unworkable solution.

Mr. ORTIZ. Mr. Chairman, I rise today in support of the Private Property Rights Protec-

tion Act of 2005. I was disturbed—as were so many Americans—both by the decision of a local Connecticut community to seize private property for area economic development and the Supreme Court's upholding their right to do so.

While I believe our Constitution allows for State and local governments to execute the power of eminent domain for those purposes that specifically serve the public good, condemning property solely to implement economic development plans is not serving the public good. Private property rights matter in this country, and violating those rights insults a very basic tenet of American fairness. For my constituents, owning a home is the culmination of many years of hard work and the realization of the American Dream. At no time should a local entity take those years of hard work solely to increase their tax revenue.

I am proud to support this bipartisan legislation.

Mr. MENENDEZ. Mr. Chairman, the Constitution and the fifth amendment allows the government to use "eminent domain" to condemn and take private property only if the owner receives "just compensation" and only if the property is taken for "public use." Common sense and Supreme Court decisions tell us that public uses are schools, roads, parks, railways, hospitals, and military bases. That is something that we all know and realize.

Unfortunately, earlier this year, in *Kelo v. City of New London*, the Supreme Court empowered the government to seize private property, including someone's own home, and transfer it to another private owner as long as the transfer would provide an economic benefit to the community.

The hope of one day owning a home is the backbone of the American Dream. The house is the single most important purchase most Americans will ever make. The average family invests more in their homes than they invest in the stock market, the money market, or their retirement savings plans. There's a good reason for that. Housing has been a safe, leveraged investment, and one of the best investments one can make.

That is why government must not have a green light to seize our homes just because it believes it would be more profitable as something else. While eminent domain has been used successfully throughout our history to advance important public projects, it should never be manipulated to solely support the interests of private developers.

Increasingly, local governments are exploiting eminent domain powers to take property for retail, office or residential development. In my State of New Jersey, some localities have abused eminent domain so that beachfront homes can be replaced by luxury townhouses and condominiums.

That is why I support H.R. 4128, the Private Property Rights Protection Act. This legislation would deny States and localities from receiving any Federal economic development funds if they abuse their eminent domain power. H.R. 4128 also bars the Federal Government from exercising eminent domain for economic development.

Mr. Chairman, over 200 years ago, James Madison said that "Government is instituted to protect property of every sort . . . This being the end of government, that alone is a just government which impartially secures to every man, whatever is his own."

That is why this bill is so needed. I urge my colleagues to support H.R. 4128 to not only protect homeowners, but to also ensure that homeownership remains the hallmark of American life.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today sharing the concerns of my colleagues about the dangerous expansion of the eminent domain power and the Supreme Court's decision in *Kelo v. City of New London*. I firmly believe there need to be safeguards against the excessive and unfair use of the government's eminent domain power. Governors and State legislators across the country, including those in my home State of Connecticut, are currently grappling with this important issue. As a former State legislator, I understand that these issues are best reviewed and addressed at the local level. The Federal approach is overly broad and although well intentioned, falls short of protecting the communities it purports to protect.

Let me make my position clear, private property is one of the most fundamental rights our founding fathers safeguarded in the Constitution. Property rights deserve the utmost protection from governmental intrusion. As a lifelong resident of Connecticut, I am saddened by the Supreme Court's decision in the *Kelo* case and like many in Connecticut and across the country, feel vulnerable to the potential abuse of eminent domain authority. However, I do not feel this bill brings justice to communities or comprehensively secures property rights from the misuse of the local and State government taking authority.

By attempting to narrow the scope of eminent domain through broad and vague terms, Congress is assuming to identify what does and does not constitute a local public need—a job historically left to our towns, cities and States. These local municipalities would risk losing much-needed economic development funds should they exercise eminent domain authority that goes outside the ambiguous Federal standard set in this bill. Unfortunately, the people most affected by this punitive measure are not the local and city governments making the decisions or the ones at the bargaining table, it is individuals and families living in communities throughout the city, in neighborhoods that depend on federally funded economic development projects for decent housing and livable communities. These are the ones who will truly be penalized by this bill.

Eminent domain is a careful balance of protecting private rights and local public needs. This bill is not yet there. Because of the work still ahead of us, I am voting against this legislation today in the hope that these issues will continue to be addressed during conference with the Senate and that it will work to clarify these remaining questions.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this legislation.

The bill responds to the decision of the U.S. Supreme Court in the case of *Kelo et al. v. New London et al.*, a case that involved the question of the scope of a local government's authority to use the power of eminent domain, and in particular whether local governments may condemn private houses in order to use the land for uses that are primarily commercial.

Earlier this year, I voted for a resolution expressing disapproval of that decision. I did so because it is my strong view that, as the reso-

lution stated, "State and local governments should only execute the power of eminent domain for those purposes that serve the public good . . . [and that for them to do otherwise] constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment."

In voting for that resolution, I also noted my endorsement of its statement that "Congress maintains the prerogative and reserves the right to address through legislation any abuses of eminent domain by State and local government."

That is the purpose of this legislation.

The bill prohibits Federal agencies from using the power of eminent domain for the kind of economic development project that was involved in the *Kelo* case. It also would deny Federal economic development assistance to any State or local entity that uses its eminent domain authority in that way.

Specifically, the bill would penalize any State or local government that takes private property and conveys or leases it to another private entity, either for a commercial purpose or to generate additional taxes, employment, or general economic health. A State or local government found to have violated this prohibition would be ineligible for certain Federal economic development funds for 2 years, but could become eligible by returning or replacing the property.

The bill also would give private property owners the right to bring legal actions seeking enforcement of these provisions and would waive States' immunity to such suits.

This is strong medicine, but I think the prescription is appropriate.

I found persuasive the views of Justice O'Connor who, dissenting in the *Kelo* case, warned that the decision could make more likely that eminent domain would be used in a reverse Robin Hood fashion—taking from the poor, giving to the rich—and that "The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms."

The bill is intended to make this less likely.

It does not do so by attempting to replace State and local authority with Federal law. I do not think the Constitution gives us that power, and it would not be right to do it even if we could.

Instead, it would require the States and local governments to decide whether they are prepared to sacrifice certain Federal assistance for 2 years as the price for exercising their authority in ways covered by the bill.

It is important to note that the bill would apply only to cases involving the taking of private property, without the consent of the owner, in order to convey or lease it to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health.

Thus, the bill would not apply to the types of takings that have traditionally been considered appropriate public uses, and it also includes exceptions for the transfer of property to public ownership, to common carriers and public utilities, and for related things like pipelines. It includes exceptions for the taking of land that is being used in a way that constitutes an immediate threat to public health and safety and makes exceptions for incidental use of a public property by a private

entity—such as a retail establishment on the ground floor in a public property; for the acquisition of abandoned property; and for clearing defective chains of title.

During the debate on the resolution about the *Kelo* decision, I noted that the States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their local governments and that I thought this would be the best way to address potential abuses.

That is still my view, and I think the view of many Coloradans. Already, members of our State's legislature are acting to curb potential abuses in the use of the eminent domain power—an effort I support—and some have suggested that as a result there is no need for this bill.

I think there is some merit to that argument, and I have given careful consideration to the points made by some of its most thoughtful and respected proponents, such as Sam Mamet of the Colorado Municipal League, who are concerned about the potential that Congress could put unnecessary constraints on the ability of local governments to address the needs of our communities.

However, after careful consideration, I have concluded that Congress should act to provide an effective deterrent to abuse of eminent domain, while still allowing its use in appropriate circumstances. And I think this bill, while certainly not perfect, does strike a fair balance and deserves to be supported.

Mr. HEFLEY. Mr. Chairman, this bill attempts to right a great wrong.

The Supreme Court's June 23 ruling in the case of *Kelo v. the City of New London* struck at the heart of American liberties, effectively eliminating the pursuit of happiness or property as a basic unalienable right.

I think events since then have proven that the Court was wrong, at least in the eyes of the American people.

According to the Institute for Justice, eminent domain reform legislation will be considered in 35 states over the next year.

Justice John Paul Stevens, who wrote an opinion in favor of the *Kelo* decision, recently said he was troubled by the policy implications of the ruling and that, if he were a legislator, he would work to change it.

And, in a final stroke of justice, New London City Council recently fired the New London Development Corporation that was at the heart of the *Kelo* case. Unfortunately, this action came after \$73 million in public dollars were spent and after it had razed virtually the entire Fort Trumbull neighborhood.

Akhil Reed Amar, a Yale law professor and author of the book *America's Constitution*, recently observed that the Supreme Court's exalted status as the infallible interpreter of the Constitution is a fairly recent phenomenon and that the Court has been proven wrong before. He pointed to the *Dred Scott* decision as one example.

This is another.

And when the Supreme Court is wrong, it is the duty of this body, the Congress, to correct it.

This bill goes a long way toward doing that. I'd like to see it go further. Because while I am a supporter of States' rights, I do not know whether individual States have the right to abrogate basic freedoms.

But I'll settle for this. We all took an oath to defend the Constitution and that's what this bill tries to do. Therefore, I urge its support.

Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of H.R. 4128, legislation to address the U.S. Supreme Court's June 23, 2005, decision in *Kelo v. City of New London*. This ruling by the Court deeply concerns me, and that is why I rise in strong support of this bill.

It has long been established that the United States may invoke its power of eminent domain to take private property if it is for "public use." However, in its *Kelo* decision, the U.S. Supreme Court has broken dangerous, new ground by redefining public use. Under *Kelo*, no longer is the government limited in its acquisition of private property to the creation of roads, military bases, parks, and so forth. Instead, the takings clause has been reinterpreted to allow a government to seize private property from one individual and give it to another private individual, if the local government deems that such condemnation and transfer of property serves a public purpose.

The result of such a decision played out to its logical extreme was seen days after the ruling, when Logan Clements took initial steps to seize the Weare, NH, home of Supreme Court Justice David Souter. On that site, he hoped to build "The Lost Liberty Hotel," which would leave copies of Ayn Rand's *Atlas Shrugged* in each room, and have a museum exhibit on the loss of freedom in America.

While this may have been done more to make a point than with serious intent or concern for the economic development of Weare, NH, it does illustrate the dangers of the *Kelo* decision. There is nothing to prevent a local planning board from seizing homes, businesses, churches, or other property if, in the opinions of some, a more economically productive purpose for that land may be pursued. Private property rights are drastically eroded by *Kelo* and they must be restored.

Government should not be permitted to take property from one individual and give it to another. Thanks to the precedent of *Kelo*, the private property guarantee the Founders placed in the U.S. Constitution is no more. Legislation, like H.R. 4128, is needed to preserve the right to own private property, and I encourage my colleagues to vote for this bill.

Mr. SENSENBRENNER. Mr. Chairman, I submit the following jurisdictional letters of exchange for inclusion in the CONGRESSIONAL RECORD during floor consideration of H.R. 4128, the "Private Property Rights Protection Act."

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 2, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that you will shortly bring H.R. 4128, as amended, the Private Property Rights Protection Act of 2005, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 4128. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its

jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4128 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 4128. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your recent letter concerning the Committee on Energy and Commerce's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Energy and Commerce's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Energy and Commerce does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on Energy and Commerce for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 28, 2005.

Hon. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Congratulations on your successful markup of H.R. 4128, the Private Property Rights Protection Act of 2005. As you are aware, I have been a vocal advocate for the protection of private property since coming to Congress 13 years ago. You should be commended for your leadership in marshaling this important private property rights legislation through your committee.

I have reviewed the legislation and discovered provisions that are within the jurisdiction of the Committee on Resources. Because of the importance of moving this legislation to the floor quickly, I will not seek a sequential referral of H.R. 4128 based on their inclusion in the bill. Of course, this waiver does not prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Resources on these provisions, should a conference on H.R. 4128 or a similar measure become necessary.

Once again, it has been a pleasure to work with you and your staff. I look forward to seeing H.R. 4128 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your recent letter concerning the Committee on Resource's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Resources' jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Resources does not waive any jurisdiction it may have had over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Resources for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, November 3, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 4128, the Private Property Rights Protection Act of 2005.

Our Committee recognizes the importance of H.R. 4128 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 3, 2005.

Hon. DON YOUNG,

Chairman, Committee on Transportation, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: Thank you for your recent letter concerning the Committee on Transportation's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Transportation's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Transportation does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on Transportation for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 1, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On October 27, 2005, the Committee on the Judiciary ordered reported H.R. 4128, the Private Property Rights Protection Act. This bill protects private property rights by prohibiting eminent domain abuse by States or the Federal Government through limiting the use of "Federal economic development funds." This term is broadly defined in the bill to mean any Federal funds designed "to improve or increase the size of the economies of States or political subdivisions of States." This bill will be considered by the House shortly, and I want to confirm our mutual understanding with respect to consideration of this bill.

Under rule X of the Rules of the House of Representatives, the Committee on Financial Services has jurisdiction over legislation involving financial aid to commerce and industry as well as urban development. This jurisdiction has been exercised in a number of ways. The term Federal economic development funds as defined in this bill would apply to a number of programs developed by this Committee. For example, these programs would include Community Development Block Grants, Brownfields Economic Development Initiative, Economic Development Initiative, Renewal Communities, Empowerment Zones and Enterprise Communities and the Section 3 Program of the Housing and Urban Development Act of 1968. The term would also apply to the Economic Development Administration, Delta Regional Authority and the Appalachian Regional Commission. Had time permitted, this Committee would have asked for, and likely would have received, a sequential referral of the bill. However, given the desire to expedite consideration of the bill, I will forego making that request. I do so with the under-

standing that this will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. I further request that you support appropriate representation from this Committee in the event of a House-Senate conference.

I will conclude by requesting that you place a copy of this letter and your response in the CONGRESSIONAL RECORD during consideration of the bill. Thank you for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 2, 2005.

Hon. MICHAEL G. OXLEY,

Chairman, Committee on Financial Resources, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your recent letter concerning the Committee on Financial Service's jurisdictional interest in H.R. 4128, the "Private Property Rights Protection Act." This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered the bill reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Financial Service's jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Financial Services does not waive any jurisdiction it may have had over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Financial Services for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

Mr. CANNON. Mr. Chairman, I rise today in support of H.R. 4128, legislation that would prohibit State and local governments that exercise eminent domain for economic development purposes from receiving federal funds.

John Adams once said "Property must be secured or liberty cannot exist." I join my colleagues in taking action to secure private property rights.

The recent Supreme Court decision *Kelo v. City of New London* eviscerated one of our most fundamental constitutional rights. This case dealt a serious blow to property rights and it is incumbent upon Congress, a co-equal branch of government, to remedy this erroneous decision.

Eminent domain, or the "despotic power," as Justice William Patterson called it in 1795, is the power to force citizens from their homes and small businesses. The Members of the Constitutional Convention were cognizant to the possibility of abuse and that's why the Fifth Amendment provides the simple restriction and remedy: "nor shall private property be taken for public use, without just compensation."

The expansion of eminent domain began with the urban renewal movement in the 1950's and it continues today. A recent study

by the Institute for Justice found nearly 10,000 cases from 1998 to 2002 of local governments in over 40 States using or threatening to use eminent domain to transfer home and properties from one private owner to another.

Simply put, this abuse has to stop!

Three months prior to the *Kelo* decision, lawmakers in my home state of Utah passed Senate Bill 184, preventing the exercise of eminent domain authority by redevelopment agencies, which otherwise has the power to transfer land from one private entity to another.

This legislation effectively took the matter out of the courts by placing a higher value on the private property rights of individuals than a city's desire to increase tax revenues.

Just as this legislation served as a wake-up call to redevelopment agencies throughout Utah, I believe the *Kelo* decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly erodes its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they've sent to Washington to represent them.

Private property rights have long been held close to the heart by families and landowners in the Western United States and for good reason. Their farms and ranches have been their livelihood and part of our national heritage since the frontier was closed and the West was settled.

Today many westerners not only have to fight for their economic survival but also have to worry whether their property will be around for them to pass on to future generations. The Federal Government owns more than 50 percent of all land in the West and the population continues to grow.

I am Chairman of the Congressional Western Caucus, and one of our core principles is "the necessity to protect private property." It is the Caucus' position that property rights are the foundation of a free society; that landowners should be compensated when their land is taken or when regulations deprive them of the use of their property.

In H.R. 4128, Chairman SENSENBRENNER and the Committee have produced a bill that represents an important step towards revitalizing basic property rights in this country.

I also believe there is more that can be done to help stem the long-term trend away from property right protections. I, along with my western colleagues, plan to introduce a broad, comprehensive piece of property rights legislation in the near future that will restore much of what has been lost. We believe this bill, in addition to H.R. 4128, will help breathe life into the property rights movement.

The property rights issue is not a class issue. It's not a partisan issue. It's an issue that concerns every property owner in the United States. As Justice Sandra Day O'Connor said in her dissent, "The specter of condemnation hangs over all property, nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

I urge my colleagues to join with me in supporting H.R. 4128 to prevent further abuse of government power.

Mr. KIND. Mr. Chairman, I rise in support of the Eminent Domain Property Act offered by my colleague from Wisconsin, Chairman SENSENBRENNER. This bipartisan-supported bill was introduced in response to the Supreme

Court's 5-4 decision in *Kelo v. City of New London*, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development.

Mr. Chairman, the *Kelo* decision put homeowners, small business owners, and farmers all across the country at risk of losing their property to this expansion of the government's eminent domain powers.

The Fifth Amendment of the U.S. Constitution allows local government to use eminent domain powers to condemn private property. The only requirement is that owners are given "just compensation" and that the land in question goes to a "public use." Traditionally, the "public use" requirement in eminent domain cases allowed the local government to condemn property to build railroads, or bridges, or highways. But in a 1954 case, *Berman v. Parker*, the Supreme Court found that "public use" could include condemning blighted neighborhoods to build better ones as a means to raise more tax revenue. But, whereas the *Berman* case was predicated on the property being 'blighted,' the *Kelo* decision goes further down the slippery slope and rests solely on whether the condemnation would improve tax revenues.

I would assert, as Justice Scalia did in the *Kelo* case, that any conceivable commercial development that replaces a church, house, or farm will produce more tax revenue, and that once condemned land is passed off to private developers, it is no longer going to "public use." That is why I strongly believe Congress must act to limit States' eminent domain actions if the only requirement is that the proposed project improves the tax base.

The Eminent Domain Property Act of 2005 will prohibit the Federal Government from using eminent domain for private economic development and also prohibits States from using eminent domain for private economic development if the State receives any Federal economic development funding. A violation by any State will result with the State being ineligible for a Federal economic development for two years. By denying municipalities all Federal development funds when they abuse their eminent domain authority, H.R. 4128 provides a strong economic disincentive to prevent municipalities and local governments from taking private property for the purpose of private economic development.

Lastly, Mr. Chairman, my district in western Wisconsin is largely rural and dependent on the agricultural economy of its many small family farmers. As the sense of Congress portion of this legislation points out, the unfortunate truth is that agricultural lands are particularly vulnerable to the abuse of eminent domain power. Agricultural lands tend to have a lower fair market value than surrounding commercial and residential properties, making them a prime target for growing communities.

It is hard enough, for our struggling farmers who are facing softening commodity prices and weather related disasters, to also have to contend with losing their way of life so that others can have yet another shopping mall.

Mr. Chairman, I commend my colleague, Chairman SENSENBRENNER on crafting this bipartisan legislation and I urge its adoption and support.

Mr. COSTELLO. Mr. Chairman, today I rise in strong support of H.R. 4128, the Private Property Rights Protection Act. The bill is in

response to the recent Supreme Court decision, *Kelo v. City of New London*, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development. This decision puts all property owners at risk. In rural communities and in urban communities, our livelihood is deeply tied to the land and our belief in private property rights runs strong and deep. Landowners should not be vulnerable to the whims of a government that decides to take their land away.

I am opposed to the ruling because it threatens to make all private property subject to the highest bidder. In response to the Supreme Court decision, I am pleased to lend my support to this legislation because it protects Americans' constitutional rights and punishes those who abuse those rights.

The bill does not change state law, nor does it affect the traditional use of eminent domain for the construction of roads, military bases, hospitals, or other truly public uses. Rather, H.R. 4128 provides an effective deterrent against states using their eminent domain authority for private economic development and I urge my colleagues to support its passage.

Mr. POMBO. Mr. Chairman, H.R. 4128, the "Private Property Rights Protection Act" is a timely response to the horrendous *Kelo* decision. I am supportive of this bill and call for its expedited passage. I want to thank Chairman SENSENBRENNER for his leadership on this issue and look forward to working with him and others to see this bill as it moves through the House and Senate.

Property rights are the heart of the individual freedom and the foundation for all other civil rights guaranteed to Americans by the Constitution. Without the freedom to acquire, possess and defend property, all other guaranteed rights are merely words on a page.

The Fifth Amendment holds that private property shall not be taken by the government for public use without compensation. These safeguards have been under assault for decades and until now, the typical victims were family farmers and ranchers in the West.

The Supreme Court's decision in the *Kelo v. City of New London* case to allow local governments to declare eminent domain in this case goes beyond compensation; it wholly perverts the intent of public use, and in so doing, may turn the American dream of home ownership into a nightmare. It has delivered the property rights assault from rural America right to the doorsteps of suburbia.

In New London, Connecticut, city planners essentially decided that evicting 15 homeowners from their homes was in the "greater good" as a "public use" for an office park and new condos. But the public, to be directly served in this case, was a private corporation. Whether they were newly wed couples in their first home or life-long residents who owned their homes outright, whether it is farmers and ranchers which have been on their land for generations or urban and suburban communities with the promise of fellowship, this appalling behavior cannot be tolerated any more. The Supreme Court's decision to allow local government to declare eminent domain turns the Fifth Amendment on its head. However, we cannot forget about rural America. Rural America has been fighting this fight for decades and deserves praise for their unshakable stance on protecting private property.

No longer will public use correctly be defined as a road, bridge, or hospital. Now it can be defined as an abstract good, such as increased tax revenue or economic development. Private property can now be taken at will by government and reallocated to another private entity if it runs afoul of a local bureaucrat's notion of public use and greater good. H.R. 4128 would greatly discourage this behavior and the total disregard for private property protections.

Fortunately, Congress maintains the power over the purse strings. We will act to minimize the effects of this ruling to the greatest extent possible. This bill will prevent States and localities from ever doing this again by withholding economic development funds. However, many States and local communities alike are recognizing the importance of private property rights and beginning to act to protect themselves from this decision. This will assist their efforts.

On the other hand, I do believe this legislation can be improved. Under this bill, if a State or locality takes property in violation of this legislation they will incur a 2 year prohibition of economic development funds. That is not long enough. We need to hold States and localities to a higher standard. By withholding Federal economic development funds for a longer period of time, if not permanently, States and localities will rethink the taking of private property, or remedy their previous egregious actions. They need to know there will be consequences. By withholding these funds for an extended period of time, if not indefinitely, they will understand the seriousness of our intentions.

We have a chance at real reform here and this legislation should be passed. Again, I would like to thank Chairman SENSENBRENNER for bringing this to the Floor as quickly as you did and I look forward to working with you in every step of the process to see this commendable legislation enacted. I have been fighting these injustices since before I was elected to this body and will continue to do so in the future.

Mr. BOEHNER. Mr. Chairman, I rise today in support of H.R. 4128, the Private Property Rights Protection Act of 2005.

I was alarmed by the United States Supreme Court's 5-4 decision to allow private property to be seized in the name of "economic development." On June 23, 2005, the Court ruled that the City of New London, Connecticut could seize a series of privately owned homes, offer the homeowners "just compensation" and re-sell those properties to private entrepreneurs as part of a city-approved plan aimed at raising the land value and increasing the city's tax base. The court justified the ruling by arguing that the city had the right to seize the private property under the "public use" clause of the United States Constitution's 5th Amendment. The 5th Amendment reads as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

No one has ever denied the fact that in certain rare cases, a government (federal, state, or local) must exercise its Constitutionally limited power to seize land in order to complete a public project like a road, school, military base, or court house. That power is known as "eminent domain." America's Founding Fathers acknowledged it as an unfortunate, but sometimes necessary, evil and it has historically been pursued in America with great reservation. According to a majority of the Court however, seizing private property in the name of "public use" does not necessarily mean that the property seized must be used for the public. Instead, the land seized could merely be used in the name of a "public purpose." While the concurring justices never actually define what constitutes a "public purpose," they write that the elected politicians on the local, state, and federal level are more than capable of making such determinations on their own. In this particular case, the "public purpose" happened to be a pharmaceutical research facility, a waterfront hotel, and a series of new commercial and residential buildings.

As a result of the Court's 5-4 ruling, any government body (city council, state assembly, Congress) with a good enough lawyer or simply a one vote majority can now take any citizen's private property, offer "just compensation," and dispense with it as it sees fit. In other words, your property is now only your property so long as the government wants it to be.

John Adams once said, "The moment that the idea is admitted into society that property is not as sacred as the Laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist." Allowing a man's property to be so easily taken at the whim of a legislative body represents a complete departure from the very core value upon which America was founded—your natural human right to your property. America's Founding Fathers considered property to be the one sacred right above all others. They knew that true freedom came not from a political declaration or a legislative promise but from the ability of each and every citizen to dispense with his property as he saw fit. Those who would take that right away often try to assure us that by surrendering the freedom to control the supposedly less important aspects of our lives, we shall somehow obtain freedom in the pursuit of higher values. I could not disagree more. The ability to control your own property, whether it be your home, your car, or even a simple trinket, is not simply some marginal aspect of life which can be separated from the rest. It is the means to express your values and strive for your dreams. It is the ability to offer shape to your highest ideals and reject those that conflict. In short, it is freedom.

Now the human right to property seems relegated to a mere afterthought. The Institute for Justice, which represented the New London residents in court, released a study showing some 10,000 cases between 1998 and 2002 where local governments in 41 states used or threatened to use eminent domain to take property from one private owner and give it to another. The New York State Supreme Court forced a man off of property his family had owned for more than a hundred years to make way for the new headquarters of The New York Times. Several cities in Ohio have

already seized homes in the name of "economic development"—be it a shopping mall or a new factory. And now the highest court in the land has confirmed that this is all completely legal.

The Kelo decision merely confirmed a depressing trend where those who think "government knows best" gain and property rights and therefore liberty yield. I believe that government which governs best is that which governs least. I believe in property rights and the rule of the written law that is the Constitution.

I am proud to support the Private Property Rights Protection Act of 2005. But this bill is merely a first step. The only truly effective way to stop these abuses of power is for every American citizen to remain vigilant in observing that every government official that has sworn an allegiance to uphold the written law of the Constitution remains true to his word. That fight however, begins here, today. I urge my colleagues to take the first step toward once again defending every American's basic human right to his or her property by voting for this important bill.

Mr. POMBO. Mr. Chairman, as a fourth generation rancher, my life has been shaped by the traditions and values associated with proper stewardship of the land. Our Constitutional rights put property ownership of capital importance in the Fifth Amendment.

The right to own property is the backbone of our free-market system. With eminent domain becoming an expanding practice, a bipartisan approach bridging urban, suburban, and rural communities is necessary to uphold the rights of the individual.

The regulatory takings that have been plaguing America's family farmers and ranchers have now spread to suburban neighborhoods, as the decision in the Kelo v. City of New London made absolutely clear. Congress has an inherent responsibility to uphold the Constitution, and on the property rights of United States citizens, the Constitution is clear. The need for H.R. 4128 has never been greater.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 4128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Protection Act of 2005".

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) *IN GENERAL.*—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is subsequently used for economic development, if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) *INELIGIBILITY FOR FEDERAL FUNDS.*—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) *OPPORTUNITY TO CURE VIOLATION.*—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) *CAUSE OF ACTION.*—Any owner of private property who suffers injury as a result of a violation of any provision of this Act may bring an action to enforce any provision of this Act in the appropriate Federal or State court, and a State shall not be immune under the eleventh amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. Any such property owner may also seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(b) *LIMITATION ON BRINGING ACTION.*—An action brought under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the private property of such property owner, but shall not be brought later than seven years following the conclusion of any such proceedings and the subsequent use of such condemned property for economic development.

(c) *ATTORNEYS' FEE AND OTHER COSTS.*—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. NOTIFICATION BY ATTORNEY GENERAL.

(a) *NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.*—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) *NOTIFICATION TO PROPERTY OWNERS.*—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the

Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners under this Act.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds;

(3) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

SEC. 7. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken "for public use, without just compensation".

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in *Kelo v. City of New London*, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. Americans should not have to fear the government's taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 8. DEFINITIONS.

In this Act the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—The term "economic development" means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property to public ownership, such as for a road, hospital, or military base, or to an entity, such as a common carrier, that makes the property available for use by the general public as of right, such as a railroad, or public facility, or for use as a right of way, aqueduct, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title; and

(F) taking private property for use by a public utility.

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term "Federal economic development funds" means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 9. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—The provisions of this Act are severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) EFFECTIVE DATE.—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 10. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 11. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-266. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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 an amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-266 offered by Mr. SENSENBRENNER:

Page 9, strike lines 1 through 7, and insert the following:

(A) conveying private property—

(i) to public ownership, such as for a road, hospital, airport, or military base;

(ii) to an entity, such as a common carrier, that makes the property available to the

general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll;

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

Page 8, line 7, after "States." insert the following: "The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens."

SEC. ____ LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, the manager's amendment simply makes clear that private roads and those that are open to the public, free or by toll, and flood control facilities are covered under the exceptions of the bill. It also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which requires the Federal Government to pay the displacement costs of those adversely affected by the Federal Government's use of eminent domain.

The manager's amendment also incorporates into the bill's sense of congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects and on public lands.

I urge my colleagues to support the improvements made by this manager's amendment.

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

Ms. WATERS. Mr. Chairman, I am not opposed to the amendment, and I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin.

This amendment does not change the bill in any substantive way. Rather, this amendment seeks to clarify some of the exceptions that provide for the use of eminent domain for those uses that have traditionally been considered for a public purpose.

This amendment also enhances the sense of congress provision and points out that the bill does nothing to restrict the Federal Government from fulfilling its obligation under current law when it exercises eminent domain.

Most importantly, this amendment serves to reflect the bipartisan interests of the various committees that have been at the forefront of this issue, Agriculture, Resources and Judiciary. I am pleased that we have been able to work together on what I feel is an appropriate response to the Kelo decision.

I just want to say to Chairman SENBRENNER, you know how strongly I feel about this issue. And while I offered some amendments in committee so that there would be absolutely no exceptions, I think that if we are able to pass this bill today we will have taken a giant step to stop what I think is a wrongheaded decision by the Supreme Court. So I am willing to certainly support the chairman's amendment, and if we have to continue to work on this issue to get to where I want to be with no exceptions, then I will look forward to working with the gentleman in the future on it.

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

Mr. SENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-266 offered by Mr. NADLER:

Page 2, line 8, strike "(a) IN GENERAL.—".

Page 2, strike line 16 and all that follows through line 17 on page 3.

Page 4, beginning in line 1, strike "to enforce any provision of this Act" and insert "to obtain appropriate injunctive or declaratory relief."

Page 4, beginning in line 6, strike "Any" and all that follows through line 16.

Page 4, line 17, strike "(c)" and insert "(b)".

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, my amendment is very straightforward and, in my opin-

ion, will better protect the rights of property owners than the way the bill is designed.

Under the bill, if the government takes your property for a prohibited purpose, you could sue, and if you win your lawyers get paid and your town gets bankrupted. You get no damages, and if you think the town will bulldoze the new downtown and rebuild your house, you are fooling yourself.

□ 1545

Instead, you should have the right, and my amendment grants you the right, to go to court and stop the government in the first place dead in its tracks. Americans do not want to bankrupt their towns; they want to keep their homes.

Keep in mind the economic threat the penalties of this bill would pose to every single State and local government in the country.

Any property owner under this bill could sue for 7 years after the conclusion of the condemnation proceeding, or at any time in the future if a public facility is later used for a private purpose.

This is an open-ended and catastrophic threat. No financial institution would underwrite a bond or extend any financing to a city or State because the risk is too great. No private company would take a public contract because the city could lose 2 years' funding in the future. If the current city administration does not want to use eminent domain for any improper purpose or, for that matter, any proper purpose, it will still have trouble floating bonds because maybe its successor 10 years from now will use eminent domain improperly, they will lose 2 years of all the Federal revenue, and they will not be able to repay the bonds. Therefore, the bond counsel now will instruct the people not to lend to the city. No bank would do business with a public contractor for the same reason.

This is absurd. We should protect our homes. The way to do that is to establish in this bill, as it does, a substantive right not to have eminent domain used against your home or property for the prohibited purposes, and then give you the right to enforce that by an injunction, with attorneys' fees paid in advance, that stops it. You do not need the ability of someone in the future to go to court and punish the city which does not even get the property owner help.

So my amendment would say no penalty for the State or city later, that is unnecessary, because we are granting you the right to get an injunction, a permanent injunction to stop the taking in the first place. That is the proper protection.

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

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

Mr. Chairman this is a gutting amendment. It is a gutting amendment

because it removes the constitutional hook that this Congress and the Federal Government have to prevent the abuses that have been sanctioned by Kelo, and that is the Federal funds that have been used for economic development.

The amendment strikes out all the penalty in the bill that would prevent the government officials from abusing eminent domain. No penalty, no tap on the wrist. We say you should not do it; but if you go ahead and do it, then you are not going to be penalized. Without these penalties in the bill, the government could take private property from one person and simply give it to a wealthy corporation. Because this amendment guts the entire bill, it ought to be opposed.

Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse that Congress is intending to prevent. The policy is that States and localities that abuse their eminent domain power by using economic development as a rationale for a taking should not be trusted with Federal economic development funds that could contribute to similarly abusive land grabs.

There is an entirely appropriate connection in the base bill between the Federal policy of protecting private property rights from eminent domain abuse and making sure that the Federal Government does not subsidize eminent domain abusers. The amendment should be defeated for these reasons.

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

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

Mr. Chairman, this is not a gutting amendment. The constitutional basis for granting the injunction against the taking is the fact that the State is accepting Federal funds. The bill, on lines 12 through 15 on page 2, says clearly: "if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so." That is the constitutional basis for saying, you cannot do certain kinds of takings as this bill prohibits and, if you do, you can establish penalties or injunctive relief.

All I am saying is, we are using the Federal jurisdictional hook that the chairman mentioned and instead of penalizing later, which does not help the homeowner who has lost his home, you say you can stop it now, get an injunction for stopping it now, because the State has agreed not to use its power in this way as a condition of taking Federal funds. There is well-established constitutional law that we can condition Federal funds on that.

That being the case, you can go into Federal or State court and get an injunction if you do my amendment. With the injunction, you do not have the taking, you do not have to worry about punishing anybody 10 years later, because there is no taking in the

first place. It is a much better protection for the property owner. We prohibit the taking. The court says you cannot do it. There is no constitutional problem with that.

It does not gut the bill because it says you do not have to punish what cannot have occurred. It cannot have occurred because the bill would now say you may not do it; and if you may not do it, the court will prohibit you from doing it, because we are establishing the right to go into court in advance and get an injunction against it.

So total protection of the property owner against the improper taking. You do not have to worry about fouling up the State or city's ability to float bonds or the State or city finances later; you do not punish all the citizens of the city because the mayor is paying off some campaign contributor with a private taking, just prohibit the mayor from doing so in the first place and enforce that by letting the property owner get an injunction, period.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from New York. Essentially, this amendment eliminates the teeth of this bill: the denial of Federal funds for 2 fiscal years to those States and cities that have violated this act. The denial of Federal economic development funds should serve as a real deterrent for those States and cities that want to exercise eminent domain for development, that is, the taking of private property for private use. Without this provision, this bill will not be taken seriously, and the eminent domain abuses that many in this country are complaining about will continue.

I just waved before my colleagues a list of over 125 cases of the taking of private land for private use, or attempts to do that; and I think the bill that we have before us today will stop this kind of abuse of eminent domain.

Mr. NADLER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the fact is, this does not gut the bill, as the gentlewoman from California said. It takes out the penalty, but you do not need the penalty because you establish the right of the court and the duty of the court to stop it in the first place. There will be no private taking for the prohibited use because you give the rights to the landowner to get an injunction against it in the first place. It is a much better protection than worrying about punishing the city later. You do not have to punish the city because you protect against it in advance, 100 percent.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we do not know if the gentleman from New York's approach is constitutional. That has not been

tried before, and it would be a case of first impression in the courts.

We know that the provision of denying Federal funds in the base bill is constitutional, because it was done by this Congress 20 years ago where we denied States transportation funds that did not raise the drinking age to 21. So the constitutional precedent was set 20 years ago in the transportation area. The base bill does that. The gentleman's amendment does not. That is why it ought to be rejected.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. SODREL

Mr. SODREL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-266 offered by Mr. SODREL:

Page 4, line 6, after "jurisdiction," insert "In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development."

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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

I thank the chairman and ranking member for bringing this bill forward, a bill that I was proud to cosponsor.

H.R. 4128 is a good bill. It addresses a new-found power of government that frightens every homeowner and small businessman, the possibility of having their home or business involuntarily taken to be given to someone else to build some other business or development that government may prefer. Compounding that fear is the fear of having to go to court and pay to prove that the government violated the provisions of this bill, having to pay a lawyer and possibly hire experts to prove that the taking of their property is for economic development in violation of the act.

My amendment clarifies that the burden of proof is on the State or the agency seeking to take the property, and the evidence it has provided must go beyond merely saying so. This issue is important enough that a court reviewing the taking should not give deference to the government assertions that the ultimate use of the property is

for other than economic development as outlined in the act. The burden of proof should rightly be placed on the government entity that initiated the action, not on the property owner. I urge the adoption of this amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I will claim the time in opposition, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin will control the time in opposition.

There was no objection.

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

Mr. Chairman, this amendment would help property owners by putting the burden of proof on the government to show that it is not abusing eminent domain by taking private property for a private use. It is a good amendment, and I support it.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I support this amendment also. I am tired of poor people and working people having to go and find lawyers and pay them. Who can afford \$250 and \$300 an hour? The average poor person certainly cannot. So you are right, let us put it on the entity that is trying to pull these tricks in the first place to take these properties away from these citizens.

So I support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SODREL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-266 offered by Mr. MORAN of Virginia:

Page 8, strike line 17 and all that follows through line 19 on page 9 and insert the following:

(1) ECONOMIC DEVELOPMENT.—The term "economic development" means taking private property, without the consent of the owner, and conveying or leasing such property from the taking authority to a private person or entity, or from such private person or entity to another private person or entity, where the grantee or lessee person or entity is to use the property for commercial enterprise carried on for profit, or where the conveying or leasing is for the primary purpose of increasing tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property for a public use, such as—

(i) for a road, hospital, or military base;

(ii) for use by the general public as of right, such as a railroad or public facility; or

(iii) for use as a right of way, aqueduct, pipeline, utility or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property; and

(E) clearing defective chains of title.

Page 4, beginning in line 15, strike “and the subsequent use of such condemned property for economic development”.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Virginia (Mr. MORAN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Well, here we have those folks who are considered to be on the far left and those on the far right and those just left of center and those just right of center; everybody agrees that this bill should be passed. It reminds me of a comment or observation that Plato once made: “The minority are often-times wrong, but the majority always are.”

Now, I can understand why we are reflexively doing this bill, but I cannot understand why we would make this bill so broad with such an interminably long period of time with which to take any grievance to the courts, that it will create unintended consequences which will cause very severe consequences and economic problems for localities all over our country.

We do not have one dictatorship at the local level of American government. Every single official at every single level of local government is elected, so all of them are responsible to the voters; and that is where this should be decided.

