

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.