But I am going to suggest two changes that will be achieved by my amendment. They address the two major deficiencies of this bill: first, it is much too broad; and, secondly, the period of time within which a government can be sued is much too long.

The broad definition of “economic development” in section 8 includes a conveyance or lease of property that is “to increase tax revenue, tax base employment, or general economic health.”

Unfortunately, practically every conveyance of condemned property can have at least an incidental or secondary purpose and effect of increasing taxes, creating jobs, or otherwise producing a positive economic impact, virtually everything that a local government may need to do even though that might not be the primary purpose of the taking.

□ 1600

So the bill has the potential of prohibiting virtually every taking which

occurs as part of public-private partnerships that are not for economic development purposes at all, for example, the conveyance or lease of condemned property as part of a public-private partnership to a private entity that could be used for a waste-to-energy facility.

The processing of solid waste would be prohibited under this. Delivering recreational services in a public area, a public park. Supplying affordable housing. I could give you any number of examples that would have been precluded under this. Providing a parking facility in a downtown that is desperately needed in many communities.

These projects may well produce tax revenues, new jobs, a healthier economy, but that is not the primary purpose of these projects. Their primary purpose is simply to deliver a service that the local community needs and to do so by partnering with a private for-profit entity. Yet the broad language of the bill would prohibit virtually all such public-private partnerships.

My amendment addresses this problem by making clear that the bill reaches the conveyance or lease of condemned property definition only when the primary purpose of the transaction is the increase of taxes, jobs or economic benefits. That is a change that is very much needed to this legislation.

Secondly, the time to file suit under the bill is much too long. Under the bill, a cause of action must be brought no later than 7 years following the conclusion of condemnation proceedings and the subsequent use of such condemned property for economic development. So where you have a property that was condemned, say, next year, in 2006, and the owner believes its economic development use begins in 2011, the owner has until 2018, 12 years after the property's condemnation, to challenge its validity. In many cases, the statute could extend the right to sue for generations to come.

There is no need or reason to provide such a lengthy statute of limitations. The validity of a condemnation action has to be put to rest in some reasonable time; and the Judiciary Committee has, in other contexts, agreed with that principle.

The 7 years should be measured from the conclusion of the condemnation proceeding. At this time, a property owner knows whether his or her property has been taken, knows the reasons for the taking, and can judge whether the taking is subject to the bill's prohibition. My amendment would reduce the statute of limitations to 7 years from the end of the condemnation proceeding, not 7 years after the property's economic development.

Mr. Chairman, this bill needs additional clarification, and I do think this amendment would provide it. I have substantial problems with this bill. So I am reluctant to fix it, but I know it is going to pass. If it passes, it should be a bill that does not cause the kind of unintended consequences this bill will

impose on every locally elected government.

Third, the bill defines “economic development” as conveying or leasing condemned property from one private party to another private party—but not from the condemning government to a private party. However, in the “real world,” many economic development projects involve the conveyance of condemned property from the condemning authority to a private person or entity—a project the bill does not reach. For instance, the bill would not reach the conveyance by a city or county of 10 acres of taken property to, say, the Marriott Corporation for the use as a convention center, even though the primary purpose of the conveyance is the production of increased tax revenue and jobs.

The amendment addresses this problem by including in the definition of “economic development” conveyances and leases from the condemning government to a private party. In addition, the bill makes some corresponding technical changes to the definition of economic development in light of the other changes I have just explained.

Mr. Chairman, to conclude, this bill is too broad, too unclear, and overreaching. I urge you to adopt this amendment.

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

Mr. Chairman, unlike the characterization that my friend from Virginia has made in this bill, this is a bill that is supported by the mainstream of Members of Congress. And how many times in anybody's congressional career would you see Jim Sensenbrenner and Maxine Waters supporting the same bill? That means that we have a very, very big tent of people who are supporting it, because it is the right thing to do.

The amendment should be defeated because it would gut the bill. Because it completely goes back to the definition of public purpose that the Supreme Court allowed this terrible miscarriage of justice to occur in the Kelo case.

The Kelo decision held that the term public use could actually mean a private use such that the government can take perfectly fine property from one person just to give it to another wealthier person. And the amendment would put back into the bill an exception for any public use, I would submit, as defined by a majority vote of the city council, which in the wake of the Kelo decision means a private use as well.

This amendment would put property owners everywhere back to where they were before the Kelo decision, and that is way behind the eight ball, subject to the mercy of a majority vote of their city council. The whole point of this legislation is to counter the Supreme Court's reading of public use in a way that includes private use as well, and the amendment guts the bill by allowing exceptions for private uses as well as public uses. Because this amendment is a giant step backwards in the protection of property rights, it should be soundly defeated.

With respect to the comments the gentleman made on the statute of limitations, yes, it is a long statute of limitations. Because the city has the time and the money to wait out the property owner simply by putting it on the shelf until the time expires. And we should have a longer statute of limitation, rather than a shorter one, so that the city cannot be tempted by the siren song of using its power and using its money to run roughshod over the owner of a piece of private property.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from Virginia (Mr. MORAN).

Mr. Chairman, this amendment seeks to prohibit a taking of private property only when the taking's primary purpose is economic development, maybe for the parking lots he described.

I am fearful that such an amendment would create a loophole for States and cities, allowing them to take property in a manner that is inconsistent with this Act, by arguing that the economic benefits of the taking were incidental rather than primary.

Also, this amendment seeks to confine property owners to a 7-year period in which they must bring a suit under this Act. This means that an owner who has had his or her property taken better hope that the State or the city puts the property to use in 7 years. If a State or city takes property for a public purpose, sits on it for 8 years and then puts it to use for economic development, the owner has no recourse.

Mr. Chairman, I do not think that you can argue that the statute of limitations is too long. These people, citizens buy their homes, and they expect to live in them for life. They do not expect someone to come along and say that we have decided that we are going to give it to someone else, a developer to develop for private purposes to make money on.

So I would ask my colleagues to reject this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would say very quickly to the gentleman from Virginia, the majority that he mistrusts is about the business of protecting the minority that he values, because a private property owner facing eminent domain powers being used to take their property for private economic development purposes is very much alone, and he needs this kind of weight of authority behind him or her to protect their private property rights.

If the gentleman's amendment is adopted, it will reopen exactly the kind of confusing and controversial court decisions that we are about trying to address here today. The specificity in the bill is superior to the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TURNER

Mr. TURNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-266 offered by Mr. TURNER:

Page 9, beginning in line 8, strike "provided" and all that follows through line 10 and insert "including a property or preponderance of properties which constitute a threat to public health and safety by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, obsolete subdivisions, or because it constitutes a brownfield, as that term is defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39))".

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Ohio (Mr. TURNER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, the Supreme Court in *Kelo v. City of New London* went too far in allowing the taking of private property for private development. Congress must take action to protect property rights of individuals. However, we must be careful not to prohibit traditional pre-Kelo justifications for eminent domain.

Mr. Chairman, my amendment enumerates harmful effects which constitute a threat to public health and safety. These harmful effects are traditional justifications for cities, municipalities and other governmental entities to acquire property to protect public health and safety. In fact, the list of harmful effects in my amendment includes elements from several State laws.

The amendment is derived from the State definitions from Wisconsin, the home of Chairman SENSENBRENNER; Texas, the home of our President; Illinois, the home of our Speaker; Missouri, the home of Majority Leader BLUNT; and Virginia, the home of Chairman GOODLATTE.

I have also included an exception for brownfields in my amendment. Brownfields, which are contaminated properties, are a dangerous problem for cities and must be redeveloped to protect the current residents of these com-

munities and also bring people back into our cities.

This amendment, in order to protect public health and safety, has been endorsed by the National Association of Home Builders, the International Council of Shopping Centers, the National Association of Industrial and Office Properties, the International Economic Development Council, the Building Owners and Management Association International, the Real Estate Roundtable, the American Institute of Architects, the American Planning Association, the National Association of Local Government Environmental Professionals, the United States Conference of Mayors, the International City County Management Association, and the National League of Cities.

This amendment, Mr. Chairman, is necessary. Without this amendment, our States will lose their pre-Kelo authority.

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

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

Mr. Chairman, this amendment must be defeated because it uses undefined terms that would gut this vital legislation designed to protect the property rights of all Americans from abuse of Government land grants.

The list of organizations that the gentleman from Ohio read off in support of his amendment shows why it ought to be defeated, if we want to stand up for the property rights of individual landowners.

The terms used in this amendment are broad in their scope; and, consequently, the amendment would subject just about any property owner in America to the threat of having their property taken by a government official willing to abuse the power of eminent domain to take property from one private citizen and give it to another wealthier developer.

The amendment would allow the taking profit for "excessive land coverage," "lack of ventilation," "lack of light," and "obsolescence," just to name a few. None of these terms are defined in the amendment, and each would be subject to tremendous abuse. No home in the country would be safe if a government official were allowed to use those concepts to take private property.

If a government bureaucrat thinks your porch is too big, they can take your whole house and all of your land under the amendment. If your barn has only one light bulb in it or no artificial light at all, then your barn and all of the farm land surrounding it could be confiscated by the government. Webster's Dictionary defines obsolete, which is one of the terms used in this amendment, as of a kind or style no longer current. Under the amendment, then, if the design of your house is out of fashion in the eyes of government officials, you could lose both your house and your property; and that is wrong.

The base bill already includes a reasonable exception that allows the government to take property when property is being used in a way that imposes an immediate threat to the public health and safety. And the base bill does absolutely nothing, absolutely nothing that prevents States and localities from enforcing public nuisance laws under its police powers and tearing down an unsafe building.

But the amendment goes much further in a way that threatens low-income and minority communities, and for that reason I join the NAACP in opposing this amendment. Listen to what actual practitioners in the field have to say about it. This is from the Institute for Justice, the public interest law firm that represented Suzette Kelo and the other New London homeowners who took their fight to keep their homes from being taken for private commercial development all the way to the Supreme Court.

The Institute for Justice states, "In our experience litigating eminent domain cases all over the country, we have seen each of the terms in the amendment applied in such a way as to allow the use of eminent domain on perfectly normal residential and business neighborhoods. Dilapidation can mean that a building has chipped mortar or needs a new handrail. Obsolescence can be a single-family home that lacks three bedrooms, two full bathrooms and a two-car attached garage. Both overcrowding and lack of ventilation, light and sanitary facilities were routinely used during urban renewal to remove poor and minority communities from their neighborhoods. Deleterious land use can mean a combination of residences and businesses in a single area, even though many planners think that such neighborhoods are ideal. Time and time again, the terms found in this amendment have served as vehicles for the abuse of eminent domain for private commercial development". From the Institute.

This gutting amendment should be defeated.

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

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

Mr. Chairman, wow, light bulbs burnt out, paint peeling, those are scary things that the chairman has said would be used for eminent domain. But not in America. That is not what the eminent domain pre-Kelo has been in America.

The 49 States who have definitions of harmful effects that are in this amendment are from States that have litigated over this issue and that have taken into consideration the issue of property rights, the issue of the property rights of individuals that live next to abandoned factories, the people who have children that are in neighborhoods that have property that is near them that has an impact on the public health and safety. The ability for them to enjoy their property and to enjoy it

where they are living next to public health and safety threats are what the amendment would rise to.

□ 1615

It does not permit anybody to take any property because a light bulb is burned out. In fact, again it is based on 49 States and the exact language that is used by them in defining harmful effects. The chairman's own State's language includes, from Wisconsin, dilapidation, obsolescence, sanitation, light, air. These are not terms of burned-out light bulbs. These are issues where they rise to the level of a safety and health threat to the individuals of the communities, of the people whose properties are next to them. It is not Kelo.

We all believe that Kelo has gone too far and that an individual's property rights of his home should be protected. But similarly, the home that stands next to a property that is abandoned and is a health threat or the property that is next to a factory for which there are health and safety issues for a community needs to be addressed. Forty-nine States have passed legislation permitting eminent domain in public safety and health threats. Certainly we should acknowledge this and not take away from these communities the pre-Kelo rights of eminent domain.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio (Mr. TURNER). This is the most dangerous of all the amendments that have been offered today.

We take up the Private Property Rights Protection Act today in an effort to provide all property owners with greater protections. The Turner amendment will essentially create a blight exception. By prohibiting the use of eminent domain for economic development in almost all instances except blight, we make blighted communities an easy target for States and cities.

This is why the NAACP supports this bill also. Too many of our communities, the minority, the elderly and the low-income have witnessed an abuse of eminent domain powers. Given this history of abuse, we would like all legislative responses to Kelo to be sensitive to that.

Historically and today, it has been too easy to characterize minority, elderly or low-income communities as blighted for eminent domain purposes and subject them to the will of the government. If legislative proposals contain language that could potentially excluding these communities from protection against eminent domain abuses, we have failed to be sensitive to the interests of this constituency.

These communities should be afforded the same rights and protections all homeowners, business owners, and

other property owners will be afforded in a Federal policy response to Kelo.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Ohio has 1 minute remaining.

Mr. TURNER. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I have mixed emotions about this bill, but I see it as an environmental bill. This is a great bill. This stops growth, particularly the section of the sense of Congress on the use of eminent domain funds to take farmland or other real property for economic development. It just says you cannot do that.

But what really bothers me in this bill is the fact that the terms of Federal economic development means any Federal funds distributed to or through States or political subdivision of the States under Federal laws designed to improve or increase the size of economies of the State or political subdivisions.

As I look at it, those laws mean all the BRAC money that comes to reuse of military bases. It means transportation monies. It means sewer and water monies. It essentially is a no-growth bill. For those on the environmental side this is good. For those who want to see some economic development, we need this amendment.

Mr. TURNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in communities all across this country, there are buildings that represent a public health and safety threat to a community. Many times people drive by those buildings and they say to their elected officials, someone ought to do something about that. It is not a Kelo decision of saying we ought to have something better. It is saying that there is something damaging to our community and damaging to our neighborhoods.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TURNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report No. 109-266 offered by Mr. GARY G. MILLER of California:

Page 9, line 17, strike "and".

Page 9, line 19, strike the period and insert ";; and".

Page 9, after line 19, insert the following:

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief

and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

The amendment would simply make an exception for the taking of property that is categorized as a brownfield under Federal law, meaning it is a site that contains or is perceived to contain hazardous contaminants. I support the adoption of the amendment and commend the gentleman from California for introducing it.

Mr. GARY G. MILLER of California. Reclaiming my time, I rise to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage brownfield redevelopment in America.

The bill has a list of exemptions that recognizes eminent domain is sometimes used for legitimate purposes. These exemptions in H.R. 4128 are not sufficient to address brownfield sites. While the bill is an important step to protect private property rights, it could have the unintended consequence of inhibiting redevelopment of brownfield sites.

My amendment corrects the oversight by adding brownfield redevelopment as specifically defined in the Small Business Liability Relief and Brownfield Revitalization Act of 2001. Owners of brownfield sites are frequently unwilling to sell them for fear of cleanup and cost of contamination they find. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protection in CERCLA for acquiring potentially contaminated sites "through the exercise of eminent domain authority by purchaser or condemnation."

Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs and cleanup of polluted land as the owner and operator of the site.

I want to stress strongly that brownfield sites are not residential properties. They are abandoned, idle, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Let us make sure the cities have the tools they need to clean up brownfield sites. It is a reasonable amendment, and I ask for an "aye" vote.

I rise today to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage Brownfields redevelopment in America.

PROTECTING PRIVATE PROPERTY RIGHTS IS IMPORTANT

There is no question that the right to own private property is one of the cornerstones of American freedom.

Governmental regulatory takings are becoming more and more prevalent in today's society and Congress must do everything possible to ensure that lands acquired by private means are protected. As more and more Americans are working to purchase property and become homeowners, the threat of governmental takings must not overshadow the pursuit of the American dream.

The recent United States Supreme Court decision set the precedent that local governments may be afforded wide latitude in seizing property for land-use decisions. I strongly disagree with the implications of this decision. Private property has been the foundation of our society, and I believe it is unwise for government to deprive citizens of this most basic tenet of the American dream.

I am pleased that we have a bill before us today to respond to the Supreme Court's ill-advised decision. While the bill is an important step to protect private property rights, it could have the unintended consequence of inhibiting the redevelopment of Brownfields sites.

BILL'S EXEMPTIONS DO NOT COVER BROWNFIELDS

The bill has a list of exemptions that recognize that eminent domain is sometimes used for legitimate purposes. However, Brownfields redevelopment is not part of this list.

The current exemptions in H.R. 4128 are not sufficient to address Brownfields sites. Brownfields are not always "abandoned" and may not "impose an immediate threat to health or safety." My amendment corrects this oversight by adding Brownfields redevelopment as specifically defined in the Small Business Liability Relief and Brownfields Revitalization Act.

BROWNFIELDS REDEVELOPMENT IS IMPORTANT

Experts estimate that the United States has more than 450,000 vacant or underused industrial sites as a result of environmental contamination caused by chemical compounds and other hazardous substances. These sites are known as Brownfields.

Brownfields represent more than just eyesores—they threaten our groundwater supply, cost our local communities jobs and revenue, and contribute to urban sprawl. Returning the nation's Brownfields sites to productive economic development could generate more than 550,000 additional jobs and up to \$2.4 billion in new tax revenues for cities and towns.

We must not inhibit or stymie the ability of localities to responsibly exercise eminent domain authority for the redevelopment of Brownfield sites. The redevelopment of Brownfield sites has proven to revitalize distressed neighborhoods, while fostering economic growth, creating jobs, increasing local tax revenues, and reducing public service demands.

This amendment will ensure that the use of eminent domain to redevelop Brownfield sites will remain available.

BROWNFIELDS POSE OBSTACLES TO REDEVELOPMENT THAT SOMETIMES CAN ONLY BE OVERCOME BY EMINENT DOMAIN

Owners of Brownfield sites are frequently unwilling to sell them for fear of the cleanup

costs of any contamination found. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protections in CERCLA for acquiring potentially contaminated sites "through the exercise of eminent domain authority by purchase or condemnation." Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs of cleaning up polluted land as an "owner or operator" of the site. As a result, local governments would be less likely to redevelop a Brownfield site.

BY PROMOTING BROWNFIELDS REDEVELOPMENT, WE ARE NOT THROWING PEOPLE OUT OF THEIR HOMES

Brownfields are not Residential Properties. They are abandoned, idle, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

CITIES WILL NOT BE ABLE TO ABUSE THE BROWNFIELDS EXCEPTION

The Brownfields Revitalization Act creates a specific scientific standard for determining whether a former industrial site is a potential Brownfield site.

The real problem is that when a property is a Brownfield, it is in legal limbo. It is the "possibility" of contamination alone that results in the lack of redevelopment. The land might not be contaminated, but if the owners have reason to believe it might be, it will likely sit, unused.

Without the city's ability to exercise eminent domain, many contaminated properties that can be redeveloped would instead continue to impose heavy environmental, financial, and social burdens on communities.

CONCLUSION

We must give cities the opportunity to minimize urban sprawl and preserve existing green space by allowing communities to work with local developers and builders to utilize previously developed properties.

This amendment preserves the ability of cities to take ownership of Brownfields and work with their development community to design projects that utilize existing infrastructure.

Most importantly, it is estimated that up to \$2.4 billion in new tax revenues can be generated through Brownfields redevelopment. Let's make sure cities have the tools they need to clean up Brownfields sites.

I urge my colleagues to support this crucial amendment to demonstrate that we support Brownfields redevelopment.

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

Ms. WATERS. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I claimed this time to raise some concerns about the amendment offered by the gentleman from California. I believe the gentleman from California and the gentlewoman from Texas have a sincere interest in furthering this Nation's development of brownfields, land that is difficult to expand because of environmental contamination. However, I believe that such development is already protected under the bill.

First, this bill will provide an exception for removing harmful uses of land

provided such uses constitute an immediate threat to health and safety. If land truly constitutes a brownfield, then it meets this exception.

Second, brownfields are often acquired by clearing title on, for example, old industrial property where ownership exchanged numerous times without proper recording. The bill creates an exception for clearing defective claims of title; and, again, brownfields would be protected.

Brownfields are also protected under the abandoned property exception that is in the bill. Owners often abandon these properties to escape liability. I am confident that there are sufficient protections in this bill for brownfields in question if an additional exception needs to be created.

We do not want cities to now use the brownfields label as an excuse to take private property and turn it over to a private business or developer. Worse yet, we do not want brownfields to become the modern-day blight exception.

You can see that we have heard requests for any number of exceptions, and if we stayed on this floor for 24 hours or 48 hours, more Members, perhaps, could think of reasons why you should take private land for private use. I maintain that if you want to package land or you want to acquire land, you have to work within the marketplace to do it. You have to go out, you have to find the owners, you have to negotiate market rates, you "have" to convince people it is for good uses. You have to work. And you have to engage in order to acquire land. You cannot simply come up with every excuse that is convenient to mayors and city council members and to developers to take people's private land.

If it is private, if it is owned, whether it is residence or business or "vacant" land, whatever, it belongs to somebody, somebody paid for it. They have a right to it. The government does not have the right to take it. And so I would simply be opposed to yet another request for an exception to this very good bill that is put forth to protect the citizens of the States.

I commend the chairman and those of us on both sides of the aisle for stepping forward in the manner that we have in a timely fashion to say no.

I have often criticized my friends on the opposite side of the aisle for accusing courts and the Supreme Court of creating law, of creating legislation. They did it on this one. They absolutely did. The Constitution simply says that you must compensate for the taking of land for public use.

We are not opposed to eminent domain for public use. I question it from time to time, but that is not what this is all about. This is about the taking of private land for private use.

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

Mr. GARY G. MILLER of California. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I proudly join the gentleman from California in supporting this amendment.

I appreciate the response that H.R. 4128 is attempting to convey. We just feel that there is a possibility that it might have some unintended consequences.

In 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act, and that bill authorized \$200 million annually for Federal assistance to States and local communities to assess brownfield sites and to conduct cleanup where the assessment indicates the cleanup was warranted.

The measure represented the centerpiece of the administration's environmental agenda. It was widely praised and received broad bipartisan support, and rightfully so. According to the Government Accountability Office, there are well over 500,000 brownfields in communities around the country; and brownfields represent the economic opportunity wherever they exist.

These abandoned and underused industrial sites pose heavy economic, financial, and social burdens on the community. These burdens include blight, deterioration of neighboring properties and property values, neighborhood health hazards from contamination, and increased need for fire and police protection to limit the nuisance effect of brownfields, and increased sprawl as individuals and families and businesses relocate to the suburbs, farmland, and open space.

Over the past decade, communities across the country have realized that responsible brownfield redevelopment can transform environmentally impaired property into productive property and positively impact distressed communities.

The city of Dallas that I represent was one of the first cities to be designated as a brownfield showcase community by the Environmental Protection Agency. Dallas has used assessment and remediation grant programs to redevelop 35 sites in the core of the city.

Although the city has not used eminent domain to date in its brownfield redevelopment projects, they have shared with me that they certainly can anticipate perhaps a situation where the city might want to do this to acquire. I fully and strongly support the amendment.

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

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The gentlewoman from California said a few things that I think I have to address. She said she believed this is included within the bill. It is not. The other thing she said is that the cities should work within the marketplace to acquire these properties.

The problem you have with cities doing that is without eminent domain

that is provided for in CERCLA, a local government would be held strictly liable for all costs of cleanup of the polluted land as the owner-operator of the site. That is a complete different liability that the city would accept through eminent domain.

By not having eminent domain through CERCLA, a city then would not want to have a piece of property that was a brownfield because they then are accepting the total liability of the owner. This is going to shut down development in local communities. The problem we have with the bill, there is no immediate threat to health because, as you know, brownfields are usually fenced in. They are sites that are not being used. The owners generally do not want to know if they are contaminated because then they have to accept liability.

It is a reasonable amendment. I thank the chairman for accepting it.

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

□ 1630

Ms. WATERS. Mr. Chairman, I yield myself the balance of the time.

I respect the gentleman's request for yet another exception, but I oppose it. I think that the chairman and the framers of this legislation have been very responsible in the way that we have tried to advance a piece of legislation to protect the citizens of this Nation from a bad Supreme Court decision.

A lot of people may be inconvenienced by our bill, people who want to acquire property, people who want to take private property for a development, people who want to make money, people who will use any means necessary by which to gain property that they think will help to bring them additional profits. There are a lot of reasons why people will be inconvenienced by this bill.

The bottom line is we do not wish to continue to abuse and inconvenience, marginalize and deny property owners of this country. We feel that our number one responsibility is to the property owners. We are elected to represent our citizens in the best way possible. There is no better way to represent citizens than to say we stand with you in the ownership of the land that you have bought, that you have inherited, that you have invested in.

We know a lot of people may not like it. It may inconvenience some people. You may not be able to build that parking lot, you may not be able to develop that shopping center, but we stand with the people against those kind of inconveniences. We ask for a "no" on the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109-266 offered by Mr. GINGREY:

Add at the end the following new section:
SEC. 12. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

I rise today in support of this amendment I have offered to H.R. 4128, the Private Property Rights Protection Act of 2005.

Mr. Chairman, from Matthew 22:17, we know that the Pharisees tried to trap Jesus regarding allegiance to the Roman government; and, of course, Jesus said, Render to Caesar the things that are Caesar's but render to God the things that are God's.

Mr. Chairman, for over 2,000 years God has owed no taxes to the government, but that all changed on June 23, 2005.

Mr. Chairman, my amendment would add an additional section to this bill to ensure that our houses of worship and other nonprofit organizations are not penalized because they are tax-exempt and, therefore, provide no revenue to the treasuries of State and local governments. Thus, they became low-hanging fruit, ripe for the taking.

In the wake of the Kelo decision that gutted the property protections of the fifth amendment, the properties of reli-

gious organizations and other nonprofits have indeed become potential prime targets for the government wrecking ball.

State and local governments should never target, or even contemplate targeting, our houses of worship or nonprofit organizations simply because another use of the property would almost certainly build up their tax base.

Mr. Chairman, I believe my amendment turns this unique vulnerability into an asset for our houses of worship and nonprofit organizations. Its chilling effect will force State and local governments to think twice before they contemplate buying gasoline for a steamroller to plow down our houses of worship.

Mr. Chairman, I want to encourage my colleagues on both sides of the aisle to support my amendment and the overall bill to strengthen private property rights for the sake of all Americans.

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

Mr. GINGREY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Georgia for yielding.

What the Kelo decision has said is that the land that the house of God is built on belongs to Caesar and Caesar can go condemn the land that the house of God is built on to turn it to into a strip mall or hotel or whatever will bring in more tax base, and that is wrong.

The amendment that the gentleman from Georgia has offered simply states that the tax-exempt status of a religious or nonprofit organization cannot be used for a taking under the Kelo case. The amendment is a good one. It ought to be supported, and I am happy that he offered it.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding, and I am going to acquiesce with the chairman on the amendment, but I want to express some reservations.

It appears that it is the author's intention that nonprofit and religious organizations not be singled out by local governments due to their tax-exempt status alone. Is that correct?

Mr. GINGREY. That is correct.

Mr. GOODLATTE. Mr. Chairman, is it also the gentleman's intention that this provision would not trump the other provisions of the bill that provide additional protections to nonprofits by prohibiting takings from private entities for other economic development reasons to give to other private entities?

Mr. GINGREY. That is correct. The gentleman is correct.

Mr. GOODLATTE. Mr. Chairman, to the extent that the language in the bill could be confusing in the amendment, would the gentleman be willing to

work with the chairman of the Judiciary Committee and myself and others to ensure in conference that his intentions are accurately reflected in the amendment language?

Mr. GINGREY. Mr. Chairman, certainly we would be glad to work with both chairmen in regard to that in the conference if there is any confusion regarding the amendment.

Mr. GOODLATTE. I appreciate the gentleman's willingness to work with us; and, on that basis, we will support the amendment.

Mr. GINGREY. Mr. Chairman, with the indulgence of the chairman of the Judiciary Committee, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), who has asked for time on this amendment.

Mr. BARTLETT of Maryland. Mr. Chairman, I urge my colleagues to support the Gingrey amendment.

Before Kelo, a Christian church, after spending 5 years acquiring property, had the city intercede when it learned there would be a church built on the property. The city initiated eminent domain to give the land to Costco. The church prevailed, but that was before Kelo.

In Justice O'Connor's Kelo dissent, she warned that in expanding the definition of "public use," the majority had come close to embracing "the absurd argument that any church might be replaced with a retail store." She continued to state that this "is inherently harmful to society."

Because of Kelo in general and in this situation in particular, the fifth amendment takings clause has been stretched beyond the bounds that the Framers intended. By expanding the fifth amendment's definition of "public use," it could limit the scope of the "free exercise" of religion guaranteed in the first amendment.

Kelo shattered our private property rights. Today, by passing H.R. 4128, Congress will help pick up the pieces. Congress must act to prevent the demolition of our rights, our homes, our businesses and our houses of worship.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY Mr. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109-266 offered by Mr. CUELLAR:

Add at the end the following:
SEC. 13. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I thank the gentleman from Wisconsin and the gentlewoman from California for this opportunity to present this amendment. I believe this amendment is acceptable to the chairman and the gentlewoman from California.

Chairman SENSENBRENNER and Congresswoman WATERS, thank you for this opportunity to present my amendment to H.R. 4128, the Private Property Rights Protection Act of 2005.

I will not spend much time describing my amendment, which is acceptable to the Chairman and Congresswoman WATERS, because the concept is simple. My amendment will require all Federal agencies and departments to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128.

There is a saying in business: "what gets measured gets done." H.R. 4128 is an important and timely bill, and it will do a great deal to help protect private property rights in this country. My amendment will strengthen H.R. 4128, by making sure that the practices and procedures of Federal agencies are quickly and uniformly brought into compliance with the new law.

My amendment will require all Federal agencies and departments to review their practices with regard to eminent domain, and to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128. This amendment will help to make the transition clearer, and will introduce an added dimension of accountability into the process.

As a believer in responsible government, I always have and will continue to hold our bureaucracy accountable for knowing the law and following it correctly. This simple reporting requirement will ensure that it is done in a timely fashion. H.R. 4128 is a good bill, and my amendment will help to ensure that it is enforced quickly, uniformly, and fairly.

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

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept the amendment because it requires the Federal Government agencies do whatever they need to do to come into compliance with the bill's prohibition on abuse of eminent domain. It is a good amendment, and I hope we accept it.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109-266 offered by Ms. JACKSON-LEE of Texas: Add at the end the following:

SEC. ____ SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I might consume.

Might I just for my colleagues read very briefly the language of this amendment, and I hope that we can join in a bipartisan manner in the spirit of this underlying legislation.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding.

I am happy to accept this amendment that amends the sense of Congress section of the bill that says that victims of Hurricane Katrina cannot have their property condemned simply because it was damaged by the hurricane. Unless the amendment is adopted, then victims of Hurricane Katrina end up getting penalized twice. That is twice too many times. We can take away one of those times by adopting the amendment, and I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot thank you enough, and I would ask your kind indulgence if I could reclaim my time to put these items in the RECORD, and I would like to yield a moment to the gentlewoman from California, but let me just say this.

The chairman is so very right. Let me make these points. It is legislation to, in fact, make a very pronounced statement that we are very much watching and seeking to protect the Hurricane Katrina survivors from unreasonable taking of property away from them for economic development or for private use.

Let me share this paragraph: New Orleans will be the center of a reconstruction project that will have a price tag in excess of \$200 billion. Eminent domain will play a major role in the local government's ability to assemble properties to carry out their plans, whether residents like it or not.

The NAACP, which the chairman cited in another debate, stated that the eminent domain process mostly tar-

gets, in many instances, racial and ethnic minorities because cities often want to redevelop areas with low property values because minorities have less political clout and are less able to fight back. That is one aspect, but the rural community and the surrounding areas in New Orleans and Gulfport and other areas are equally victims, and so this amendment speaks to the wholeness of the region that will be under attack for economic development.

Might I close by these words: "South-of-Boston residents, especially those in coastal towns, need to confront the nasty implications of the recent Supreme Court decision in a post-Katrina era. If a Category 5 hurricane wipes houses from Houghs Neck, Minot, Humarock, Marion, or Mattapoisett, might not the remaining citizens take kindly to an offer to replace the houses with a resort hotel?"

I want to remind my colleagues that the eminent domain theory came when the British soldiers wanted to place their soldiers in American homes or colonial homes, and so this has the underpinnings of a long history. This is an important step for us to take for the Katrina survivors, and I thank the chairman for supporting it.

Mr. Chairman, I have an amendment to H.R. 4128, the Private Property Rights Protection Act of 2005, that has been reported by the Committee on Rules, #12 as printed in the Congressional Record and captioned as Jackso.177. This legislation seeks to curtail the decision handed down by the U.S. Supreme Court in *Kelo v. City of New London* on June 23, 2005. *Kelo* held "economic development" to be a "public use" under the Fifth Amendment's Taking Clause. The Takings Clause states that "nor shall private property be taken for public use without just compensation."

In the 1990's, a state agency declared that New London, CT was a "distressed municipality" after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city's judgment and that the development would be a "catalyst to the area's rejuvenation."

To lay the foundation for the relevance of my amendment, I cite an article in the *Tulsa World*:

The situation in New London is a time-extended version of the crisis in New Orleans . . . New Orleans saw its demise in the course of days, not decades. There was no choice but to create a package of initiatives that would bring the private sector in on the rebuilding effort. In some areas, eminent domain may be the only answer. The urgency of government planning, however, is offset by the fact that the first contracts have gone out to some of the usual suspects—namely, corporations with strong ties to the administration in Washington.

The land use situation in the areas most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of "economic development." My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of \$200 billion. Eminent domain will play a major role in the local governments' ability to assemble properties to carry out their plans—whether the residents like it or not. NAACP representative Hillary Shelton stated that “the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back.” My amendment seeks to clarify that, in redefining the boundaries of the federal government's Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that my colleagues support this amendment.

Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would first like to thank Chairman SENSENBRENNER for accepting the gentlewoman's amendment, and I would like to thank her for this very timely amendment.

While we began to work on this simply because of the Supreme Court decision and the danger that American citizens' homes and lands were placed in with this decision, the gentlewoman is absolutely right: We have to take another step to protect those victims of Katrina.

There has been a lot of discussion from homeowners and others who are observing what is going on and what could possibly happen, wondering if there are not schemes already going on that would deny these homeowners who have lost their homes the ability to hold on to that land, whether or not the speculators are cooking up schemes with those in local government even. So this amendment would protect the victims of Katrina, and they will be very grateful for this, and they will be very, very thankful that the gentlewoman provided the leadership in thinking about them as this legislation was winding its way through the government of the United States of America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask my colleagues to support this amendment, and it lays further precedent for the victims of Hurricanes Rita and Wilma. I thank the chairman for accepting it, and I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109-266 offered by Mr. WATT:

Page 2, strike line 3 and all that follows through line 25 on page 6.

Page 8, strike line 15 and all that follows through line 4 on page 11.

Page 7, strike line 1 and insert the following:

SECTION 1. SENSE OF CONGRESS.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I yield myself 1 minute.

First of all, I am fully aware that it is a dangerous combination to be opposing both the chairman of the full Judiciary Committee and the gentlewoman from California (Ms. WATERS), but I simply think this bill is an overreaction.

This amendment would strike all the provisions of the bill except the sense of Congress which I believe adequately conveys the legitimate concerns with the decision of the Supreme Court in Kelo and does what we should appropriately do, express our concern about it and any possible abuse of it but not go so overboard as this bill does in my opinion.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

The amendment guts the bill by striking out every provision of it except the sense of Congress and the report requirement. If we are for the bill, we ought to vote against the amendment.

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

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we can all agree that Federal powers should not be used to enrich the powerful and the wealthy, but the first response to Kelo should be from responsible local and State governments, not the United States Congress. One narrow Supreme Court decision should not be the basis for an overbroad Federal amendment that will have many unintended consequences.

Earlier I asked what would be the impact if this legislation had been passed for the revitalization of Times Square, where eminent domain transformed one of the most notorious places in America or the Dudley Street neighborhood initiative in the Roxbury Dorchester area in Boston or just outside our window where we have had Pennsylvania Avenue restored using eminent domain.

I would strongly suggest that the gentleman from North Carolina's ap-

proach is a more reasonable and prudent one. We do not have a crisis at this point. State and local governments should be dealing with this in an appropriate fashion. We should not have overbroad legislation that could have many unintended consequences.

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

First of all, I want to thank the gentleman from Oregon for his thoughtful approach to this and express my desire to have all of the Members of the Congress have an equally thoughtful approach to it.

The Kelo decision was met with a tremendous uproar, with many echoing the view that all private property is now vulnerable to condemnation as long as the new use of the land will produce additional tax revenue. While I appreciate that concern and share the view that private property should not be taken solely for the purpose of increasing State coffers or local coffers with additional tax revenue, I do not believe that the Court's decision leads to that result.

What is even more important is I do not believe that this bill does much, if anything, to address that concern even if it did do that. Unless we get down to a definition of what removal of blight is, and this bill does nothing to do that, local communities are still going to be able to condemn property, as they should, for public purposes. There really is nothing inconsistent with that in the Kelo decision.

Flexibility by local communities in determining whether the public use requirement has been served by ensuring that condemned property creates a public benefit or advantage has long existed, and I believe should continue to exist, as the gentleman from Oregon (Mr. BLUMENAUER) has so eloquently stated. I feel like State and local officials have as much intellect and discretion and are as accountable, probably even more so, to their constituents than Members of Congress; and they should be answering to their constituents on these issues.

Again, while I believe that the power of eminent domain must be exercised judiciously, I think this bill goes too far in limiting the power of States and local governments. In addition, the punitive measures included in the bill will visit additional harms on the very distressed communities that are often the target of eminent domain proceedings.

I would just point out that apparently after this bill is passed, if it is passed, a local government, a State government could still condemn blighted property. The problem now is that it would just have to sit there vacant with nothing developed on it, otherwise they would be in violation of the provisions of this bill if there were any kind of private development, even a public-private partnership.

So I think we are going too far and we need to take a giant step back, take a deep breath, and pass the sense of

Congress part of this resolution expressing our concern, but not the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee.

Mr. CONYERS. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

This is an unusual note to end the debate on a very important subject like this, because the last amendment from my friend from North Carolina is to strike everything in the bill except the sense of Congress provisions expressing support for property rights. Well, that is a vote on the bill. Why do we not just have a vote on final passage and skip this? Because that is what this is.

And I would like to emphasize the fact that the people, the citizens, are in support of this amendment. I am proud that we have the civil rights organizations supporting me and not my friend from North Carolina. The NAACP is not known to take issues against the majority of ordinary people. That is what it was founded on. We support the NAACP in everything. Here is the thing. Here is the point. The NAACP says, support this bill, and my friend and I, who support the NAACP, tells me, let us have a vote before final passage that strikes every blooming thing from the bill.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield briefly to my friend from North Carolina, contrary to my best instincts.

Mr. WATT. I just want to clarify for the gentleman that the NAACP has advised me that they are concerned about the abuse of eminent domain, as everybody else is, and the sense of Congress part of the resolution would continue to express that concern. They do not endorse the bill, however.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the gentleman, but this is an unusual division.

Here I am supporting many of my friends on the other side of the aisle, but we have this unusual division here. What I am saying is that the concept of not using private takings for private use should not be allowed. We know that casinos benefit from these takings. We know that hotels and private developments benefit. And all I am saying, and I thought that everybody would mostly agree with this in the Congress, is that that is wrong. That is a misuse. That is an abuse.

So let us be careful. Let us control this. Let us not overdo it, but let us support the measure of 4128, which tries to finally answer what happened to us in Detroit. Our experience was that we had thousands of residences, businesses, and churches that were taken to develop an automobile plant. That is not what my idea of an eminent domain should be about. That is all we are saying here. It is not that complicated.

Now, I am not pitting somebody's intellectual abilities at the local level

versus the national level or who is more dedicated. I am dealing with a Supreme Court case that has forced us into this action. This measure would not have been here if the Supreme Court had not given us one of the most shocking rulings that just came out this year. So I urge that not only my friend from North Carolina's amendment be rejected but that this bill be supported on final passage.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting 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. 2 by Mr. NADLER of New York.

Amendment No. 5 by Mr. MORAN of Virginia.

Amendment No. 6 by Mr. TURNER of Ohio.

Amendment No. 11 by Mr. WATT of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 63, noes 355, not voting 15, as follows:

[Roll No. 564]

AYES—63

Abercrombie
Ackerman
Aderholt
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Capuano
Case
Cleaver

DeGette
Delahunt
Dicks
Dingell
Emanuel
Engel
Farr
Fattah
Hinchev
Holt

Hooley
Hoyer
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Larson (CT)
Levin
Lowey
Maloney

Markey
Matsui
McCollum (MN)
McDermott
McKinney
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar

Oliver
Owens
Pastor
Payne
Pelosi
Rangel
Rothman
Ryan (OH)
Sabo
Sánchez, Linda
T.
Schakowsky

NOES—355

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)

Schwartz (PA)
Scott (VA)
Serrano
Slaughter
Solis
Thompson (CA)
Towns
Watt
Weiner
Woolsey

Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Pallone
Pascarell
Paul
Pearce
Pence

Peterson (MN) Sanders
 Peterson (PA) Saxton
 Petri Schmidt
 Pickering Schwarz (MI)
 Pitts Scott (GA)
 Platts Sensenbrenner
 Poe Sessions
 Pomeroy Shadegg
 Porter Shaw
 Price (GA) Shays
 Price (NC) Sherman
 Pryce (OH) Sherwood
 Putnam Shimkus
 Radanovich Shuster
 Rahall Simmons
 Ramstad Simpson
 Regula Skelton
 Rehberg Smith (NJ)
 Reichert Smith (TX)
 Renzi Smith (WA)
 Reyes Snyder
 Reynolds Sodrel
 Rogers (AL) Souder
 Rogers (KY) Spratt
 Rogers (MI) Stark
 Rohrabacher Stearns
 Ros-Lehtinen Strickland
 Ross Stupak
 Royce Sweeney
 Ruppersberger Tancred
 Rush Tanner
 Ryan (WI) Tauscher
 Ryun (KS) Taylor (MS)
 Salazar Taylor (NC)
 Sanchez, Loretta Terry

Thomas
 Thompson (MS)
 Thornberry
 Tiberi
 Tierney
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)
 Walsh
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Waxman
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Wu
 Wynn
 Young (AK)
 Young (FL)

NOT VOTING—15

Boswell Hastings (FL) Roybal-Allard
 Boyd Lewis (GA) Schiff
 Brown-Waite, McMorris Sullivan
 Ginny Norwood Tiahrt
 Buyer Ortiz
 Davis (FL) Pombo

□ 1723

Messrs. GRIJALVA, AL GREEN of Texas, BONILLA, CARDOZA, SKELTON, WYNN, RYUN of Kansas, WAXMAN, BECERRA, Ms. LORETTA SANCHEZ of California, and Ms. VELÁZQUEZ changed their vote from “aye” to “no.”

Ms. SCHWARTZ of Pennsylvania and Mr. ABERCROMBIE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ADERHOLT. Mr. Chairman, on rollcall No. 564. I inadvertently voted “aye.” I would like the record to reflect that I meant to vote “no.”

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 49, noes 368, not voting 16, as follows:

[Roll No. 565]

AYES—49

Jefferson
 Kanjorski
 Kennedy (RI)
 Larson (CT)
 Levin
 Lowey
 Markey
 McGovern
 Miller (NC)
 Moran (VA)
 Murtha
 Nadler
 Neal (MA)
 Oliver
 Payne
 Pelosi
 Price (NC)

NOES—368

Abercrombie
 Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Andrews
 Baca
 Bachus
 Baker
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett (MD)
 Barton (TX)
 Bass
 Bean
 Beauprez
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonner
 Fitzpatrick (PA)
 Bono
 Boozman
 Boren
 Boucher
 Boustany
 Bradley (NH)
 Brady (TX)
 Brown (OH)
 Brown (SC)
 Brown, Corrine
 Burgess
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Cannon
 Cantor
 Capito
 Capps
 Cardin
 Cardoza
 Carnahan
 Carter
 Castle
 Chabot
 Chandler
 Chocoma
 Clay
 Clyburn
 Coble
 Cole (OK)
 Conaway
 Conyers
 Cooper
 Costa
 Costello
 Cramer
 Crenshaw
 Crowley
 Cubin
 Cuellar
 Culberson
 Cummings
 Cunningham

Rangel
 Rothman
 Sabo
 Schakowsky
 Schwartz (PA)
 Scott (VA)
 Shays
 Sherman
 Slaughter
 Smith (WA)
 Watt
 Waxman
 Weiner
 Woolsey
 Wynn

Hoekstra
 Holden
 Honda
 Hostettler
 Hoyer
 Hulshof
 Hunter
 Hyde
 Inglis (SC)
 Inslee
 Israel
 Issa
 Istook
 Jackson-Lee
 (TX)
 Jenkins
 Jindal
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Kaptur
 Keller
 Kelly
 Kennedy (MN)
 Kildee
 Kilpatrick (MI)
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline
 Knollenberg
 Kolbe
 Kucinich
 Kuhl (NY)
 LaHood
 Langevin
 Lantos
 Larsen (WA)
 Latham
 LaTourette
 Leach
 Lee
 Lewis (CA)
 Lewis (KY)
 Linder
 Lipinski
 LoBiondo
 Lofgren, Zoe
 Lucas
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maloney
 Manzullo
 Marchant
 Marshall
 Matheson
 Matsui
 McCarthy
 McCaul (TX)
 McCollum (MN)
 McCotter
 McCrery
 McDermott
 McHenry
 McHugh
 McIntyre
 McKeon
 McKinney
 McNulty
 Meehan

Meek (FL)
 Meeks (NY)
 Melancon
 Menendez
 Mica
 Michaud
 Millender-
 McDonald
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Miller, George
 Molloy
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Murphy
 Musgrave
 Myrick
 Napolitano
 Neugebauer
 Ney
 Northup
 Nunes
 Nussle
 Oberstar
 Otter
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascarella
 Pastor
 Paul
 Pearce
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Poe
 Pomeroy
 Porter
 Price (GA)
 Pryce (OH)

Putnam
 Radanovich
 Rahall
 Ramstad
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Saxton
 Schmidt
 Schwarz (MI)
 Scott (GA)
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Smith (NJ)
 Smith (TX)
 Snyder
 Sodrel
 Solis
 Souder

Spratt
 Stark
 Stearns
 Strickland
 Stupak
 Sweeney
 Tancred
 Tanner
 Tauscher
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)
 Walsh
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Wu
 Young (AK)
 Young (FL)

NOT VOTING—16

Boswell
 Boyd
 Brown-Waite,
 Ginny
 Buyer
 Davis (FL)
 Feeney
 Hastings (FL)
 Lewis (GA)
 McMorris
 Norwood
 Ortiz
 Pombo
 Roybal-Allard
 Schiff
 Sullivan
 Tiahrt

□ 1734

Mr. BAIRD and Mr. ENGEL changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. TURNER

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 357, not voting 20, as follows:

[Roll No. 566]

AYES—56

Baker
 Beauprez
 Bishop (GA)
 Blumenauer
 Blunt
 Boehlert

Capuano	Kanjorski	Regula	Napolitano	Rogers (MI)	Spratt	Matsui	Pastor	Scott (VA)
Case	Kelly	Rothman	Neugebauer	Rohrabacher	Stark	McDermott	Payne	Slaughter
Chabot	Kennedy (RI)	Sanchez, Loretta	Ney	Ros-Lehtinen	Stearns	Miller (NC)	Pelosi	Stark
Chocola	Langevin	Schmidt	Northup	Ross	Strickland	Miller, George	Rangel	Visclosky
Davis, Jo Ann	Larson (CT)	Souder	Nunes	Royce	Stupak	Moran (VA)	Rothman	Watt
Davis, Tom	LaTourette	Sweeney	Nussle	Ruppersberger	Tancredo	Nadler	Sabo	Waxman
DeGette	McDermott	Tiberi	Oberstar	Rush	Tanner	Neal (MA)	Schakowsky	Wynn
Delahunt	McGovern	Tierney	Obey	Ryan (OH)	Tauscher	Olver	Schwartz (PA)	
Ehlers	Miller (MI)	Turner	Olver	Ryan (WI)	Taylor (MS)			
Eshoo	Miller (NC)	Udall (CO)	Osborne	Ryun (KS)	Taylor (NC)			
Farr	Miller, George	Watson	Otter	Sabo	Terry	Abercrombie	Diaz-Balart, M.	Jones (NC)
Fortenberry	Moran (VA)	Weller	Owens	Salazar	Thomas	Aderholt	Dicks	Jones (OH)
Gerlach	Neal (MA)	Wicker	Pallone	Sánchez, Linda	Thompson (CA)	Akin	Doggett	Kaptur
Granger	Oxley	Woolsey	Pastor	T.	Thompson (MS)	Alexander	Doolittle	Keller
Green, Gene	Pascrell	Wynn	Paul	Sanders	Thornberry	Allen	Doyle	Kelly
Hobson	Pickering	Young (FL)	Payne	Saxton	Towns	Andrews	Drake	Kennedy (MN)
Jackson (IL)	Pryce (OH)		Pearce	Schakowsky	Udall (NM)	Baca	Dreier	Kennedy (RI)
			Pelosi	Schwartz (PA)	Upton	Bachus	Duncan	Kildee
			Pence	Schwarz (MI)	Van Hollen	Baird	Edwards	Kilpatrick (MI)
			Peterson (MN)	Scott (GA)	Velázquez	Baker	Ehlers	Kind
			Peterson (PA)	Scott (VA)	Visclosky	Baldwin	Emerson	King (IA)
			Petri	Sensenbrenner	Walden (OR)	Barrett (SC)	Engel	King (NY)
			Pitts	Serrano	Walsh	Barrow	English (PA)	Kingston
			Platts	Sessions	Wamp	Bartlett (MD)	Eshoo	Kirk
			Poe	Shadegg	Wasserman	Barton (TX)	Etheridge	Kline
			Pomeroy	Shaw	Schultz	Bass	Evans	Knollenberg
			Porter	Shays	Waters	Bean	Everett	Kolbe
			Price (GA)	Sherman	Watt	Beauprez	Farr	Kucinich
			Price (NC)	Sherwood	Waxman	Becerra	Feeney	Kuhl (NY)
			Putnam	Shimkus	Weiner	Berkley	Ferguson	LaHood
			Radanovich	Shuster	Weldon (FL)	Berman	Filner	Langevin
			Rahall	Simmons	Weldon (PA)	Berry	Fitzpatrick (PA)	Lantos
			Ramstad	Simpson	Westmoreland	Biggart	Flake	Larsen (WA)
			Rangel	Skeltson	Wexler	Bilirakis	Foley	Latham
			Rehberg	Slaughter	Whitfield	Bishop (GA)	Forbes	LaTourette
			Reichert	Smith (NJ)	Wilson (NY)	Bishop (NY)	Ford	Leach
			Renzi	Smith (TX)	Wilson (NM)	Bishop (UT)	Fortenberry	Lee
			Reyes	Smith (WA)	Wilson (SC)	Blackburn	Fossella	Lewis (CA)
			Reynolds	Snyder	Wolf	Blunt	Fox	Lewis (KY)
			Rogers (AL)	Sodrel	Wu	Boehlert	Frank (MA)	Linder
			Rogers (KY)	Solis	Young (AK)	Boehner	Franks (AZ)	Lipinski
						Bonilla	Frelinghuysen	LoBiondo
						Bonner	Gallegly	Lucas
						Bono	Garrett (NJ)	Lungren, Daniel
						Boozman	Gerlach	E.
						Boren	Gibbons	Lynch
						Boucher	Gilchrest	Mack
						Boustany	Gillmor	Maloney
						Bradley (NH)	Gingrey	Manzullo
						Brady (PA)	Gohmert	Marchant
						Brown (OH)	Gonzalez	Marshall
						Brown (SC)	Goode	Matheson
						Brown, Corrine	Goodlatte	McCarthy
						Burgess	Gordon	McCaul (TX)
						Burton (IN)	Granger	McCollum (MN)
						Butterfield	Graves	McCotter
						Calvert	Green (WI)	McCrery
						Camp	Green, Al	McGovern
						Cannon	Green, Gene	McHenry
						Cantor	Grijalva	McHugh
						Capito	Gutierrez	McIntyre
						Capps	Gutknecht	McKeon
						Cardin	Hall	McKinney
						Carnahan	Harman	McNulty
						Carter	Hart	Meehan
						Castle	Hastings (WA)	Meek (FL)
						Chandler	Hayes	Meeks (NY)
						Clay	Hayworth	Melancon
						Cleaver	Hefley	Menendez
						Clyburn	Hensarling	Mica
						Coble	Herger	Michaud
						Cole (OK)	Herseth	Millender-
						Conaway	Higgins	McDonald
						Conyers	Hinojosa	Miller (FL)
						Cooper	Hobson	Miller (MI)
						Costa	Hoekstra	Miller, Gary
						Costello	Holden	Mollohan
						Cramer	Holt	Moore (KS)
						Crenshaw	Honda	Moore (WI)
						Crowley	Hooley	Moran (KS)
						Cubin	Hostettler	Murphy
						Cuellar	Hoyer	Murtha
						Culberson	Hulshof	Musgrave
						Cummings	Hunter	Myrick
						Cunningham	Hyde	Napolitano
						Davis (AL)	Inglis (SC)	Neugebauer
						Davis (CA)	Israel	Ney
						Davis (IL)	Issa	Northup
						Davis (KY)	Istook	Nunes
						Davis (TN)	Jackson-Lee	Nussle
						Davis, Jo Ann	(TX)	Oberstar
						Davis, Tom	Jefferson	Obey
						Deal (GA)	Jenkins	Osborne
						DeFazio	Jindal	Otter
						DeLauro	Johnson (CT)	Owens
						DeLauro	Johnson (IL)	Oxley
						Dent	Johnson, E. B.	Pallone
						Diaz-Balart, L.	Johnson, Sam	Pascrell
								Paul

NOES—357

NOT VOTING—20

□ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREEN of Texas. Mr. Chairman, on roll-call No. 566, I was detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 11 OFFERED BY MR. WATT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 44, noes 371, not voting 18, as follows:

[Roll No. 567]

AYES—44

Ackerman	Cleaver	Jackson (IL)
Blumenauer	DeGette	Kanjorski
Brady (PA)	Delahunt	Larson (CT)
Capuano	Dingell	Levin
Carson	Emanuel	Lofgren, Zoe
Case	Fattah	Lowey
Clay	Hinchey	Markey

Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar

Sánchez, Linda T.
Sanders
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancred
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Boswell
Boyd
Brown-Waite,
Ginny
Buyer
Davis (FL)
Harris

Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard

Sánchez, Loretta
Saxton
Schiff
Sullivan
Tiahrt

□ 1750

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. DAVIS of Kentucky, Acting 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. 4128) to protect private property rights, pursuant to House Resolution 527, 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, 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.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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 376, nays 38, not voting 19, as follows:

[Roll No. 568]

YEAS—376

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Beceerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom

Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herse
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde

Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender
McDonald
Miller (FL)
Miller (MI)

Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascarell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
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
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpsons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel

Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancred
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NAYS—38

Ackerman
Blumenauer
Boehler
Brady (PA)
Capuano
Case
Cleaver
DeGette
Dingell
Emanuel
Fattah
Hinche
Jackson (IL)

Larson (CT)
Levin
Lowey
McDermott
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Pastor
Pelosi

Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Stark
Turner
Visclosky
Watt
Waxman
Woolsey
Wynn

NOT VOTING—19

Bachus
Boswell
Boucher
Boyd
Brown-Waite,
Ginny
Buyer

Davis (FL)
Ehlers
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz

Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1808

Ms. WOOLSEY changed her vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMBO. Mr. Speaker, I was unable to make votes today on the House floor because of an untimely and unexpected need requiring me to be back home with my family in California. I take my responsibility to vote very seriously.

Had I been present, I would have voted “yea” on H.R. 4128, the Private Property Rights Protection Act of 2005.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, I was unavoidably detained during rollcall 568. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 564: "No."
Rollcall No. 565: "No."
Rollcall No. 566: "No."
Rollcall No. 567: "No."
Rollcall No. 568: "Yes."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on November 3, I was unavoidably detained and missed rollcall vote Nos. 562, 563, 564, 565, 566, 567 and 568.

Rollcall vote No. 562 was on the motion to table the appeal of the ruling of the Chair. Had I been present, I would have voted "yea."

Rollcall vote No. 563 was on agreeing to the resolution H. Res. 527. Had I been present, I would have voted "yea."

Rollcall vote No. 564 was on agreeing to the Nadler amendment. Had I been present, I would have voted "no."

Rollcall vote No. 565 was on agreeing to the Moran (VA) amendment. Had I been present, I would have voted "no."

Rollcall vote No. 566 was on agreeing to the Turner amendment. Had I been present, I would have voted "no."

Rollcall vote No. 567 was on agreeing to the Watt amendment. Had I been present, I would have voted "no."

Rollcall vote No. 568 was on final passage of H.R. 4128. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 109-269) on the resolution (H. Res. 488) requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109-270) on the resolution (H. Res. 532) waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations

for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, COBLE, HOEKSTRA, SIMMONS, MARIO DIAZ-BALART of Florida, BOUSTANY, OBERSTAR, FILNER, TAYLOR of Mississippi, HIGGINS, and Ms. SCHWARTZ of Pennsylvania.

From the Committee on Energy and Commerce, for consideration of section 408 of the House bill, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Homeland Security, for consideration of sections 101, 404, 413, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Messrs. DANIEL E. LUNGREN of California, REICHERT, and THOMPSON of Mississippi.

From the Committee on Resources, for consideration of sections 426, 427, and title V of the House bill, and modifications committed to conference: Messrs. POMBO, JONES of North Carolina, and PALLONE.

There was no objection.

BUDGET CUTS

(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, the gentlewoman from California (Ms. WOOLSEY) encouraged that we take a minute to speak today about the draconian budget cuts that are coming out of the Budget Committee recommendation.

I am going to include in my statement that of the gentleman from Texas (Mr. EDWARDS) who did what I think was so very appropriate and timely. He tied in the fact that we have just honored the first woman in American history to lie in honor in the Rotunda, and yet we may be seriously dishonoring her memory by cutting school lunch programs, student aid, Medicaid, health care programs, and it seems to me that we ought to try to reconcile these.

STATEMENT BY CONGRESSMAN CHET EDWARDS ON THE DEFICIT REDUCTION ACT OF 2005 HOUSE BUDGET COMMITTEE/NOVEMBER 3, 2005

Yesterday, we honored Rosa Parks as the first woman in American history to lie in

state in the rotunda of our nation's Capitol. Yet, today, the House leadership and this Committee dishonors all that she stood for by cutting child support, by cutting 40,000 children off of school lunch programs and by robbing billions of dollars from student financial aid and health care programs for low-income families.

Rosa Parks didn't just fight for a seat on a bus. She fought for fairness for every American and to see that every child has a chance to reach his or her highest God-given potential. This bill is an attack upon those high principles.

The mean-spirited cuts in this bill will hurt decent, hard-working American families who are doing their best to help their children have a better life. And, why? So, that people making a million dollars a year in dividend income can keep every penny of their recently passed \$220,000 annual tax break. Where is the fairness in that?

If this is compassionate conservatism, where is the compassion?

If this is a faith-based program, what major religion preaches the values of taking the most from those who have the least while asking nothing from those who have the most?

This budget makes a mockery of the American values of fairness and shared sacrifice during time of war.

Rosa Parks understood that actions speak far louder than words. We in Congress should truly honor her life and spirit by standing up against this bill.

□ 1815

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentleman from New York?

There was no objection.

IMPENDING REPUBLICAN BUDGET CUTS COMPOUND HARDSHIP FOR AMERICA'S IMPOVERISHED CHILDREN AND FAMILIES

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

Ms. WOOLSEY. Mr. Speaker, the Republican's budget priorities are clear, and they are shameful. To provide \$70 to \$100 billion in new tax cuts for the powerful and the privileged, they are going after every single mother and their children in this country, every single mom and her kids.

Instead of these new tax cuts, we could provide an estimated 11.5 million Head Start slots for eligible children who cannot get into a Head Start program and health care for more than 52 million American children and families who receive marginal health care or none at all.

Another \$500 million in Republican cuts will leave 250,000 children without quality child care.

They are even slashing funding for child support enforcement. \$4.9 billion in Republican cuts will let deadbeat

dads off the hook to the tune of \$7.9 billion over the next 5 years and \$24 billion over the next 10 years.

This is the Republican reconciliation. Watch out everybody but the rich.

NATIONAL PRIORITIES

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

Ms. LEE. Mr. Speaker, the priorities set forth in a budget directly speak to what we value as a Nation. It is a statement about our sense of morality and about our priorities.

What values are represented in giving away our public lands and coastal areas to oil companies that are making record profits at consumers' expense?

What does \$10 billion in Medicaid cuts to health services for poor children and long-term care patients, and increasing the cost of prescription drugs, what does that say about our values?

What about \$844 million in food stamp cuts that eliminate nutrition and school lunch programs and breakfast benefits for hundreds of thousands of families and children?

How about \$14 billion in cuts to student aid programs, including raising the cost of college for students and their families through increased interest rates and fees?

What about eliminating \$470 million of Federal housing rehab grants to make rental units available to low-income families, which could include families displaced by Hurricane Katrina?

Let me tell my colleagues, these cuts are really going to pay for the \$106 billion additional tax cuts for the wealthy this year and will still leave an enormous deficit. What does this say about our values? You cannot tell me that we cannot do better than this.

BLOOD IS ON THE HANDS OF THOSE WHO HAD THE KNIFE

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

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that if all you do is cut, cut, cut, all that you really get is blood, blood, blood, blood.

I am afraid that the blood of the American people, the blood of the poor, the blood of the homeless, the blood of the hungry, the blood of the children, the blood that is cut out of Medicare, Medicaid, food stamps, all of that blood will be on the hands of those who had the knife.

RETAINING THE PROPOSED \$70 BILLION BUDGET CUTS

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to address the House regarding the proposed \$70 billion cuts.

Let me just say that this weekend I went to the Florida-Georgia game, and it was a real tough game, but at that game was the head of the Police Athletic League who had just read an article in the Times Union, which is one of the most conservative papers in the United States. It talked about the proposed cuts in the food stamp program, and he was appalled that we are going to cut programs for school lunch and senior citizens programs while we are trying to give tax breaks to the rich.

I mean, just picture this. The head of the Police Athletic League, conservative group, giving me the going over.

I told him, you know what, you are singing to the choir. I do not support these cuts. You need to talk to the people on the other side of the aisle, the people that you play golf with, the people that you run around with. Those are the ones that are planning on doing these cuts, and I recommend that you talk with them and let them know that you do not support those cuts.

BUDGET RECONCILIATION PROPOSAL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the American people should be told why so many of us are rising to the floor even before the budget reconciliation proposal comes to this floor. It is because, what is the choice or the choice that is being made by Republicans? Is it that they are willing to give a \$70 billion tax cut, rather than spend dollars on education, rather than spend dollars on health care, rather than spend dollars on easing the pain of senior citizens?

The interesting aspect that I would like to bring to the attention of my colleagues is that there is a pending possibility of a veto because our colleagues in the Senate have been able to find some relief for the \$10 billion Medicaid cut. Their proposal has to do with taking away the \$10 billion cushion that has been established by the Medicare drug law. They want to take those dollars and have it to pay for the large cut of \$10 or \$11 billion that is coming out of this budget, out of Medicaid.

Is it not ridiculous to spend \$70 billion on tax cuts, borrowing from Peter to pay Paul, and we are going to get a veto by the President of the United States if we try to save the \$10 billion for those seniors who need the money in Medicaid?

Vote against the budget reconciliation when it comes to the floor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 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 North Carolina (Mr. McHENRY) is recognized for 5 minutes.

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. McHENRY).

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

There was no objection.

EVERYDAY HEROES

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

Mr. BISHOP of Utah. Mr. Speaker, Senator ORRIN HATCH of my State has penned words to a song entitled, "Everyday Heroes." The lyrics in part read:

"Some people have helping hands that go a second mile.

"They're willing to love and lift a brother for a while.

"Everyday Heroes live in every neighborhood.

"Everyday Heroes, helping in the way a neighbor should.

"Giving just a little time; sharing just a little love.

"God bless each one of those everyday heroes."

Mr. Speaker, I wish to introduce this body to an everyday hero whose efforts make the world a better place to live. If you think about that in that respect, it is actually quite spectacular. This hero is an outstanding educator at Box Elder High School in Brigham City, Utah; and I had the opportunity of teaching alongside him before I came to Congress. I know from personal experience the dedication he brings to his job, and I know how he helps kids every day.

At Box Elder High School is a charismatic head wrestling coach by the name of Mike Ripplinger. He was recently named the Class 4A Coach of the Year, shortly after leading his team to the fourth State title in 6 years, his fifth overall. That goes along with a record 18 region championships in the 20 years he has been a head coach. In a sport like wrestling, which is very competitive in Utah, that is indeed quite an accomplishment.

The measure of a coach, as our good Speaker well knows, is not based on his success and the wins and losses but the quality of the students with whom he works. More impressive than any

championship title is the impact Mike has had on the wrestlers off the mat, as he has produced not only outstanding athletes but also gentlemen.

On the occasion of hosting the 20th Richardson Memorial Tournament in his tenure, Mike's athletes returned from years past to give him tribute. I wish to review a few of those and also add to those tributes myself.

One of these young wrestlers noted that when he was a junior he broke his sternum not once, but twice. It was very difficult for him to just sit on the sidelines and cheer on his teammates, realizing he could not contribute to the success of the team. Most kids would have just dropped out at that point. Coach Ripplinger, realizing the pain of lack of participation, gave an extra effort to include this kid as part of the team. Through his encouragement, this young student learned how to persevere and, as he later noted, he made many successes in preparation for life that year even though he had no activity on the mat.

Another former student said that the coach expected us to live with dignity, honor and respect for others.

Another admitted that, when they were disciplined, the toughest thing was feeling like we had disappointed the coach because we had all the respect for him as a person and as a leader. All teachers seek respect. Very few of us actually earn it the way Mike Ripplinger has.

Those lessons were as important to the student athletes as the trophies that they earned.

When Mike was hired, his principal said, I wanted a coach who could build a strong wrestling program but an individual who could also build young men. He said this is one of the best hires he ever made. "On a personal note," he also wrote, "my son Joseph, who has found success in his personal life as an orthopedic surgeon, found out what life was all about from you and your program." Even though a three-sport athlete, he had little wrestling skill. Through your program, he found out what it was like to rise above losing. He found the encouragement and desire to keep picking himself up and going on, and from people like you he found out how to succeed.

Sometimes in our environment today we actually do not want people to display any outward religious conviction, but through Mike's demonstration he showed his goodwill, his strong moral character and his relationship with his God.

At one point, when one of his students seriously injured an arm by sticking it through a glass window, one of his other students noted that he admired a coach who was not afraid to have a team prayer for the cut student.

Mike Ripplinger is to be commended for not being afraid to help his students become better people, as well as better wrestlers.

Students of Mike recognize that he has a rare ability to make each indi-

vidual student feel like he or she is important, has value, has someone who cares. Every year, Mike helps students mature and learn. Every month, Mike gives himself to others. Every week, Mike creates a learning environment in which kids want to participate. Every day, Mike makes the world a better place. Mike Ripplinger is one of our everyday heroes.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

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

There was no objection.

IRAQ AND LIBBY'S SUCCESSFUL COVER-UP

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, Scooter Libby was arraigned this morning, and the Bush administration defenders continue to insist that the administration of the CIA leak was "much ado about nothing."

They say that the crime of perjury and obstruction of justice are mere technicalities, nothing to worry our heads over. Ha.

Let us leave aside the obvious hypocrisy. We all know that there was quite a hue and cry over perjury in this town 7 years ago when the President's party was on the outside of the White House looking in. Dare I say, the underlying issue at that time was just a little more frivolous than the matters of life, death and war that are at the heart of the current episode.

More importantly, of course, Scooter Libby's lies matter. Libby's lies are exactly what is keeping us from knowing the truth about the original crime, the outing of a covert CIA operative as part of a campaign to scare the Nation into a war based on the lie that Saddam Hussein was poised to use nuclear weapons on the United States.

Columnist E.J. Dionne makes the important and distressing point: the Scooter Libby cover-up was successful.

□ 1830

You see, 1 year and 1 day ago, the President was reelected by a narrow margin. Why does that matter? Because Libby is stonewalling. His tall tale about having learned about Valerie Plame's status from gossiping reporters was all about gumming up the investigation just long enough so that the clock would run out on the last campaign season. It was all about ensuring that Americans went to the polls last year with very limited knowledge of this scandal.

As we analyze the legal maneuvers and intrigue, as we try to read between the lines of Scooter Libby's bizarre let-

ters to Judy Miller, let us not lose sight of the big picture. Right now, there are some 140,000 loyal, patriotic, courageous Americans who have been separated from their families and are prepared to die, all because the neocon's cabal had it in for Saddam Hussein. Over 2,000 of their fellow soldiers have already made the ultimate sacrifice, and I have no doubt that those men and women would be alive today if not for the trumped-up intelligence and the campaign of deceit.

I had the privilege of talking with our soldiers when I was in Iraq a month ago, and you could not ask for a finer, more committed group of young people. I came away from those conversations full of pride but also profound sadness, because the men and women on the front lines have dutifully entrusted their lives to cynics and ideologues like Scooter Libby. They deserve so much better. They deserve civilian superiors who are at least as honorable as they are.

Even as we never forget the lies that got us into this war, I am even more concerned about how we are going to get out. There are ways to do this while still keeping Iraq secure, while helping build its democratic institutions and its economic infrastructure. I held a hearing earlier this fall where we discussed such ideas in detail.

We can appeal to the U.N. and to NATO to establish an interim security force in Iraq. We can launch a diplomatic offensive, helping establish an international peace commission that can coordinate peace talks between Iraq's various factions and oversee the post-war reconciliation process.

But the President does not want to be part of this conversation. All he has to offer is the same old rhetoric about staying the course and completing the mission. But how do you win a war against an enemy that grows more resilient with each passing day because your occupation appears to be occupiers of their land? One military commander put it best: He said that "for every insurgent I kill, I create three more."

Enough is enough, Mr. Speaker. The current Iraq policy is a bloody, destructive, dead end. We have paid way too high a price already. It is time to honor our troops. It is time to bring them home.

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

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

PENTAGON PROGRAM COSTING TAXPAYERS MILLIONS IN INFLATED PRICES

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. Mr. Speaker, on October 23, the Knight-Rider newspaper had a headline that said, "Pentagon Program Costing Taxpayers Millions in Inflated Prices." I want to give a few examples, because, as we talk about budget resolution, budget cuts, or tax increases or whatever, if we just look at what is happening, and I am going to relay this to the House in just one moment, we ought to start looking at the inflated prices and what is going on at the Department of Defense. I am going to give examples.

The Pentagon is paying \$20 apiece for ice cube trays that cost 85 cents. In other words, you can go to a retail store and you get a plastic ice tray and pay 85 to 90 cents, yet the Department of Defense is paying \$20.

In addition, the Pentagon is now paying \$81 apiece for coffee makers that were bought for years at just \$29 from the manufacturer. So \$81 now, and they were paying \$29 for coffee makers.

A commercial 7-foot refrigerator that the general public can buy for a little more than \$17,000, the Pentagon is paying nearly \$33,000 for the same refrigerator, for a markup of 89 percent.

Mr. Speaker, I think about the tough decisions we are going to have to make here over the next few weeks, yet we are not even doing the oversight that should be done with the Department of Defense. Why, instead of using competitive bid contracting or buying directly from the manufacturers, is the Pentagon using middlemen who set their own prices and take the American taxpayers for millions of dollars?

Again, this is an investigative new report. The high prices are a result of a Defense Department purchasing program called "prime vendor," started by the Defense Logistics Agency, known as DLA. This program, which eliminates competition, is used to speed up deliveries.

Defenders of the prime vendor program highlight the program's speed. Deliveries are fast, they say. However, critics indicate the advantages offered by prime vendors are overstated. Since competition is reduced, these prime vendors charge enormous prices for their services. More so, there are other government agents who have been eliminated that claim their services were just as fast and cheaper.

There needs to be an investigation into the prime vendor program to ensure that taxpayers are not being taken advantage of. And I say that, Mr. Speaker, for this reason. I have written the Speaker of the House, the Chairman of the Armed Services Committee, the gentleman from California (Mr. HUNTER), and I also wrote the gentleman from Virginia (Mr. DAVIS) of the oversight committee. We need to look into this.

We need to do what is right for the taxpayers. I will tell you, Mr. Speaker, when we have so much in the way of a debt and deficit in this Nation, the easiest thing we can do is look at the

Department of Defense, and if they are paying \$20 for an 89 cent ice tray, if they are paying \$81 for a coffee maker you can buy for \$29, we have a real serious problem.

I think in a bipartisan way we, as a House of Representatives, need to get together and ask those committee chairmen and the Speaker of the House to please look into this on behalf of the taxpayers of America.

As I close, Mr. Speaker, always on the floor of this House I ask God to please bless our men and women in uniform, to please bless their families and hold in his loving arms the families who have given a child to die for freedom, and I ask God to please continue to bless America.

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

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

ENERGY

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, middle-class families across this Nation are struggling to make ends meet. While housing and education prices are skyrocketing, wages have been held stagnant for the last 3 years. Now families can add energy to the list of out-of-control costs to their family budget.

Gas is around 3 bucks a gallon. Utilities are now predicting families could pay as much as 70 percent more to heat their homes this winter. Natural gas prices are so high the Energy Department is predicting the average family will pay \$350 more this winter than last winter. Home heating oil, used by many in the Northeast and Midwest, is skyrocketing.

But while American families struggle with sky-high energy bills, oil and gas companies face a totally different problem: too much cash. For example, Exxon Mobil recently reported their profits increased by 75 percent. Their revenues: \$100 billion. Shell Oil, earnings 68 percent up. Phillips, 89 percent up. B.P. Amoco, 34 percent rise in quarterly earnings.

American families are struggling with massive energy bills that cut into their living expenses, their college costs, and their health care costs, while energy companies are reaping huge, huge profits.

Henry Hubble, a senior vice president at Exxon Mobil said, "You have got to let the marketplace work." I agree with the executive from Exxon Mobil. Let the marketplace work.

But here is where we disagree. When they had an energy bill down on this floor, the oil companies got a \$14 billion taxpayer-funded corporate welfare

giveaway to do oil and gas drilling around this country. They got \$14 billion for companies making record profits.

That is what we call corporate welfare. If they want the marketplace to work, give the taxpayers back their \$14 billion. We should be not be subsidizing their business plans. Taxpayers are not in the business of helping companies making revenue runs at \$100 billion a quarter where profits are up 89 percent.

The Congress, not Democrats but the Republicans in Congress, are cutting college loans by \$14 billion, they are cutting nutritional programs for 40,000 kids, and they are cutting kids health care. Yet what have they held sacrosanct? \$14 billion to Exxon Mobil. My view is what corporate America needs in the energy business is a little free market medicine.

We have seen nothing but corporate welfare around here in subsidizing the energy industry, and it is high time they get off the dole and started running their own business plan and stop asking the taxpayers to fund them. The only reason they do that around here is because, since 1980, the big oil companies have contributed \$220 million to the Republican candidates for Congress, Senate, the Presidency, and their party. They have gotten a \$14 billion return. You cannot get an investment return like that on Wall Street. It is 200 percent on their investment that they have gotten.

This Congress has given big oil \$14 billion in tax subsidies. If that is not bad enough, there is a refinery bill where we ended up giving them another \$2 billion that they did not even ask for. So with oil running at basically \$3 a gallon at the gas pump, not only do consumers have to pay inflated prices to big oil at the gas pump, but on April 15 they get a bill because they have given them \$14 billion in taxpayer-funded corporate welfare so they can do one thing: execute their business plans.

Well, I am suggesting they start doing a little more free enterprise in executing their business plans and stop relying on the taxpayers of America, who are struggling with sky-high energy prices, sky-high health care costs, and sky-high college tuition costs, just trying to struggle to make ends meet.

What Congress would actually cut home heating assistance to our most needy citizens yet give Exxon Mobil and the other big energy companies \$16 million? A Republican Congress, but, of course, this should make sense to all of us who have seen what goes on around here.

When the Speaker's gavel comes down, that gavel is intended to open the people's House, not the auction house. What has happened around here lately when it comes to big oil companies is we auction off the American people and their future. When it comes to the pharmaceutical companies, who gave \$132 million, they ended up with \$135 billion in additional profit when

we did the prescription drug bill. When we had a \$5 billion problem to fix with Europe on the corporate trade tax issue, what did this Republican Congress do? Of course, \$150 billion tax giveaway to corporate America to solve a \$5 billion problem. Only using their type of math do you work like that.

Pharmaceutical companies. Big oil companies. Corporate special interests. Selling away America. The Speaker's gavel is intended to open the people's House, not the auction house, and the United States Congress had better start acting like the people's House, because lately we are giving Christie's a run for its money around here.

You cannot give out money fast enough to the energy companies, who are making massive profits, and on the other hand cut those who are most needy. You cannot have a policy in the country that says to oil companies, who are reaping huge profits, and that is their business, but we should not subsidize their business, we are going to give you more while cutting those who are struggling. These are not the values of this country, these are not the values of the Democratic party, and, thank God, they are not the values of the American people.

We need a change. We need new priorities that focus on America's future. We can do better, and it is high time we turn the people's House back to the American people.

THE ECONOMY

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

Mr. BURTON of Indiana. I know I get a big kick, Mr. Speaker, out of listening to my colleagues come down here and talk about the sky falling. After 9/11 we had an economic downturn and tourism suffered and all the ancillary industries suffered, airlines suffered and the economy started going down. We had scandals on Wall Street, and those scandals led to further economic problems. President Bush suggested to the Congress that the way to stimulate economic recovery and growth was the same thing that President John F. Kennedy did back in the 1960s, and that was to cut taxes. And so we cut taxes.

And because we cut taxes, there has been growth in the economy for the past several years. The unemployment rate has been down. The economy has been growing. Everything has been going well.

Now we have been hit with some other things that are very, very disconcerting. We had the Katrina hurricane, and we had another hurricane that hit Florida recently. These hurricanes are going to cost a lot of money. Some people think it will cost \$60, \$70, or \$80 billion before it is over. It will not be the \$250 billion that was talked about, but it will be around \$50, \$60, or \$70 billion at least.

Now I would like to say to my Democrat colleagues, for whom I have great respect, to join with us in the next few days in passing a cost-savings bill, a cost-savings bill that will cut about \$50 billion out of spending. That \$50 billion can be used to offset some of the costs for the Katrina disaster and the other disasters we have experienced recently.

I know it is going to involve some hard decisions. I heard one of my Democrat colleagues just a few minutes ago come down and start talking about some of the programs that are going to have to be cut. And I admit there will be difficult choices to be made, but that is what we are all about around here, making difficult choices, difficult decisions. It is extremely important that we make the hard choices so we control spending and make sure we do the right things for economic growth in this country.

The way to do that is when we have this cost-savings bill come before the body in the next few days, my Democratic colleagues who are concerned about the deficit, who are concerned about spending, who are concerned about Katrina and the costs involved, join with us in this cost-savings bill to save about \$50 or \$60 billion in rescissions and across-the-board spending cuts. Because if you do that, we can keep this country on an even keel. So please join with us when this bill comes to the floor.

□ 1845

ORDER OF BUSINESS

Mrs. MCCARTHY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentlewoman from New York?

There was no objection.

NATIONAL INSTANT BACKGROUND CHECK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, last week the Washington Times ran an editorial stating that people who advocate responsible gun laws are disappointed that there has not been an increase in killings since the assault weapons ban expired last year.

In fact, nothing could be further from the truth. That the crime rate has not increased dramatically with the end of the ban is not a surprise. Nobody thought the end of the assault weapons ban would create new criminals, but we feared it would give existing criminals better tools to do their jobs. The fact that sales of these weapons are not skyrocketing does not surprise me either. Law-abiding gun owners have no practical need for these weapons. Why would a responsible gun owner want an

AK-47 or an Uzi? They cannot hunt with them. There would not be much animal left after one pull of the trigger.

Assault weapons are not even practical for self-defense. Innocent bystanders would be injured or killed by the spray of the bullets released.

But I want to reduce gun violence in this country, not to keep the status quo. The Washington Times might be satisfied with 30,000 Americans dying from gun-related deaths every year. I am not. The Washington Times might think it is acceptable that 5,200 American kids die because of gun violence each year. I think it is deplorable.

But I am a realist; and I know that this Congress, this Congress, will not reinstate the assault weapons ban. But we can make it more difficult for criminals and terrorists to get their weapons.

As we continue to weaken our guns laws, we increasingly rely on the National Instant Background Check System to ensure that guns do not fall into the wrong hands. However, the NICS database is dangerously incomplete. For example, half of all States have entered less than 60 percent of their convicted felons into the NICS system. Thirteen States have failed to enter the subjects of restraining orders stemming from domestic violence into the NICS system. And, of course, in all 50 States, people who are listed on terrorist watch lists certainly can go out and still buy a gun.

The same people whom we do not trust to board a plane can buy one of those AK-47s or Uzis the Washington Times editorial page raves about. This defies common sense.

I have introduced H.R. 1415, legislation that will require that States enter in all NICS information as quickly as possible. My bill will also provide grants to States to make sure that their databases are kept up to date.

This legislation poses no restrictions on law-abiding and responsible gun owners. It poses no infringement on second amendment rights. In fact, it passed the House during the 107th Congress via voice vote. Unfortunately, time ran out before the other body could take up the bill.

But the bill had the support of several Senators on the other side who are known strongly for their support of gun rights. Nobody believes criminals and terrorists should be allowed to legally buy guns in this country.

So before the Washington Times and others begin to celebrate maintaining the status quo for gun-related deaths, let us pass legislation to enforce the gun laws on the books.

Nobody wants to see crime reduced more than I do. H.R. 1415 can fix the loopholes in our background checks. Thirty thousand deaths a year is nothing to turn a blind eye to no matter what the Washington Times says.

We can do better, Mr. Speaker.

ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

IRAQ

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 rise today to voice my strong support for both the men and women of our Armed Forces and the American civilians serving in Iraq through the Department of State and other U.S. agencies. I thank them for their courage and the dedication that they have so bravely displayed in carrying out their noble mission of liberating and securing Iraq from tyranny and terrorism.

Mr. Speaker, I have witnessed such dedication in conversations with a former staffer of mine who returned from Iraq this past summer and from one of my former interns who served with the United States Army in Iraq. I have frequently discussed the situation in Iraq with my husband, Dexter, a decorated Vietnam veteran who was wounded in combat and was awarded a Purple Heart.

However, it has been my talks with my stepson Dougie, a first lieutenant in the U.S. Marine Corps who is currently serving in Iraq, which has helped me the most and has had the most profound effect on me and helped me to fully comprehend the importance of the mission that our men and women in the Armed Forces are embarked upon in Iraq. To him it is not an obligation. It is an honor and a privilege to have the opportunity to serve our country; to contribute to the freedom of the Iraqi people; to confront the terrorists; and perhaps most importantly, to fight tyranny, as the Greatest Generation did during World War II.

Our mission is just. It has far-reaching, longstanding, strategic, and political ramifications. It is helping to further U.S. security and foreign policy goals throughout the region. For these reasons and, most importantly, for my stepson Doug Lehtinen, and his fiancée, Lindsay Nelson, who is also a Marine officer currently serving in Iraq, and all of the members of the U.S. Armed Forces serving in Afghanistan and Iraq and elsewhere, we must continue to fully support our troops and their mission. Simply stated, we cannot afford to yield a victory to the terrorists in Iraq and throughout the region.

Iraq is one of the epicenters of the U.S. comprehensive strategy to fight terrorism worldwide, a strategy that includes killing and disrupting terrorists abroad; confronting theocratic and

autocratic regimes that harbor terrorists and facilitate terrorist attacks; and promoting economic reform and democracy as a means to address those threats.

Our ability to project major Armed Forces to the very heart of the Middle East provides the United States, as well as our allies in the war against terrorism, the wherewithal to directly address the tactical and ideological challenges of Islamic extremism. Our presence in Iraq further strengthens our leverage against current and emerging democracies and increases the deterrent value of U.S. power.

Finally, through the promotion of incipient Iraqi democracy, we can continue our concerted efforts to counter the root causes of Islamic extremism and terrorism in that area.

However, our success in Iraq will not come without challenges. Creating new and effective political and security institutions in Iraq takes time. The task before us is not insurmountable; but if rushed, we do risk failure for lack of persistence. The continuing presence of U.S. and coalition forces must be determined by the achievement of concrete objectives. We cannot send a message to the terrorists that their war of attrition is succeeding and that we are weakening in our resolve to win.

The Iraqi people have not weakened their resolve, and they have clearly demonstrated their commitment to both the establishment and the solidification of a democratic political culture through their January 30 election, through the October 15 referendum on their Constitution, and their preparations for the December 15 elections.

Our men and women in uniform are not and have not weakened their resolve. Let us not weaken our resolve in the United States Congress. Let us not waver in our commitment to our mission, our very important and noble cause in Iraq.

GAS AND OIL COMPANY
PROFITEERING

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

Mr. STUPAK. Mr. Speaker, every day now we see headlines in the newspaper much like this one here from the USA Today back on October 7, 2005, saying: "Staying Warm To Cost up to 90 Percent More This Year," as energy costs have just skyrocketed in this country. Our constituents are bracing for a harsh winter, a record high in home energy costs; and they just continue to skyrocket, while oil companies are announcing record-breaking third quarter profits.

Even though gas has come down a little bit, 2 weeks ago even in my district, the headline in the Marquette Mining Journal from October 19 said we are number one. We have the dubious title of having the highest gas prices in the upper peninsula of Michigan. And it is

no wonder why we have record profits by the oil companies.

Our constituents are angry and are frustrated, and they deserve answers from their elected officials. We must not stand by and let oil and gas companies engage in price gouging and profiteering when families are going to be forced to pay so much more to heat their homes, to heat their places of business, as we see in article after article anywhere from a 50 to 90 percent increase in home heating costs in the upcoming months.

If we take a look at the documents recently provided by the current administration from the Energy Information Administration, the American family is going to have a 60 percent increase this year just to heat their homes this winter. We have almost a 50 percent increase, they figure, in natural gas. It will be a \$350 increase this year. Home heating oil they figure is going to be a \$378 increase over last year. Propane, \$325 over last year. This is from, again, the Energy Information Administration. What we have seen are a lot of demands from our constituents to do something, but nothing is really being done.

In this Congress here a few weeks ago, we did try to pass an energy bill to try to address price gouging, market manipulation, and bring some transparency to how a gallon of gas or a barrel of oil is priced when we go to use it. Unfortunately, that bill, which passed the House here, was such a poor bill that the other body took one look at it and they said they were not even going to take it up.

So there was an alternative bill that never had a chance to have an up-or-down vote. It was called the FREE bill, free from energy manipulation by the oil companies. That was the Democratic bill. And what we did in our bill was this, and let me just show this chart here: Why are energy costs so high? This was from September, 2004, until September of 2005. To take the crude oil out of the ground or out of the gulf, wherever they get it, was an increase of 46 percent in the last 12 months, 46 percent. After the oil is taken out of the ground, it goes to the refiners. The refiners increased their costs and their prices 255 percent in the last 12 months. And then when it is distributed from the refinery to the gas stations, to the retailers, or to the oil companies to heat our homes this year, the cost is only 5 percent.

So the bill we had before us approximately 2 weeks ago put forth by the majority party, instead of targeting the people who have increased their prices 255 percent over the last 12 months, they targeted the poor distributors and the gas station owners and the gas station operators. They targeted the people who made 5 percent in the last year. They targeted the wrong people. Plus the Republican bill did not take in propane, did not take in natural gas. Thirdly, the only time the Republican bill would kick in was when there is a natural disaster.

In the Democratic bill, on the other hand, Mr. Speaker, we targeted all parts of the oil supply chain, from the crude producer, to the refiner, to the distributor. We said if they engage in excessive profits, like 255 percent over the last 12 months, we are going to go after those profits. That is price gouging, market manipulation, geographic price arrangements that they make from the refinery. And those excessive profits, and I think people would agree with me that 255 percent is excessive, would then be put into a fund to help the Low Income Heating Energy Assistance Program, LIHEAP as we call it.

So we take the extra money and put it in there to help people heat their homes. We finally, for once, give the FTC, the Federal Trade Commission, the authority to stop price gouging. We allow the State attorneys general to enforce Federal law, and we maintain environmental standards.

So this bill is back. We as a party, Democrats, are asking for a clean up-or-down vote on our bill. Let us put forth our bill, which is to stop the price gouging, market manipulation, the excessive regional pricing that goes on; and let us have a clean up-or-down vote on it.

In the meantime, the Democratic Party is also asking, and, in fact, the letter is being circulated today, that we bring in the oil executives and ask them to explain to us how do they justify a 255 percent increase. Even a 46 percent increase is a tremendous amount of increase in the last 12 months when inflation is running at about 3 to 4 percent. So these are the questions we have, and we would like a free, clean up-or-down vote.

As high gas prices persist, hard-working Americans are preparing for a cold winter during which they will likely face a doubling of home heating costs. These serious concerns underscore the need for this Congress to work together in a bipartisan manner. Let us investigate and crack down on the price gouging and other forms of market manipulation, and then maybe we will not see the headlines that we have seen in the last week about what the oil companies have made in the third quarter. The third quarter goes from, of course, July, August, September. In those 90 days, July, August, September, Exxon-Mobil's profit was \$9.92 billion.

□ 1900

That is the largest amount ever by a U.S. company, and 75 percent more in profits than they made last year.

Shell Oil Company, they generated \$9 billion in the third quarter, an increase of 68 percent from last year. These are excessive profits.

Conoco Phillips generated \$3.8 billion in the third quarter, an 89 percent increase from last year.

Again, we do not mind anyone making a profit. Inflation is running 3, 4, 5 percent. But 89 percent over one year?

British Petroleum generated \$6.53 billion in the third quarter. These are

profits. That is after paying for everything else. They cannot say it costs more. But these are profits, over and above.

And Chevron generated \$3.6 billion.

The earnings of the world's five largest publicly traded oil companies this quarter have put them on track to earn \$100 billion this year.

Mr. Speaker, I hope this Congress can work together and pass a real energy program to help all Americans.

SUPPORT FOR ALITO NOMINATION

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, these are historic and great days in America because President George W. Bush has nominated Judge Samuel Alito to the United States Supreme Court.

Mr. Speaker, this is a man of outstanding character and one who has more experience as a sitting judge than any nominee for the Supreme Court in the last 70 years. As always, extremists on the left are viciously attacking this highly qualified nominee because he shares a judicial philosophy with this duly elected President.

Mr. Speaker, what is at stake here with these judicial nominations is the Constitution itself, that miraculous document by which we guard our God-given rights in this country; and what is also at risk is keeping secure the American dream for future generations.

In this day, we sometimes forget that the American dream is actually about human dignity and freedom and self-governance. It is not about the left's moral relativism, which means that those without conscience have a license to do anything without consequence, regardless of its harm to others.

True freedom actually means having a system of self-government that protects the rights of innocent people to live and to be free and to pursue their dreams in their own way, as long as they do not desecrate the lives and rights of others. The choice that faces us in these pivotal times is whether or not we as a people are still capable of understanding and guarding the fundamental rights that undergird our freedom.

Mr. Speaker, I have great hope that we still are. Liberal activists on the courts have been undermining the Constitution and America's fundamental rights of liberty and life and property for decades.

Just yesterday, the liberal Ninth Circuit Court of Appeals ruled, "There is no fundamental right of parents to be the exclusive provider of information regarding sexual matters to their children. Parents have no due process or privacy right to override the determinations of public schools as to the

information to which their children will be exposed while enrolled as students."

Mr. Speaker, for these liberal judges to say that parents have no right to determine what their children are taught about sex, or anything else, for that matter, is outrageous. America has rejected this sort of bankrupt, liberal extremism at the ballot, and now the left is desperately trying to hold on to the courts to force this extremist agenda down the throats of all Americans.

The liberal, secular left wants to take the words "under God" out of the Pledge of Allegiance. They want to completely dismantle marriage and family. They want to end voluntary prayer, any kind of traditional voluntary religious expression in public places.

They teach your children in school that it is "mainstream" in America to use abortion and even partial-birth abortion as a means of birth control. They are saying to the parents of America that if your underage daughter is impregnated by a man, he should be able to take her to have an abortion without your knowledge or permission, that it is none of your business.

Mr. Speaker, those attacking Judge Alito are so far to the left that they cannot even see the majority of us here in America, and it is so important that the people of this country understand what the left means when they say "mainstream" when they say that Judge Alito is out of the mainstream. They are talking about his rulings in cases where the overwhelming majority of Americans agree with him. That is the very definition of "mainstream."

Mr. Speaker, for the sake of this Republic, we must invite those leftists who insist on smearing Judge Alito's reputation to step into open debate where the bright light of truth can shine on their ideology and expose to the people of America exactly how far out of the mainstream they really are.

Mr. Speaker, it is time for this debate. It is long overdue. The future of the American people living in freedom depends on it.

CAMPAIGN TO MINIMIZE LIES THAT LED TO IRAQ WAR

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 to support the minority leader's attempt to get oversight. She stood here today and asked in a resolution, which was not voted on by the House, was not allowed to be discussed by the House, that the Republican leadership conduct oversight of an executive branch controlled by the same party which is in contradiction to the established rules of standing committees and the congressional precedent.

It is time for this House to begin an investigation of the executive branch.

Why is that? Well, there is a massive propaganda campaign beginning today, if you look in the Wall Street Journal and some of the other newspapers, to minimize the lies that led us into war. They are now saying, "Well, everybody does it. Clinton did it. We did it. It doesn't make any difference how we got into war. It was the right thing to do. The fact that we got there is all that matters." That is what the defense is going to be.

It is very clear that the office of the Vice President of the United States has emerged as the source of this national policy. Never mind, I am not talking about the intelligence on striods that proved that Hussein had weapons of mass destruction. It is now clear by his own admission that the Chief of Staff of the Vice President of the United States was willing to out the CIA agent whose husband had been sent by the Vice President's office, had been sent out to find out and had come back with a report that debunked the whole Niger yellow cake forgeries.

Mr. Speaker, the Italian parliament is meeting even at this time on the issue of how those forgeries occurred. There is nobody interested around here. You would think it was nothing. But the Italian parliament is worried about how their secret service got involved in these forgeries.

But really more worrisome than the forgeries and all of what went on there is the continuing influence of the Vice President's office to set policy. I will include in the record an article in the November 2 Slate magazine called Superiority Complex that is talking about what has gone on in the Vice President's office. This is another issue, but connected.

Today we found out in the newspapers that we have secret prisons. We do not know where they are. Some people speculate they are in Poland, some say they are in Romania. We know we have Guantanamo. We have bases in other places. And we are unclear about how those people are to be treated.

It was so unclear that the draft regulation was drawn up in the Department of Defense. Some people in the Department of Defense did not agree with it, so they let the Vice President's office know, and the next thing we know, they sort of say, why do you not hold up on that, and it never happened. The draft regulation never came out. It was to set a clear standard of how detainees should be treated, how prisoners of war should be treated, or whatever.

The people who did that were Mr. Addington, who is now the Vice President's Chief of Staff, and Mr. Libby. They set about to veto the whole idea.

Why is the Vice President's office making these decisions? Where is the White House? Where is the Oval Office? Where is the President? Well, he is missing in action.

If you look in the last year and a half on that whole issue, the President said that these people would be treated humanely and, to the extent appropriate

and consistent with military necessity, in a manner consistent with the principles of the Geneva agreement.

He could not just say "the Geneva Convention holds. We will treat them according to that." He gave weasel-words here, so he really has been no use at all. Basically, what this White House has done is kept that whole issue open to debate.

Now, you ask yourself, why do we care about how we treat prisoners? Very simply, and the article says, "The military cares about the Geneva protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States and human rights abuses in Guantanamo."

We are putting our own soldiers at risk by allowing this White House to keep this vague. We need some oversight.

Mr. Speaker, I include the Slate magazine article for the RECORD.

[From the New York Times, Nov. 2, 2005.]

SUPERIORITY COMPLEX (By Tim Naftali)

Today's revelations in the New York Times about the Bush administration's internal debate over how to treat foreign detainees highlight the unprecedented role that Vice President Dick Cheney and his staff are playing in setting national security policy. In the Constitution, the vice president is the Nation's understudy. He is not supposed to be in the chain of command. Cheney knows this better than most: In 1989, when he was George H.W. Bush's secretary of defense, Cheney slapped down Vice President Dan Quayle for calling a meeting of the National Security Council about a coup attempt in the Philippines while the president was out of the country.

Yet now the Office of the Vice President is dictating the rules by which the U.S. military interrogates and detains terrorist suspects. This is being done subtly. All the Office of the Vice President has to do is informally convey its opposition to complying with international law in this area, and any such effort is thwarted.

This is what happened to an attempt by some officials in the Department of Defense, along with the lawyers of all the armed services, to write a new directive on the treatment of detainees. Since the Bush administration began sending foreigners captured abroad to Guantanamo Bay in winter 2001, its refusal to afford them all the protections guaranteed by the Geneva Conventions has been, to say the least, internationally contentious. Now the military and some Pentagon officials are increasingly aware that this refusal is making American troops vulnerable abroad by potentially provoking other countries to respond in kind. The current policy has also created confusion in the armed services among interrogators who were originally trained to follow Geneva and now don't know which standard to apply. The goal of the drafters of the new directive was to set clear standards that are consistent with international law and with the military's rules since 1949.

The draft directive drew upon the language from Common Article Three of the Geneva Conventions of 1949, implying that the United States recognized the role of international law in governing how it treated detainees. Not everyone in the Pentagon was happy with this. Stephen Cambone, the undersecretary of defense for intelligence policy, and William J. Haynes, DOD's general

counsel, apparently let the vice president's office know what was happening. In September, David S. Addington, who was then Cheney's general counsel, and former Cheney aide I. Lewis Libby did their best to veto the initiative.

Cheney and Addington (and Libby) believe that there should be no limit on the president's right to authorize interrogations of terrorist suspects. The Office of the Vice President is contemptuous of the British and our other European allies, who have been reluctant to turn over suspects to the United States because of what they see as Washington's lawless approach.

What does the Oval Office think about adopting a Geneva-friendly detainee policy? So far, there is no evidence that President George W. Bush has weighed in directly since February 2002 on applying Geneva's protections to the detainees. At that point, he said that al-Qaida and Taliban fighters would not have prisoner-of-war status but would nonetheless be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles" of the Geneva Conventions. The ambiguity of Bush's 2002 statement—was he saying that the Geneva Conventions did not trump military necessity?—has encouraged advocates of a Geneva-based policy to argue that he intended to set a floor rather than a ceiling for the treatment of detainees.

And what about Secretary of Defense Rumsfeld, who is in the military chain of command? The reporting is still vague thus far on his opinion about the standards for detainees. Matthew Waxman, Rumsfeld's deputy assistant secretary of defense, was a champion of incorporating Common Article Three into the new interrogation directive. But Rumsfeld himself reportedly said nothing, even after the vice president's office shot down the draft directive. Rumsfeld and Cheney go way back; Cheney worked for Rumsfeld in the Nixon administration. Whatever else Rumsfeld's silence means, by ceding this area to Cheney, the defense secretary signals to the armed services that he doesn't much care that their lawyers want to bring U.S. policy in line with the Geneva Conventions.

The military cares about Geneva's protections because of the correlation that American intelligence officers increasingly see between Muslim anger at the United States for human rights abuses in Guantanamo and elsewhere and the virulence of the insurgencies in Iraq and Afghanistan. In its secret brief in a case involving the ACLU's request for the disclosure of additional photographs of the abuses that took place at Abu Ghraib, the government acknowledged as much.

Ordinarily presidents assign their vice presidents some projects, usually with consultation, of course. Yet once Cheney focuses on a policy, he dominates it.

So long as his views prevail in how the Bush administration treats foreign detainees, the military's push to safeguard American troops by respecting Geneva will be stymied.

VOTING RIGHTS ACT EXTENSION NOT NEEDED IN GEORGIA

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

Mr. WESTMORELAND. Mr. Speaker, in 1965, Congress passed the Voting Rights Act to stop the systematic civil rights violations that were the status quo in my home State of Georgia and

various other States. In those dark days, the Federal Government rightly stepped in to extend the guarantees of our Constitution to every American, regardless of race.

Georgians have worked together closely for the past 40 years to heal the wounds of the past, and we have progressed tremendously. Black Georgians today are equal partners, not only in access to the voting booth but also to elected positions of power.

In the parts of Georgia that experienced the most oppressive and violent abuses of civil rights, that is in counties and cities where African Americans are a majority, black Georgians are now the leaders of those local communities. African Americans hold a significant portion of the seats in the Georgia legislature, where many have held positions of great influence. Nine of our 34 Statewide elected posts are held by African Americans, a percentage that comes close to mirroring their proportion of the State's population.

Georgia Attorney General Thurbert Baker is an African American who has twice won Statewide election to that post. Our Statewide elected labor commissioner is black, as are three justices on our State Supreme Court. Four African Americans hold seats in our 13 member House delegation. Two of those black members defeated white candidates in majority white districts.

African Americans have exercised their electoral muscle for decades now in Georgia. Blacks in Georgia have higher levels of voter registration and participation than do whites. In fact, blacks in Georgia have higher registration rates than do most blacks outside the South.

Furthermore, black and white candidates for public office draw comparable support from white voters. In other words, black and white candidates of the same party win or lose at the polls with similar vote percentages. No longer will Georgians vote against a black candidate simply because he or she is black.

With these facts in mind, I call on Congress to let Section 5 of the Voting Rights Act expire. Section 5 was implemented as a temporary statute to correct a specific problem. In the late 1960s, the Supreme Court ruled that Section 5 was constitutional only because it was narrowly tailored and temporary. Mr. Speaker, I would suggest to my colleagues here in the House that 40 years is more than temporary.

Now Congress is considering extending Section 5 for another 25 years, to 2030, without giving any consideration to the changes that have occurred since 1965. If there is a need for Section 5 today in Georgia, it must be needed everywhere.

□ 1915

If it is good for Georgia, it will be good for your State too. But if you do not think your State election laws should be subjected to Federal over-

sight, then I challenge each and every one of you to at least, Mr. Speaker, look at the facts of today's Georgia before casting a vote that does not affect your constituents, but does affect mine.

Georgia has fulfilled the vision of the Voting Rights Act and should be treated the same as every other State.

PASSAGE OF THE PRIVATE PROPERTY RIGHTS PROTECTION ACT

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, earlier today I was proud to cast a firm vote in support of the Private Property Rights Protection Act. While this measure will not reverse the Supreme Court's mind-boggling 5-4 decision in the *Kelo v. New London* case, it will ensure that American taxpayers will not have their hard-earned dollars used in its support.

No State or locality shall be permitted to employ the power of eminent domain to seize private property in the name of economic development. In addition, the bill will grant appropriate access to State and Federal courts for those who seek justice and remedy for any nonmeritorious seizure of their property.

There is no question that Americans do not wish to shirk their responsibility to take care of their community through support for measures which serve the public good. However, most do not view fulfillment of this obligation as necessitating a forfeiture of their fundamental rights. Few rights are as central to the foundation of our great Nation as is the right of control over one's private property.

As James Madison laid out in the *Federalist Papers*, private property rights lie at the foundation of our Constitution: "Government is instituted no less for the protection of property than of the persons of individuals."

Madison's declaration was echoed by Justice William Paterson in *Vanhorne's Lessee v. Dorrance* (1795) when he asserted: "The right of acquiring and possessing private property and having it protected is one of the most natural, inherent, and inalienable rights of man."

This does not require one to have expertise in constitutional law to conclude from these statements that the Framers did not intend for citizens to cede their "natural, inherent, and inalienable rights" in the name of expanding the local tax base or in the development of one of our favorite Starbucks or Wal-Mart's.

As Justice Clarence Thomas noted in his dissent, the text of the fifth amendment permits the taking of property "only if in the public right to employ it."

In response to the public concern of the *Kelo* decision, the Ohio State legislature recently passed a measure pro-

hibiting cities from seizing unblighted land for economic development in 2006. And Ohio is not alone. Excluding bills prefiled for the 2006 legislative session, the National Council of State Legislatures found that 12 States have already taken legislative steps to prohibit in some form or fashion the use of eminent domain in private property seizure.

Today, we join in the fight on behalf of all Americans who own or aspire to own their small piece of paradise and, more importantly, to own it without fear from unwarranted, unjustified, and unconstitutional seizure.

THE TRUTH ABOUT THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. DRAKE. Mr. Speaker, it is my honor to be here tonight, along with fellow colleagues and with the chairman of the House Armed Services Committee, Duncan Hunter, to talk to you about the war in Iraq.

During my recent visit to Iraq, it was clear to me that our brave military men and women know what they are doing, why they are doing it, the progress they are making, and the threat to our world and our way of life if they fail. They see the big picture: Iraq is a key piece in a region-wide and worldwide struggle.

What they wanted to know was what were the American people saying and thinking, and they wanted to know why their stories are not being told, and why their successes are not being told.

Mr. Speaker, recently there was a New York Times article that included this quote. It says: "I kind of predicted this. A third time just seems like I am pushing my chances." But in reality, Mr. Speaker, that was a much longer quote that I would like for you to see and I would like for you to hear. What that quote said was: "Obviously, if you're reading this, then I have died in Iraq. I kind of predicted this. That is why I am writing this in November. A third time just seemed like I am pushing my chances. I don't regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq. It's not to me. I am here helping these people so that they can live the way that we live, not have to worry about tyrants or vicious dictators, to do what they want to do with their lives. To me, that is why I died. Others have died for my freedom. Now this is my mark." Corporal Jeffrey B. Starr.

We would all like to thank Corporal Starr for his service, to tell him and his family that America mourns their very great loss, and to say that he is a true American hero.

We are here tonight to tell his story and to tell the story of the very brave

men and women who are serving to keep us free. First, I would like to start by recognizing Congressman DAN BURTON from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, first of all, I would like to make a comment about what you just said about the New York Times article. When you see what was said at the beginning there, written in the New York Times, you immediately feel like, well, this young man was saying, you know, this is something we should not be doing, and I am just pushing my chances. But when you read the whole article, it is clear that he thought the life that he was giving for the freedom of those people was worth it.

Mr. Speaker, he said in the last part there: "To me, that is why I died. Others have died for my freedom. Now this is my mark."

I mean, I cannot believe that there are distortions like that in the media. It makes me just cringe when young men and women pay a price like that and write to their loved ones why they are doing it and why it was so important that they made that sacrifice and then have them be mischaracterized by a newspaper that has a preconceived idea of what ought to be done over there. It really, really bothers me.

Mr. Speaker, in addition to that, my colleague, DUNCAN HUNTER, who is the chairman of the Armed Services Committee, gave me this Congressional Medal of Honor awarded to Sergeant First Class Paul R. Smith of the United States Army. I was reading this and I was thinking about the sacrifices that these young men and women have made to protect people and to make sure that these people get the freedoms that we have enjoyed for so long. It says: "Sergeant First Class Smith braved hostile enemy fire to personally engage the enemy with hand grenades and anti-tank weapons and organized the evacuation of three wounded soldiers from an armored personnel carrier struck by rocket-propelled grenades and a 16-millimeter mortar rounds. Fearing the enemy would overrun their defenses, Sergeant First Class Smith moved under withering enemy fire to man a 50-caliber machine gun mounted on a damaged armored personnel carrier. In total disregard for his own life, he maintained his exposed position in order to engage the attacking enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy attack and resulted in as many as 50 enemy soldiers killed, while allowing the safe withdrawal of numerous wounded soldiers. Sergeant First Class Smith's extraordinary heroism and uncommon valor are in keeping with the highest traditions of the military service and reflect great credit upon himself, the Third Infantry Division, Rock of the Marne, and the United States Army."

Mr. Speaker, it really bothers me when I see people come down here and start in one way, giving an offhanded compliment to our soldiers and sailors

and marines who are over there fighting and say, you know, we really respect them; and then with the other hand they say, oh, we ought to get out of there right now. We ought to withdraw tomorrow. We ought to get everybody out of there, because this is a lost cause.

It is just not a lost cause. They went over there to do their duty and to stop worldwide terrorism, and this is the focal point. It is really bad that we have people in this body on the other side of the aisle, in my opinion, that say, you know, they are doing a great job and we really support them and, at the same time, the sacrifices that have been made should be for naught, we ought to just bring them home.

We are in a world war against terrorism, a world war, and this is the major battleground right now. The reason we are not being attacked in large part here in the United States, in my opinion, is because these young men and women are making these sacrifices over there, in the middle of the storm, where terrorism has its genesis, where Iran and Syria and other countries are supporting terrorism. They do not want democracy to flourish over there, because they know their days will be numbered if democracy succeeds. Our young men and women who are fighting over there are making their days numbered, in my opinion.

I would like to just make one quote from Sir Winston Churchill, when I think about my colleagues on the other side of the aisle and they start talking about how we have to get out of there right now. Sir Winston Churchill, who was one of the greatest leaders of the 20th century, he said in a speech that he made entitle "We Shall Fight on the Beaches," which is very famous, he says: "Wars are not won by evacuations." You do not win by retreating.

The Iraqis now have almost 190,000 men in their armed services and their police forces over there. They are taking up more and more of the fight every single day. As soon as they become battle-ready and they can protect themselves, you are going to see us starting to bring our troops home. But we are not going to capitulate. Not under this President, we are not, and not under the majority that we have in this Congress.

Now, if the more liberal Members of this body want to cave in, if they want to assuage the enemy and pat them on the back, then that is what is going to be their legacy to this country and to this world; but I do not want to be a part of that, and I do not think my colleagues on this side of the aisle want to be a part of it either.

Let me just say one thing that is not being reported by the media that should be, and it should be reported thoroughly and fully. Things are getting better in Iraq. There are now 196,000 Internet subscribers. There used to be almost none. Now there are 44 commercial television stations. None existed under Saddam Hussein when he

buried alive up to 100,000 people and killed over 400,000 people. There are more than 100 independent newspapers and magazines and 72 commercial radio stations. None existed before under Saddam Hussein. There are now 3,404 public schools, all kinds of projects, police and fire stations, health facilities, and new reconstruction projects going on. Things are moving in the right direction, but they are not being reported by the media in this country.

So, Mr. Speaker, I thank the gentlewoman for yielding to me. I would just like to end by saying that the war against terrorism is one that we cannot and must not lose, and our fighting men and women are paying the supreme price over there right now, defending not only the rights and freedoms of the people in Iraq and Afghanistan, but they are also protecting us as well. So I would just like to say God bless them and thank each and every one of them for what they are doing.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for taking his time to join us tonight to talk about true American heroes and what they are doing. You will find it interesting that today in the Armed Services Committee, we had a panel of three men, Marines and Army both, who have served in Iraq. And when they were questioned about media coverage, they gave a couple of very interesting comments. One told us he never knew the war was going so poorly until he came home. Another one told us that the Iraqi press is doing a wonderful job of reporting what is going on over there, those independent newspapers and magazines that you have just referenced, now having 100 of them in Iraq. Servicemembers there feel that the press is only reporting when bullets are flying and not the progress that they are making.

So I thank the gentleman for being here, and I thank the gentleman for his comments.

Mrs. DRAKE. Mr. Speaker, I yield to the gentleman from Texas.

□ 1930

Mr. NEUGEBAUER. Mr. Speaker, I thank the gentlewoman from Virginia (Mrs. DRAKE) for recognizing me.

Mr. Speaker, I have had the great honor on two occasions since I have been in Congress to go to Iraq and Afghanistan. I went early in November of 2003 and then again back in March of this year. What a difference those months have made. One of the things that I was awestruck by was the amount of progress that has been made in the country of Iraq since the beginning of the war when we overthrew Saddam Hussein.

One of the things that I am puzzled by is that, when I go back to the district and start talking about how things are going in Iraq, my fellow Texans say, "Randy, why do we not ever get to hear about that when we watch the news?"

You know, that is a really good question. One of the things that I think is

important for the American people to realize is the amount of progress that we have made over there. In a very short period of time, we have liberated Iraq from a terrible dictator, a killer, a murderer, and that country is moving forward to install a democratic government. That is happening. They have met every deadline that they have established for themselves.

In December, they will have a very important democratic election to elect their new parliament.

One of the other things that is going on that is so important is that the Iraqi people are participating in a major portion of the defense of their country. That is an important part of our strategy.

Our strategy is two-fold, to help the Iraqi people to learn to be able to defend their country themselves and also to help them move in a way to establish this democratic government.

I think it is a great tribute to our men and women that, just the other day, 63 percent of the Iraqi people turned out to vote. I wish in some of our elections 63 percent of Americans turned out.

You have to understand the conditions that these people turned out. Sixty-three million people turned out to vote in conditions where it was not snowing or raining, but they were risking their lives; and over 78 percent of those people so far have supported this new constitution.

On a recent trip back from Iraq we stopped in Amman, Jordan, where about 120 or 130 Iraqi women had risked their lives and driven to Amman, Jordan, to participate in a conference to learn how to participate in this new democracy that they are about to inherit.

And one of the things was I was sitting at the table with some of those women at lunch, and we were discussing different things about their coming and risking their lives to come to that. And I asked them, I said some people back home asked if the Iraqi people appreciate what the Americans have done for them, and the allied forces.

This one lady, I will never forget, with tears streaming down her eyes, she said, "Mr. Congressman, you have to understand. We are mothers. We are wives. We are sisters. We are aunts. And we understand the huge price that mothers and sisters and wives and Americans have paid for our freedom. And we shall never forget."

And it is important that America not forget the tremendous contribution that our young men and women are making. As I go around, I always take an opportunity to thank the families, because, right along with our men and women that are in harm's way, those families serve right beside them. They are back home holding down the fort, making sure the kids get to school, making sure the car gets fixed and the house is in repair. We cannot forget them.

On Saturday, unfortunately, I had the opportunity to have to go to a funeral in Dimmit, Texas, for Jacob Dones. J.J. he is called by his friends. But you know what? It was an opportunity to go and be a part to celebrate the life of a young hero.

As I travel back and forth to Iraq, one of the things that I am awestruck about is the enthusiasm and the dedication and the commitment that our young men and women have to the job that they are doing over there; and I always ask them, is there a message that you want me to take back home? And they say, "Congressman, tell the folks back home what a great job we are doing and how important it is that we finish this job."

To get back to Lubbock, Texas, and back into District 19 each week, I travel and I stop at DFW airport. There are always young men and women going and coming from the battlefield, and I always take an opportunity to say thank you for your service.

And one of the things that they start, without me even asking them, they say, "Congressman, it is important that we finish this job." I wish you could see the children that are going to school, boys and girls that get to go to school now, and the fact that electricity is on in parts of the country that in the past it was not and that water systems are in place and that an economy is beginning to emerge in Iraq.

So, as I close and thank the gentlewoman for this opportunity, I want to say to our young men and women, thank you again. We pray for you. We are glad you are doing the job you are doing. We are proud of you. And to those families we say thank you, also.

So God bless them, and God bless America.

Mrs. DRAKE. Congressman, I would like to tell you two stories about the Iraqi people. On my trip, I was quite amazed, flying from Baghdad to Balad in a black Army helicopter, very low and very fast over agricultural fields; and the people working the fields were waving at the helicopter. When we got to Balad, I commented, only to be told they always wave at us.

The second story was in Arizona this summer I went out for a congressional meeting. Turned out my cab driver was from Iraq. He has been here 16 years. Still has family in Iraq. And he goes to Iraq on a contract working with the Iraqi troops.

When he realized I was a Member of Congress, he stopped the cab, turned around and said, "I would like for you to thank the American people for me for what you have done." He said, "When I go over there, it is like I am on vacation. There is only a few places where there are problems." He said, "You people work so hard and so long, I do not think that you ever sleep, and you do it all for us."

Mr. NEUGEBAUER. It is very humbling, and as we sat and participated with those Iraqi women and talked

about, you know, how they began to participate in this democracy and whether it is at the local level or at the state level or at the parliament, but the commitment and the courage that they had already shown.

I think, as you have heard this story before if you have been to the theater, about the fact that the insurgents are now targeting the Iraqi people because they realize what is going on over there, that the Iraqi people have a hunger for this new gift that we have given them. So they are targeting these recruiting stations where some people were killed maybe the day before, and the very next day there will be long lines of young Iraqi men and women coming forth to serve.

It is very encouraging. I want the American people to know that they can be very proud of their soldiers.

I want to thank Chairman HUNTER for arranging this Special Order Hour tonight as well as all of my colleagues who are taking the time tonight to honor our troops and show support for the brave Iraqi people.

Two and a half years ago, the United States military and its allies embarked on a difficult, yet noble mission: Rid the world of a murderous, lying, and unpredictable dictator and, by doing so, allow the people who had lived for so long under the shadow of totalitarianism to experience the light of freedom.

Our troops and the Iraqi people have risen to each challenge in front of them. Establishing a democracy takes persistence and dedication, and the Iraqi people continue to prove that they are capable of this tremendous task by meeting each deadline on the way to democracy.

Much progress has been made over the past 17 months on the political front. In June of 2004, the Coalition Forces handed over control of the country to Iraqis. A date of January 30, 2005, was set to hold democratic elections for a transitional government.

Despite the threats of terrorists attacking voters at the ballot box, millions of Iraqis turned out on January 30 for a historic democratic election.

This newly elected government was tasked with drafting a constitution and putting it up for a national referendum in October. Right on schedule, on October 15, millions of citizens from Iraq's eighteen provinces stood together to vote on a document that will guarantee and protect their rights and serve as a blueprint for their nation's future.

In this latest vote, 63 percent of Iraq's 15.5 million registered voters once again defied the threat of terrorist attacks and voted. The result: 78 percent of voters backed the constitution.

And the role of women in establishing this fledgling democracy should not be overlooked. In April, I took a trip to the Middle East, including Iraq. While on the trip I attended the Iraqi Women's Democracy Initiative Training Conference held in Jordan. At this conference, women came from all parts of Iraq. Many of the women tell me they were threatened because of their desire to come to the meeting. Several report that they were shot at. In total, about 130 women were in attendance.

These women were thankful. I told them that the folks back home want to know if the Iraqis appreciate what America has done.

They do, and they also realize the price that many Americans have paid. They said that they are mothers and wives themselves, and they know that mothers in America have lost sons, and wives have lost husbands.

The military has seen its share of successes as well. These successes began with the swift removal of Saddam Hussein from power and his ensuing capture, and have continued through the creation of Iraqi security forces.

One by one, Iraqi Army battalions have stood up and joined the fight to defend their homeland. By the end of October, a total of 206,500 Iraqi Security Forces have been trained and equipped.

Parts of the country that a few months ago were hotbeds of insurgency are now controlled by Iraqi forces.

Our military is now fighting shoulder-to-shoulder with their Iraqi counterparts to track down terrorists every day. Top al-Qaeda leaders have been caught or killed. Stockpiles of weapons and ammunition are being uncovered.

Tough times—both politically and militarily—may still lie ahead for this young democracy. The terrorists will undoubtedly attempt to thwart the will of free people. And Iraqis will need to return to the polls in December to elect a full-term parliament.

However, the Iraqi people have met their challenges and have overcome obstacles at each step along the way. I am confident that as long as Iraq and its allies continue to stand up against terrorism, I am optimistic that more successes lie ahead.

The mainstream media has a habit of only reporting the bad news coming out of Iraq. So it can be tough for some Americans to remain optimistic about our efforts in Iraq. This would not be the case if everyone had the chance to talk with many of the brave men and women who are serving in Iraq.

Since the War began in 2003, I have visited Iraq twice. On each trip, I have had the opportunity to talk with our troops on the ground.

Let there be no misunderstanding: our troops are proud of their accomplishments. We should be too.

Because of our troops and the bravery and fortitude of the Iraqi people, young Iraqi boys and girls are attending schools.

Electricity is being restored to all parts of the country, not just the regions favored by a dictator. Iraqis are beginning to protect Iraqis.

Men and women are participating in the democratic process.

And, most importantly, a ruthless dictator who terrorized his own people and his neighbors, and who had shown a willingness to obtain and use the worst weapons known to man, is no longer in power and will stand trial for his crimes.

Let me end with this message to our troops and their families: We are proud of you, we thank you, and the American people continue to stand behind you.

Mrs. DRAKE. Next I would like to recognize the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for giving me an opportunity to share this time with her.

Mr. Speaker, I have been to Iraq twice, December of 2003, shortly after Saddam's capture, then again in February of this year. On each of those trips, they are bipartisan trips, many

of the Members, of course, that have been to Iraq and Afghanistan and the theater of operations are members of the Armed Services Committee. But I think many other Members, of course, have been as well.

One of the best opportunities, Mr. Speaker, is to meet with troops, soldiers, men and women from your own State, indeed when possible from your own congressional district, and to have an opportunity to talk with them and, more importantly, that they have an opportunity to talk with us.

The one thing that I can tell you that I never heard was, Congressman, it is too hot over here. It is too dry over here. It is too dusty. It is too cold. I cannot sleep. I do not like the food. Congressman, can you not use your political influence somehow to get me out of here.

Of course, many of those soldiers, as we heard from the gentlewoman from Virginia (Mrs. DRAKE) about the corporal who was serving his third rotation in Iraq, had that premonition in harm's way, knowing that they possibly could be paying the ultimate sacrifice. None of them are asking us to get them home.

Last week, when the gentleman from California (Mr. HUNTER) had an hour, just as we are doing tonight, I had an opportunity then as well to say a few words. I made a feeble attempt to recite that famous poem, In Flanders Fields. I will not try to do that again tonight for my colleagues, because I think all of you know it maybe even better than I do.

But in the last stanza, though, it says, take up our quarrel with the foe, to you from failing falling hands we pass the torch. Be yours to hold it high, for if you break faith with us who die, we shall not sleep though poppies grow in Flanders Field.

What they are saying, and our colleagues tonight, Mr. Speaker, have said this repeatedly, we cannot break faith with these men and women, 2,000 plus who have lost their lives, maybe 8,000 or so who have been injured, some, yes, severely. The worst possible thing that we could do would be to pack up and come home, literally bring them home against their wishes.

They would have no choice in that matter, if we listened to our colleagues on the other side of the aisle. You know, you hear them, Mr. Speaker, talking about how much they support the troops and all of that. I do not doubt that. I am not going to stand up here and suggest that they are not patriots themselves and that they do not care for our troops and they do not want to arm them and make sure that they have the equipment they need. I do not doubt for a minute that they support that.

But they are using our soldiers, our brave men and women, these youngsters that we are talking about here tonight, as pawns really to continually criticize and undermine the Commander in Chief, the coach, the Vice

President, the Secretary of Defense, the Secretary of State, indirectly the gentleman from California (Chairman HUNTER), because they want to undermine this team so that they, in the next election, are in charge.

Really, Mr. Speaker, I think we all need to realize that, that there is a lot of politics here; and it is a dirty rotten shame that our soldiers, our brave men and women, are being used as pawns in this political process. God forgive them.

We owe more to these troops than that. And I feel very strongly as a member on leave of absence from the Armed Services Committee to come at any opportunity I have got to take a few minutes and to stand up before my colleagues in this body and say, no, we will not forget you, you soldiers, you men and women who maybe in high school were not the football or track stars, cheerleaders, many of you decided to put off going to college and enjoying the football weekends so you could serve your country. Some of you may have been pushed around, kicked around by the schoolyard bully who does not know anything about a fair fight, but you had the courage to go and to serve this country as an all-volunteer military, whether you are active duty, Guard or Reserve; and I have seen them all in the theatre of operations at the tip of the spear. We owe them so much, and I am proud to stand up here as part of this team tonight.

I really compliment the gentlewoman from Virginia (Mrs. DRAKE) for leading this team and for the gentleman from California (Mr. HUNTER) and my other colleagues that we have heard from and others who are going to speak. I am proud to be a part of this.

Mrs. DRAKE. Congressman, thank you for coming and being with us. I am sure on your trip that it was just like on mine, I realized immediately these are people who have chosen to be here. It is an all-volunteer force. I am sure you also saw, as I did, that many of them volunteered to go to Iraq and to go back to Iraq; and it is just so impressive, the commitment that they have given to our Nation and the words of our men and women just like Corporal Starr.

Mr. Speaker, I yield to the gentlewoman from Tennessee.

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Mrs. BLACKBURN. I thank the gentlewoman from Virginia (Mrs. DRAKE) for doing such a wonderful job in hosting this. I thank our chairman, the gentleman from California (Mr. HUNTER), for the excellent job that he does in providing leadership for the House Committee on Armed Services. I think we also thank the family of Corporal Starr for their sacrifice, and we hope that they know we join them in their sorrow.

Mrs. DRAKE. And for their willingness to share that that quote was wrong and to share the real quote, something that personal.

Mrs. BLACKBURN. That is so very true, and I thank the gentlewoman for noting that, for setting the record straight.

As the gentlewoman was talking about some of her experiences, meeting a taxi driver who was from Iraq and how he stopped to say thank you, I was reading some things from my news clips.

Here is an article out of the Nashville Tennessean, today's paper, November 3, and an opinion column written by Jonathan Gurwitz who is a columnist for the San Antonio Express News. He is recounting a conversation and a visit with a Dr. Najmaldin Karim who is Kurdish and the headline is "Why this war? Ask someone who is Kurdish."

I was so touched by your examples that, Mr. Speaker, I wanted to share a quote in this. I think it is so relevant to the discussion that we are having tonight. And I am quoting this Dr. Karim: "The suggestion that Saddam Hussein's dictatorship was a 'stable' form of government is outrageous to Iraqis, not on the ideological fringe, especially the Kurds. The war in Iraq didn't begin in 2003. For the previous 35 years Kurds, Shiites and anyone else who threatened the oligarchy fought against the suppression of their very existence."

Mr. Speaker, you know, this morning I spoke on the floor about what we are doing right to win the war on terror and the progress that we are making in the battle in Iraq. And it seemed that the minute I started talking there was some conversation across the aisle. And one of my colleagues from the left got upset, and then sure enough a Democrat Member follows me to the well during 1-minutes to speak against the positive changes that are going on in Iraq.

You see, I think that the left in this country has to undermine this war and undermine the resolve of the American people in order to try to win elections next November. They have got to make you and me and every single one of us forget the bigger picture in this war on terror. They want us focused on the casualties and on the setbacks. And, yes, we take one step forward, we take two steps back. It is going to be a long war, but we are making progress.

They do not want us to ask what sort of damage will result from withdrawing from Iraq. They do not want us to ask whether we would be better off with a free Iraq. They simply want to point out all the negatives and demand withdrawal in order to declare America's defeat, and then they believe they will win elections.

Unfortunately, the national media, one would believe for all intents and purposes, is the public relations wing of the left on this subject. Day after day the major newspapers editorialize in both their articles and on the op-ed pages against our efforts in Iraq. They give extensive coverage to casualties and claim they do it to honor those lost. But they do not cover the things

these men and women did to change this world.

They do not cover the moments of pure courage, pure courage and strength that these men and women and their colleagues committed and performed to fix a great wrong in this world. They only cover their deaths, and that is a tragedy, Mr. Speaker, because it was not in their deaths that they became heroes. It was in the day-to-day work on behalf of this country that they became heroes. They gave their lives for something they believed in. They were heroes long before the tragedy of their death. We remember those lost not because they died but because they lived and how they lived in putting others before themselves.

Mr. Speaker, I cannot say that I do not stop and wonder if these losses would be for naught; but when I am doubting and if I am unsure, I talk with some of those who have served in Afghanistan and in Iraq, and I talk to their families and I know beyond a shadow of a doubt that we can win this because they know that we can win it. And, Mr. Speaker, they are living it; they are seeing it firsthand every single day.

When I visit Fort Campbell in my district or spend time with our National Guard and Reserves, I see the spirit of America and I see the commitment and the drive to succeed. They settle any doubts. They restore my confidence. They should be our inspiration in this battle. So tonight, despite watching Democrats come to the floor and beat the drums of retreat in the war on terror, I want to recognize those men and women in uniform who we see in the progress, in the change in that region of the world.

Let me just read a list of some of the accomplishments so that America, those watching and those listening and our constituents, will understand the great deeds of these men and women, our heroes who are in uniform.

As of October 24, 2005, a total of 206,500 Iraqi security forces have been trained and equipped with the assistance of the U.S. military. On election day in October, as our colleague from Texas previously mentioned, 78 percent of voters backed the charter Constitution, 78 percent of those that went to the polls voted for freedom, voted for democracy. And as our colleague from Texas mentioned, 63 percent of Iraqis, 15½ million voters, cast their ballot. They took their life in their hands to cast that ballots. The Iraqi Constitution guarantees the rights of all its citizens and enshrines the rule of law. A new parliament will be voted on in December and will form a 4-year term to government to take office by December 31, 2005.

Who would have thought that that was possible? Iraqis appear to be spending more money, signs that consumer confidence is improving. As the gentlewoman from Virginia (Mrs. DRAKE) mentioned, things are turning green in Iraq. You see the fields that they have

planted. My first visit there, I said Iraqi is a khaki-colored country. It was covered with dust.

Over 15,650 houses have recently been connected to the Baghdad water distribution system by USAID. In all, nearly 100 kilometers of mainline pipe have been installed in the Baghdad area.

Mr. Speaker, I could go on and on. We know America is once again engaged in a great struggle that will in no uncertain terms decide what kind of world our children are going to inherit. I want our men and women in Iraq to know we believe in them. We believe in what they are doing, and we know that this is going to improve the national security for generations to come. It is going to help preserve freedom.

Our military's cause in Iraq is a noble one, despite what some in this body would have you believe.

In closing, I would like to give you a quote, a part from Ronald Reagan's speech on the 40th anniversary of D-Day. He said this to the World War II veterans who were gathered with him at Normandy:

"You all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it is the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of our country were behind you."

Mr. Speaker, I hope my colleagues across the aisle will join us in letting every man and woman in uniform and every family know this country is behind them. I thank the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. As the gentlewoman was speaking, I thought I need to make sure that you know that just a few weeks ago in Washington, the Speaker of the Iraq National Assembly came and spoke to people who were able to attend that meeting, and it was exactly like the gentlewoman said. He kept saying to us, there is no other option. And that is exactly what you have said to us and you have said this is where we are; this is what we have done. We may go back a step, but we go forward two or three more. We honor those who have served and died, thereby remembering that there is no other option. We can only move forward.

You also said very clearly who would have ever thought there would be a Constitution in Iraq; who would have ever thought there would be a National Assembly in Iraq. It is a huge success story. I think it is a miracle. I thank the gentlewoman for being here and sharing this with us.

Next, I would like to call on our friend, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the gentlewoman for yielding to me, and I thank the gentleman from California (Mr. HUNTER) for putting together this opportunity to honor those who serve our Nation in the war on terror.

I am up here speaking for the people of the 31st Congressional District of Texas. How does the 31st Congressional District of Texas have credibility to speak on behalf of these efforts in Iraq and Afghanistan? I would like to tell you a little bit about our credibility.

The first American soldier killed in combat in the war on terror is from Georgetown Texas, which is 5 miles from my home; and every death in this war is absolutely critical to Americans. So counting numbers, every number counts. But the 2,000th death also took place, this famous 2,000th death that everybody in the press was just salivating to see happen, it seemed to me, he was also from the 31st district, Killeen, Texas. The people of the 31st district, from Stevensville, Texas to Round Rock, Texas, support our war, support our troops, and support our efforts in the war on terror.

The people of the 31st district know we were attacked in the most vicious attack that has ever been done on the homeland in the history of the United States in our country, and we have retaliated in force and effectively and done our job. And who has done that job? Our 31st district's III Corps went over there. Fourth Infantry Division went over there and captured Saddam Hussein. The First Cavalry Division went over and ran a perfect election and protected people as they went out and, as we have heard tonight, exercised their right to vote.

We have committed two full divisions to this war, and the Fourth ID is on its way back right now as we speak. I have been able to go over when both my divisions have been over there, and I promised General Thurmond and the that guys I talked to about 2 months ago, I am coming back just as quick as I can get over there right after the first of the year, because these are the finest human beings that have ever taken up arms on behalf of our country.

For those people to talk about cutting and running, Americans do not cut and run. You know, this House has a shame on it when they turned on our soldiers in Vietnam, and I take that position and I am not backing off of it. The liberal press shamed a great generation of people who did their duty then and we, cannot afford to allow that to happen again for political expediency so someone can possibly use the war to gain political advantage in the United States.

We are at war with evil people who intend to do harm to American citizens, wherever American citizens live or breathe or walk the street. We are unsafe with terrorism on the street, we are unsafe in our Nation and in every other nation on Earth because it is an evil cancer that can only be taken out by noble men and women who are willing to stand up on the wall and say we will fight for freedom, not only the freedom of Americans, but the freedom of the people that they are intimidating with their terrorism wherever they may appear. And I am telling you,

we have got soldiers that have been willing to do that and have done the job well.

I remember when I was in Afghanistan, the story I love to tell about a 20-year-old sitting looking at a screen of a film of a drone that was broadcasting pictures from the desert. And while we were there, he went to his commander and said, Sir, there is a bunch of camels crossing out there in a part where there should not be any camels. And I thought, how does this kid know there are not supposed to be any camels in this part of the country? He said, I think there are people underneath those camels.

Three Blackhawk helicopters launched about 180 miles away. We were 180 miles from this location. And they caught nine Taliban crawling across the desert under the bellies of camels.

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My whole point of that story is: What kind of great, intelligent, smart kids are we sending over there and they are putting their lives in harm's way? This was a smart kid, a computer operator running a drone, able to know the knowledge of the country, to know where our enemy might be hiding. We have got the best of the absolute best over there, the same kind of people that you run into when you go to Iraq and you talk to these kids.

I talked to a 20-year-old African American kid. We were having supper. He was from my district, and we have got a lot of them from my district. And I said, "Son, have you had any hot spots that you have been in over here?" And he said, "Yeah. Yesterday we were in a convoy. They made the mistake of shooting at us." He said, "They will not make that mistake again, sir." He said, "When they stand and fight, they lose."

Our young men and women are doing a fabulous job, and there is shame on anyone in this country who turns on these noble people who are standing up for the freedom of the people in Iraq and Afghanistan and the freedom of the United States of America. They are heroes.

Today, I am very proud to say that one of the first people in my district to be wounded, seriously wounded, Allen Babbins, he has undergone close to 200 surgeries from a round that he took, winning the Bronze Star for pulling another wounded soldier off a bridge in the second day in Baghdad. Today, he flew back home; and he is on his way to full recovery because of the great work of the Army, Navy, and Air Force in getting him to the right kind of treatment.

Everybody is working the right way in this job, and we bring shame upon ourselves, and those who would criticize these young men and women and the job they are doing bring shame upon themselves, and I am sorry for it.

We in America must remember: If we do not fight tyranny wherever tyranny

exists, we have learned this lesson over and over and over in American history, and if we do not support those who fight tyranny wherever tyranny exists, then tyranny will take over that map until tyranny controls the world. There will not just be no freedom in Iraq or no freedom in Afghanistan. There will not be any freedom anywhere. Not even in the cradle of American liberty will there be freedom.

What this is about, Mr. Speaker, is the ability of Americans and others in this world to live the kind of life that everybody wants to live, raise their kids, have a job, eat dinner at night without fearing somebody blowing them up, walk the streets. It is for all the world that we stand in the gap, not just for Americans, not just for Afghans, not just for Iraqis or others in the Middle East. It is for the world that these young men and women stand in the gap.

I am very proud on behalf of the people of the 31st Congressional District of Texas to tell you that we stand tall on behalf of our soldiers. We know they are the best of the best, and they will win the war on terror because it is the right thing to do.

Lastly, we pray God's blessing on each and every one of them and each and every family that is also courageously allowing their family member to do the job that has to be done to keep freedom alive and well in this country. So this is all about us. It is all about the best of the best. God bless every one of them.

Mrs. DRAKE, Congressman, thank you for that. That was very moving to hear about your district and their commitment to our great Nation.

I would like to explain this map to you, though. Because if you will look in the center of the map where it is green, including the Horn of Africa and up through the Middle East, that is the short-term goal of the terrorists. This is from their Web site. Is it not an amazing world we live in that terrorists have Web sites? That is their goal, that everything colored in in green be controlled by them short term.

If you will look in the far corner over there, that is their 100-year goal. If you will notice, everything colored in in green is our entire world. I think it is important for the public to know this is not Thelma Drake saying this. This is from their Web site and their goal, and this tells you what those very brave men and women that you have just spoke so eloquently about, they know this and they know the threat to our Nation.

I also wanted to share with you a quote from a letter that I brought with me tonight to talk about dated October 11, 2005, from al-Zawahiri to al-Zarqawi. The quote is, because you mentioned Vietnam and I think this is important for us to remember: Things may develop faster than we imagine. The aftermath of the collapse of American power in Vietnam and how they ran and left their agents is noteworthy.

So do not think they do not know and they are not watching.

Next, I would like to recognize Congressman Geoff Davis from Kentucky. I thank him for being here.

Mr. DAVIS of Kentucky. Mr. Speaker, I want to take a moment to share a perspective that I think is often lost in the freedoms we enjoy, the freedom to meet in this Chamber, the freedom to reflect upon the great decisions that have been made here through the generations. The decision to enter into a war, to provide freedom and the maintenance of our union, the decision to free peoples in Europe and ultimately preserve our security at home.

On December 7, 1941, President Roosevelt stood in this Chamber and declared that December 7 was a day of infamy. He shared that this unprovoked attack which moved the United States to war, eventually into Europe as well. In the Korean War, we stopped Communist aggression. In Vietnam, the American people responded. During Operation Desert Storm, the American people responded.

In this Chamber in September of 2001, President Bush responded to an attack that was not brought about, my friends, by some nebulous global war on terror. I think it is important that we understand this war is not about some nebulous terrorist concept. This is about Islamic extremism that chooses to impose itself on the world. These people who largely act as agents of states, these non-state actors do not follow the teachings that they purport. Yet if we look more deeply, we see that they are seeking to be true to their interpretation of that religion.

In every generation there is a call upon that generation to defend the freedoms that have been purchased at such a tremendously high price. To maintain the union of our country and to free those who were enslaved cost 600,000 soldiers. In World War II, 444,000 soldiers gave their lives to provide freedom; and now we are engaged in a great struggle, a generational struggle that has been imposed upon us.

I think that it is important that we understand that the freedom that our minority leader had today to say, frankly, entirely inappropriate things about our national leadership, the freedom that all of us have to disagree, the freedom that all of us have to offer alternatives, the freedom that all of us have to protest, the freedom that reporters who sometimes distort the truth and, in fact, in many cases do not even report the truth but fabricate it, all comes down to the men and women who have answered the call to duty.

It is always the same. It is always the minority in the country that does that. Those who believe that there is something bigger in this country than individual selfishness and covetousness of the moment, that there is something worth risking all to protect because of those who come behind us, because they understand they are part of something bigger than themselves, bonded to something of greatness.

I want to thank tonight those Marines of the Second Marine Expeditionary Force, the soldiers of the Third Infantry Division, the soldiers of the 101st Infantry Division, of the 173rd Airborne Brigade in Afghanistan, of the Tennessee and Louisiana National Guards who are rotating back into the United States, and all of those soldiers who are moving in and out, the Marines who are moving in and out, our airmen and sailors who support this effort, because you understand that you have accepted the call of the generations that is so important that many people do not realize.

The freedom we enjoy in this Chamber was brought to us by 10 percent of the population of this country who chose to rebel against tyranny and stand for a principle that was higher than dignity of the individual, the rights and freedom of the individual, and that was purchased not simply in a declaration, but to get to the Constitution that gave us the government we have today was purchased in a great price in blood.

I am convinced that if today's cynical media had to cover the Normandy invasion, the greatest invasion in history that defeated the greatest tyranny in history up to that point, had it been reported by today's media, today's cynical media, today's profit-driven media, Mr. Speaker, I believe we would have lost that war. Because the Nation would have called for a pullout because there was risk associated with that, because things did not seem to go well. Because when unforeseen circumstances that always come up in war, and anybody who has served in the military, let alone in this Chamber, unexpected things happen.

I find those who have not served who are the great experts on military history do not really understand what they are talking about. Rather than commending our soldiers who have adapted to a fluid situation and the great things that have been done to support them, they provide criticism of why could that not have been anticipated?

It is simple, my friends. We are fighting an adaptive and motivated and, frankly, evil enemy that has a religious doctrine that stands and flies in the face of everything on which this country was founded, on which the Constitution was based, that respects the rights of the individual, the dignity of a man, the dignity of a woman to pursue opportunities in the way in which they define. And when somebody wants to impose an attack upon this Nation, and one that was planned long before September 11, and attempts that were made long before September 11, we have no choice but to yield or to respond, and we have responded.

Comments that have been made by my colleagues on the other side that talk about casualties, I can speak with some authority on that issue, having buried some of my friends. I find it interesting that they want to talk about

numbers, which dishonors those who serve. I did not see any of my colleagues who talk about these numbers standing with me as I buried a friend of a friend who was killed in Al Qayyim in June over at Arlington Cemetery. They were back here at PAC fund-raisers and going to receptions and making pointless statements in this Chamber about things they know nothing about.

More than that, I would suggest to you that these same people who want to talk about numbers and these liberal reporters who do not care about this Nation, who do not care about the price that was paid for the freedoms that they enjoy, where were you for the last 25 years? Where were you when 16,000 American soldiers died between 1983 and 1996 in service to this Nation? Where were you when 24,000 American men and women gave their lives between 1980 and 2004? Your comments, frankly, are despicable, dishonorable, uninformed, unhistorical, anti-intellectual and, frankly, un-American. But I respect your freedom to make those statements, because they were purchased with the blood of all of those who served.

I would suggest that in this body that the liberal reporters who watch and our enemies who watch and the soldiers who watch and those who want to speak against this from their positions of ignorance and political convenience, who use our soldiers: You learned your lessons during the Vietnam War. Now you use our soldiers in a dishonorable way as human shields to advance an idea that stands in contravention to the freedoms that have been purchased at such a high price.

I ask my colleagues on the other side of the aisle who have been here for many years and like to speak with false authority: Where were you when my friend Ken Maddock was killed from Task Force 160? Where were you when my classmate from West Point, Mike Scott, died? Where were you when Lee Border died or Brian Haller died in the 101st Airborne Division? I saw no requiems in this Chamber. I saw no requiems on television for them. It was not politically expedient.

But now you disagree with the policy when our Nation is threatened by extremists, and soldiers and Marines and airmen and sailors have responded to that call, and you sit here mouthing your empty words. Casualties are always a great tragedy.

I think the one thing that was most poignant to me as I visited my old Airborne Unit, I deployed to the Middle East with the task force of the 1/508th running aviation operations in support of them, and I went and visited that unit today in Paktika Province in Afghanistan.

□ 2015

A CNN reporter came to one of the forward operating bases. There had been an attack on that base earlier in their deployment as they were clearing out the enemies of freedom, and not

simply ending a military operation but bringing order and civil government and roads and sewers and the fact that the government can be good and the people can be helped and they can be part of something bigger than themselves, which is not a tyranny, an ideological tyranny. That reporter was looking for bad stories and refused to cover the reenlistment of every soldier in the 1/508 on that forward operating base who was up for reenlistment. That is a tragedy, and that is unfortunate.

To me, I think the lesson that we have to ask ourselves is how do we get around this, how do we avoid this problem. Well, the media is not going to be helpful to this country because I think they have lost their connection with the heartland of this Nation, with the people who have borne the burden of the price of freedom through the generations.

Every generation of my family has served in the Armed Forces, not in glorious ranks of generals and admirals, but in the enlisted ranks, carrying the rifles and manning the ships that provided the freedom for the people in this body to say the things that they have said. And I would say this, Mr. Speaker, I do not care about the media. What we need to do is allow these soldiers and these marines to go into every editorial board, into every Rotary Club and chamber in this Nation and let them tell their story. Let them tell their story in the communities and in the fiscal courts. Let them tell their stories in the courthouses and on the street corners, and I guarantee you that these people who purport to be experts on things they know nothing about will be discredited and things will be shown for what they are. Because you cannot refute a 100 percent reenlistment rate in units where these soldiers have borne this burden and they go back over and over again.

To you military people who are watching, I want to say thank you, as a fellow soldier. To you who cherish our freedoms, I thank you. For you in the press who enjoy this freedom but you abuse it, know that the price that is paid by those who frankly have greater moral character than you, who refuse to cover the truth of what they are doing, know that it is their sacrifice, not yours, that allows you to share what you share.

And finally, to those of our citizens in the heartland know that these men and women are doing a great service to prepare the way for us to adapt to the 21st century; that we will have a safe country and a community to pass these freedoms on to the next generation.

I will leave you with a story from the 1/508, commanded by Colonel Tim McGuire, as he was moving northward from Shirana forward operating base to Orgune. He shared that coming back from that mission a little boy ran from a village up to his convoy. He stopped. He did not speak Pashto, and the interpreter asked the little boy what the problem was. The little boy had waved,

as many of the children I saw in Afghanistan did at the Americans all the time. He asked the little boy what he was concerned about, and he said that two bad men had come into the village and put something in the road. That little boy saved potentially American soldiers.

The enemy were dealt with and that village is open and free, but Colonel McGuire asked the question which encapsulates all of what this struggle between radical Islamic extremism and the values of freedom and dignity of the individual that we cherish expresses, and he said, Young man, why did you do that, knowing that there was risk associated with what that boy did. He looked at this airborne colonel in the 173rd Airborne Brigade, and he said to Tim, before you Americans came, I could not go to school.

That is the contrast that we have here: freedom, opportunity, hope, true faith, or extremism, persecution, tyranny and hatred. Thank you for you who serve.

Mrs. DRAKE. Mr. Speaker, next, I would like to recognize the chairman of the Armed Services Committee. Mr. Chairman, thank you for being here and listening to the true passion from our Members as they talk about true American heroes.

Mr. HUNTER. Mr. Speaker, I want to thank the gentlewoman. She has done a wonderful job of leading this Special Order, and I want to thank all the Members who participated. They did a great job, and I think our message to all of our troops, to everyone that wears the uniform of the United States is this: you have great value. You are our best citizens. Your cause is just. You will prevail, and we will stand behind you.

I thank the gentlewoman.

Mrs. DRAKE. Mr. Speaker, I truly believe that history will name this generation. And until they do, I have decided I am going to call them the Freedom Believers, because I think there is no greater gift that we give to our children and to our grandchildren than freedom. And so I thank them, and I thank the speaker for the opportunity to be here tonight.

Mr. BUYER. Mr. Speaker, first, I want to thank Chairman HUNTER for arranging for this opportunity to comment upon the remarkable honor and valor of our United States soldiers.

One thing that I reflect on is the high quality of leaders in our military that we are producing right now in Iraq. We have 1st lieutenants with two tours under their belts already. The seamlessness with which our Guard and Reserves fight alongside our active duty is another tremendous evolution benefiting this conflict and paving the way for future military successes. We are making a significant investment in world peace with the strong commitment of our men and women overseas. These brave soldiers fight in a land they've never been for people they've never met to extend the fundamental rights of liberty.

The Middle East is yet another test of this commitment to liberty. Liberty is defended by the vigilant who are willing to sacrifice to de-

fend freedom and stabilize the country's civil institutions. In January of this year, 2005, over 8 million Iraqi citizens voted and reaffirmed only weeks ago with the ratification of their constitution. What a pleasure it was to observe the Iraqi people defying intimidation and threats to define the course of their country's destiny. This dignity, denied them for decades, was afforded to them by the efforts of those people we honor today.

As Veterans Day approaches let us not forget that the men and women serving today will join the ranks of those who have selflessly served this same mission to bring these freedoms to all people. We have ensured that men and women, active and reserve soldiers from each service, return to a grateful homeland eager to honor their service and sacrifice.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize our troops and to support our continuing efforts in Iraq.

It is important that we recognize and honor our troops who are serving in the Middle East. While progress is being made there are still obstacles in the path toward a free and independent Iraqi state. The effort in Iraq is moving along steadily, and our forces are working in conjunction with Iraqi forces toward success in many different areas. American troops are fighting to secure and rebuild cities and to extinguish the insurgency. Our men and women in uniform are doing an exemplary job, and it is essential for us to salute their efforts as they work to ensure stability in a historically unstable region.

Politically, Iraqis have embraced the charter constitution, and the Independent Electoral Commission of Iraq reports that 78 percent of voters were in support of its passage. This was a major step in their pursuit of a democratic government and citizens' rights through political reconstruction.

Additionally, American forces are reconstructing the services and infrastructure to move Iraq forward. Electricity, water, education, and sanitation services are being established. Water treatment plants are being built throughout the country, bringing clean water to tens of thousands of homes. Power plants are being restored and refurbished, improvements on transportation infrastructure are being made, and the completion of school renovation and construction projects will facilitate education for Iraqi children.

The war on terror is progressing as well. Our troops are successfully breaking up Al Qaeda by detaining known terrorists and seizing weapons caches. Between the 15th and 18th of October, a known Al Qaeda military leader was killed during Coalition raids and forces from the 172nd Infantry Brigade uncovered 10 weapons caches and detained 16 suspected terrorists in northern Iraq. Continued efforts like these are what it will take to eradicate the threat of terror.

Our soldiers are overseas creating these successes and they deserve our continued support. These brave men and women are risking their lives in order to protect our Nation, our ideals, and our safety. They are fighting for each and everyone of us, fighting for all that we hold dear not just in America, but also worldwide. I want to take this opportunity to thank our Armed Forces for all that they have done and to offer my unrelenting support for their hard work and sacrifice as they continue to work toward the establishment of a free Iraq.

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 as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House. As you know, we come to the floor nightly to talk about the issues that are facing Americans and also what Members of Congress are trying to do about them. Even in cases when we are not trying to do anything about it, we think we need to bring those issues up.

Mr. Speaker, we want to take the opportunity tonight to honor some great soldiers and warriors, the Tuskegee Airmen, for their contributions to our country.

Mr. Speaker, when I traveled to Iraq, I had an opportunity to see the Tuskegee Airmen Wing there in Iraq, still running strong, still flying sorties, and still defending this country in many ways. Even in some other theaters, they have done an outstanding job.

I am so glad to be here tonight with my good friend, the gentleman from Ohio (Mr. RYAN), who has some comments that he would like to make; and so I yield to him.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from Florida for this opportunity to be here with him tonight, as we do every night; and I want to take this opportunity for a couple of minutes here with my colleague, the gentleman from Ohio (Mr. STRICKLAND), who is also here to recognize the impact that the Tuskegee Airmen have had not only in Alabama, where they did the original training, but all over the country and the kind of impact and leadership that they have set out for all of us, quite frankly, to try to achieve.

November 11, Mr. Speaker, marks the 51st year we have honored veterans. Memorial Day recognizes those people who have unselfishly given their lives in service to this Nation. Veterans Day honors all those who defend democracy by serving in the Armed Forces.

The beautiful thing, Mr. Speaker, about the Tuskegee Airmen, when they were set up during World War II, these black military pilots were trained at a separate air field in Alabama, Tuskegee, Alabama, therefore named the Tuskegee Airmen. The establishment and the training of the airmen was an experiment to prove that blacks were incapable of operating expensive and complex combat aircraft.

The true spirit of those men came through, however; and instead of the expected failure, the Tuskegee training program produced 992 graduates, 450 of whom served in combat. They flew more than 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. During World War II, the airmen earned 150 Distinguished

Flying Crosses, 744 Air Medals, eight Purple Hearts and 14 Bronze Stars.

This is what it is all about. And there is going to be an event on Veterans Day that my colleague from Ohio and I, and even our good friends from Florida, I am sure, will not be able to make, but we want to take this opportunity here on the House floor to honor those men who provided a tremendous example for our whole Nation.

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

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. STRICKLAND. I thank my friend for yielding, and it is true that as the folks gather there in Youngstown, Ohio, we will not be able to be with them, but our thoughts will be with them as we honor veterans. And especially we will remember the Tuskegee Airmen.

The Tuskegee Airmen have the distinction of never having lost an American bomber under their escort. The Tuskegee Airmen overcame the enormous challenges of prejudice and racial discrimination that existed within our country, and they inspired revolutionary reform within the entire Armed Forces of our Nation.

The Tuskegee Airmen, with their courage and their dedication, paved the way for the full racial integration of our Armed Forces. The Tuskegee Airmen were not only heroes serving to protect American rights that did not extend to them as Americans, but they were also among the very first to challenge our Nation's segregationist policies. Because of them, because of the standard they set, because of the success they enjoyed through their hard work and commitment to this country, our Nation became a better country.

As we honor all veterans, we especially are thinking of these wonderful men who set such an example for all the rest of us. I yield back to my colleague.

Mr. RYAN of Ohio. Mr. Speaker, if my colleague from Florida will continue to yield, I just want to get this into the CONGRESSIONAL RECORD. The speaker on November 11 in Youngstown is going to be Luther H. Smith at the VFW Post 6488's annual Veterans Day program.

This gentleman epitomizes what it means to really be a hero. He received his military aviation training at the Tuskegee Army Air Field in 1942, and he then became a fighter pilot with the all-black 332d Fighter Group. He has said of the Tuskegee Airmen: "We didn't start out to be heroes, but now we are legends."

Mr. Smith is credited with destroying two German enemy aircraft in aerial combat and 10 German aircraft in ground missions. So we want to welcome Mr. Smith not only into the CONGRESSIONAL RECORD but to the VFW Post 6488 in Youngstown, thank him for his service, all Tuskegee Airmen in Youngstown, and all veterans on Veterans Day.

So I thank my colleague very much for allowing me to thank our veterans for their service to our country; and with that, I yield back to the gentleman from Florida.

Mr. MEEK of Florida. I just want to say to both of my colleagues from Ohio that it is so important that we recognize not only veterans, but we recognize celebrations that hold our veterans up. The Tuskegee Airmen had a very hard time in their day to even climb into an aircraft, let alone go into a theater of battle. But it is good for our country to be able to recognize past sacrifice and commitment. I know all veterans shoulder to shoulder today know that every American fights for the freedom of this country and countries that are in our coalition in the civilized world.

I can share with my colleagues that I have many Tuskegee Airmen living in my district in Florida. They come out with their red coats on, and it is so good to see them standing strong with their chests out. As you know, the NFL has built a very strong relationship with the Tuskegee Airmen. They appear at a number of the NFL, National Football League, half-time shows.

So we need to see our heroes and our heroes while they are here, and not just look in a book and say, it was once, not only with the Tuskegee Airmen but veterans in general who come out.

Mr. Speaker, I want to thank both of my colleagues for bringing this to the floor tonight and putting it in the CONGRESSIONAL RECORD, because I think every time we have an opportunity to celebrate those who have allowed us to salute one flag, we need to take that opportunity at the highest levels.

Mr. Speaker, with that, I might mention that my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), has just joined us; and we now have another of our special guests with us, and I will leave it up to my colleague to recognize him.

Mr. RYAN of Ohio. Well, my two mentors in Congress. Really, just to see you two standing next to each other puts a little lump in the throat. The good gentleman from Massachusetts, who we have been getting e-mails about from folks that say they just love the accent from Boston.

Mr. DELAHUNT. Well, I cannot understand why anyone would ask about my accent, because I would submit that I am the only person in this Chamber tonight that does not have an accent.

Mr. RYAN of Ohio. I would also like to welcome our good friend and my colleague, the gentleman from Ohio (Mr. STRICKLAND), who has been a voice for the underprivileged for the past 10 years in Congress. Prior to that, he was a psychologist in prisons, a very dangerous job; and he had many other careers prior to coming to the United States Congress.

So we have a heavy bunch here, along with our good friend, the gentlewoman

from Florida (Ms. WASSERMAN SCHULTZ), who keeps us all together and brings a little class and elegance to the whole operation and some sense and some civility and a little bit of grace.

Ms. WASSERMAN SCHULTZ. Thanks.

Mr. MEEK of Florida. Well, without her, I do not know where we would be as relates to being able to deliver a clear and crisp message that people can understand. She is our translator. She translates from Washington talk to everyday talk so that even some Members can understand and the American people.

With that, since we are talking about those who are underprivileged, and those that are trying to, hopefully, be a part of our workforce in the future, there is an awful lot to talk about, a lot of ground to cover tonight, so we are going to try to cover it real quickly.

A lot of action here under the dome today. The Budget Committee met. We are talking about those that play fiscal conservatives on television and those that are actually looking out for the financial well-being of our country. I might just say that as the 30-Something Working Group looks at issues that are facing young people and parents that have children that they want to be able to go to college, Mr. Speaker, and receive a higher education, there are a number of things that we have to cover.

□ 2030

Not only the budget. We have Hurricane Wilma. We have the Hurricane Katrina investigative panel. We have issues as they relate to Iraq and misspending there. And at the same time, we have a culture of corruption and cronyism and coverups going on here, right here in the capital city.

I just want to bring a quick point just to start us off tonight. Some folks run around and say, what is the Democratic position? Well, the Democratic position is making sure that the everyday American does not end up paying the bill for billionaires, billionaires, not everyday Americans, but billionaires, to run away with the U.S. Treasury and special interests to have free rein on the U.S. Treasury.

Now, I do not blame the billionaires for getting what they get. I do not blame the special interests in this town for getting what they want. I blame those that give them what they want when they want it. And it is up to us, as the representatives of the people, to make sure that that does not happen and that we work on behalf of the American people.

Representatives KIND, CAPPS, EDWARDS, MOORE, and SCHWARTZ moved in the Budget Committee today to direct the chairman, on behalf of the committee, to consider an amendment in the Deficit Reduction Act of 2005. The amendment eliminated all new student-paid fees to increase the cost to receive a student loan.

What they have done here, Mr. Speaker, and when I say "they," I mean the majority side, is they are saying there are not any offsets or cuts in this bill; but what they are doing is they are putting 27 percent additional fees on students that are receiving student loans. Now, that is 27 percent more that they have to pay. Some folks call it a tax. So one would think we are just talking about students. We are also talking about parents. When the students cannot pay for their education, who kicks in? Mom and Dad, family, Granddad, Grandmother. She is digging into the retirement fund to help pay to make sure that her grandson will be able to go to school. They continue to carry the message on down of adding these new taxes on to students and families on the State government.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, the interesting point that our friends always make is if we tax corporations, then they just pass it on to the consumers. So they raised fees, and it is getting passed on too to the students. As we go through this tonight, let us ask other Members, Mr. Speaker, to pay very close attention. I do not think it is a coincidence that the very programs that are getting cut, student loans, Medicaid, school lunches, these just happen to be by coincidence the programs in Washington, D.C. that do not have lobbyists. There is no one down here greasing the wheels, putting money into the Republican campaign coffers for student loans, for the fees to be decreased. There is no big lobby group out there for that.

And there is no big lobby group out there to make sure that poor people have the proper kind of health care that they need. So as we go through this tonight, it is important for all of us to remember that it is not a coincidence that our friends cut programs where there are not big lobby groups and big donors and then they keep the programs that have corporate welfare in them or that the lobbyists want. Then they are off to shakedown street, K Street, which is where all the lobbyists are. They go down to shakedown street, shake down the lobbyists. The lobbyists donate money to the Republican Party, and they keep the system going.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that was a party-line vote. A 27-percent increase, which I call a tax increase, on students that want to go to school, 27 percent, a party-line vote. Democrats voted not to increase those fees on them. Republicans voted in the majority.

Mr. RYAN of Ohio. Sixteen Democrats voted to reduce the fees, eliminate all fees that would increase the cost of receiving the loan. Sixteen Democrats voted for that amendment. Twenty-two Republicans voted against that amendment.

Mr. MEEK of Florida. Mr. Speaker, here is another one just today from the Budget Committee. This is not something from yesterday. It will probably come out in the hometown paper tomorrow, but the Members here in this Congress, Mr. Speaker, will get what happened in the Budget Committee today because that is where they put the cookie on the bottom shelf. I mean, that is when it happens. The same thing, a motion to link the tax cuts to spending cuts.

This is what is going to happen, Mr. Speaker, and we might as well call it so that everyone knows exactly what is going to happen and illuminate what the majority is doing right now. We are going through all of this process with all of these cuts, a real big number as it relates to the cuts; and then a couple of weeks from now when folks are doing something else, the majority is going to come up with the tax cuts for billionaires. They may give everyday Americans a little tax cut, just a little one.

Meanwhile, back at the ranch, we have Katrina, which was a catastrophic storm that took out the gulf coast. We had Rita that also hit the gulf coast, and we have Wilma that we are going to talk about in a minute that also hit south Florida. And we have this thing we call a war in Iraq and Afghanistan that we need money for.

I am saying this to make this point and then we are going to go to the next level here: the President of the United States and this Congress, Mr. Speaker, have borrowed more from foreign governments than 42 Presidents combined. Since the Republic started, this President has outborrowed from foreign nations. In the 224 years, from 1776 to the year 2000, the U.S. Presidents borrowed a combined \$1 trillion from foreign governments and financial institutions, according to the U.S. Department of the Treasury. In the past 4 years alone, President Bush and the majority of this Congress have been authorized and borrowed a staggering \$1.05 trillion, just in 4 years.

Folks come to the floor and they are dazzled on the other side. Why are they talking about all of these things? And we come to this floor night after night and say, you know something. Something is really wrong going on here, and we need to bring this to the attention of the American people.

I have a little chart here that I just want to get out of the way right now. We will pull it up. Forty-two Presidents, Republican and Democrat, 42, not 10, not 20, not 25, not even 30, but 42 Presidents. One President, one President outborrowed 42 Presidents from foreign countries.

What has happened here, Mr. Speaker, is that the country is now depending on foreign governments to run our government. Some folks may ask why are we talking about the billionaire tax cuts? We are talking about those tax cuts because it is weakening a country, bottom line. That is all that is happening here.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am champing at the bit here because he is absolutely right, and one of the things I want to emphasize, because I think in the last few nights we have not gotten this point across to the Speaker and to the folks who might be hearing this conversation this evening, the purpose of the 30-something Group, the main purpose, is for us to help get some understanding out to our generation about the issues that we are debating in this Congress and how it affects them. And the student aid cuts that the gentleman was talking about just a few minutes ago, more than any other issue almost, is the easiest for folks in our generation to understand how it impacts them.

What maybe is not so obvious is what Congressman MEEK was just talking about a minute ago. The Republican leadership, our friends on the other side of the aisle, will try, as they put forth this reconciliation act, AKA budget cuts, because reconciliation and other words that are used inside this Chamber and in this Capitol, that is Washington speak for budget cuts, the budget cuts that they are saying they are going to need to put forward to address the deficit and to address the out-of-control spending that they have engaged in are not for Katrina relief, are not being put forward so that we can pay for Katrina and for the aftermath of Katrina. They are so that they can preserve the \$70 billion in tax cuts that they have put forward.

Let us boil this down to its simplest terms. They will represent and have been representing that they have to do these cuts because the impact from Katrina is so significant and we have got to do something. We have got to get a handle on the spending. Why does getting a handle on the spending have to be on the backs of the people who can least afford it and we are going to enrich the backs of the people who do not need help?

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman from Florida will continue to yield, I think it is quite interesting too that our good friend Jim Wallace, an evangelical preacher, and several others from religious organizations, are stepping up and trying to pressure the Republican Party, who have called themselves Christians and who have utilized the Christian right and the label of the Christian Coalition and yet in the very next breath they cut poverty programs, cut programs for average people. I find that horribly hypocritical.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I wanted to be even more specific, because he is absolutely right. The groups that are out there trying to help those in need are opposing these cuts. Every major religious institution has sent letters to our Speaker, to this Republican leadership, asking them

not to do what they are trying to do, not to harm people who are most in need, particularly in exchange for preserving tax cuts for our wealthiest citizens.

Just in student aid alone, they are proposing a cut of more than \$14 billion from the student aid program, which is the largest cut in history to Federal student loan programs. On top of that, it increases the cost for student borrowers who are already saddled with about \$17,500 in debt. They will be forced to pay \$5,800 more for their college loans. In my community that is really real money.

Mr. RYAN of Ohio. That is a lot of money.

Ms. WASSERMAN SCHULTZ. That is real money. I do not know a lot of people who can just reach into their pocket or go down to their local bank branch and yank out \$5,800.

Ms. BERKLEY. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I am not part of the 30-something Group, but I was about 20 years ago.

Mr. RYAN of Ohio. You are now.

Ms. BERKLEY. I thank the gentleman. I have to tell my colleagues here that I have been watching them speak up about the things that I care very passionately about, and I thought it was about time that I came down here and lent my support and my voice because they should not be carrying the burden for the rest of us.

When they talk about student loans, I went through college and law school on student loans. My dad was a waiter when I was growing up, and there was not very much money, and no one had gone to college in my family until I went to college. And without those student loans, I guarantee I would not be standing here today. So I put myself in the place of thousands and thousands of Nevadans and millions of Americans that are depending on those student loans to make a difference in their lives. And getting that college education does not change only one's life. It changes the entire direction of one's family. It is an investment in our future.

And I wanted to share with my colleagues that a couple of days ago when Senator REID took to the floor of the United States Senate, as a fellow Nevadan, I do not think I have ever been as proud of him as I was a couple of days ago, and I have been pretty proud of that man for a number of years. But I think he gave us all a voice. And what he said was that we wanted to give this government back to the American people. The American people are entitled to know what went on in the decision-making process to take this country to war.

I sit on the Committee on International Relations, and I went to every classified briefing and every confidential briefing because I am the mother of two sons who are 20-somethings, and

I knew that I would be sending other mothers' sons and daughters into a theater of war, and I wanted to make sure that I had my facts straight. And when they told me that there were weapons of mass destruction and they located the location, they showed us on the map where these weapons were located in Iraq, and when they talked about nuclear capacity within 6 months to a year and shared with us the strong al Qaeda ties to Iraq and assured us that there was an imminent threat, I supported the President based on those issues.

□ 2045

But I bring that up because that is so much a part of what we are seeing now. There is deception, there is deceit.

Remember when they said it would only take about 100,000, 150,000 troops to go in? There was one general that said we would need half a million troops. What did they do? They retired him.

When the Budget Director, Mr. Lindsey, said it would cost \$200 billion, and we are there now, they said, no, no, no, it is not going to cost us anything. It is going to be the oil revenue coming out of Iraq that is going to pay for this war. We went ahead with that based on their justification and what they said.

I want to know and I want to have an investigation. Because when I voted, I voted on a certain set of circumstances, and the American people are entitled to know why their sons and daughters are dying in a foreign land.

Did we have to do this? If we did, where are we going? And I want to tie this in to the budget, because we are standing here today and knowing that next week we are going to be voting on a budget that is an embarrassment to me.

When I was growing up, I always wanted to serve and be a public servant and be in this great body. I never believed I would be taking student loans away from youngsters who are just like I was. I never dreamed I would be taking poor children and keeping them from getting the health care that this Nation should be providing for them so that they can grow up to be strong adults. I never dreamed that women that depended on child support for their children, that we would be taking away the money to find the deadbeat dads.

This, to me, is absolutely an affront to what it is to be an American. We have an obligation to our fellow citizens, and I am afraid and I am embarrassed that we are not living up to our obligations.

But we are in the minority. We cannot get anything done in this body. It is the leadership of this body in particular that has to do what is right by the American people.

As the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, why would we be giving more tax cuts to the wealthiest people in this country

and taking it from the backs of people that cannot possibly afford to pay for these things? Why would we take student loans away from youngsters? Why would we take quality health care away from children? Why would we take the opportunity to get your dead-beat father to give you the money, to pay their child support, why would you take that away from people?

This is foolish and shortsighted, and it is desperate, and the reason we are desperate is because of that war and the mistakes that we made going in to it. This administration had better come clean. We owe it to the American people. This stonewalling truly has to end. It is an embarrassment, but it is bad for this country.

That is the main reason why I am standing here today, because I care enough about the American people, I care enough about my constituents. My constituents are going to be hurt very badly. Two hundred thousand of my fellow Nevadans are going to be without health care if they cut that Medicaid. I have got 18,000 students that are going to be cut away from that student loan program. Over the next 5 years, funding for that child support collection is going to be cut by \$60 million. We should not be doing that.

I am here to share these statistics with you so you know how devastated the State of Nevada would be if this Republican reconciliation plan goes through.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, if I can just say one thing, first of all, it is such a pleasure to see you and have you join us tonight. The gentlewoman from Nevada (Ms. BERKLEY) has been an amazing advocate for the people who are on this floor tonight championing their cause. Those of us in the 30-something generation have had an opportunity to stand on your shoulders for the years you have been in Congress and been in the legislature in the State of Nevada fighting for the people that have no voice. That is really why we are here. We are so glad and privileged to have you join us tonight to take up this fight.

Ms. BERKLEY. Mr. Speaker, if the gentleman will yield further, I think the gentlewoman is being overly gracious in her compliments. I appreciate it, and I want to return them by telling you how very proud I have been of the three of you standing here every night in the well of the House telling the American people the truth. That, unfortunately, has become a rare commodity in this House.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, I am just so impressed with my friend from Nevada, and I really do mean that so sincerely, to come here and to acknowledge that the vote that was taken 3 years ago was a mistake because the American people and Members of Congress were misled. It is that simple.

Ms. BERKLEY. If the gentleman will yield further, if I could chime in a

minute, I think what hurts me and offends me the most is I took this information, I went back to the people I represent. I was on every television show, I was on every radio program, and I shared with them the information that I received, and I defended my position. Not only did I defend it, I was an advocate for it. If it was wrong and based on faulty information, I owe it to my constituents to let them know that.

Mr. DELAHUNT. Members should be aware of the fact that the Republican chairman of the Senate Intelligence Committee, PAT ROBERTS, it was reported, recently said that if the information had been available, he doubted that the resolution authorizing the invasion into Iraq would have passed the United States Senate. That, to me, really spoke volumes.

But if I could just for one moment get back to a point that was raised by the gentleman from Florida (Mr. MEEK) earlier, and if he could again just show that chart to our friends and colleagues.

Let us just read the title again. "President Bush does in 4 years what 42 presidents managed in 224 years," and that is borrow from foreign governments, borrow from foreign governments the moneys needed to finance the war and finance a tax cut that is primarily created to benefit 1 percent of the American people.

Now, the President speaks of an "ownership society." We have heard that term before. I think it was interpreted by most of the American people that they would have the American dream realized for themselves and their children. But what is happening is America is being mortgaged. America is being sold.

Mr. Speaker, I know that you are aware of this and many of our colleagues, that when debt issues from the Treasury Department, who is purchasing that debt? It is the Chinese Central Bank, the Japanese Central Bank, the Korean Central Bank, individuals and governments in the Middle East. We are being bought by foreign governments that do not share our values.

So not only are we becoming economically dependent on this debt that is being purchased by, in some cases, potential adversaries, but we are eroding our own national security. What if we have political differences with any of these nations?

We constantly hear from the Republicans a concern about Taiwan and what the Chinese are doing in the Formosa Straits. There is a lot of chest-thumping about we cannot let that happen. But if we get right down to it, we are beholden to the Chinese Central Bank. We are selling our country to foreign interests. That is why this is so shocking. Now it is something that I dare say most Americans do not understand, but it is the reality.

If the Chinese wish to leverage our political decisions, all they have to do

is say, "We are not going to continue to finance your debt, the debt that you used to give tax cuts that benefited in a disproportionate way to the billionaires, the 1 percent of Americans."

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman is hitting it right on the head. We talked about the carpenter hitting the nail right on the head the other night. I can tell you that, even now as we speak, in committee today a budget passed out of the committee on partisan lines with one Republican, one Republican, voting with the Democrats to stop this madness.

One day, if this continues, if this continues, let me just say, in all fairness to President Bush, he did not do it alone. The majority had to be along with him on this. The majority Senate had to endorse this, that it is okay for you to knock on the door of the Bank of China and say, and when I say China, I knew the gentleman from Ohio (Mr. RYAN) was going to get excited, but knock on the door and say we need more money. If this continues, one day one of these countries is going to rise up and say "we own you" on behalf of the majority.

Mr. RYAN of OHIO. If the gentleman will yield, the Republican Party has been in charge of this Chamber since 1994. They have had control of the Senate for a number of years. They have had the Presidency since 2000. They cannot govern. They are incapable of governing this country.

We have poverty rates up, we are cutting programs that are investments into the United States of America, and we have borrowed over \$1 trillion in just 4 years from foreign countries, and the national debt is above \$8 trillion. That is not governing. That is not providing a bright future for the country.

Talk about reducing the tax burden. The burden on average people is higher now, and these kids that we are also cutting their student loans and health care for are the same kids that are going to have to pay the interest on the money we are borrowing, which never seems to be recognized by our friends.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, \$8 trillion is a really, really big number, a difficult number for a lot of people to get their minds around in terms of a concept. Tell us, how much money does that translate per man, woman and child in America?

Mr. RYAN of Ohio. That is \$27,000 for each person. So if you are a baby born today, right now, my nephew, Nicholas, born 3 weeks ago, he owes \$27,000 to pay for the debt.

Now as we look at the numbers, as the gentlewoman stated earlier, he is going to go to college and have to borrow money, \$17,000, \$18,000, now an additional \$6,000. So this kid before he even gets out into the workforce to have a full-time job is going to owe \$27,000 on the debt and \$23,000 on student loans. That is \$50,000. Run that

out 22 years, plus the additional burden we are putting on this young fellow, and what kind of future are we leaving to this kid?

Mr. MEEK of Florida. He is not even walking yet.

Mr. RYAN of OHIO. He is still sleeping 23 hours a day.

Mr. MEEK of Florida. They cannot get out of the hospital, and they already owe the Federal Government, and we owe foreign countries all kinds of money.

Mr. RYAN of OHIO. Is that an ownership society?

Mr. DELAHUNT. He is going to own that interest rate, too, because that is interest rate is going up.

Mr. MEEK of Florida. Let me tell my good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), it starts right here. We talk about third-party validators, and we believe in that in our working group we have here.

I hold in my hand here from the Republican Study Committee, which it seems like the majority is following the lead of this group, and they have said originally in this report that they wanted \$35 billion in cuts. Let us talk about those cuts.

□ 2100

Let us talk about those cuts: \$35 billion in cuts, and all of this is on the table and a majority of it is in this budget, Mr. Speaker, that was passed by the Republican majority out of committee today. Cuts to Medicare, cuts to Medicaid, student loan cuts, we talked about that; food stamps, school lunches. But not a mumbling word, not a mumbling word about taking back tax cuts from billionaires. Not a mumbling word.

Not one, Hey, you know something, we are at war. Maybe we need to ask these folks who have never given anything. As a matter of fact, I do not blame them. I go back to not blaming the billionaires. We never asked them, we never told them that they need to do something. Let us just keep it going.

This is the document. I want to make sure that the Members who did not see this document, they can go online to www.john.shadegg.house.gov/rsc/, that is www.john.shadegg.house.gov/rsc/. Do not take it from me. Go find it for yourself.

So how do we get to the point where we are?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I think we should put a link on the 30-something Web site.

Mr. MEEK of Florida. Yes, why do we not do that? We are going to get staff to put this on the Web site, because this stuff just does not fall out of the sky. This does not just fall out of the sky. The President cannot do it by himself. Take it from me, he cannot. He has to have his Republican majority, he has to have a majority, obviously, over in the Senate to do it; and he cannot do it by himself.

So folks start talking about what is going on here. Why are these foreign

countries owning our debt? Why are they owning our debt? Why are we taxing our students? This budget that was passed through the Budget Committee on a partisan vote, with the exception of one Republican, and I am going to write him a thank-you note tomorrow, the bottom line is \$14 billion and a tax on students. Not just students, but parents who have to take up the cause because the kids can no longer try to pay for their own college or the majority of college. If parents have a college fund going now, they need to go back and talk to their financial adviser and put some more money into it, because if this Republican majority continues to go out of control, there will not be any assistance for your child. That is not just me presenting a budget. You can go online and see this for yourselves.

Mr. DELAHUNT. Mr. Speaker, could I just for a moment speak on behalf of those who have white hair and are looking towards receiving Medicare. The United States Senate is sending over a budget to this body, and there will be a so-called conference committee that will reconcile the differences; and in that Senate budget is, for the first time in my experience, and I have been here 9 years, a significant cut not in Medicaid, but in Medicare.

If my colleagues remember, there was a former Speaker of this body by the name of Newt Gingrich. He would come to this floor frequently at this hour of the night, have conversations that were noted by the American people, and he talked on one occasion about beginning to reduce Medicare and allowing it to wither on the vine.

Well, every American who shares the color of my hair ought to be aware of what has happened in the other branch, in the Senate, in terms of Medicare, because I do not want to say it is the beginning of the initiative or the concept of allowing Medicare to wither on the vine, but every American should be aware that there is a cut to that particular program that has saved the lives and extended the lives of millions of elderly Americans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am also going to speak up for those of our colleagues with white hair, because Mr. MEEK and I represent tens of thousands of folks with white hair.

When the President talked about an ownership society, I think he was talking, well, I must have misunderstood him because, apparently, he is more interested in making sure that the top 1 percent of the population owns everything and that they are the only ones in a position to own anything.

Because if you look at people's ability to afford housing, in almost every major city in America, it has become virtually out of reach. The average price of a house in just my county is \$348,000, the average price of a house. Now, that is not an attainable price for an average middle-class person, never mind somebody who is on the lower end of the socioeconomic spectrum.

But let us talk about senior citizens. Let us talk about the folks who are living on fixed incomes. And then, let us turn to the people who are in our community, in south Florida, who just got hit by a category 3 storm who, right after the storm, were in a bad enough situation to begin with, because we got hit much worse than anyone expected. But then, 2 days ago, it started pouring rain on the houses that were already blown out by the wind and the rain.

Mr. MEEK of Florida. Mr. Speaker, if the gentlewoman will yield, I cannot help but see that picture behind you and see a lady there with silver hair. So if the majority has its way, not only did she get hit by a category 3 storm, Wilma, but she is going to be hit by a Republican majority Congress at the same time.

Ms. WASSERMAN SCHULTZ. Oh, yes. These people in this picture, this lovely couple who happen to be constituents of mine, they live in a condominium in my district where I just went door to door giving out self-heating meals. These are people who are frail. They were told that they had to leave because many hundreds of the apartments in this condominium complex alone are being condemned after the rain because there are gaping holes in the roof. And on top of that, with thousands of people now, thousands of people in Palm Beach, Broward, and Miami-Dade counties who were hit by Wilma and whose homes are being condemned, there are numbers in the thousands, and that is just after this week's rain, we expect more rain in the future; and they are not even done counting the number of buildings that have been affected.

This budget reconciliation, these budget cuts cut housing vouchers, cut affordable housing programs. Just in our State, we would take a 3,500 section 8 voucher cut. So we are talking about people who are hit by a natural disaster who are being forced out of their houses, and now they will have the manmade disaster of this budget cut, these budget cuts that will force even more people out of their houses.

But "we want to create an ownership society in America." The President of the United States was elected to help people own things and to accumulate things. All I can see anyone accumulating is people who already have a whole lot and could live their whole lives not accumulating one more thing.

When is it going to stop? When are we going to be able to be in a position here in this Chamber to move this country in a new direction and start helping people again?

Mr. DELAHUNT. Mr. Speaker, there is another crisis coming too, and that is the cost of home heating fuel in the Northeast and in the Midwest that is going to strike particularly the elderly. As we know, gas is about \$3 a gallon, and the utilities are now predicting that families could pay as much as 70 percent more in terms of their heating bill. The Energy Department predicts that the cost of natural

gas is going to go up by some \$350 next season. At the same time that that is happening, we hear that Big Oil has done rather well.

For example, Exxon-Mobile recently reported that its profits in this past quarter, the third quarter, increased 75 percent.

Mr. RYAN of Ohio. Wow.

Mr. DELAHUNT. Not a bad quarter. In one quarter, Exxon-Mobile had a net profit of \$10 billion. Simultaneously, today in the Budget Committee, there was a motion, a motion to increase the so-called LIHEAP program.

Mr. RYAN of Ohio. Mr. Speaker, can the gentleman explain who offered that motion, what party?

Mr. DELAHUNT. It was a Democratic motion. It would have increased the funding for that particular program, which allows low-income people, primarily elderly people, to benefit from a purchase of discounted energy, whether it be oil or gas, but primarily oil.

While Exxon-Mobile is making \$10 million, in the Budget Committee today, Mr. Speaker, the Republican majority said, no, we are not going to increase that program. And, by the way, the chairman of the Energy and Commerce Committee said no to any rescission of the \$16 billion that this Republican-controlled Congress passed in the form of subsidies for Big Oil this year. If you are investing in oil this year, it was reminiscent of the gold rush back in 1849. You really scored well. Now, is that what we are about as a people? Are we not violating a social compact, a covenant, where we all come together and get through the hard times?

Mr. RYAN of Ohio. Mr. Speaker, there is a certain amount of corruption within the system, is there not, when that happens? There is just a certain amount of corruption and incompetence in the system.

Now, I know our friends, they like to say, well, all the Democrats, all they want to do is spend, spend, spend. But they have borrowed and spent over \$1 trillion just in the last 4 years from foreign countries, more than the past 42 Presidents.

Mr. MEEK of Florida. Record breaking.

Mr. RYAN of Ohio. Record-breaking spending, record-breaking deficits. The party of fiscal conservatism has become an absolute joke. It has become a caricature of itself.

Here is a conservative that we may disagree with on many, many issues, Cal Thomas of the Washington Times, a conservative newspaper, a conservative columnist, one of the most conservative in the country who tries to provide a little advice to the Republican majority: "Here is a suggestion on your budget cuts: Don't start with the poor, start with the rich."

Mr. DELAHUNT. The oil companies are a good place to begin.

Mr. RYAN of Ohio. A good first step, \$16 billion in subsidies to them. They have not done anything with trying to

reduce the cost of prescription drugs, allow for reimportation, allow the Secretary of Health and Human Services to negotiate down the drug prices of a \$700 billion bill that we were told that night was \$400 billion.

Mr. DELAHUNT. Can someone explain to me, anybody, why the oil companies, that had revenues in the last quarter of some \$100 billion, each and every one of them saw huge increases in terms of their net profits, why they need subsidies?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I will tell the gentleman why. Because according to the Republican leadership, they do not want an ownership society; they want an own-everything society. That is why. Because they fall into the category of groups and individuals that the Republican leadership in this country clearly believes should own everything.

Mr. RYAN of Ohio. Mr. Speaker, I think the Republican Party, after they give the \$16 billion in subsidies, will head out to shakedown street, K Street, where all the lobbyists are, and they will say, hey, we just gave you \$16 billion in public taxpayer money, and average people, middle-class people, people who need LIHEAP, who have high heating costs and everything else, they took that public money, they gave it to the oil companies, the oil companies are going to make tremendous profits and have made tremendous contributions to the Republican Party.

□ 2115

Mr. MEEK of Florida. I want to say quickly just today, news flash from the Budget Committee, happened over there in the Cannon Building, really nice building named after Speaker Cannon, who used to walk around here smoke cigars and all and is well known.

But I can tell you this. There is a heating program that is out there to help poor people. Since we are talking about these big companies that are making all of these big profits, it would have increased the funding to provide for the Low Income Home Energy Assistance Program from \$1 billion to \$3.093 billion. That would impose a temporary windfall profits tax on the oil companies to assure that the amendment is deficit neutral.

Now I am going to tell you something. You want to talk about this budget is keeping not only everyday Americans in the cold but is definitely keeping poor people in the cold.

But I cannot tell you, when you say, can you explain it to me, well, I cannot explain to you the reason why we have CIA agents being outed, not only one but a number of them.

I cannot explain to you the reason why we still have Michael Brown on the Federal taxpayer dollars, on the dole, at the same salary he was making pre-Hurricane Katrina, and why the Secretary of Homeland Security extended not only the 60-day contract they had with him but another 30 days,

saying we have to learn something from him.

I cannot explain to you why the majority side puts together a report talking about cutting, and I am going to tell you, we gave the Web site out earlier. This is third-party validators, cuts to Medicare, cuts to Medicaid, cuts to student loans, cuts to food stamps, cuts to school lunches for poor kids. I cannot explain to you why.

I cannot explain to you why veterans have to wait so long for assistance. I cannot explain to you why that was the case.

I cannot explain to you why this administration, after this Congress acted, with many Members on this side pushing for military families to be reimbursed for equipment they had to buy for their loved ones while they were in theater to save their lives, to give them the Kevlar and the vests that they needed, I cannot explain to you why the Defense Department waited for the regs for that program for them to even get the money back, back in February. Senator DODD from Connecticut had to write the Defense Department, who is a Democrat, had to threaten them to write the regs, and they finally wrote it. I cannot explain to you why.

This is to reimburse military families for equipment they bought, husband, wives, what have you. I cannot explain to you why.

But one thing that I can tell you, that it is important that we illuminate these issues so not only the Members know that we know what they are doing on the majority side but the American people know.

Now I am going to say back for the one Republican that voted with Democrats on this budget, on the backs of the American working class, on the backs of retirees, on the backs of those that wake up every day and try to provide for their children, provide for their family, I am glad that he voted with us. Maybe, just maybe, this hour is working on the conscience of some.

Real quick, since we are going out of time, you want to give the site out? Then we can close out.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Mr. Speaker, with that, we would like to yield back the balance of our time and thank the Democratic leader for the time.

GENERAL LEAVE

Mr. KING of Iowa. 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 special order of the gentleman of Virginia (Mrs. DRAKE) given earlier this evening.

The SPEAKER pro tempore (Mr. INGLES of South Carolina). Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMERICA'S IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, before I pass this microphone over to my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), I cannot help but express some of the frustration with sitting here and listening to this. I am really grateful that the American people do not have the same sentiment that I have heard tonight on the floor of Congress.

When I go to the coffee shop and to the break room in my district, I do not hear anything like this rhetoric that I have heard here tonight.

When I hear that we have cut food stamps, I was involved in that. We did not cut food stamps. What we did was we changed the regulations so you have to be on some other kind of benefit so there was less fraud. There is \$1 billion of fraud going into the wrong people in food stamps just in the last year that I have a report. We only touched about 20 percent of the fraud, Mr. Speaker.

Fuel prices. Help us open up drilling on the outer continental shelf. Help us drill in ANWR. Let us develop the energy that we have in this country, and we will not be looking at \$3 dollar fuel. We know who is to blame. It is the environmental extremists. And if Exxon Mobil made \$10 billion in the last quarter, let us take a look and see where they invest it. If they invest it in that drilling, the American people will reap the benefits.

There are a whole series of things here tonight, Mr. Speaker, and that frustrates me greatly. But I wanted to talk a little bit about the immigration issue.

I would ask my friend, the gentleman from Arizona (Mr. HAYWORTH) if he would pick that issue up.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa; and before I get to the topic at hand, I, too, would like to offer a few observations about the preceding presentation in the people's House.

Those who have heard me speak from time to time know that quite often I cite the observation of that great American author, Mark Twain, who said, history does not repeat itself, but it rhymes. In the preceding hour, here on the floor of the people's House, we may have heard from the, quote, 30-Something Coalition, but it was that same old something, those tired and shop-worn charges, those assertions that the American people can only regard, to put it diplomatically, as unrealistic.

We heard a Member from Florida talk about cuts in school lunch programs. We heard a Member from Massachusetts repeat what was a blatantly false charge about Medicare withering on the vine, when in fact the discussion had to do with the bureaucrats in a four letter organization felony as HICFA.

Indeed, there are fundamentally different ways to address the challenges we confront. My friends on the left honestly and sincerely believe that Government is the answer; and though their rhetoric is devoid of it, they seem to be concerned with budgets that affect the care and feeding and the propagation of Washington bureaucrats and the employees' unions they engender rather than solving real problems affecting real people.

It is somewhat mind-boggling to hear the same old charges; and it is interesting, the selective memory of those on the left. For it was one of their celebrated leaders, John F. Kennedy, who said a rising tide lifts all boats, who said that by reducing taxation across the board and allowing the American people to save, spend and invest their own money economic prosperity can result.

And that is not a partisan argument, nor was it the sole domain of Jack Kennedy. Indeed, whether it was Calvin Coolidge or Jack Kennedy or Ronald Reagan or, more recently, George W. Bush, working with this governing majority in Congress, letting the American people have and keep more of their own money to save, spend and invest, we in fact have had an economic rebirth through the difficulties of 9/11, through the challenges posed by the natural disasters.

The American economy continues to grow. Are there challenges? You bet. Are there challenges we confront in energy? Absolutely. But the key is, as I was happy to offer, tax credits for solar energy in our sweeping energy bill, as many of us have embraced and asked us to take a look at new technologies, neither do we abandon the notion of maximizing existing supplies, using rational conservation and moving forward.

Of course, it cannot begin to compare with outlandish charges. This gets to the crux of the challenge. We have an awesome responsibility. It is to help govern this country. Our friends on the left, be they 30-something, or 40-something or 50-something, or 60-something, choose not to join us in governing. They choose to carp and complain and issue malicious and libelous charges. They offer no plan. They offer complaints.

In stark contrast, our governing majority has a plan to bring budget reform that results in real savings. And yet, even as they decry what they call fiscal irresponsibility, they attack the reform process that results in real savings.

One note about the incorrect information on student loans. We actually increased money going to students. We tightened down the margins on the lenders. We do not hurt the students. But, of course, our friends on the left always equate compassion with the amount of money taken from the American people to go to Washington bureaucrats; and I believe, regardless of the age, regardless of the time, that

is precisely the wrong formula. Just as they mistakenly address compassion by the number of people on welfare. No, true compassion is the number of people who leave the welfare rolls and go to work.

And for those who cite curious cases played up in the dominant media culture about CIA agents who send spouses on trips around the world to offer talking points in a partisan campaign and somehow defend that and seem to act as if there is no connection between the former, thank goodness, the former dictator of Iraq who now sits in a prison cell awaiting trial and other perpetrators of islamofascism, for those who would so readily forget the lessons of 9/11, we say to the American people, yes, the challenges are grave. We live in challenging times. But we dare not shrink from the challenge and make the curious divorcement of, oh, yes, we support our troops but not the conflict.

As one observer explained, that is like saying, gee, I support a football team. I just do not want them to win the game.

Were it so simple to compare war to a game, but we know something far more serious is at stake. We know over very national survival is at stake; and we believe that we should support our troops, yes, and work for an outcome that results in victory.

That brings us to the subject at hand tonight, our border security and our national security. And despite the prattlings of the preceding hour, in many ways our Commander in Chief has answered the call in the wake of 9/11.

But when it comes to the border issues, the fact is the record is troubling, and it results in constructive criticism. Just as many within our party offered constructive criticism about the selection of a Supreme Court judge, reasonable people can offer constructive criticism.

Item. Congress Daily, this morning, Thursday, November 3, Homeland Secretary unveils border security initiative. Homeland Security Secretary Chertoff Wednesday rolled out a multi-year plan to secure the Nation's border and reduce illegal immigration, dubbing the proposal as the, quote, enforcement complement to President Bush's temporary guest worker program.

□ 2130

Constructive criticism number one, in accompanying documents released yesterday in Houston, Texas, Secretary Chertoff said his Department had a 5-year plan to gain operational control of the borders.

Mr. Speaker, the American people and our Nation cannot wait 5 years for operational control of our borders. The attacks of 9/11 came almost a half decade ago. Are we then to wait 10 years in wartime to secure our borders? That is wrong. That is the wrong time table. Border security at once because border

security is synonymous with national security.

The other troubling aspect of the dispatch in this morning's Congress Daily, the enforcement complement to President Bush's temporary guest worker program.

Mr. Speaker, I have introduced, and my colleagues who join me tonight on this floor have sponsored, the Enforcement First Initiative. The American people demand enforcement first. Call it putting the cart before the horse, but those who talk about a guest worker program have it exactly backwards. What we should do is enforce existing laws, close loopholes and then and only then engage in a debate about guest worker programs.

Indeed, this debate about border security, national security, illegal immigration, and the euphemism that accompanies it of undocumented workers, an Orwellian turn of phrase if there ever was one because many of these alleged undocumented have documents galore, and should we also point out that under the existing framework we have visa programs literally from A to Z under the existing legal framework, but again back to the situation at hand.

A fair question could be posed in this fashion: If people are not obeying existing laws, what makes us think they would obey any new laws? So Enforcement First offers a comprehensive approach saying that this government shall enforce existing law and that we shall work to eliminate loopholes that exist that result in the gaming of our system, that result in the drain on taxpayers and that deny this fundamental truth that even those who may profoundly disagree with us who preceded us here in the well certainly have to embrace and that is that this is a Nation of laws.

Therefore, if we are a Nation of laws and a Nation of immigrants, immigration should occur within a legal framework, not through the machinations of illegal schemes and scams that threaten our national security.

Why do I say that? Well, one need look only so far as the testimony in open session in the other body from our former colleague Porter Goss, now Director of the Central Intelligence Agency, joined by others, who offered the testimony that their major concern is that someone meaning to do harm to this Nation might utilize our porous border to do so, to come here illegally. Indeed, we have seen other reports that al Qaeda operatives and others who embrace Islamofascism have instructed their minions on a mission in this hemisphere to seek to gain entry to the United States through our porous southern border.

The Director of the Federal Bureau of Investigation in testimony before a House subcommittee chaired by our friend, the gentleman from Texas (Mr. CULBERSON), confirmed the gentleman from Texas's (Mr. CULBERSON) assertion that illegals who come from na-

tion-states embracing Islamofascism have attempted to gain entry into our country by blending into the mass exodus north of illegals and utilizing Hispanic surnames.

Mr. Speaker, I offer these words not to sow the seeds of panic, but instead to offer a renewal of a sense of purpose in the wake of 9/11, mindful of the challenges a sovereign Nation of laws confronts. We must have heightened border security. It leads to greater national security. There must be internal enforcement. There must be a closing of loopholes, and that is the idea behind the notion of Enforcement First.

So, Mr. Speaker, I say respectfully and diplomatically to the Secretary of Homeland Security, enforcement is not a commitment to a guest worker program. Enforcement is the long overdue step to protect our Nation from external threats in a time of war. And then once we do that, we can effectively discuss a guest worker program.

My friend from Iowa who was very gracious to yield time. I will remain, but I want to yield back to him because other friends join us tonight during this hour.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquent presentation on a lot of things that all us that we heard about here tonight and also the border control and the immigration issue and the future of our country.

As I listen to that group that comes here nearly every night, and it was interesting to see the gray hair amongst the 30-somethings that we had, it is extraordinarily depressing to hear that viewpoint. I happened to at random bounce across some Web pages that must be the perpetrators of that kind of thought process because it just does not connect with the rational reality of what is going on here with our authorization bills, our appropriations bills, the responsibility that we have, the fiscal responsibility, the vision we have for America. And I do not think that you could read the facts and connect the lingo that is coming from the other side and measure the two together. But it is depressing and I think sometimes that if I felt like that I do not think I could get out of bed every morning and go to work in this place and drag everybody else down when we are trying to lift this country up.

Their vision seems to be, I will say, surrender and get out of Iraq, turn that over to Zarqawi, let that be a terrorist center for the world. Let them come in here and attack us whenever they want. Do not take any self-defense mechanism. Soak the rich. Starve the businesses. Get rid of the jobs. And the list goes on and on and on of the lamentations that we heard.

We are an optimistic party. Even though when they say the name of our party it comes off as profanity, it really is an optimistic party. We have always reached for the stars and brought this country forward. The tax cuts that

we did turned this economy around from the depths of September 11's trough and, in fact, this year we have \$274 billion in additional revenue beyond what was calculated by CBO and anticipated because of the tax cuts that we provided, and we need to make them permanent.

On the immigration issue, which is our subject here tonight, that is important to our national security issues, the issue of the citizenship and immigration services and the job that they are supposed to be doing and the great difficulty they have in carrying out that task, the internal problems that they have, we have the gentleman on my left from Virginia (Mr. GOODE), and I would be happy to yield to him.

Mr. GOODE. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING), and I thank the gentleman from Arizona (Mr. HAYWORTH) for their comments here tonight. I certainly learned a lot from both gentlemen and appreciated what they had to say, particularly on the immigration issue.

I want to talk a little bit before talking about illegal immigration about something that occurred just the other day in the Rayburn Building. We had a meeting of the Immigration Reform Caucus, and both the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Iowa (Mr. KING) are members of that and it is chaired by the gentleman from Colorado (Mr. TANCREDO), who has done yeoman's work on behalf of that group.

We were anticipating hearing from someone from the U.S. Citizen and Immigration Services. Now, as you know, the Department of Homeland Security is the secretarial agency, and underneath that agency is the U.S. Citizenship and Immigration Services. And they are charged with doing a number of different programs, one program of which is the FAST program. And that is involving temporary adjudicators that have been hired to make citizenship and permanent residency decisions. And I agree that the backlog is long and needs to be addressed. But I want to emphasize, I think it is better to take extra time, make sure the investigations are done, have law enforcement personnel there with the investigations to make sure no criminals or terrorists or others that would do us harm come through one of these programs.

Another program is the Focus program, and that involves segregating and reviewing hundreds of pending applications for immigration benefits where there are specific concerns about potential ties to terrorists or terrorist organizations. And this gets us to what occurred in the House office buildings just the other day.

I was coming to the Immigration Reform Caucus meeting anticipating hearing from a law enforcement officer at that meeting and voicing his opinions and letting us have the opportunity to ask questions about the agency and about how they handle these

programs where they make decisions on permanency, residency, citizenship, and granting decisions for these persons who want to come to the United States of America. The handlers of that person would not let us ask questions.

I hope that situation can be rectified and that the Immigration Reform Caucus and other members on different committees will have the opportunity to ask the questions that we want to ask, because, while illegal immigration is probably the number one problem facing the United States of America, we need to be sure that legal immigration is handled in the appropriate way and that programs like FAST and programs like Focus have the appropriate oversight and that the right questions are asked.

I would like to take a few minutes now to focus on the illegal immigration problem. I want to thank, again, the gentleman from Iowa (Mr. KING) and the gentleman from Arizona (Mr. HAYWORTH) for being here tonight talking about this issue. They have been in the trenches for months and years, and this problem is not getting any better. It is only getting worse. But I am thankful because more Members of the House of Representatives are focusing on this problem. We have more Members than ever before introducing legislation addressing different aspects of the problem.

Today, the gentleman from California (Mr. HUNTER) introduced legislation that does many things. It is backed by groups such as the Federation of Americans for Immigration Reform; and having mentioned that group, I would also like to thank U.S. Border Control for their efforts in combating illegal immigration, Numbers USA for their efforts against illegal immigration. But our focus today was on a fence all along the southern border.

We have a fence now between California and Mexico south of the city of San Diego. That fence has provided a great barrier to drug smuggling, to terrorists coming into this country, and to stopping the illegal crossing.

□ 2145

We were able to see a picture of pre-fence days and then see a picture of post-fence days. The fence has improved the environment significantly in the San Diego area, and it has enhanced our border security.

What we need to do now is extend the fence from San Diego to Brownsville. There would be port of entries along the fence, but, by doing this, the security that the gentleman from Arizona (Mr. HAYWORTH) talks about that we need in this country would be significantly enhanced.

There were a number of other aspects of this legislation. Currently, we have a policy by the Department of Homeland Security and its immigration services of basically one of catch-and-release. That means if you catch some-

one in this country illegally, because of a lack of facilities to house all of them is a factor, I also think it is a philosophical not wanting to carry out what I believe the law should be in this country, differences among some of us and some of those carrying out that law, of just letting the illegals go. If this legislation passes, those illegally in the country will be committing a violation of law, and they can be caught and detained, not caught and released.

Another aspect of this legislation focuses on the diversity visa program, and that program has been in effect since the mid-years of the Clinton administration, which pushed for it. We had hoped that this program would end within a few years. It has rocked on, and this would end under this bill.

We would also end the 245(i) practice. And now what does 245(i) mean? That means if you come into the country illegally and you get the right letter from an employer or you get the right letter from a relative, that means you can stay here by paying \$1,000. We need to end that practice. 245(i) encourages persons to come across the border illegally. They say we will not have to go through the process. We will not have to be checked out. We will not have to have our background checked. We will not have to present our records and be analyzed before we get into the United States. We will just walk across the border.

Or if they are already here, say we will not have to go back. We will get a 245(i). We will just pay a little extra money, and we will move to the head of the line, and that is unfair. That is unfair to those that wait in line, and it is unfair to the millions of Americans that pay taxes.

Another aspect of this legislation, which is an attempt to compile many different items of legislation into a single bill, some of them are part of legislation that the gentleman from Arizona (Mr. HAYWORTH) has sponsored, the gentleman from Iowa (Mr. KING), and I could list others, the gentleman from Colorado (Mr. TANCREDO), the gentleman from Georgia (Mr. DEAL), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Texas (Mr. CULBERSON), the gentleman from Oklahoma (Mr. SULLIVAN), and I could go on and on. It captures and borrows from these bills, and I have to mention this because I want to salute the gentleman from Iowa (Mr. KING).

One of his measures says if you are an employer and you hire illegals, then you cannot deduct the cost and the taxes paid on those illegals from your Federal income tax return, and that is the way it should be. The legislation further emphasizes that there shall be no earned income tax credit for illegals. There will be no credit for Social Security for the time that you are illegally in this country.

Under the current situation, if there were to be an amnesty, and I vigorously oppose the amnesty because it

only encourages more illegals to come across the border, if there is an amnesty, you will not be able to go back and recapture the time that you are in the country illegally.

It also focuses on the practice that some who come from across our southern border want to have children in this country. They want to create an American baby because, under our current law, anyone born in the United States of America is an automatic citizen, and that helps those illegally here stay in this country. Under our bill, coming across the border and having a baby of illegal aliens who did not go through the proper process will not grant that child automatic citizenship.

So this is indeed a comprehensive measure that will address illegal immigration, and it is my hope that we will be able to get legislation to the floor of the House of Representatives, hopefully before Christmas, if not, certainly by the first part of next year, so that we can take a stand and send to the American people the message that we are serious about stopping illegal immigration.

We do not want amnesty for illegals. We want to preserve and protect the United States of America. We want border security; and, as the Congressman from Arizona says, we want enforcement first.

If we do that and if we can get the other body and if we can get the executive branch down the road from the United States Capitol to come along and get on this train, America will be safer, will be more prosperous and will be more of a land of opportunity for the hard-working and tax-paying citizens of this country.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for his presentation and with clarity I appreciate.

I want to add that we are taking a look into the functionality and the failure to function in citizenship and immigration services. It is this Congress' responsibility to have oversight. It is this Congress' responsibility to investigate. If we believe there is impropriety in some place, lack of efficiency, we are to bring this all together. This is our responsibility to the taxpayers of America, and it is our constitutional duty.

Because there are a couple of minders there that will not allow an individual to speak, then that does not mean that we are going to back away from this. It just means we are going to resolve the situation eventually in the appropriate fashion, with patience and professionalism. That is the perspective that I think we need to take a look at with this.

I want to touch back on an immigration issue, but the moment that I do that, I want to transition over to the energy policy. So, in the interim, I would be happy to yield a few minutes to the gentleman from Arizona for his concluding thoughts with regard to immigration.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa, and I look forward to hearing from our colleague from Pennsylvania who, again in stark contrast to those who preceded us in the well, takes a thoughtful look at the challenges we confront and offers some common-sense solutions, especially in the realm of natural gas and where we are headed as a Nation in terms of energy exploration for existing technologies and, quite frankly, bringing on-line new technologies to deal with energy.

But as I heard both my colleague from Virginia and my colleague from Iowa talk about the spectacle that occurred in the hallway of the Rayburn House Office Building yesterday, I just was astonished by the seeming triumph and insensitivity of the bureaucracy.

Two minders accompanying a law enforcement officer essentially to put him on notice that his role in his employment with the Federal Government could very well be threatened. We have visited totalitarian nations where there are minders who follow us, some very cleverly concealed, some as hotel personnel, but to see that spectacle in this grand republic and see it utilized really to try and supercede the legitimate questions of constitutional officers was very disappointing.

I would echo, Mr. Speaker, the words of my colleague from Iowa, there will be oversight. Count on it. The Congress will live up to its constitutional responsibilities. I will put those Washington bureaucrats on notice, those who believe they can get in the way of constitutional officers doing their jobs, that the people will demand answers through their constitutional representatives. But we understand the answer, in summation to our challenge for national security and border security, it is enforcement first. It is not amnesty. It is not the embrace of putting illegals in the front of the line and making a mockery of an orderly, lawful, immigration process.

Borders are necessary. There is graffiti written in Spanish on one of the borders adjoining my State which reads, Borders are scars upon the earth. Mr. Speaker, borders are not scars upon the earth. Borders are reasonable and necessary to maintain the sovereignty of nation states; and, as the poet wrote, good fences make good neighbors.

I salute the gentleman from Virginia joining with the chairman of the House Armed Services Committee with the True legislation today. I am pleased to be a cosponsor. I thank my friends from Virginia and from Iowa, others within the Immigration Reform Caucus. I thank them for the time, and I look forward with interest to hearing from our colleague from Pennsylvania with references to the challenges we confront here early in the 21st century for this Nation's energy needs.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona and the gentleman from Virginia on this

enlightening discussion we have had on immigration. I am quite pleased that an individual from Arizona would have the phrase, good fences make good neighbors. I thought that was an Iowa phrase.

I want to point out, too, that when you build a fence or a wall to contain people, if you do that to keep them from leaving a place like it might have been East Germany, then that is wrong from a philosophical standpoint. If you have a place that is such an attraction that you build that fence to keep them out, that is a moral thing to do. There is a big difference.

So, the fence in Israel, for example, between the West Bank and Israel proper, that is a fence to protect the people from the folks on the other side that want to come across with bombs. It is not immoral to build a fence to protect yourself from people that are assaulting.

In fact, the southern border in the last year over 1,159,000 illegals that were collared at the border, so to speak. We heard T.J. Bonner, a border patrol, say here a couple of days ago that approximately 4 million came across the southern border during that period of time and we collared 1,159,000. Of those 1,159,000, all but 1,640 of them promised to go back. We cannot verify that any of them went back, but we did actually adjudicate 1,640 of the 1,159,000 to go back to their home country.

So we have got a very small percentage here. The catch-and-release program is real. I got into a little buy-in when I made that statement that it was a seven times catch-and-release program before they were adjudicated for deportation. Some of the bureaucrats took issue with that and wanted to have a meeting. So they brought eight of their people into the room, and the first statement was I am wrong, we need to retract the statement. An hour and 45 minutes later, they admitted that, even though that was not the written policy, it was the practice, and in fact, it might be more than seven times catch-and-release. That is how bad it is.

I want to say just a couple of words about the new IDEA bill that the gentleman from Virginia (Mr. GOODE) mentioned that I have drafted and that we have significant cosponsors on.

It is clear for us, build a fence on the border, beef up the border patrol, but we need domestic enforcement. We know that the administration has not sanctioned a single employer for hiring illegals in the last year. That is an issue that needs to be enforced as well. But, on top of that, how do we dry up the jobs magnet? How do we get a policy in place and get some administration agency that actually is willing to enforce that policy?

So I looked around the country, and I thought who really are the junkyard dogs of bureaucracy? Who likes to go to work and who does their job? Who has a reputation that you know they are going to follow through? The times

I have been audited I can tell you it is the IRS. So I said, well, let us see if we can find a way to get the IRS into this game and enforce this illegal immigration.

So that is where the idea comes from to remove Federal deductibility for wages and benefits that are paid to illegals. Let the IRS come and do a normal audit, and if the employer uses the InstaCheck program so they can verify over the Internet in an instant whether that employee is legal to be hired, go back on the Social Security Administration database and Department of Homeland Security database, come back with a positive hit, hire that person.

We put safe harbor in the bill. If you are a responsible employer, you use InstaCheck, the basic pilot program to verify the employability, then the IRS will not touch you on that hire. But if they run the numbers when they do the audit, use the InstaCheck, and it finds out that the Social Security numbers and the identification does not match anything, then the wages and benefits that you spend on that employee become not a deductible expense but taxable income.

□ 2200

So, for example, if you are a corporation and in a 34 percent tax bracket and you are paying \$10 an hour to illegals, the IRS will come in and say, well, no, that \$10 an hour is not a deduction. We are going to tax that at 34 percent, and we are going to add the interest and penalty on there. Now that becomes about a \$6 an hour penalty on the \$10 an hour person, so now the illegals cost you \$16 an hour. In theory, a least, a legal employee that you could hire for \$16 an hour becomes a rational decision.

As that happens, then the illegals that are here working at this discount rate because it is rational for employers to hire the illegals, they are cheaper for a lot of reasons, it becomes rational instead to say, no, sorry, I cannot put you to work because the IRS sometime in the next 6 years can come back and audit me and I will have to pay the bill. So I might as well pay it to somebody who is here legally for the right reason.

This changes this great migration of four million people pouring across our southern border, and it sends them back again. Because what are they going to do if they cannot get employment here? It is a jobs magnet.

New ideas. It is one piece of many things, as Mr. GOODE spoke about and Mr. HAYWORTH did. So I am part of all of this. I want to stand here with it. If we have any more ideas, I want to hear them all. We need them from the American people. The American people are the ones who will move this Congress, so they need to write letters and send the message, and this Congress will hear you.

So I thank the gentleman on the immigration issue tonight. I also had two

subjects in mind that I feel is important to bring up, and energy is the other one.

As we listened to the minority party on the other side do their 60 minutes of nightly lamentations, we heard about the cost of gas, the cost of energy, and I did make a few remarks about how we can help that cause. But I would point out that I represent maybe the number one corn-producing congressional district in America. If you are going to raise anything, you have to have nitrogen fertilizer to do that. All crops take nitrogen. Corn takes a lot of nitrogen. About 90 percent of the cost of nitrogen fertilizer is the cost of natural gas.

Natural gas has gone up 400 to 500 percent over the last 3 years, and we see the cost of natural gas going in the area of \$14.50 per million BTUs. We look around the world, and Mr. PETERSON will give us more details on this in a moment, and we see not far away, natural gas coming out of Venezuela of \$1.60 compared to the U.S. at \$14.50.

The other day they said they were going to go ahead and build the natural gas pipeline from Alaska down to the lower 48 States. It is 4,700-some miles from the north slope down to Kansas City, the heart of America. Up there, there is 38 trillion cubic feet of natural gas that we know of. There is probably more in ANWR that we will open up, and hopefully we will drill there for oil as well. So, 4,700 some miles from the north slope of Alaska to Kansas City. Build the pipeline down to the lower 48, and we can get 38 trillion cubic feet of natural gas.

Venezuela is making fertilizer and selling it to us now off of gas that costs about \$1.60. Russia is doing the same thing off of natural gas that costs us 95 cents. We are losing our fertilizer industry in America. It does not take very much to control food production if you have control of the fertilizer itself.

But down there in that gulf area, for example, all that gas in Venezuela, Venezuela is 2,700 miles from Kansas City, for example. So that gas is closer. But closer than that yet is all of this natural gas that we have on the Outer Continental Shelf of America, with 200 miles, 406 trillion cubic feet of natural gas.

Now, tell me, would you go to Alaska for 38 trillion cubic feet of natural gas and build a 4,000-some mile pipeline to get it down to the lower 48? Would you go to Venezuela and ship that gas in as liquified natural gas and go through the exchange process and the plants at the terminals that it takes to handle that? Or would you just go down there nice and close, where we already have a system all set up, and plug right into that existing massive quantity of 406 trillion cubic feet of natural gas that we have on the Outer Continental Shelf?

To continue to be hostage to energy prices at \$14.50 per million BTUs when the rest of the world is getting along on numbers like 95 cents or \$1.60. China is up to about \$4 something. But we are

at a great disadvantage. And if we only open up this natural gas marginally, we will only lower the price marginally and we will still pay a great price economically, because we know that energy is the price of everything we have and everything we own.

Having said that, Mr. Speaker, I would be happy to yield to the gentleman from Pennsylvania (Mr. PETERSON), who is really the lead on this issue, and I am very happy and proud that he has taken this issue to this Congress.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Iowa, the gentleman from Virginia, and the gentleman from Arizona for the good job they did bringing up the security issue of this country. The number one issue is immigration enforcement, protecting our borders, and handling that issue in a much better way than we have historically done in this country.

But the economic issue facing this country is the price of energy and the availability of energy. Natural gas is the clean fuel. It is almost the perfect fuel. It is what we heat our homes with. It is what we heat most of our schools, our hospitals, our YMCAs, our churches, our colleges, our universities. Most of our small businesses and mostly all commercial businesses run on that. Many, many industries use it in many, many ways. So 25 percent of the energy in this country is natural gas.

We have heard a lot of discussion about oil and gasoline prices. In fact, on the evening news the American public understands the issue pretty well because it is reported well. But natural gas is not reported well. It is not talked about and not understood much.

Gasoline prices were double, they were at their peak after Katrina. Natural gas prices were 700 percent what they were 5 years ago. Now that is just a huge increase. A gallon of milk would be \$28. I think we would have panic in this country if a gallon of milk were at \$28, yet there is no panic in the country about natural gas, except from those who use a lot of it, but they are having a hard time getting government to listen at any level.

You just heard my friend from Iowa talking about the fertilizer industry and the tremendous amount of energy that is used for fertilizing natural gas. Petrochemical is one of the best-paying industries we have left in America. All the chemicals we buy at the hardware and grocery store, all the chemicals we use in the manufacturing process, one of the basic ingredients is natural gas. Plus, natural gas is used to heat those products and make them in the first place. Most petrochemicals, 40 to 50 percent of the cost of production is natural gas, thus putting them at a huge competitive disadvantage compared to the rest of the world.

Polymers and plastics. We all know how polymers and plastics are such a major part of our life. Almost every-

thing we touch has polymers and plastics as a part of it. Even for you ladies, skin softeners and makeup, the basic ingredient for skin softeners is a product derived out of natural gas.

We heard about the plight of the farmers. The farmers have a real energy issue, because it hits them from when they plant, it hits them when they harvest, it hits them when they dry their grain, using natural gas usually. They just get hit again and again, and it has been very difficult for them to be profitable.

Why is natural gas such an issue? It is not a world price. When we pay \$60 in this country for oil, the whole world does. When we pay \$65, the whole world does. But when we pay \$14.50, we are at 12-something today, we are an island to ourselves. The rest of the world is much cheaper. Europe is under half what we pay. Now, our big competitors, Japan, Taiwan, and China, they are a third of what we pay. When you add cheap labor to those countries and the ability to engineer, they are bright countries, very sophisticated countries, they have learned from us. When you give them another advantage of the energy they use to make products, and especially products that consume a lot of natural gas, you give them this huge advantage.

The rest of the world is under 2. As my colleague said, Russia is 95 cents, and I think North Africa is 80 cents. How can our employers and our companies compete when energy is a large part of their cost and they have to compete with other countries? They cannot. Our large employers are hanging on hoping government will do something about this crisis, and something major. Not tinker, but something major, and soon. Soon.

If we do not, I think Representative PEARCE said a few weeks ago here on the floor that we are going to solve this, that we are going to change this, and we can do it now and save a million or two jobs in this country, some of the best jobs we have left, or we can do it later and hope we can recover, and many of those jobs we will never get back.

How did this happen? Well, for decades, natural gas was two bucks. Oil was \$10. Nothing could compete with that. Renewables could not really grow because those prices were so cheap that nothing could compete. That went on for decades.

Ten years ago, a major shift in policy also happened. Congress legislatively for a time permitted natural gas unlimitedly to be used to make electricity. We used to use make about 6 to 7 percent of our electricity with natural gas, and it was only allowed at peak power. That is early in the morning and into the evening, when we use more electricity than we normally do. You can turn a gas plant on and off, but you cannot do that with coal and nuclear, so gas was allowed to be used for peak power.

Well, they took the prohibition away about 10 years ago; and now 25 percent

of the electricity in this country is made with natural gas.

Well, there were those who predicted that if we did not open up supply that would cause a shortage down the road. And when a few years went by, that is exactly what has happened, because we have it locked up.

How did it get locked up? Well, there was a moratorium many years ago, about 25 years ago, put on by President Bush. It was supposed to be a temporary moratorium where we would have an inventory and that inventory would take a few years. But then he did not win reelection. President Clinton came in, and he extended the moratorium through 2012, and our current President has not touched it.

Shortly thereafter, Congress placed a moratorium on the OCS. So now we have a Presidential moratorium and we have a legislative moratorium that has been preventing the production of natural gas on the Outer Continental Shelf for about 20 some years.

Now, what is the Continental Shelf? Well, the first three miles of our offshore is owned by the States and then from 3 to 200 miles is owned by the Federal Government. So 200 miles is what is called the Continental Shelf, and that is where many countries produce a huge amount of their energy because there is lots of it there.

Now many feel that that 400 trillion cubic feet that was mentioned is way underestimated. Because the work that was done was over 30 years ago, and the measuring devices we have today, the seismographic instruments, are so much more accurate. But government has prevented that from being done.

We actually had a bill that the State of Florida prevented from passing so we could not measure. In fact, the current energy bill had a measurement in there but did not have funding in it, so it was a paper measurement, which I do not know how you do that. We were not going to be able to spend any money. But they are protesting that measurements not be done today, the State of Florida.

Now Canada, a very environmentally sensitive country, the U.K., Belgium, Norway, Sweden, Denmark, New Zealand and Australia, they all produce both gas and oil. We are only talking about natural gas, but they produce both gas and oil on their Continental Shelf, and that is really where most of the world does it.

Now what is the advantage of that? I think my friend from Iowa said that very well. It is where the population is. As you go up and down our coastlines, and 85 percent of our coastline today is part of the moratorium. We only have 15 percent we produce in. That is where the population is. We do not have to build 5,000 mile high-pressure expensive lines. You just hook into the cities where the population base is and then hook into the system that is already serving them that comes in from Texas and Oklahoma and the gulf, and the system is hooked together. It is by far,

by far the best place we can produce and produce quickly.

Now why are we doing that? Well, number one, it is the Florida delegation; and the government of Florida has had a huge influence in this body. They have actually prevented it, and they are currently opposing all measures to open up the Outer Continental Shelf.

We have the Peterson-Abercrombie plan, and I think my friend from Iowa is a sponsor of that, and what we want to do is to move the moratorium. We want to give the States control of the first 20 miles. You can only see production for about 12 miles. So, after 12 miles, even from a tall building, you cannot see it. So we will say, all right, States can control 20 miles, both gas and oil. From 20 miles out, gas will be open for production in all the Outer Continental Shelf. And Florida will be included. They should help out, too. And then oil would be left up to the States, and they could petition the Department of the Interior to remove the moratorium on oil if they so chose to.

That gives us a huge opportunity to produce the gas that is needed, in my view, to give our industries and give our citizens the ability to have affordable natural gas to heat our homes, to run our businesses and fuel the big industries that are going to leave this country.

There has never been a natural gas production well that has ever harmed a beach or that has ever been a problem even on land. A natural gas well is a six-inch hole in the ground. You put a steel casing in cement at the bottom and at the top, and you let gas out into a pipeline.

This is not a threat to any environment. It is not a threat to creatures. In fact, in the gulf, the best fishing is where we produce both oil and gas, and all the fishermen will tell you that.

I keep hearing about all this potential pollution. And then someone said the other day in a debate it would be 7 to 10 years before we could get production. It will take a few years, but it will not take 7 to 10 years. That was a very inaccurate statement.

□ 2215

Now, what is interesting about Florida, which is really the opposition here, they use 233 times more natural gas, they are huge users, than they produce; and they sit in the best, most fertile fields of the country. All around them are huge fields of natural gas and some of the best natural gas, and they are not only not wanting us to produce it, but they have actually prevented us from leasing tract 181, which was not under moratorium and that was scheduled to be released under the Clinton administration to be leased and has not been leased today due to much of the protesting of Florida. And that is unfair to the rest of this country.

I love my friends from Florida who are here. They are great people. But the Florida government leadership, the

Florida State government leadership, in my view, has been very wrong on this issue and has not only prevented production off their shores but has really prevented production that was very vital to this country's economic future and prevented us from having the gas reserves we need so that prices could be normal. If natural gas prices were normal, we could be expanding the use of it.

I have a bus system in State College, Pennsylvania that is all natural gas. Today they are paying a premium to do that. In all the cities all of our buses, all of our school buses, our transit systems, all of our taxi cabs, our short-haul vehicles, our service trucks could all be on natural gas, and we would have cleaner air in the cities, and some of those cities could reach clean air attainment.

Natural gas can be the bridge to our future. It can be the bridge to renewables or a bigger part of our energy portfolio. There are so many ways natural gas can displace other fuels, especially oil and our need for oil. It can displace the need for more refineries if we fuel part of our transportation system with clean burning natural gas.

And one other fact on Florida, 75 percent of the electricity they use is generated by natural gas, and that is because just recently they tore down their coal plants and went to natural gas.

I want to share with the Members, though the Florida delegation and the Florida State government is vehemently against any change, here is what the Associated Industries of Florida said recently in a letter to MMS, the Mineral Management Service: "We appreciate that MMS is going to be reviewing all of the current OCS areas, including the areas that have until now been off limits due to the moratorium, which include the Atlantic, Pacific, and Eastern Gulf of Mexico regions. Research documents that these areas hold substantial undiscovered but technically recoverable energy resources that will be absolutely critical to America's national security and to the continued growth of our economy and to securing jobs for virtually every sector of our economy."

Now, the Associated Industries of Florida gets it. They go on to say: "If America doesn't look to expanding exploration and drilling in these OCSs, then America will unnecessarily pay a high price," like we are today, "and incur a heavy burden. The U.S. Energy Information Administration forecasts that by 2025 petroleum demand will increase by 39 percent and natural gas demand will increase by 34 percent."

Higher energy prices have exacted a toll on our economy already by slowing our growth from between .5 percent to 1 percent based on pre-hurricane prices. Farmers have paid \$6 billion more for energy in the last 2 years. Natural gas costs for the chemical industry in America have increased by \$10 billion since 2003. And of the 120 chemical

plants being built around the world with price tags of \$1 billion or more each, only one is being built in the United States.

"As a result, Associated Industries of Florida recommends to the MMS that expanded lease sales are important to our country, to our citizens, and to our way of life. To not utilize all of our available energy resources, when it can be accomplished in an environmentally sensitive way, would be a disservice to our country. We need to ensure that we have a bright future by adopting an expansive OCS leasing program."

Osram Sylvania, a big company that owns a lot of plants in this country, here is what they said: "In the past 5 years, we have seen natural gas prices escalate from \$3 per MCF to well over \$10 on the spot market. As compared to natural gas costs in 2000, our bills in 2005 will be \$24 million higher."

Mr. Speaker, again, I thank the gentleman for yielding to me.

THE 30-SOMETHING GROUP: THE DEMOCRATIC BUDGET PROPOSAL

THE SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first I want to thank the Democratic leader (Ms. PELOSI) of California for the opportunity to spend some time talking about the issues of concern to Americans across this country, and as a member of the 30-something Democrats, and I know I will be joined by my colleagues in a few moments, we have appreciated hearing from the literally hundreds of Americans both in our generation and across the generational spectrum over the last weeks since we have been talking about those issues on the floor here.

My good friend from Pennsylvania, I cannot help but spend a few moments talking about some of the matters that he has just addressed, being that I am a Representative of the State of Florida; and I had an opportunity to engage in a very interesting and informative and timely dialogue with the gentleman from Pennsylvania (Mr. PETERSON) just yesterday.

Unfortunately, the industry organization that he just cited, which he also cited in our debate the other night, Associated Industries of Florida, that is not an organization, if the Members are familiar with Florida politics, that is at all representative of the average business organization in our State. Associated Industries of Florida is primarily made up of the most major corporations in Florida. Every major oil company is a member of Associated Industries. So it makes quite a bit of sense that the opinion of Associated Industries would reflect what Mr. PETERSON of Pennsylvania just described.

Mr. PETERSON of Pennsylvania advocates for more drilling off the coast of

Florida, California, all around the coastline of our country. He particularly focuses on natural gas and professes that natural gas is a clean-burning gas and that there would be little to no risk to expanding that drilling. Well, when one is a representative from the State of Florida, and we have 77 million people who visited our State just last year alone and \$56.5 billion in taxable sales is generated by tourism, most of which is the result of our beautiful beaches and our pristine coastline, one can clearly see why most Floridians would have a significant problem with the possibility of there being oil rigs off our beaches within the eyesight of tourists or our residents.

And Mr. PETERSON of Pennsylvania has continually represented that natural gas is a potential alternative energy source. Well, just off the Florida coastline, the Minerals Management Service, which is a government agency under the Department of the Interior, has documented that there is only about a 70-day supply of natural gas off the coastline of Florida in the gulf under current consumption rates in the United States. That to me does not appear to take us into the rest of the century in terms of dealing with our energy needs.

What we should be doing is uniting as Members of Congress representing this country and dealing with our long-term energy crisis by exploring alternative energy sources, not going to the same old energy sources and trying to drill our way out of this problem. Drilling is not the solution. There is far too much environmental risk to drilling, whether we are drilling for natural gas or drilling for oil; and the proposal that we will be considering that is attached to the budget reconciliation bill, the budget-cut document that we will be considering, at the earliest, next week, includes a terrible proposal that would expand drilling off the coastline of Florida and bring drilling within 125 miles of Florida's coast on the gulf.

That is a totally inappropriate proposal. It makes absolutely no sense. It would jeopardize our environment, and I am hopeful that my colleagues from Florida and other colleagues who represent coastal communities which will also be in jeopardy if this provision passes will join us in opposing this budget reconciliation bill, not the least of which, because there are many other reasons why it should be opposed because of the dire cuts that are in the budget that are going to rain terror down on Americans across this country; but to add insult to injury, it also has a terrible provision in it that would allow drilling off the coastline around our entire country.

So with that having been said, I want to talk a little bit about what we talked about in the previous hour and turn the conversation back to the budget reconciliation bill. There are a number of significant problems with the budget cuts that the Republican

leadership is proposing. But one of the things that I wanted to turn to is what Democrats think we should be doing in terms of the budget.

Democrats want to bring the budget back into balance. What we proposed in the Budget Committee today included a proposal that would bring the budget back into balance by 2012. The Democratic budget also has a smaller deficit than the Republican budget every year and would accumulate less debt and waste fewer resources on interest payments that are needed to service the national debt. We would include budget enforcement measures to protect Social Security.

We would do more for education. The Democratic proposal provides \$4.5 billion more for appropriated education and training programs than the Republican budget for 2006 and \$41 billion more over the next 5 years. We also reject the \$21 billion in cuts that the Republican budget requires the Education and Workforce Committee to make over the next 5 years. Those are cuts that could fall on students loans and school lunches.

These are not the same old tired complaints. It is insulting to suggest that cutting school lunches and financial aid are tired complaints. If one is struggling to be able to give their children breakfast and lunch on a daily basis and make sure that they are provided with nutrition and they do not financially have the ability to ensure that they can do it themselves, staring down budget cuts that take that opportunity away from them is nothing short of cowardly. This is a cowardly budget reconciliation bill. It does not show any guts at all, and it abandons the American people.

Let us talk about housing. In the previous hour, we talked a little bit about the housing cuts that this budget-cut bill would hand down, and I am joined by my good and close friend whom I had an opportunity to serve with in now three different Chambers, the gentleman from Florida (Mr. MEEK). His district and my district were hit badly by a category 3 storm last week, Hurricane Wilma; and we were talking in the last hour about housing and the issues related to affordable housing that our constituents were already facing.

I want to just point out this picture here. Over the weekend I had an opportunity to go door to door in my district because there are so many senior citizens trapped in their homes without power. We still have half a million people who do not have power in south Florida. And, unfortunately, whether it is because of hurricane fatigue or just the fact that there was so much damage in the gulf coast region that it may be difficult to feel the pain that we are going through in south Florida and understand it, but there is not nearly as much attention as we need focused on what happened in south Florida.

When I was going to door to door in my district to try to help some of the folks who have trouble getting out of

their houses, and I am talking about people who are in their 80s and 90s, one of the apartments that the building captain in the condominium brought me into included this kind of damage. This is the result of Hurricane Wilma, and this is just one example. There are hundreds and hundreds of condominium units and apartment buildings and homes and mobile homes that look just like this.

There is a perception, whether it was created by the media or created by the lack of attention by the national media on what happened with Hurricane Wilma, that everything is fine in south Florida. Everything is not fine, Mr. Speaker, in south Florida.

This is the third floor apartment, and that is the ceiling of the apartment. And as we can see, we can look right through the ceiling at the sky. This is this woman's master bedroom; and literally during the storm, 1 minute after she walked out of that master bedroom, the roof caved in on her bed. A minute earlier and it would have caved in on her.

When we talk about the affordable housing problem that we already had, now we have thousands of people in south Florida whose homes have been condemned, who are faced with nowhere to go because the average price of a house just in Broward is \$348,000 a year. The rental units, the monthly rent is sky high. And FEMA has literally only 300 inspectors in our State going through these homes to determine whether these people are going to qualify for assistance.

I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for yielding to me, and I can tell her right now that I shudder when I think about not only the devastation that took place in Hurricane Wilma but what took place in Rita and took place in Katrina and what happened today in the Budget Committee.

I want to make sure that the Members, Mr. Speaker, are fully aware about an act that I did not take part in, an act that not one Democrat on that committee took part in, an act that at least one Republican did not take part in, that is, delivering another catastrophic event to the victims of these three natural disasters.

□ 2230

The cuts that were made today in the Budget Committee, that I must add without one Democratic vote, but with Democratic amendments, to make sure that those victims do not become victims again, were devastating to these individuals; cutting Medicare, cutting programs that will help everyday working Americans, delivering another blow to the gut of the individuals who need us the most.

Let me tell you what the majority side is saying. "Oh, we have to make these offsets to help the Katrina victims."

Hello. No. We have to slap them in the back of the head and push them to the floor because they cannot fight us like the special interests that got what they wanted in this budget, that we are going to make them victims again. That is what that means.

So, I am so glad that we are bringing to light not only Katrina, not only Rita, but also Wilma; that many seniors in our district, and we talked about this a couple of nights ago, or even over the past weeks, we have been fighting for the independent commission so we can review not only the Federal response, but the State response and the local response.

Now, I just want to take two more minutes. Down in Florida with Wilma, when the response was not what it should have been, Governor Bush of Florida jumped out in front of the train and said, "If you want to blame someone, blame me." Well, you know something, I have a message, not only for the Governor, but for anyone willing to step in front of an unorganized response to people in need, because I would say to the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Ohio (Mr. RYAN), it could be your communities next. It could be a terrorist attack.

So I guess the Governor could not do it in Mississippi, he could not do it in Louisiana, he could not do it in Alabama, he could not run over to Texas and jump in front of FEMA and say "blame me." This is bigger than an individual. This is making sure we can respond to Americans.

I would say to the gentlewoman from Florida, I would make this point to what the gentlewoman is pointing out here, that what can you say to this senior that you are in his bedroom there, I believe that is his bedroom where the ceiling came down, or another person's bedroom fell down into their home.

Ms. WASSERMAN SCHULTZ. The woman had to leave that apartment.

Mr. MEEK of Florida. So it is a condemned apartment. She cannot live in it. Not only are there only 300 FEMA inspectors of over 100,000 and counting condemned residences in Dade, Broward and Palm Beach Counties. Even in Broward County, well over the number. We are going to send 300 people down there to inspect before we are able to assist them. That is the reason why we need an independent Katrina commission, to make sure we are able to respond to Americans in need.

So when folks come to the floor and start talking about, well, you know, I do not know why they are complaining, because everything seems to be okay and the lights are on here in the Chamber and democracy is strong, we have Americans out there that are suffering and we have to give them voice.

Mr. RYAN of Ohio. Mr. Speaker, if the gentlewoman will yield, I want to share with the Speaker and the American people to get this in the CONGRESSIONAL RECORD some of the e-mails

that Brownie was sending on the day of the Katrina tragedy and the days after the Katrina tragedy.

First of all, this is about cronyism in politics at its best, a culture of cronyism and a culture of corruption. We see it all the time at the local, sometimes at the local level, but the way that the cronyism has permeated, permeated, the Federal Government with President Bush's friends is really absolutely sickening.

This is an article today out of CNN.com. The quotes are posted on websites. The gentleman from Louisiana (Mr. MELANCON), from New Orleans, has all of the quotes posted on his website from Brown, the former head of FEMA on the day of the Katrina tragedy. This is just startling. This is just startling.

First let me say that Mr. Brown spent a decade as the Stewards and Judges Commissioner of the International Arabian Horse Association. How he ended up as the head of the FEMA agency is beyond my ability as a human being to put into my head, to conceptualize. I cannot believe that the President would put someone who was the Commissioner of the International Arabian Horse Association in charge of FEMA. He did not get an appointment as an ambassador to a country that has a lot of beaches. He ends up in charge of FEMA after 9/11.

Here is what he says, one of the e-mails. Brown wrote to Cindy Taylor, FEMA's deputy director of public affairs the morning of the hurricane, "Can I quit now? Can I come home?"

A few days later Brown wrote to an acquaintance, "I am trapped now. Please rescue me."

I mean, give me a break. A few days later, Brown is talking to his PR director, his press secretary, Sharon Worthing, about his attire, asking her, can you imagine this, asking her "Tie or not for tonight? Button down blue shirt?" He is asking her about what he should wear.

This is a couple days after Katrina, when the American people were watching on all the cable news channels people suffering in pools of water, flooding everywhere, nothing to eat, people who do not have their insulin, old folks starving to death, dehydrating, no water, no ice, and this guy is saying "I am trapped now, please rescue me?" Is that the kind of leadership we want? No. The United States wants leadership and we get cronyism.

A few days later, she says, this is his press secretary again, "Please roll up the sleeves of your shirt, all shirts. Even the President rolled his sleeves to just below the elbow. In this crisis and on TV you just need to look more hard-working."

You got to be kidding me. This is what your FEMA director is doing during Katrina? He is talking with his press secretary, who said roll up your shirt sleeves so you look like you are working.

Mr. MEEK of Florida. This is the person that we still have on the payroll to teach us what to do.

Mr. RYAN of Ohio. Still on the payroll for \$148,000.

Mr. MEEK of Florida. A culture of corruption and cronyism.

Mr. RYAN of Ohio. This is cronyism at its best, because this fellow is not the least bit qualified to be in charge of FEMA. The top 8 or 10 people of FEMA were all political appointments of people who were not qualified.

We want an independent commission to oversee this whole process. Why? Because this could have been a terrorist attack, and we have got someone in charge of responding to the terrorist attack who is talking about rolling up his shirt sleeves so he looks good on CNN.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reclaiming my time, it is worse. It got worse from there. It was not just what he was doing with his attire, rolling up his shirt sleeves, but what he was wearing that they continued to talk about. On August 29, the day of the storm, Brown exchanged e-mails about his attire with Ms. Taylor, his press secretary again. She told him in the e-mail, "You look fabulous." And Brown replied, "I got it at Nordstrom's. Are you proud of me?"

An hour later he added, If you look at my lovely FEMA attire, you will really vomit. I am a fashion God."

This is the day of the storm. He is still being paid \$148,000 a year to advise FEMA, according to Secretary Chertoff, and change, give or take a dollar or two, to advise FEMA about what they should be doing in the aftermath.

Mr. RYAN of Ohio. And we are getting lectured to by people telling us that that party on that side of the aisle is responsible? Is this responsible? Is that good leadership? We have not seen good leadership out of this administration yet. Come on.

Ms. WASSERMAN SCHULTZ. The only thing that they are doing here is they have a lopsided partisan committee that is supposedly reviewing the aftermath of Katrina and FEMA's response. You know, I would feel much better about any review, although I strongly believe that there should be an independent Katrina commission, as do 81 percent of Americans, but if they had learned something between storms.

We have had three storms in two months, from Katrina to Rita and from Rita to Wilma. They have learned nothing. After my district and that of the gentleman from Florida (Mr. MEEK) district got hit by Wilma, and Secretary Paulison now in FEMA is a qualified professional, so at least they have that right now, but unfortunately FEMA still is not getting it right.

We still 10 days after the storm do not have a disaster recovery center established in Broward County or in Miami Dade County, a permanent one. There are seven mobile units between the two counties. We have more than

136,000 people in Broward alone who have applied for assistance, and they cannot get it yet because FEMA only has 300 inspectors in the whole state and they can do about 10 a day in terms of the inspections.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I think it has become clear to us, and, again, also I think it is important to note that many on the other side of the aisle have started to speak out. I know that requires considerable courage and that has to be acknowledged. But it is clear that if there could be an appropriate description of this administration, put aside philosophical differences, the fact is that they reflect an ideology that really in many respects is outside of the traditional, mainstream of Republican principles. But the word that I would use to characterize it is that, yes, it is cronyism, but at a fundamental level it has been an administration that has been incompetent.

So this is a question of ability to govern. We know that they do not like government. They see government as a problem. They do not like to govern. So I guess it is understandable. They want to starve government. They want to limit it. And that is a valid argument.

But there are times in this country when you need government. You need a strong military. You need to be prepared to defend the homeland. You need the kind of programs that can be run forthrightly, honestly and effectively that give every American a chance; a chance for an education, a chance for housing, for health care.

I think that this is all part of what we become when we are born as American citizens. We are participants in a social compact that says we are individuals and we have individual liberties and we will always advocate for those liberties, we will fight for those freedoms. But, at the same time, we have mutual responsibilities to each other. That is the essence of our greatness.

But if you do not like government, if you do not see a role for government, then you do not do a very good job when it comes to governance.

Mr. RYAN of Ohio. If the gentleman will yield further, I think the point really is that not only do they disrespect government, and if you disrespect something, it tends to not work appropriately, they see government as their little sandbox, and they see government as their opportunity to take care of their political contributors, to bolster their own political party.

Mr. DELAHUNT. Government, with all due respect, and I do not disagree, but what government is about, it is about representing the people.

□ 2245

Mr. RYAN of Ohio. I understand.

Mr. DELAHUNT. Mr. Speaker, it was the Founders that created representa-

tive government. The Founders believed in government. The Constitution created the government. We should be proud of our government, because this government has served well the American people for better than two centuries. But they do not like to govern. They do not care about governance. They do not need government. They do not need student loans. They do not need Medicare. They certainly do not need Medicaid. They do not need the kind of services that government can provide, because they believe that America could be best served by a society where individuals go their own separate ways.

Well, there has to be a balance if we are going to have a strong country and a strong America.

Yes, we can be critical, we can be very critical of the administration, but let us understand too that Congress has earned its share of blame for the mistakes of this administration, for the incompetence of this administration. Every student of American Government knows that it is the responsibility of Congress to oversee the executive, to take a look at what government agencies are doing.

But this Congress, and maybe this is a by-product of having a single party control all aspects of government, and we can understand that. It is difficult to criticize a President of your own party. You are reluctant to do that. That is natural. But more and more of our friends on the other side of the aisle are speaking out, and more Republicans outside of this institution are speaking out.

But it is the responsibility of the majority to work with the minority, in this case Democrats, to exercise oversight, to take a look at what is wrong, what is going wrong in this country today, and they refuse to. They are afraid, because if they start to peel off the onion, they are going to find something very ugly. And as Joe Galloway recently wrote, and he happens to be the senior military correspondent for the Knight Ridder news agencies, that when the time comes to point a finger, do not forget, and he is speaking about the war, those who people the marble Halls of the U.S. Congress whose first duties seem to be to protect the Republican Party and their President.

That is the problem. How many times have Members, senior Members of the minority requested investigations, inquiries, oversight hearings into real problems? We heard earlier, for example, from this side, people talking about the troops and the need, the need to respect our troops. Yet, it was the Democrats that started to question the Department of Defense about why our troops were not outfitted with body armor. Why were they being compelled to use Humvees that were not properly armored? It was Democrats, along with a few courageous Republicans who said, you know what, we are not adequately funding health care for veterans. We can wave

the flag and speak of patriotism and send these young men and women to Iraq, but when they come home, they are not going to have the kind of health care that they deserve.

Mr. MEEK of Florida. Mr. Speaker, I just want to chime in to let the gentleman from Massachusetts know, sir, that we can do better.

Mr. RYAN of Ohio. Together we can do better.

Mr. MEEK of Florida. That is the reason why the Democrats fought hard in the Budget Committee to make sure that the Medicare cuts did not take place or put an extra burden on seniors, to make sure that we replaced the burden that the majority side here in this House, the Republicans, have put on students as it relates to student aid and student loans. \$14 billion in fees for students. That means \$14 billion in fees and taxes for parents in America, for grandparents in America.

We can do better. I am so glad that we sleep with our fists balled up here ready to fight on behalf of Americans every day. That is the reason why I feel excited every time we get the opportunity to come to this floor to offer an amendment, to come to this floor here in this special order, to be able to let not only the majority side know, the Republican majority because, I must say, and I want to remind everyone, the Republicans are in control of this House, the Senate, and the White House. So anyone that has anything to say, and that includes Members, about how the Democrats said this and the Democrats said that and they are doing this, we are not doing anything as it relates to pulling this country in reverse.

I am going to tell my colleagues right now, what went down in the Budget Committee today is shameful; it is really shameful. I just want to, as we work here as a working group, I just want to say, I want to make sure that the majority side, when that budget comes to this floor, that they abide by the rules of the House of Representatives. If there is a 15-minute vote, then let it be a 15-minute vote. If there is a grace period, 17, 20 minutes, okay. But we do not want to be here on this floor watching the majority side, the Republican side, twist arms to get the votes to pass an unjust budget.

Now, we held up a report earlier that the Republicans called for \$35 billion in cuts for the very people they are trying to help, or they say they are trying to help; and then in the end game, it is \$50 billion in cuts. Not a mumbling word, not a mumbling word about billion-aires and moving that tax cut away from billionaires, just some of it for the offset. Not a mumbling word, not a mumbling word to the oil industry that is dancing in the street and people around here are putting in \$5 and \$10 in their tank because they cannot afford to fill their tank up. It is not because they like going to gas stations; it is the fact that they cannot afford to fill their tank up. So it does not matter

what you are driving. You can be driving a small, compact car. \$5 is \$5, \$10 is \$10, \$20 is \$20. They cannot afford to fill up their gas tank because it costs so much, leave alone the fact that it is getting cold.

Mr. DELAHUNT. But the reality is, my friend, that they are taking good care of the oil companies. They are providing \$16.5 billion in subsidies to the oil companies that are breaking all kinds of records in terms of profits. I cited the example of ExxonMobil, but that is only one out of four or five. In one quarter, in 3 months, their net profit was \$10 billion.

Mr. Speaker, the truth is, and the facts are very clear, that the majority party, the Republicans in Congress, do believe in the welfare state. They are advocates of the welfare state, but it is restricted. It is restricted to a constituency, and that constituency is corporate America. Not small business America, not even mid-sized business, but the very largest corporations, whether they be pharmaceutical companies that they have given more than \$100 billion worth of taxpayers' money in subsidies, but also oil companies, at the same time when oil companies are breaking records.

Mr. RYAN of Ohio. Mr. Speaker, there is also another welfare state: Iraq. We have forgotten to even bring this up tonight, but there is a welfare state in Iraq. And as they are cutting programs in the United States on student loans, do we know what they are doing in Iraq? They rehabbed 2,717 schools in Iraq. They trained 36,000 teachers in Iraq. As they are cutting Medicaid and Medicare in the United States, they have trained 2,000 health educators in Iraq, 3.2 million children vaccinated in Iraq, 110 primary health care centers built in Iraq. We have a welfare state in Iraq right now that is being funded by the American taxpayer at the same time that the Republican Congress is cutting funding for the United States citizens that live right here in this country.

So they take your public tax dollars and they give \$16.5 billion of it to the oil companies, \$100 million of it to the pharmaceutical companies, do nothing to reduce the cost of pharmaceuticals; they give between \$200 billion and \$300 billion to the welfare state in Iraq and, at the same time, they are cutting programs here in the United States of America. That is just corrupt. They put their party before the country.

We want to take this country in a new direction, change what is going on in this country, and create some independence from shakedown street.

Mr. DELAHUNT. Mr. Speaker, I have to tell my colleagues something about corruption. My colleagues have not seen anything yet.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, we talk in our 30-something Working Group here, I used to say every week; but now it's every night, about third-party validators, and I think it is im-

portant to have third-party validators so that we show the people who are hearing us tonight that this is not TIM RYAN's opinion or DEBBIE WASSERMAN SCHULTZ's opinion or KENDRICK MEEK's opinion or BILL DELAHUNT's opinion; this opinion is shared by many, many others.

The Republican leadership here, they talk a good line about faith and values. In fact, they base almost their entire campaigns, the case they make to the country, about how we need to restore family values, we need to restore values and faith, and there should be more faith injected into every aspect of our government. Well, let us see what the people of faith, our faith leaders are saying about these budget cuts that we are going to be considering next week.

Today, there were leaders from various faiths that joined in prayer at the Capitol. Those leaders included Reverend Dr. Bob Edgar, who is the general secretary of the National Council of Churches; Reverend Jim Wallis, founder of Sojourners and Convener of Call to Renewal; Rabbi David Saperstein, director of the Religious Action Center for Reform Judaism; and Eleanor Giddings Ivory, director, Washington office, Presbyterian Church. They had a press conference before the prayer and they called for a moral budget and urged Congress to stop immoral budget priorities. Let me just outline a few of the things that they said.

Reverend Wallis said, "As this moral battle for the budget unfolds, I am calling on Members of Congress, some of whom make much out of their faith, to start some Bible studies before they cast votes to cut food stamps, Medicaid, child care and more that hurt the weakest in our Nation. Reverend Edgar of the National Council of Churches said, "We gather today just days after Rosa Parks, the mother of the civil rights movement, lie in State here in the Capitol rotunda. Even as we celebrate her life and the strong witness she had for justice, we recognize that justice is hanging in the balance as this proposed budget, if passed, would hurt those who are most in need in our society: children, the elderly, and those living in poverty."

I just want to quote from the remarks that Rabbi Saperstein made. He quoted the Bible and used the Bible's words to help our Republican colleagues understand the impact that they are making. He urges us to "deal thy bread to the hungry," not "steal thy bread from the hungry."

Remember Proverbs' stern warning: "Do not steal from the weak because he is weak and do not oppress the poor in the gate."

Listen to the voiceless and to the Biblical imperative: "Speak out for those who cannot speak for the rights of the destitute."

These are the third-party validators who are our religious leaders that are urging this Republican leadership not to go down this path, not to pull out

the rug and the floor and literally burn the house down that people who are so badly in need in this country cannot afford to sustain.

□ 2300

Mr. MEEK of Florida. I just wanted to tell you, they are not a Democratic club or an independent voters club or a Republican club. They are our religious leaders that are calling upon this Congress to recognize their responsibility.

I can tell you right now, you know, I am a Baptist. But I do not have a lot of time, you know, Christian, Baptist. But here is the issue. I just wanted to make sure that we know exactly what we are doing. We know what we are doing. We know what they are doing. We want to make sure that we illuminate what they are doing because, when it comes down to it, if the Republican majority in this House was doing such a great job, then why do only 35 percent of the American people feel that we are doing a good job?

Now if it is only 35 percent of the American people, just do the math. A super majority of Americans feel that we are not doing our job. Why do they feel that the President, why is the President at his lowest approval rating of his entire administration at 35? Why is DICK CHENEY's approval rating at 19?

So when folks start coming to the floor swelling all up and carrying on and saying, you know, we salute one flag, and anyone else that has anything to ask or say about it, they are with the other folks, with the terrorists, with the enemy, why are they coming here? Why are not they doing certain things?

But I just want to make this point on this issue. I just wanted to make sure that we understand that we live in a democracy, and that we have the very people that the majority side is cutting the programs that help them the most, Medicaid, Medicare, being able to protect our environment in a way that it should be protected.

Democrats, what we did we made sure that we put forth amendments that will help everyday Americans, that we will be able to achieve the goals that we are supposed to achieve as Members of Congress. We also pushed a philosophy of making sure that we bring the budget back in balance. We made sure that for every time that someone puts forth a program that we have a way to pay for it, not just saying we are going to run over to China and say we are going to get the money, or not to say that we are going to pay for it on the backs of everyday Americans as it relates to including a budget enforcement measure to protect Social Security.

That is another pot that the majority cannot help themselves of going into and raiding all the time. It was this working group, amongst many others, that fought off the majority on this side of the aisle. We had 500 plus town hall meetings, a number of editorials, a number of editorial board meetings to

make sure that we let America know what they were trying to do.

When I say they, I am talking about a Republican majority.

So, once again, I will close by saying this, that the Republicans are in control of this House by the majority, and in the Senate they have a majority, and the White House, they definitely have control of that. And the reason why I continue to say that is that I want to make sure that folks know that we are fighting a good fight here, but we need to make sure that the Republicans, Democrats, independents, those that are thinking about voting, registering to vote, get involved in this process.

Because I can tell you right now, I have some good friends that are Republicans, and they are very upset about what is going on right now. I have good friends that are Independents, and they make comments as it relates to what is happening here in this House.

But folks are saying, fiscal responsibility? Okay, you know I am a fiscal conservative because I say I am, not because of our acts.

This is a President that has not vetoed one spending bill. Not one. Not one.

Mr. RYAN of Ohio. Mr. Speaker, I want to share with the American people something we shared with them earlier in the last hour or 2 hours ago about being fiscally responsible. In fact, in the last 224 years, 42 Presidents, they borrowed \$1 trillion from outside sources, other countries. Forty-two presidents, 224 years over a trillion dollars.

In the last 4 years, the Republican President with the Republican House and the Republican Senate have borrowed more than we have borrowed in the previous 224 years, over a trillion dollars from foreign countries, China, Japan, Saudi Arabia.

Here is the kicker. See, now they are the bank. Now China is the bank. Now they are already taking our jobs. Now they are holding the bank notes, and we got to pay interest on it.

Here is the kicker. Here is what just really frosts me. At the same time, China is graduating 600,000 engineers a year; and the United States is graduating 70,000. So what does the Republican majority do? After borrowing billions of dollars from the Chinese and watching them educate their kids and have 600,000 engineers when we only have 70,000, they raise the fees on student loans. They cut the education budget.

Then the kids who need health care, so that they can at least concentrate in school, so they are not sick, they cut that, too.

Where is the long-term vision from the Republican party?

Mr. DELAHUNT. If you think about it in terms of individuals and then extrapolate to nations, it is really easy to understand. We are borrowing a trillion dollars. Let us say we are borrowing, just for the sake of discussion

purposes, half of that from the Chinese Central Bank, the Communist Central Chinese Bank. As you indicate, they are educating some 600,000 engineers. How do they pay for that? Well, you know how they paid for part of it? The American taxpayer, Mr. Speaker. When they pay the interest on the debt to the Chinese, that allows the Chinese to fund the education of some 600,000 students in technical schools in China.

Mr. RYAN of Ohio. So are you saying that the interest that the American taxpayer pays on the money we are borrowing from China is being invested on the Chinese people to create 600,000 engineers a year?

Mr. DELAHUNT. Well, we are paying for their education in China. We are paying for roads, 6,000 miles of roads in Iraq, 5,000 units of affordable housing, Mr. Speaker, in Iraq. We are paying for, you know, primary health care centers in Iraq; and you know what we are doing in the United States? We are cutting everything.

We built a beautiful dam, a magnificent dam, an absolute ultimate in terms of engineering to prevent flooding. And we are familiar now with floods. Clearly, the people in New Orleans, Mr. Speaker, are very, very familiar with floods. There was a problem with a levee in New Orleans in terms of the structural defects.

But the one that I am talking about, the dam that I am talking about, that engineering marvel that we built with taxpayer dollars, American taxpayer dollars, was not built in New Orleans. It was built in Mosul, Iraq.

Where are our priorities?

Ms. WASSERMAN SCHULTZ. Our priorities, apparently the priorities of this administration are in appointing unqualified people to run Government agencies like Michael Brown, whose priorities clearly were more on what kind of shirt he was wearing, as opposed to making sure that the people in the gulf coast States who were about to get and then did get hit by Katrina did get taken care of. And about whether to roll up their shirtsleeves and by appointing their college roommates to jobs, to making sure that you have well-qualified people in the Government.

It does not stop at Michael Brown. You have people who have been found to be wholly unqualified up and down the Government. You have corruption, through and through, from the top. At the White House, the first person working in the White House in 130 years to be indicted in 130 years.

You know, we have had quite a few scandals in White Houses past just in my lifetime, but never once has a White House official, an administration official working in the White House been indicted before 130 years ago. That is where their priorities are.

Mr. MEEK of Florida. If I may, I mean, it is just not an indictment that someone ran out and took a plane and took a plane to go see a basketball game and flew back on some private

company or something. It is not that. It is not something that reflects on personal judgment.

No, this is outing, Mr. Speaker, a clandestine CIA agent. That individual that goes in, and guess what? Guess what the agent's job was? To help us in finding out those countries that have weapons of mass destruction. To harm who? The United States of America. And because she was out, and now, you know, I am hearing that in the White House they are saying that the defense is going to be, well, you know, I have a lot of conversations in a day. I did not quite remember talking to a reporter about a CIA agent.

I am concerned, Mr. Speaker, because if that is something that you can forget, the time that you ousted a CIA agent, and you forget it. You are like, oh, well, you know, I got coffee. Then I walked over here. You know, you do not just out a CIA agent.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is really hard to keep track of all of the lies.

Mr. MEEK of Florida. You cannot violate national security when you have a security clearance, hello, that the four of us have. I said the other night, if I wanted to, you know, for political gain, talk about the things that I know as a Member of the Armed Services Committee, talk about the things that I know as a Member of the Homeland Security Committee for political gain, that would be horrible and a crime.

And it took place. You know, if it was just politics, I mean, people can understand. But someone could have lost their life. We do not know yet. And now her cover has been blown. A whole front that the CIA has has been blown. And those individuals that she has relationships with have been blown, all because some folks thought it would be good for political gain to be reelected to the White House.

Now I am going to tell you something right now, ladies and gentlemen, that we cannot allow this activity to continue.

As we started talking, I was handed a piece of paper here, because I was incorrect. The Congress approval rating is at 31. At 31. So anyone that wants to come to the floor chest-beating and patting yourself on the back, talking about I am doing a great job, let me tell you something on both sides of the aisle, we have to step it up on our own leadership. We have to step it up on our leadership, and we have to do it together on behalf of Americans. We have to do it together on behalf of Americans, not Democrats, not Republicans, not independents, not the special interests, not the folks that showed up at the fund-raiser last night.

We have got to make sure that we represent the United States of America and the people that pay taxes. We were Federalized when we were elected. So if folks feel, oh, well, I am here or here, and I do not need to worry about that, you are a Member of the United States

Congress. You are a Member of the 109th Congress, and you have a responsibility to lead.

If you do not want to lead, I am going to tell you something, as sure my name is Congressman MEEK, I feel that the American people, Democrat, Republican, Independent alike, and even going back to what the gentleman was talking about, 224 years of individuals that were fiscally responsible, the Whig Party, okay, these individuals will rise up to make sure that we protect our country.

Mr. RYAN of Ohio. Do you know why? Because the kids that have to pay this debt, that \$8 trillion, they are not just Republican kids, they are not just Democratic kids, they are kids born in the United States of America.

Mr. DELAHUNT. Do you know what the tragedy of this is? Let us put aside for a moment indictments and a discussion of who might be indicted in the future or misconduct that violates criminal statutes.

□ 2315

What is truly unfortunate here is that we have reached a point where there is a culture that exists here in Washington where if there is disagreement, if there is dissent that it is described as unpatriotic.

We have heard that I think earlier this evening on the floor, the inference being that if there is any dissent or disagreement, somehow motives can be inferred that that courageous individual, in my judgment, who speaks out in opposition is somehow unpatriotic.

There was an interesting article or column just recently by Jim Hoagland in The Washington Post where he said, Mr. President, he wrote a letter to President Bush, he said, Mr. President, would it not have been easier if you had just wrote a letter to the editor in response to the opinion piece that was produced by Mr. WILSON? Would that not have been welcomed by the American people, by Members of Congress?

But what has happened is no, let us design a plan to impugn that individual's integrity. Let us try to destroy that individual. Let us try to discredit him or her. That is not what democracy is about. In fact, today I read the White House had prepared a series of talking points attacking the former National Security Advisor, Brent Scowcroft, who recently went public in saying that the policies of this Bush administration as it relates to Iraq and the Middle East are a failure. They were preparing, according to Mr. Hoagland's column, talking points to attack him. We have got to get away from this politics of destruction and ad hominem attacks and questioning individuals's patriotism. That is not what we are about.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is unfortunate that they do not appear to have any interest in that. Yet again, the cronyism and the culture of corruption continues because

one would think that after Brownie they would have learned, who is still on the payroll.

Mr. RYAN of Ohio. \$148,000 a year. Ms. WASSERMAN SCHULTZ. \$148,000 a year. They may have learned and bring in additional people who are qualified. Yet, the President just picked the FDIC, the Federal Deposit Insurance Corporation, chairman to run the gulf coast recovery. Let us peruse his qualification. He gave \$100,000 to President Bush's Presidential campaign.

Mr. RYAN of Ohio. Corruption. Ms. WASSERMAN SCHULTZ. He has 30 years' experience in the financial services industry.

Mr. RYAN of Ohio. Cronyism. Ms. WASSERMAN SCHULTZ. It does not stop.

Mr. RYAN of Ohio. Incompetence. Ms. WASSERMAN SCHULTZ. Because they have no interest in it stopping.

We are approaching the end of our hour, and I want to yield to the gentleman from Ohio (Mr. RYAN) and ask him to give out our Web site.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ETHERIDGE (at the request of Ms. PELOSI) for November 2.

Miss MCMORRIS (at the request of Mr. BLUNT) for today on account of business in her district.

Mr. TIAHRT (at the request of Mr. BLUNT) for today on account of family obligations.

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. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. DEFazio, for 5 minutes, today.
Mrs. MCCARTHY, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.
Mr. LEWIS of California, for 5 minutes, November 4.
Ms. HARRIS, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 1, 2005, he presented to the President of the United

States, for his approval, the following bill.

H.R. 3765. A bill to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cleveland Harbor, Cleveland, Ohio, change of location [CGD09-05-027] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-001] (RIN: 1625-AA11) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-05-018] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; New Jersey Intracoastal Waterway [CGD05-05-012] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Labor Day Fireworks Display, South Lake Tahoe, CA [CGD11-05-022] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Mill Creek, Fort Monroe, Hampton, Virginia [CGD05-05-078] (RIN: 1625-AA08) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston 05-037] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Philadelphia, PA and Camden, NJ [CGD05-05-097] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-075] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-05-076] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, North Carolina [CGD05-05-005] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Sector New Orleans; barges [USCG-2005-22429] (RIN: 1625-AA11) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Transfer of M/V WILLIAM G. MATHER, Cleveland, Ohio [CGD09-05-126] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Blasting Operations, Demolition of Bridge Piers: Sikorsky Bridge over the Housatonic River between Stratford and Milford, CT [CGD01-05-085] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River,

Milwaukee, WI [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Manasquan Inlet [CGD05-05-113] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River (LMR), Greenville, MS [COTP Lower Mississippi River-05-008] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-05-027] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Northwest Harbor, Baltimore Harbor, MD, [CGD05-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Mathews, VA. [CGD05-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Potomac River, Washington, DC [CGD05-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; M/V Simco, St. Lawrence River, NY [CGD09-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4954. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Barge Recovery Operations in the Captain of the Port Portland Zone. [CGD13-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4955. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; LaQuinta Ship Channel, Corpus Christi, TX [COTP Corpus Christi-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4956. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4957. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4958. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River Mile 161.5 to Mile 203, Reedsville, OH [COTP Huntington-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4959. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Canaveral Jetties, Port Canaveral, FL [COTP Jacksonville 05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4960. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; St. Johns River, Clay County, FL [COTP Jacksonville 05-004] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4961. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 05-030] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4962. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Vincent Thomas Bridge, Los Angeles, CA [COTP Los Angeles-Long Beach, CA; 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4963. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 841.0 to 851.0, Uniontown, KY [COTP Louisville-05-001] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4964. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River mile 530.5 to mile 535.0, in vicinity of Markland Lock & Dam, Ghent, KY [COTP Louisville-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4965. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 526.5 to 536.5, Ghent, Kentucky [COTP Louisville-05-003] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4966. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Green River mile marker 7.0 to mile marker 9.0, Spottsville, KY [COTP Louisville-05-004] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4967. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Terrebonne Floodgate, Montegut, LA [COTP Morgan City-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delta Farms, Bayou Perot, LA [COTP Morgan City-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 169.5 to Mile 170.5, Darrow, LA [COTP New Orleans-04-039] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule—Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua [CBP Dec. 05-33] (RIN: 1505-AB61) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 4128. A bill to protect private property rights (Rept. 109-262 Pt. 2). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3508. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; with an amendment (Rept. 109-267). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 923. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on ac-

tive duty in Iraq or Afghanistan; with amendments (Rept. 109-268). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 488. Resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery (Rept. 109-269). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 532. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-270). 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. KNOLLENBERG (for himself, Mr. BLUNT, Mr. MORAN of Virginia, Mr. CAMP, Mr. KIND, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. RAMSTAD, Mr. DREIER, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. MANZULLO, Mr. KIRK, Mr. UPTON, Mr. RYAN of Wisconsin, Mr. KENNEDY of Minnesota, and Mr. EHLERS):

H.R. 4217. A bill to amend the Tariff Act of 1930 to allow United States manufacturers that use products subject to countervailing or antidumping duty proceedings or use domestic like products to participate in those proceedings as interested parties, and for other purposes; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4218. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4220. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the exchange or installment sale of certain agricultural property; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. SHAYS, Mrs. CHRISTENSEN, Mrs. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. LEACH, Ms. DELAURO, Mr. BERMAN, Mr. PAYNE, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. SANDERS, Mr. HONDA, Mrs. MALONEY, Mr. CASE, Mr. McNULTY, Mrs. JOHNSON of Connecticut, and Mr. LARSON of Connecticut):

H.R. 4222. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for

other purposes; to the Committee on International Relations.

By Mr. PASCARELL:

H.R. 4223. A bill to prohibit cuts in Federal funding under the Medicaid Program until full consideration is given to recommendations of a Bipartisan Commission on Medicaid; to the Committee on Energy and Commerce.

By Mr. DAVIS of Tennessee:

H.R. 4224. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Ms. DELAUNO:

H.R. 4225. A bill to amend the Help America Vote Act of 2002 to require States to keep confidential the addresses of victims of domestic violence which are included in the State's computerized Statewide voter registration list, and for other purposes; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 4226. A bill to authorize the conduct of small projects for the rehabilitation or removal of dams; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 4227. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Miss McMORRIS, Mr. STUPAK, Mr. LEVIN, Mr. DICKS, Mr. McDERMOTT, Mr. SMITH of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. BASS, and Mr. OBERSTAR):

H.R. 4228. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. INSLER, Mr. CROWLEY, Mr. WASSERMAN SCHULTZ, Mr. BISHOP of New York, Mr. FARR, Mrs. CAPPS, Ms. ESHOO, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. BALDWIN, Mr. DEFAZIO, Mr. ROTHMAN, Mr. HONDA, Mr. FILNER, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Ms. MATSUI, Mr. GRIJALVA, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. ENGEL, Ms. MCCOLLUM of Minnesota, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. MCGOVERN, Mr. ACKERMAN, Mr. SABO, Mrs. MCCARTHY, Ms. DELAUNO, Mr. EVANS, Mr. ISRAEL, Ms. WOOLSEY, Mr. KUCINICH, and Mr. WU):

H.R. 4229. A bill to require the Commissioner of Food and Drugs to determine whether to allow the marketing of Plan B as a prescription drug for women 15 years of age or younger and a nonprescription drug for women 16 years of age or older, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE (for himself and Mr. NEUGEBAUER):

H. Res. 531. A resolution honoring Abilene Christian University on its 100th Anniver-

sary; to the Committee on Education and the Workforce.

By Mr. REICHERT:

H. Res. 533. A resolution supporting the goals and ideals of Cambodian-American Freedom Day; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 4230) for the relief of Alejandro E. Gonzales; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 93: Mr. LEACH.
H.R. 97: Mr. GENE GREEN of Texas.
H.R. 128: Mr. CHANDLER.
H.R. 224: Mr. PASCARELL and Mr. GRIJALVA.
H.R. 297: Mrs. DAVIS of California.
H.R. 369: Mr. BURTON of Indiana and Ms. KILPATRICK of Michigan.
H.R. 475: Mr. CAPUANO.
H.R. 503: Mr. GOODE.
H.R. 616: Mr. WEXLER and Mr. HOLT.
H.R. 650: Mr. FEENEY.
H.R. 690: Mr. WALSH.
H.R. 699: Mr. HOLDEN and Mr. BERMAN.
H.R. 772: Ms. HERSETH, Mr. SANDERS, Mr. FATTAH, and Mr. BARROW.
H.R. 791: Mr. ANDREWS and Mr. DOYLE.
H.R. 838: Mr. DOYLE.
H.R. 844: Mr. CARDOZA.
H.R. 923: Mr. WEINER.
H.R. 994: Ms. SLAUGHTER, Mr. WELDON of Pennsylvania, Mr. SMITH of Texas, Mr. AL GREEN of Texas, Mr. SHIMKUS, Ms. SOLIS, and Mr. JACKSON of Illinois.
H.R. 997: Mr. BEAUPREZ and Mr. WOLF.
H.R. 1156: Mr. KUHL of New York.
H.R. 1227: Mr. JONES of North Carolina and Mr. KUHL of New York.
H.R. 1290: Mr. MENENDEZ.
H.R. 1366: Mr. KUHL of New York.
H.R. 1431: Mr. HINCHEY.
H.R. 1489: Mr. LEACH.
H.R. 1500: Mr. TURNER.
H.R. 1506: Mr. UDALL of Colorado.
H.R. 1582: Ms. BALDWIN.
H.R. 1591: Mr. LEACH.
H.R. 1602: Mr. DOYLE.
H.R. 1615: Mrs. MCCARTHY, Mr. HOLT, Mr. ROTHMAN, and Ms. LEE.
H.R. 1668: Ms. WOOLSEY.
H.R. 1736: Mr. KOLBE, Mr. LANGEVIN, and Mr. CHANDLER.
H.R. 1772: Mrs. MUSGRAVE.
H.R. 1801: Mr. BUTTERFIELD.
H.R. 1870: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1898: Mr. RENZI, Mr. CARTER, and Mr. GENE GREEN of Texas.
H.R. 2134: Mr. MARKEY and Mr. BRADY of Pennsylvania.
H.R. 2317: Mr. CONYERS, Mr. ORTIZ, and Mr. MCCOTTER.
H.R. 2350: Mr. GORDON.
H.R. 2359: Mr. JACKSON of Illinois and Ms. KAPTUR.
H.R. 2412: Mr. CHANDLER.
H.R. 2531: Mr. TAYLOR of Mississippi, Mrs. MALONEY, and Mr. EVANS.
H.R. 2682: Mr. SOUDER and Mrs. MCCARTHY.
H.R. 2715: Mrs. MALONEY, Mr. GRIJALVA, Mr. SERRANO, Ms. MOORE of Wisconsin, Mr. JACKSON of Illinois, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. FARR, Mr. UDALL of New Mexico, Mr. MCGOVERN, and Ms. WOOLSEY.

H.R. 2808: Mr. BRADY of Pennsylvania and Mr. HINCHEY.

H.R. 2812: Mr. BRADY of Pennsylvania.
H.R. 2861: Mr. JENKINS.
H.R. 2989: Mr. MATHESON and Mr. BARROW.
H.R. 3006: Ms. MCCOLLUM of Minnesota.
H.R. 3095: Mr. GOODE.
H.R. 3096: Mr. LARSEN of Washington.
H.R. 3101: Mr. MCHUGH.
H.R. 3127: Mr. MEEHAN, Mr. DAVIS of Kentucky, Mr. DEFAZIO, Mr. ISSA, Mr. GORDON, Mr. KENNEDY of Rhode Island, and Mr. NADLER.

H.R. 3137: Mr. SHAW and Mr. HUNTER.
H.R. 3145: Mrs. JOHNSON of Connecticut, Mr. PAYNE, Mr. MCHUGH, and Mr. FRANK of Massachusetts.

H.R. 3147: Mr. LAHOOD.
H.R. 3189: Mr. PITTS.
H.R. 3301: Mr. DOYLE, Mr. SODREL, and Ms. PRYCE of Ohio.

H.R. 3317: Mrs. MUSGRAVE.
H.R. 3385: Mr. TOM DAVIS of Virginia.
H.R. 3476: Mr. RUPPERSBERGER and Mr. FRANK of Massachusetts.

H.R. 3479: Mr. PAYNE.
H.R. 3505: Mr. CARNAHAN.
H.R. 3532: Mrs. MILLER of Michigan.
H.R. 3552: Mr. LEACH.
H.R. 3607: Mr. KUHL of New York.

H.R. 3630: Mrs. MCCARTHY and Mr. RUPPERSBERGER.

H.R. 3753: Mr. DAVIS of Kentucky.
H.R. 3774: Mr. GEORGE MILLER of California.

H.R. 3795: Mr. TAYLOR of Mississippi and Mr. STARK.

H.R. 3852: Mrs. CHRISTENSEN, Ms. WATSON, and Mrs. MCCARTHY.

H.R. 3931: Mr. CLEAVER and Mr. FRELINGHUYSEN.

H.R. 3943: Mr. GOODLATTE and Mr. CALVERT.

H.R. 3948: Ms. MCCOLLUM of Minnesota and Mr. TAYLOR of Mississippi.

H.R. 3950: Mr. McDERMOTT.
H.R. 3957: Mr. MARSHALL and Mrs. NAPOLITANO.

H.R. 3968: Mr. FRANK of Massachusetts.
H.R. 3973: Mr. LEACH.

H.R. 3987: Mr. SESSIONS.
H.R. 3997: Mr. RENZI.

H.R. 4005: Mr. HOLDEN, Mr. GORDON, and Mr. BISHOP of Georgia.

H.R. 4030: Ms. BORDALLO.

H.R. 4032: Mr. GINGREY, Mr. JONES of North Carolina, Mr. ALEXANDER, Mr. ROYCE, Mr. CALVERT, and Mr. MCKEON.

H.R. 4033: Mr. SKELTON.

H.R. 4036: Mr. STRICKLAND.

H.R. 4049: Mr. FILNER.

H.R. 4073: Mr. SIMMONS, Mr. CONYERS, Mr. VAN HOLLEN, and Mr. RUSH.

H.R. 4078: Mrs. BONO, Mr. SHIMKUS, Mr. BURGESS, Mr. PICKERING, Mr. UPTON, Mr. FERGUSON, Mr. ROGERS of Michigan, and Mr. WALDEN of Oregon.

H.R. 4083: Mr. WAMP, Mr. AKIN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. ISSA, Mr. FORBES, and Mr. MILLER of Florida.

H.R. 4099: Mr. POE, and Mr. DUNCAN.

H.R. 4126: Mr. LEACH.

H.R. 4145: Mr. KOLBE, Mr. MOORE of Kansas, Mr. BACA, Mr. BECERRA, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. SOLIS, Mr. CARDOZA, Mr. COSTA, Ms. LORETTA SANCHEZ of California, and Mr. GORDON.

H.R. 4157: Mr. EHLERS.

H.R. 4158: Mr. BLUMENAUER.

H.R. 4163: Mr. WICKER.

H.R. 4167: Mr. COOPER, Mrs. JOHNSON of Connecticut, Mr. HASTINGS of Washington, Ms. GINNY BROWN-WAITE of Florida, Mr. BISHOP of Utah, Mr. LOBIONDO, Mr. SHAW, Mr. MURPHY, Mr. WALDEN of Oregon, Mr. MCHENRY, Mr. PLATTS, Mr. RYAN of Wisconsin, and Mrs. MYRICK.

H.R. 4179: Mr. CHANDLER and Mr. POMEROY.
H.R. 4190: Mr. BACA, Mr. SANDERS, and Ms. SCHAKOWSKY.

H.R. 4196: Mr. OBERSTAR, Mr. SERRANO, and Mr. LANTOS.

H.J. Res. 38: Mr. SWEENEY.

H.J. Res. 70: Mr. CROWLEY, Mr. FARR, Mr. LARSON of Connecticut, and Ms. DEGETTE.

H. Con. Res. 10: Mr. SMITH of Washington.

H. Con. Res. 42: Mr. CANNON.

H. Con. Res. 106: Mr. FEENEY.

H. Con. Res. 137: Mr. SHERMAN.

H. Con. Res. 190: Mr. SCOTT of Georgia.

H. Con. Res. 230: Mrs. MALONEY, Mr. UPTON, Mr. WALSH, Ms. PRYCE of Ohio, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. REYNOLDS, Mr. OTTER, and Mr. TOM DAVIS of Virginia.

H. Con. Res. 260: Mr. UDALL of Colorado and Mr. LIPINSKI.

H. Con. Res. 278: Mr. CLAY, Ms. SCHWARTZ of Pennsylvania, Mr. CLEAVER, Mr. THOMPSON of California, Ms. JACKSON-LEE of Texas, Mr. ROSS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. EHLERS, Mr. CHANDLER, Mr. MCDERMOTT, Mr. OWENS, Mrs. MCCARTHY, and Mr. MANZULLO.

H. Con. Res. 287: Mr. BERMAN, Mr. BACA, Mr. MCNULTY, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. DAVIS of Alabama, Mr. CLEAVER, and Mr. TAYLOR of Mississippi.

H. Con. Res. 289: Mr. MCDERMOTT, Mr. FARR, Ms. LEE, Mr. DOGETT, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Mr. EVANS, Ms. BEAN, Mr. WOLF, Mr. CONYERS, Ms. HARMAN, Mr. BLUMENAUER, Mr. WEXLER, Mr. CASE, Ms. CARSON, Mr. MCINTYRE, Mr. HINCHEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 123: Mrs. MCCARTHY.

H. Res. 215: Mr. DOOLITTLE and Mrs. JO ANN DAVIS of Virginia.

H. Res. 223: Mr. DAVIS of Florida, Mr. SCHIFF, Ms. LEE, Mr. PAYNE, and Ms. LINDA T. SANCHEZ of California.

H. Res. 371: Mrs. MUSGRAVE.

H. Res. 438: Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. HERSETH, and Mr. ACKERMAN.

H. Res. 466: Mr. SCHIFF.

H. Res. 472: Ms. PELOSI.

H. Res. 477: Mr. ACKERMAN and Ms. WASSERMAN SCHULTZ.

H. Res. 487: Mr. COSTA, Mr. NUNES, Mr. REICHERT, Mr. FOSSELLA, and Mr. SCHIFF.

H. Res. 498: Mr. UDALL of Colorado.

H. Res. 504: Mr. EHLERS, Mr. PITTS, and Mr. BURTON of Indiana.

H. Res. 505: Mr. DAVIS of Illinois, Ms. MCKINNEY, Mr. FILNER, Mr. STARK, Ms. KAPTUR, Mr. MEEKS of New York, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Ms. SCHWARTZ of Pennsylvania, and Mr. BISHOP of New York.

H. Res. 517: Mr. SMITH of Washington, Mr. MEEKS of New York, and Mr. BOEHLERT.

H. Res. 526: Mr. GRIJALVA.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. TOWNS.